

# Chapter 170-296A WAC

## LICENSED FAMILY HOME CHILD CARE STANDARDS

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**WAC 170-296A-0001 Authority.** The department of early learning was established under chapter 265, Laws of 2006. Chapter 43.215 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.215 RCW.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-0001, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-0005 Intent.** This chapter reflects the department's commitment to quality early learning experiences for children, and promotes the health, safety, and positive development of children receiving care in a licensed family home setting.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-0005, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-0010 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates otherwise. Certain definitions appear in the section the term is used if the definition applies only to a specific section or sections:

**"Accessible to children"** means areas of the facility and materials that the children can easily get to on their own.

**"Agency"** as used in this chapter, has the same meaning as in RCW 43.215.010 (1)(c).

**"Available"** means accessible and ready for use or service.

**"Bathroom"** means any room containing a built-in flush-type toilet.

**"Capacity"** means the maximum number of children the licensee is authorized by the department to have in care at any given time.

**"Child"** means an individual who is younger than age thirteen, including any infant, toddler, preschool-age child, or school-age child as defined in this chapter.

**"Child abuse or neglect"** has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.

**"Child care"** means the developmentally appropriate care, protection, and supervision of children that is designed to promote positive growth and educational experiences for children outside the child's home for periods of less than twenty-four hours a day.

**"Clean"** or **"cleaning"** means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water. Cleaning is the first step in the process of sanitizing or disinfecting a surface or item.

**"Confidential"** means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.

**"Denial of a license"** means an action by the department to not issue a child care license to an applicant for an initial license, or to a licensee operating under an initial license seeking a nonexpiring full license, based on the applicant's or initial licensee's inability or failure to meet the requirements of chapter 43.215 RCW or requirements adopted by the department pursuant to chapter 43.215 RCW.

**"Department"** or **"DEL"** means the Washington state department of early learning.

**"Developmentally appropriate"** means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.

**"Discipline"** means a method used to redirect a child in order to achieve a desired behavior.

**"Disinfect"** or **"disinfecting"** means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(b) Other disinfectant product if used strictly according to the manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled safe for food contact surfaces.

**"DOH"** means the Washington state department of health.

**"DSHS"** means the Washington state department of social and health services.

**"Enforcement action"** means a department issued:

(a) Denial, suspension, revocation or modification of a license;

(b) Probationary license;

(c) Civil monetary penalty (fine); or

(d) Disqualification from having unsupervised access to children in care.

**"Family home child care"** means a facility licensed by the department where child care is provided for twelve or fewer children in the family living quarters where the licensee resides as provided in RCW 43.215.010 (1)(c).

**"Family living quarters"** means a licensee's or license applicant's residence and other spaces or buildings on the premises that meet the facility requirements of this chapter and are approved by the department for child care.

**"Fine"** has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.

**"Inaccessible to children"** means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.

**"Infant"** means a child age birth through eleven months of age.

**"Licensed space"** means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

**"Licensee"** for the purposes of this chapter, means the individual listed on a family home child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.

**"Licensor"** means an individual employed by the department and designated by the director to inspect and monitor an agency or other child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.

**"MERIT"** means the managed education registry information tool used to track professional development for early learning professionals. See also "STARS."

**"Modification of a license"** means department action to change the conditions identified on a current license.

**"Nonexpiring full license"** or **"nonexpiring license"** means a full license that is issued to a licensee following the initial licensing period as provided in WAC 170-296A-1450.

**"Nonprescription medication"** means any of the following:

(a) Nonaspirin fever reducers or pain relievers;

- (b) Nonnarcotic cough suppressants;
- (c) Cold or flu medications;
- (d) Antihistamines or decongestants;
- (e) Vitamins;
- (f) Ointments or lotions specially intended to relieve itching;
- (g) Diaper ointments and talc free powders specially used in the diaper area of children;
- (h) Sun screen;
- (i) Hand sanitizer gels; or
- (j) Hand wipes with alcohol.

**"One year of experience"** means at least twelve months of early learning experience as demonstrated by a resume and references:

- (a) In a supervisory role in a child care setting where the individual was responsible for supervising staff and complying with licensing standards; or
- (b) As a Washington state:
  - (i) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC; or
  - (ii) Family home child care licensee or qualified primary staff person.

**"Overnight care"** means child care provided for a child anytime between the hours of eight o'clock at night and six o'clock in the morning that includes a sleep period for the child.

**"Personal needs"** means an individual's hygiene, toileting, medication, cleansing, eating or clothing needs. "Personal needs" does not mean smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

**"Physical restraint"** means the practice of rendering a child helpless or keeping a child in captivity.

**"Poison"** for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items, that even in small quantities are likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.

**"Premises"** means the licensed or unlicensed space at the licensed address including, but not limited to, buildings, land and residences.

**"Preschool age child"** means a child age thirty months through six years of age who is not attending kindergarten or elementary school.

