

Title 170 WAC

EARLY LEARNING, DEPARTMENT OF

Chapters	
170-100	Early childhood education and assistance program.
170-151	School-age child care center minimum licensing requirements.
170-290	Working connections and seasonal child care subsidy programs.
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Chapter 170-100 WAC

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM

(Formerly chapter 365-170 WAC)

WAC
170-100-080 Eligibility for services.

WAC 170-100-080 Eligibility for services. (1) Contractors must write and follow a recruitment procedure, including active recruitment of age-eligible homeless children, children in the foster care system, and children with disabilities.

(2) Children are eligible for ECEAP if they are at least three years old, but not yet five years old, by August 31st of the school year and one of the following:

(a) Returning to the same ECEAP contractor from the previous school year.

(b) Qualified by their school district for special education services under RCW 28A.155.020. All children on a school district individualized education program (IEP) meet this requirement.

(c) From a family with income at or below one hundred ten percent of the federal poverty guidelines established by the U.S. Department of Health and Human Services.

(d) From a family that is not income-eligible but is impacted by either:

(i) Developmental risk factors, such as developmental delay or disability, but not on an IEP.

(ii) Environmental risk factors that could affect school success such as domestic violence, chemical dependency, homelessness, parental incarceration, or child protective services involvement.

Each contractor's maximum percentage of over-income children is in their ECEAP client services contract.

(3) Children cannot be simultaneously enrolled in Head Start and ECEAP. Children served by school district special education may be simultaneously enrolled in ECEAP.

(4) Contractors must write and follow a procedure for prioritizing enrollment of the eligible children who are most in need of ECEAP services. From the pool of eligible children, contractors must prioritize children who are:

- (a) Four years old by August 31st of the school year.
- (b) From families with the lowest incomes.
- (c) Homeless, as defined by the federal McKinney-Vento Homeless Assistance Act.
- (d) In the foster care system.
- (e) From families with multiple needs.
- (5) Contractors may determine additional prioritization categories to best meet the needs of their community, such as:
 - (a) English language learners.
 - (b) Refugee status.
 - (c) Transferring from other ECEAP or Head Start sites.

[Statutory Authority: RCW 43.215.020, 43.215.070, and 2010 c 231. 10-20-059, § 170-100-080, filed 9/27/10, effective 10/28/10. 06-18-085, recodified as § 170-100-080, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. 06-13-046, § 365-170-080, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-080, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-080, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-080, filed 1/23/87.]

Chapter 170-151 WAC

SCHOOL-AGE CHILD CARE CENTER MINIMUM LICENSING REQUIREMENTS

(Formerly chapter 388-151 WAC)

WAC
170-151-070 How do I apply or reapply for a license?
170-151-230 What requirements must I meet for medication management?

WAC 170-151-070 How do I apply or reapply for a license? (1) You must comply with the department's application procedures and submit to the department:

(a) A completed department-supplied application for school-age child care center license, including attachments, ninety or more days before the:

- (i) Expiration of your current license;
- (ii) Opening date of your center;
- (iii) Relocation of your center; or
- (iv) Change of the licensee.

(b) A completed background check form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The annual licensing fee is:

(i) For new licenses issued by the department before July 1, 2010, or for licensees whose annual licensing fees are due before July 1, 2010, forty-eight dollars per year for the first twelve children plus four dollars for each additional child over the licensed capacity of twelve children; or

(ii) For new licenses issued after June 30, 2010, or for licensees whose annual licensing fees are due after June 30, 2010, one hundred dollars per year for the first twelve children plus eight dollars for each additional child over the licensed capacity of twelve children.

(2) In addition to the required application materials specified under subsection (1) of this section, you must submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and of the site coordinator;

(b) Copies of diplomas or education transcripts of the director and site coordinator; and

(c) Three professional references each for you, the director, and the site coordinator.

(3) You, as the applicant for a license under this chapter must be twenty-one years of age or older.

(4) You must conform to rules and regulations approved or adopted by the:

(a) State department of health and relating to the health care of children at school-age child care centers;

(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-12 WAC.

(5) The department must not issue a license to you until the state fire marshal's office has certified or inspected and approved the center.

(6) The department may exempt a school site possessing a fire safety certification signed by the local fire official within six months prior to licensure from the requirement to receive an additional fire safety inspection by the state fire marshal's office.

(7) You must submit a completed plan of deficiency correction, when required, to the department of health and the department licensor before the department will issue you a license.

(8) You, your director and site coordinator must attend department-provided orientation training.

[Statutory Authority: RCW 43.215.255, 43.215.070, chapter 43.215 RCW, 2010 c 37 § 614(14) 1st sp. sess. and RCW 43.135.055. 10-24-016, § 170-151-070, filed 11/19/10, effective 12/20/10. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-070, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-070, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-070, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-070, filed 12/30/92, effective 1/30/93.]

WAC 170-151-230 What requirements must I meet for medication management? You may have a policy of not giving medication to the child in care. If your center's health care plan includes giving medication to the child in care, you:

(1) Must give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(2) Must give prescription medications:

(a) Only as specified on the prescription label; or

(b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Must give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of the child;

(g) Sun screen; and

(h) Hand sanitizers.

(4) Must give other nonprescription medication:

(a) Not included in the categories listed in subsection (3) of this section; or

(b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4)(a), (b), and (c) of this section:

(i) Authorized, in writing, by a physician; or

(ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) Must accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion and inaccessible to the child;

(7) Must store external medication in a compartment separate from internal medication;

(8) Must keep a record of medication disbursed;

(9) Must return to the parent or other responsible party, or must dispose of medications no longer being taken; and

(10) May, at your option, permit self-administration of medication by a child in care if:

(a) The child is physically and mentally capable of properly taking medication without assistance;

(b) You include in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(c) You have stored the child's medications and other medical supplies so the medications and medical supplies are inaccessible to other children in care.

[Statutory Authority: RCW 43.215.070, 43.215.200 and chapter 43.215 RCW. 10-24-015, § 170-151-230, filed 11/19/10, effective 12/20/10. 06-15-075, recodified as § 170-151-230, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-230, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-230, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-230, filed 12/30/92, effective 1/30/93.]

Chapter 170-290 WAC

WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS

WAC

170-290-0031	Notification of changes.
170-290-0032	Failure to report changes.
170-290-0082	Eligibility period.

WAC 170-290-0031 Notification of changes. When a consumer applies for or receives WCCC benefits, he or she must:

(1) Notify DSHS's WCCC staff, within five days, of any change in providers;

(2) Notify the consumer's provider within ten days when DSHS changes his or her child care authorization;

(3) Notify DSHS's WCCC staff within ten days of any change in:

(a) The number of child care hours the consumer needs (more or less hours);

(b) The consumer's countable income, including any TANF grant or child support increases or decreases, only if the change would cause the consumer's countable income to exceed the maximum eligibility limit as provided in WAC 170-290-0005 (2)(d). A consumer may notify DSHS's WCCC staff at any time of a decrease in the consumer's household income, which may lower the consumer's copayment under WAC 170-290-0085;

(c) The consumer's household size such as any family member moving in or out of his or her home;

(d) Employment, school or approved TANF activity (starting, stopping or changing);

(e) The address and telephone number of the consumer's in-home/relative provider;

(f) The consumer's home address and telephone number; and

(g) The consumer's legal obligation to pay child support;

(4) Report to DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information the consumer learns about his or her in-home/relative provider; and

(5) Report to DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information the consumer learns about anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. 11-01-090, § 170-290-0031, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. 09-22-043, § 170-290-0031, filed 10/28/09, effective 12/1/09. 08-08-047, recodified as § 170-290-0031, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0031, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0032 Failure to report changes. A consumer's failure to report changes as required in WAC 170-290-0031 within the stated time frames may cause:

(1) A copayment error. The consumer may be required to pay a higher copayment as stated in WAC 170-290-0085; or

(2) A WCCC payment error. If an overpayment occurs, the consumer may receive an overpayment for what the provider is allowed to bill, including billing for absent days (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, DEL 22-877, revised 2010).

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. 11-01-090, § 170-290-0032, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. 09-22-043, § 170-290-0032, filed 10/28/09, effective 12/1/09. 08-08-047, recodified as § 170-290-0032, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. 05-22-078, § 388-290-0032, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0032, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0082 Eligibility period. (1) **Six-month eligibility.**

(a) A consumer who meets all of the requirements of part II of this chapter is eligible for WCCC subsidies for six months, except as provided in subsection (2) of this section.

(b) A consumer's eligibility may be for less than six months if:

(i) Requested by the consumer; or

(ii) A TANF consumer's individual responsibility plan indicates child care is needed for less than six months.