**"Primary staff person"** means a staff person other than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.

**"RCW"** means Revised Code of Washington.

**"Revocation" or "revoke"** means the formal action by the department to close a child care business and take the license due to the licensee's failure to comply with chapter 43.215 RCW or requirements adopted pursuant to chapter 43.215 RCW.

**"Sanitize"** means to reduce the number of microorganisms on a surface by the process of:

- (a) Cleaning and rinsing, followed by using:

- (i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

- (ii) Another sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as safe for food contact surfaces; or

(b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control.

**"School age child"** means a child not less than five years of age through twelve years of age who is attending kindergarten or school.

**"Screen time"** means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.

**"Sleeping equipment"** includes a bed, cot, mattress, mat, crib, bassinet, play yard or "pack and play." "Sleeping equipment" does not include any car seat or infant swing.

**"Staff"** unless referring specifically to a "primary staff person," means any primary staff person, assistant, or volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.

**"STARS"** means the state training and registry system.

**"Suspension of a license"** means a formal department action to stop a license pending a department decision regarding further enforcement action.

**"Toddler"** means a child age twelve months through twenty-nine months of age.

**"Unlicensed space"** means the indoor and outdoor areas of the premises, not approved as licensed space by DEL, that the licensee must make inaccessible to the children during child care hours.

**"Unsupervised access"** has the same meaning as "unsupervised access" in WAC 170-06-0020.

**"WAC"** means the Washington Administrative Code.

**"Weapons"** means an instrument or device of any kind that is used or designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun devices, or fighting implements.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-13-056, § 170-296A-0010, filed 6/12/14, effective 7/13/14; WSR 12-21-050, § 170-296A-0010, filed 10/12/12, effective 11/12/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-0010, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-0050 Special needs accommodations.** The provisions of this section apply to any requirement in this chapter.

(1) The department may approve accommodations to requirements in these standards for the special needs of an individual child when:

(a) The licensee submits to the department a written plan, signed by the parent or guardian, that describes how the child's needs will be met in the licensed child care; and

(b) The licensee has supporting documentation of the child's special needs provided by a licensed or certified:

(i) Physician or physician's assistant;

(ii) Mental health professional;

(iii) Education professional;

(iv) Social worker with a bachelor's degree or higher degree with a specialization in the individual child's needs; or

(v) Registered nurse or advanced registered nurse practitioner.

(2) The documentation described in subsection (1) of this section must be in the form of an:

(a) Individual education plan (IEP);

(b) Individual health plan (IHP); or

(c) Individual family plan (IFP).

(3) The licensee's written plan and all documentation required under this section must be kept in the child's file and a copy submitted to the department.

(4) See WAC 170-296A-5625 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-0050, filed 11/14/11, effective 3/31/12.]

## LICENSING PROCESS

**WAC 170-296A-1000 License required.** (1) An individual who provides care for children in his or her home must be licensed by the department unless exempt under RCW 43.215.010(2).

(2) The individual claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1025 Who must be licensed.** An individual must be licensed to care for children if any of the following apply:

(1) Care is provided in the individual's home and outside the child's home on a regular and ongoing basis for one or more children not related to the licensee. As used in this section, "not related" means not any of the relatives listed in RCW 43.215.010 (2)(a); or

(2) Care is provided in the individual's home for preschool age children for more than four hours a day.

See WAC 170-296A-8350 regarding providing child care without a license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1050 The licensee.** (1) The licensee is the individual or individuals:

(a) Who resides in the home licensed for family home child care under this chapter;

(8/19/15)

(b) Whose name appears on the license issued by the department;

(c) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee's home in the family living quarters;

(d) Responsible for the overall management of the licensed family child care home;

(e) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and

(f) Responsible for training staff on the licensing standards in this chapter.

(2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.

(3) The licensee may hold only one current family home child care license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1075 Child care subsidy.** A licensee who receives child care subsidy payments must follow the requirements of the applicable subsidy program. A licensee who receives subsidy payments under the working connections child care or seasonal child care programs must follow the requirements of chapter 170-290 WAC.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1100 Tribal or military regulated or operated child care—Certification for payment.** (1) A family home child care that is regulated by an Indian tribe or the federal Department of Defense is exempt from licensing.

(2) A tribe or a child care regulated by the federal Department of Defense may request certification:

(a) For subsidy payment only; or

(b) As meeting licensing standards of this chapter.

(3) A child care seeking certification under this section must be located on the premises over which the tribe or federal Department of Defense has jurisdiction.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1100, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1125 Orientation required.** An individual applying for an initial license must complete an orientation provided by the department within twelve months prior to submitting a license application.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1125, filed 11/14/11, effective 3/31/12.]

## WAC 170-296A-1150 Preservice training.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1175 Basic STARS training.** A license applicant must complete the basic STARS training prior to an initial license being granted by the department.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-045, § 170-296A-1175, filed 12/9/14, effective 1/9/15; WSR 11-23-068, § 170-296A-1175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1200 Background checks.** (1) The license applicant or licensee must submit a completed background check form and obtain an authorization (clearance) from the department consistent with the requirements of chapter 170-06 WAC for each of the following:

- (a) The license applicant;
- (b) The licensee;
- (c) Each new staff person or volunteer age sixteen or older;
- (d) Each individual age sixteen or older residing in the home;
- (e) Each individual age sixteen or older who moves into the home; and
- (f) Any individual age sixteen or older who may have unsupervised access to children in care.

(2)(a) Effective through June 30, 2012, any individual who must undergo a background check under chapter 170-06 WAC and who has resided in Washington state for less than three years must complete the department fingerprint process.

(b) Effective July 1, 2012, each individual seeking a first time DEL background check must undergo a fingerprint-based FBI background check. See RCW 43.215.215.

(3) The licensee must keep background check authorization letters from the department on file for each individual listed in this section. Effective July 1, 2012, a licensee must keep a copy of the department authorization or certification for each primary staff person, assistant, or volunteer who works in the licensed home.

(4) The licensee must not allow any individual who has not been authorized by the department to have unsupervised access to the children in care at any time.

(5) The licensee must verify annually that each individual who is required to have a background check under this section has either obtained a department clearance or has applied for a department background check. The verification must be submitted with the licensee's annual license fee and declarations required under WAC 170-296A-1450.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, 2011 c 293 [c 295], and 2011 c 297. WSR 11-23-068, § 170-296A-1200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1225 Noncriminal background checks for individuals thirteen to sixteen years of age.** (1) Each volunteer or assistant in the licensed family home child care age fourteen to sixteen years old, and each individual residing in the licensee's home age thirteen to sixteen years old, must undergo a noncriminal background check.

(2) The licensee must submit a signed and dated non-criminal background check application on a form approved by the department:

- (a) Within seven days after the volunteer or assistant age fourteen to sixteen starts work in the licensed child care; and

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(b) For each individual residing in the home age thirteen to sixteen:

(i) With the licensee's initial license application or annual nonexpiring license declaration under WAC 170-296A-1450;

(ii) Within seven days after an individual residing in the home reaches age thirteen; and

(iii) Within seven days after an individual age thirteen to sixteen moves into the home.

(3) The department conducts a noncriminal background check, and authorizes or disqualifies an individual age thirteen to sixteen as described in chapter 170-06 WAC, except that the department does not:

(a) Review convictions or pending charges for disqualifying crimes under WAC 170-06-0050(1), unless the conviction was the result of prosecution of the juvenile as an adult; and

(b) Disqualify an individual for a conviction under WAC 170-06-0070 (1) and (2), unless the conviction was the result of prosecution of the juvenile as an adult.

(4) An individual who is disqualified from providing child care or having access to children in care following a noncriminal background check as described in this section has the right to appeal the department's decision under WAC 170-06-0090.

(5) The licensee must keep authorization letters from the department on file for each individual listed in this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1250 Initial license application packet—Contents.** (1) The individual seeking an initial license under this chapter is the license applicant.

(2) A license applicant must submit a license application packet that includes:

(a) A completed department application form and copy of the applicant's orientation certificate;

(b) Copy of license applicant's current government issued photo identification;

(c) Documentation of the license applicant's high school diploma or equivalent education under WAC 170-296A-1725;

(d) Resume for the license applicant;

(e) References from three individuals not related to the license applicant;

(f)(i) Copy of license applicant's Social Security card pursuant to 42 U.S.C. 666 (a)(13) and RCW 26.23.150 regarding child support.

(ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card.

(g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;

(h) Tuberculosis test results or required documentation for the license applicant, each staff person, and household members sixteen years old or older. See WAC 170-296A-1750;

(i) Copy of first-aid/CPR training and HIV/AIDS training certificates for the license applicant and each staff person

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required to complete such training as described in WAC 170-296A-1825 and 170-296A-1850;

(j) Copy of the license applicant's state food handler permit as described in WAC 170-296A-7675;

(k) Completed background clearance forms for the license applicant and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;

(l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;

(m) Parent, staff and operation policies (handbooks). See WAC 170-296A-2350, 170-296A-2375, 170-296A-2400, and 170-296A-2425;

(n) Floor plan, including proposed:

(i) Licensed space;

(ii) Licensed space usage;

(iii) Evacuation routes and emergency exits;

(iv) Unlicensed space;

(v) Licensed space used specifically for sleeping infants, if applicable; and

(vi) Licensed space used for sleeping children for overnight care, if applicable.

(o) Septic system inspection report if applicable under WAC 170-296A-1375;

(p) Well water testing report if applicable under WAC 170-296A-1400;

(q) Lead or arsenic evaluation agreement, only if the home is located in the Tacoma smelter plume under WAC 170-296A-1360; and

(r) The license fees and other fees under WAC 170-296A-1325.