(c) A consumer's eligibility may end sooner than six months if:

(i) The consumer no longer wishes to participate in WCCC; or

(ii) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

(2) **Twelve-month eligibility.**

(a) A consumer who meets all of the requirements of part II of this chapter, and has a child receiving services from head start (HS), early head start (EHS), or an early childhood education and assistance program (ECEAP), is eligible for WCCC subsidies for twelve months.

(b) A consumer's eligibility may be for less than twelve months if:

(i) Requested by the consumer; or

(ii) A TANF consumer's individual responsibility plan indicates child care is needed for less than twelve months.

(c) The consumer's eligibility may end sooner than twelve months if:

(i) The consumer no longer wishes to participate in WCCC; or

(ii) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

(d) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(e) The twelve-month eligibility period begins:

(i)(A) When benefits begin under WAC 170-290-0095 for TANF consumers or WAC 170-290-0100 for consumers not receiving TANF; or

(B) Upon reapplication under WAC 170-290-0109(4) for TANF consumers or WAC 170-290-0109(5) for consumers not receiving TANF; and

(ii) When DSHS verifies that the child is receiving services from HS, EHS, or ECEAP.

(f) The twelve-month eligibility continues regardless of whether the child continues to receive services from HS, EHS, or ECEAP.

(g) During a consumer's twelve-month eligibility period, parent education and family development classes offered by HS, EHS, or ECEAP are approved activities. As funds are available, other DEL-approved parent education and family development classes may be authorized.

(h) Each child who is receiving services from HS, EHS, or ECEAP and is receiving WCCC subsidies will be assigned a unique early learning student identifier. Student information may be merged with information from the office of superintendent of public instruction, the education research and data center, or both, to measure the child's educational progress from preschool through grade twelve.

[Statutory Authority: RCW 43.215.060, 43.215.070, 2010 c 273, chapter 43.215 RCW, and 2006 c 265. 10-15-063 and 10-16-128, § 170-290-0082, filed 7/15/10 and 8/3/10, effective 9/1/10. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. 09-22-043, § 170-290-0082, filed 10/28/09, effective 12/1/09. 08-08-047, recodified as § 170-290-0082, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. 04-08-021 and 04-08-134, § 388-290-0082, filed 3/29/04 and 4/7/04, effective 5/28/04.]

Chapter 170-295 WAC

MINIMUM LICENSING REQUIREMENTS FOR CHILD CARE CENTERS

(Formerly chapter 388-295 WAC)

WAC

170-295-0060	What are the requirements for applying for a license to operate a child care center?
170-295-3060	Who can provide consent for me to give medication to the children in my care?

WAC 170-295-0060 What are the requirements for applying for a license to operate a child care center? (1) To apply or reapply for a license to operate a child care center you must:

(a) Be twenty-one years of age or older;
 (b) The applicant, director and program supervisor must attend the orientation programs that we provide, arrange or approve;

(c) Submit to us a completed and signed application for a child care center license or certification using our forms (with required attachments).

(2) The application package must include the following attachments:

(a) The annual licensing fee. The fee is based on your licensed capacity, and is:

(i) For new licenses issued by the department before July 1, 2010, or for licensees whose annual licensing fees are due before July 1, 2010, forty-eight dollars for the first twelve children plus four dollars for each additional child over the licensed capacity of twelve children; or

(ii) For new licenses issued after June 30, 2010, or for licenses whose annual license fees are due after June 30, 2010, one hundred dollars per year for the first twelve children plus eight dollars for each additional child over the licensed capacity of twelve children;

(b) If the center is solely owned by you, a copy of your:

(i) Photo identification issued by a government entity; and

(ii) Social Security card that is valid for employment or verification of your employer identification number.

(c) If the center is owned by a corporation, verification of the corporation's employer identification number;

(d) An employment and education resume for:

(i) The person responsible for the active management of the center; and

(ii) The program supervisor.

(e) Diploma or education transcript copies of the program supervisor;

(f) Three professional references each, for yourself, the director, and the program supervisor;

(g) Articles of incorporation if you choose to be incorporated;

(h) List of staff (form is provided in the application);

(i) Written parent communication (child care handbook);
 (j) Copy of transportation insurance policy (liability and medical);

(k) In-service training program (for facilities employing more than five persons);

(l) A floor plan of the facility drawn to scale;

(m) A copy of your health care plan reviewed and signed by an advisory physician, physician's assistant, or registered nurse;

(n) A copy of your policies and procedures that you give to parents; and

(o) A copy of your occupancy permit.