(3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, 2011 c 293 [c 295], and 2011 c 297. WSR 11-23-068, § 170-296A-1250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1275 Initial license application processing.** (1) The department may take up to ninety days to process an initial license application. The ninety days begins when the license applicant's signed and dated license application packet, fees and background check forms have been received by the department.

(2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame for the applicant to provide the required information. If an application remains incomplete after ninety days the department may deny the license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1275, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1300 Withdrawing an incomplete application.** (1) If the license applicant is unable to successfully complete the licensing process within ninety days the

license applicant may withdraw the application and reapply when the applicant is able to meet licensing requirements.

(2) A license applicant who has not withdrawn his or her incomplete application and is unable to meet the application requirements will be denied a license. See RCW 43.215.300.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1300, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-1325 Fees—When due. License fees.**

(1) The annual family home child care license fee is thirty dollars, or as otherwise set by the legislature;

(2) The license fee is nonrefundable and is due:

(a) With the license applicant's initial license application packet; and

(b) Annually thereafter, thirty days prior to the anniversary date of the license.

(3) Payment must be in the form of a check or money order.

#### **Background check fees.**

(4) Effective July 1, 2012:

(a) Each individual required to obtain a department background check must pay the fee established under chapter 170-06 WAC. The fee must be submitted with the individual's completed and signed background check application form.

(b) Each individual applying for a first-time license application or each individual applying for the first time for a department background check clearance must be fingerprinted and pay the processing fee.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, 2011 c 293 [c 295], 2011 1st sp.s. c 50 § 617(2), and 2011 c 297. WSR 11-23-068, § 170-296A-1325, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1360 Lead and arsenic hazards—Tacoma smelter plume.** A license applicant who lives in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1360, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1375 Private septic system—Inspection and maintenance.** (1) If the licensed premises is served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local health jurisdiction.

(2) The licensee must follow the local health jurisdiction's requirements for periodic septic system inspection and maintenance.

(3) If there are no local health jurisdiction's requirements for periodic septic system inspections the licensee must:

(a) Have the system inspected by a septic system inspector certified by the local health jurisdiction:

(i) Within six months prior to submitting a license application under WAC 170-296A-1250; and

(ii) Every three years after an initial license is issued to the license applicant under this chapter.

(b) Maintain the septic system as required by the inspection report.

(4) Septic system inspection and maintenance records must be kept on the premises and made available to the department upon request.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1375, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1400 Private well and water system.**

(1) If the licensed family home child care gets water from a private well on the premises, the licensee must follow the local health jurisdiction's requirements for periodic water testing.

(2) If there are no local health jurisdiction requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or private testing laboratory certified to analyze drinking water samples under chapter 173-50 WAC:

(a) Within six months prior to submitting an initial license application under WAC 170-296A-1250; and

(b) Every three years after the first initial license is issued to the license applicant under this chapter. The test results must indicate no presence of coliform bacteria, and must not exceed ten parts per million (ppm) for nitrate.

(3) If test results indicate the presence of coliform bacteria or nitrate greater than ten ppm the licensee must:

(a) Immediately retest the water;

(b) If the retest indicates the presence of coliform bacteria or nitrate greater than ten ppm, immediately stop using the well water in the child care and inform the local health jurisdiction and the department;

(c) Take steps required by the local health jurisdiction to repair the well or water system; and

(d) Test the water as often as required by the local health jurisdiction until tests indicate no presence of coliform bacteria and nitrate levels not exceeding ten ppm.

(4)(a) If directed by the local health jurisdiction or the department, the licensee must suspend child care operations until repairs are made; or

(b) If the local health jurisdiction and the department determine that child care operations may continue with an alternate source of safe water, provide the alternate safe water as directed.

(5) Water testing and system repair records must be kept on the premises and made available to the department upon request.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1400, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1410 Department inspection.** (1)

Prior to the department issuing a license, a department licensor must inspect the proposed indoor and outdoor spaces to be used for child care to verify compliance with the requirements of this chapter.

(2) The licensee must grant reasonable access to the department licensor during the licensee's hours of operation for the purpose of announced or unannounced monitoring visits to inspect the indoor or outdoor licensed space to verify compliance with the requirements of this chapter.

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[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1410, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1420 Licensee declaration.** When compliance with a requirement in this section is being met in unlicensed space in the licensee's home, the licensee must provide a signed and dated declaration, on a department approved form, for the purpose of verifying that the licensee is in compliance with the requirements of this chapter regarding:

(1) The furnace area safety under WAC 170-296A-2600;

(2) Guns and weapons storage under WAC 170-296A-4725;

(3) Smoke detector locations and working condition under WAC 170-296A-2950; or

(4) Medication storage under WAC 170-296A-3325.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1420, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1430 Initial license.** An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.

(1) An initial license is valid for six months from the date issued.

(2) At the department's discretion, an initial license may be extended for up to three additional six-month periods not to exceed a total of two years.

(3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.

(4) The department must evaluate the licensee's ability to follow all of the rules contained in this chapter during the initial license period.

(5) The department may issue a nonexpiring full license to a licensee operating under an initial license who:

(a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;

(b) Demonstrates substantial compliance with other requirements of this chapter at any time; and

(c) Meets the requirements for a nonexpiring full license as provided in WAC 170-296A-1450(1).

(6) The department must deny a nonexpiring full license to a licensee operating under an initial license who does not demonstrate the ability to comply with all the rules contained in this chapter during the period of initial licensure.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 297. WSR 11-23-068, § 170-296A-1430, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1450 Nonexpiring full license.** (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis, at least thirty calendar days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license is issued:



(a) The annual nonrefundable license fee as provided in WAC 170-296A-1325(1);

(b) A declaration to the department on a department-approved form indicating:

(i) The licensee's intent to continue operating a licensed family home child care; or

(ii) The licensee's intent to cease operation on a date certain.

(c) A declaration on a department-approved form that the licensee is in compliance with all department licensing rules; and

(d) Documentation of completed background check applications as determined by the department established schedule as provided in RCW 43.215.215 (2)(f). For each individual required to have a background check clearance, the licensee must verify a current background check clearance or submit a background check application at least thirty days prior to the license anniversary date.

(2) The requirements of subsection (1) of this section must be met:

(a) Before a licensee operating under an initial license is issued a nonexpiring full license; and

(b) Every twelve months after issuance of a nonexpiring full license.

(3) If the licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.

(4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.

(5) A licensee has no right to an adjudicated proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring full license as a result of the licensee's failure to comply with the requirements of this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, 2011 c 293 [c 295], and 2011 c 297. WSR 11-23-068, § 170-296A-1450, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1475 Moves.** If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter.

(1) The licensee must:

(a) Notify the department of a proposed move and the date the licensee plans to move;

(b) Submit an application before the move, as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving; and

(c) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.

(2) If the licensee moves and does not notify the department, or submits an application after a move, the license becomes invalid and is closed by the department effective on the date of the move. If the license is closed, the licensee must submit a new application for licensure under WAC 170-296A-1250 to reinstate the license.

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[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1475, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1525 Change in circumstances.** (1)

The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours, including:

(a) Household members, including individuals age sixteen or older moving into or out of the home;

(b) Fire or other structural damage to the licensed child care space or other parts of the premises; or

(c) Prior to making structural changes to the licensed space or changing licensed space usage. An updated floor plan must be submitted and approved by the department.

(2) Within twenty-four hours after a licensee becomes aware of a charge or conviction involving (a) the licensee; (b) a staff person; or (c) a household member, and the charge or conviction is a disqualifying crime under WAC 170-06-0120, the licensee must report to the department the fact that there is a charge or conviction involving a disqualifying crime against the licensee, staff person, or a household member.

(3) Within twenty-four hours after a licensee becomes aware of an allegation or finding made against (a) the licensee; (b) a staff person; or (c) a household member involving the abuse or neglect of a child or vulnerable adult, the licensee must report to the department the fact that there is an allegation of abuse or neglect of a child or vulnerable adult made against the licensee, staff person or household member.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-1525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1600 Multiple licenses, certifications or authorizations.** (1) The licensee must have department approval to have a department-issued child care license and another care giving license, certification or similar authorization.

(2) If the department determines that the health and safety needs of the children in licensed child care are not being met:

(a) The department and licensee may agree to a modification to the child care license;

(b) The licensee may give up one of the licenses, certifications or authorizations; or

(c) The department may suspend, deny or revoke the child care license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1625 Exception to rule.** (1) The department cannot waive a requirement in state or federal law.

(2) The department may approve an exception to a rule in this chapter.

(3) An exception to rule request must be:

(a) In writing on a department form;

(b) Submitted by the licensor; and

(c) Approved by the director or director's designee.

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(4) The department may approve an exception only for a specific purpose or child.

(5) An exception is time limited and may not exceed the specific time period approved by the department.

(6) If the exception request is approved, the licensee must post notice of the approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.

(7) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1650 Exception to rule—Alternate method of meeting a requirement.** The department may approve an alternate method of achieving a specific requirement's intent as an exception to rule. The process for requesting and approving an exception is described in WAC 170-296A-1625 (3) through (5).

(1) The alternate method must not jeopardize the health, safety or welfare of the children in care.

(2) A copy of the department approved exception must be posted on the premises for parent and public view.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1650, filed 11/14/11, effective 3/31/12.]

## STAFF QUALIFICATIONS

**WAC 170-296A-1700 Licensee minimum age.** The minimum age to be a licensee is eighteen years old.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1700, filed 11/14/11, effective 3/31/12.]