(3) You must submit to the department a completed background check form for all persons required to be authorized by DEL to care for or have unsupervised access to the children in care under chapter 170-06 WAC; and

(4) You must submit your application and reapplication ninety or more calendar days before the date:

(a) You expect to open your new center;

(b) Your current license is scheduled to expire;

(c) You expect to relocate your center;

(d) You expect to change licensee; or

(e) You expect a change in your license category.

[Statutory Authority: RCW 43.215.255, 43.215.070, chapter 43.215 RCW, 2010 c 37 § 614(14) 1st sp. sess. and RCW 43.135.055. 10-24-016, § 170-295-0060, filed 11/19/10, effective 12/20/10. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-295-0060, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-295-0060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. 04-09-093, § 388-295-0060, filed 4/20/04, effective 5/21/04; 03-14-110, § 388-295-0060, filed 6/30/03, effective 8/1/03.]

WAC 170-295-3060 Who can provide consent for me to give medication to the children in my care? (1) Parents must give written consent before you give any child any medication. The parent's written consent must include:

(a) Child's first and last name;

(b) Name of medication;

(c) Reason for giving medication;

(d) Amount of medication to give;

(e) How to give the medication (route);

(f) How often to give the medication;

(g) Start and stop dates;

(h) Expected side effects; and

(i) How to store the medication consistent with directions on the medication label.

(2) The parent consent form is good for the number of days stated on the medication bottle for prescriptions. You may not give medication past the days prescribed on the medication bottle even if there is medication left.

(3) You may give the following medications with written parent consent if the medication bottle label tells you how much medication to give based on the child's age and weight:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Ointments or lotions intended to reduce or stop itching or dry skin;

(f) Diaper ointments and nontalc powders, intended only for use in the diaper area;

(g) Sun screen for children over six months of age; and

(h) Hand sanitizers for children over twelve months of age.

(4) All other over the counter medications must have written directions from a health care provider with prescriptive authority before giving the medication.

(5) You may not mix medications in formula or food unless you have written directions to do so from a health care provider with prescriptive authority.

(6) You may not give the medication differently than the age and weight appropriate directions or the prescription directions on the medication label unless you have written directions from a health care provider with prescriptive authority before you give the medication.

(7) If the medication label does not give the dosage directions for the child's age or weight, you must have written instructions from a health care provider with prescriptive authority in addition to the parent consent prior to giving the medication.

(8) You must have written consent from a health care provider with prescriptive authority prior to providing:

- (a) Vitamins;
- (b) Herbal supplements; and
- (c) Fluoride.

[Statutory Authority: RCW 43.215.070, 43.215.200 and chapter 43.215 RCW. 10-24-015, § 170-295-3060, filed 11/19/10, effective 12/20/10. 06-15-075, recodified as § 170-295-3060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. 03-14-110, § 388-295-3060, filed 6/30/03, effective 8/1/03.]

(vi) Sun screen; and

(vii) Hand sanitizers for children over twelve months of age.

(3) You must not administer any nonprescribed medication for the purpose of sedating a child;

(4) You must not administer any prescribed medication in an amount or frequency other than that prescribed by a physician, psychiatrist or dentist;

(5) You must not give one child's medications to another child; and

(6) You must not use any prescribed medication to control a child's behavior unless a physician prescribes the medication for management of the child's behavior.

[Statutory Authority: RCW 43.215.070, 43.215.200 and chapter 43.215 RCW. 10-24-015, § 170-296-0870, filed 11/19/10, effective 12/20/10. 06-15-075, recodified as § 170-296-0870, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0870, filed 8/31/04, effective 10/1/04.]

Chapter 170-296 WAC

CHILD CARE BUSINESS REGULATIONS FOR FAMILY HOME CHILD CARE

WAC

170-296-0870 How do I manage medications for children?

WAC 170-296-0870 How do I manage medications for children? You must meet specific requirements for managing prescription and nonprescription medication for children under your care. Only you or another, primary staff person may perform the functions described in this section.

(1) You must have written approval of the child's parent or legal guardian to give the child any medication. This approval must not exceed thirty days.

(2) You must:

(a) Keep a written record of all medications you give a child;

(b) Return any unused medication to the parent or legal guardian of the child;

(c) Give certain classifications of nonprescription medications, only with the dose and directions on the manufacturer's label for the age or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

(i) Nonaspirin, fever reducers or pain relievers;

(ii) Nonnarcotic cough suppressants;

(iii) Decongestants;

(iv) Anti-itching ointments or lotions intended specifically to relieve itching;

(v) Diaper ointments and talc free powders intended specifically for use in the diaper area of children;