### **WAC 170-296A-1725 Licensee minimum education.**

(1) For any initial family home child care license issued on or after March 31, 2012, the applicant must have a high school diploma.

(2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, "equivalent education" means:

(a) Passing the general educational development (GED) tests;

(b) Completion of twelve years of elementary and secondary education;

(c) Possessing a current child development associate (CDA) credential as approved through the council for professional recognition;

(d) Completion of forty-five credits of post secondary education; or

(e) Completion of the department approved early childhood education initial certificate.

(3) In addition to equivalent education defined within this section, a family home child care licensee licensed prior to March 31, 2012, and continuously maintaining the license may meet the "equivalent education" requirement by achieving a level three rating in the early achievers program, Washington state's quality rating improvement system, prior to March 31, 2017.

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[Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 14-16-039, § 170-296A-1725, filed 7/28/14, effective 8/28/14; WSR 13-21-112, § 170-296A-1725, filed 10/22/13, effective 11/22/13; WSR 11-23-068, § 170-296A-1725, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1735 Minimum education—Licensees licensed prior to March 31, 2012.** Effective March 31, 2017, every family home child care licensee, including licensees licensed prior to March 31, 2012, must meet the minimum education requirements of WAC 170-296A-1725.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1735, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1750 Tuberculosis.** The applicant, and each staff person fourteen years old and older, and each household member sixteen years old and older, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

(1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or

(2) A previous or current positive TST or positive IGRA with documentation within the previous twelve months:

(a) Of a chest X ray with negative results; or

(b) Showing that the individual is receiving or has received therapy for active or latent TB disease and is cleared to safely work in a child care setting. As used in this section, "latent TB" means when a person is infected with the TB germ but has not developed active TB disease.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1750, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1800 Ongoing training.** (1) The licensee and each primary staff person must complete ten hours of department approved ongoing training each year. The training may include:

(a) Licensee's or primary staff person's choice; and

(b) Department directed training to include infant safe sleep training when licensee is licensed to care for infants.

(2) The licensee must complete the ongoing training requirement each year prior to continuing a nonexpiring full license.

(3) A primary staff person must complete the ongoing training requirement each year beginning from the date of initial employment.

(4) A licensee who exceeds the ten-hour ongoing training requirement in any year may carry over up to five hours of ongoing training toward meeting the next year's requirement. This does not include the required infant safe sleep training.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-1800, filed 8/19/15, effective 9/19/15; WSR 11-23-068, § 170-296A-1800, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1825 First aid and cardio pulmonary resuscitation (CPR) certification.** (1) The licensee and each staff person must have a current first aid and cardio pulmonary resuscitation (CPR) certification as established by the expiration date of the document.

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(2) Proof of certification may be a card, certificate or instructor letter.

(3) The first aid and CPR training and certification must:

(a) Be certified by the American Red Cross, American Heart Association, American Safety and Health Institute or other nationally recognized certification approved by the department;

(b) Include infant, child, and adult CPR; and

(c) Include a hands-on component.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1825, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1850 HIV/AIDS training—Blood-borne pathogens plan.** (1) The licensee, each staff, and each household member who is responsible for the care of children must complete one time the state department of health training under chapter 70.24 RCW on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).

(2) The licensee must have a written bloodborne pathogens plan that includes:

(a) A list of the staff, volunteers and household members providing child care who may be exposed to bloodborne pathogens; and

(b) Procedures for cleaning up bodily fluid spills (blood, feces, nasal or eye discharge, saliva, urine or vomit), including the use of gloves, proper cleaning and disinfecting of contaminated items, disposal of waste materials, and handwashing.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1850, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1875 Primary staff person.** Other than the licensee, only an individual meeting all the qualifications of a primary staff person is qualified to be left unsupervised with the children in the licensed family home child care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1875, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1975 Licensee/staff qualifications and requirements table.** The following table summarizes the licensee and staff qualifications and requirements found in WAC 170-296A-1700 through 170-296A-1950, and 170-296A-7675. An "X" indicates a requirement.

**Licensee and Staff Qualifications Table**

Position	Minimum age	High school diploma or equivalent	Background check	TB test	DEL orientation	Basic STARS	Ongoing training 10-hours per year To include infant safe sleep if applicable	Fire safety training	First aid/CPR	HIV/AIDS	Food handler permit
Licensee	18	X	X	X	X	X	X	X	X	X	X
Primary staff person	18		X	X		X	X	X	X	X	See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit

**WAC 170-296A-1900 Primary staff person minimum age.** A primary staff person must be a minimum of eighteen years of age.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1900, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1910 Basic STARS training.** A primary staff person must complete the basic STARS training prior to working unsupervised with the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-045, § 170-296A-1910, filed 12/9/14, effective 1/9/15; WSR 11-23-068, § 170-296A-1910, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1925 Assistants and volunteers—Supervision.** (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff person at all times.

(2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.

(3) The licensee or primary staff person must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their personal needs on the premises.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1925, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-1950 Assistants and volunteers—Minimum age.** The minimum age to be an assistant or volunteer is fourteen years of age.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-1950, filed 11/14/11, effective 3/31/12.]

Position	Minimum age	High school diploma or equivalent	Background check	TB test	DEL orientation	Basic STARS	Ongoing training 10-hours per year To include infant safe sleep if applicable	Fire safety training	First aid/CPR	HIV/AIDS	Food handler permit
Assistant/ volunteer	14		X Noncriminal background check only age 14-15	X				X	X	X	See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-1975, filed 8/19/15, effective 9/19/15; WSR 15-01-045, § 170-296A-1975, filed 12/9/14, effective 1/9/15. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-1975, filed 11/14/11, effective 3/31/12.]

## RECORDKEEPING, REPORTING AND POSTING

**WAC 170-296A-2000 Recordkeeping—Records available to the department.** The licensee must keep all records required in this chapter for a minimum of five years:

(1) Current records, including records from the previous twelve months, must be kept in the licensed space as defined in WAC 170-296A-0010 and be available for the department's review.

(2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department's written request.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2025 Child records—Confidentiality.** (1) The licensee must maintain records for all children in a confidential manner.

(2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.

(3) A child's parent or guardian must be allowed access to all records for their child.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2050 Child records—Contents.** (1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:

(a) Beginning enrollment date;

(b) End of enrollment date for children no longer in the licensee's care;

(c) The child's birth date;

(d)(i) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional; or

(ii) A medical exemption form signed by a health care professional; or

(iii) A religious, philosophical, or personal exemption form or similar statement signed by the child's parent or guardian.

(e) The child's known allergies;

(f) Names of persons authorized to pick up the child;

(g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted;

(h) Parent or guardian information including name, phone numbers, home address, and other contact information for reaching the family while the child is in care;

(i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and

(j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian.

(2) If applicable, a child's records must include:

(a) Injury/incident reports (see WAC 170-296A-3575 and 170-296A-3600);

(b) Medication authorization and administration log (see WAC 170-296A-3375);

(c) Plan for special or individual needs of the child (see WAC 170-296A-0050); or

(d) Documentation of use of physical restraint (see WAC 170-296A-6250).

(3) The child's records must include signed parent permissions (see WAC 170-296A-6400) as applicable for:

(a) Field trips;

(b) Picture taking;

(c) Transportation; and

(d) Visiting health professionals providing services to the child at the family home child care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2075 Licensee and staff records.** Records on file for the licensee and each staff person must include documentation of:

(1) Current first aid and infant, child and adult CPR training certification;

(2) HIV/AIDS training certification;

(3) TB test results or documentation as required under WAC 170-296A-1750;

(4) Current state food handler permit for the licensee, and for other staff if required under WAC 170-296A-7675 (3);

(5) Completed background check form, or noncriminal background check form if applicable under WAC 170-296A-1225, and copy of the department-issued authorization;

(6) Copy of a current government issued picture identification;

(7) Emergency contact information;

(8) Completed application form or resume for staff when hired;

(9) Documentation for the licensee's and primary staff person only of:

(a) Basic STARS training;

(b) Ongoing training completed that includes department approved infant safe sleep if applicable; and

(c) Registration in MERIT.

(10) Record of training provided by the licensee to staff and volunteers that includes infant safe sleep if applicable; and

(11) Resume for the licensee only.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-2075, filed 8/19/15, effective 9/19/15; WSR 15-01-045, § 170-296A-2075, filed 12/9/14, effective 1/9/15. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-2075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2100 Required records for household members.** The licensee must keep the following records for household members:

(1) Completed background check form and the department-issued clearance under chapter 170-06 WAC for each individual sixteen years old and older;

(2) The department-issued clearance for household members age thirteen to sixteen years old under WAC 170-296A-1225; and

(3) TB test results or documentation under WAC 170-296A-1750 for:

(a) Household members sixteen years old or older; and

(b) Any household member fourteen to sixteen years old who is an assistant or volunteer.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-2100, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2125 Child attendance records—Staff to child ratio records.** The licensee must also keep records of:

(1) Daily attendance for each child counted in capacity that includes the:

(a) Child's dates of attendance;

(b) Time the child arrives or returns to the child care, including signature of the person authorized by the child's parent or guardian to sign the child in; and

(c) Time the child leaves from the licensee's care including signature of the person authorized by the child's parent or guardian to sign the child out; and

(2) Names of staff being counted to meet the daily staff-to-child ratio requirements.

(3) Electronic attendance records if the child's attendance is recorded using an electronic system under WAC 170-296A-2126.

(8/19/15)

[Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-296A-2125, filed 5/8/12, effective 6/8/12; WSR 11-23-068, § 170-296A-2125, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2126 Electronic attendance records—Records retention.** (1) Licensees may use an electronic system to record attendance in lieu of a paper sign-in record.

(2) If an electronic system is used to record attendance, it must record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or designee when signing the child in and out of the licensee's care.

(3) The electronic system selected must ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against repudiation of the electronic records, and must be able to:

(a) Produce an authentic, verifiable written record for each transaction upon demand that complies with all legal and other requirements regarding the record's structure, content, and time of creation or receipt;

(b) Authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered;

(c) Uniquely identify each record;

(d) Capture an electronic record for each transaction conducted;

(e) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed, and managed as a unit;

(f) Retain electronic records in an accessible form for their legal minimum retention period;

(g) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period;

(h) Produce authentic copies of electronic records and supply them in useable formats, including hard copies, for business purposes and all public access purposes;

(i) Develop an approach to maintain the authenticity and integrity of electronically signed electronic records;

(j) Ensure that the electronic system performs in an accurate, reliable, and consistent manner in the normal course of business; and

(k) Limit system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(4) Electronic attendance records must contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits the person viewing or printing the entire electronic record to verify:

(a) The contents of the electronic record;

(b) The method used to sign the electronic record, if applicable;

(c) The person signing the electronic record; and

(d) The date when the signature was executed.

(5) As used in this section:

**"Electronic record"** means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

**"Electronic signature"** means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**"Sign"** includes signing by physical signature, if available, or electronic signature.

[Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-296A-2126, filed 5/8/12, effective 6/8/12.]

**WAC 170-296A-2150 Facility records.** The licensee must keep the following facility records:

- (1) Monthly fire inspections required under WAC 170-296A-3050;
- (2) Fire extinguisher annual maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000;
- (3) Septic system inspection and maintenance, if required under WAC 170-296A-1375;
- (4) Water testing results, if required under WAC 170-296A-1400;
- (5) Installation or assembly instructions for new play equipment under WAC 170-296A-5000(3). This requirement does not apply to used or "hand-made" play equipment built or installed by the licensee or homeowner, or to play equipment purchased prior to March 31, 2012;
- (6) Emergency preparedness evacuation drills under WAC 170-296A-2925;
- (7) Documents from any department visits, inspections or monitoring checklists; and
- (8) As applicable, compliance agreements or safety plans between the licensee and the department.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2175 Materials that must be posted.**

The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:

- (1) A statement of the licensee's philosophy of child development;
- (2) Emergency information, including:
  - (a) 911 or emergency services number;
  - (b) Name of the licensee, telephone number(s), emergency contact information, address, and directions from the nearest major arterial street or nearest cross street to the licensed home;
  - (c) Washington poison center toll-free phone number; and
  - (d) DSHS children's administration intake (child protective services) toll-free telephone number;
- (3) Emergency preparedness plan and drills with the following information:
  - (a) Dates and times of previous drills;
  - (b) Procedure for sounding alarm;
  - (c) Monthly smoke detector check, and carbon monoxide detector check if carbon monoxide detectors are required under WAC 170-296A-2950;

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(d) Floor plan with escape routes and emergency exits identified; and

(e) Emergency medical information or explanation of where that information can be found;

(4) Child care licensing information including:

(a) The current department-issued child care license;

(b) If applicable, a copy of current department-approved exceptions to the rules;

(5) If applicable, notice of any current or pending department enforcement action. Notice must be posted:

(a) Immediately upon receipt; and

(b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:

(a) Copies of department monitoring checklists;

(b) If applicable, any facility licensing compliance agreements (FLCA);

(c) If applicable, copy of any enforcement action taken by the department for the previous three years; and

(d) If applicable, notice that the licensee does not have liability insurance coverage, or that the coverage has lapsed or been terminated. See RCW 43.215.535;

(7) A statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support; and

(8) A typical daily schedule as described in WAC 170-296A-6550.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 297. WSR 11-23-068, § 170-296A-2175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2200 Reporting incidents to 911 (emergency services).** The licensee or primary staff person must call 911 and report to emergency services the following:

(1) A child missing from care, as soon as the licensee or staff realizes the child is missing;

(2) Medical emergency (injury or illness) that requires immediate professional medical care;

(3) Giving a child too much of any oral, inhaled or injected medication, or a child taking or receiving another child's medication;

(4) Fire and other emergencies;

(5) Poisoning or suspected poisoning; or

(6) Other incidents requiring emergency response.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2225 Reporting incidents to Washington poison center.** The licensee or primary staff person must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:

(1) Any poisoning or suspected poisoning;

(2) A child receiving too much of any oral, inhaled or injected medication; or

(3) A child taking or receiving another child's medication.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2250 Reporting incidents to a child's parent or guardian and the department.** The licensee must report to a child's parent or guardian and the department:

- (1) Immediately:
  - (a) Any incident reported under WAC 170-296A-2200, after calling 911;
  - (b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center;
  - (c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or
  - (d) Use of physical restraint with a child.
- (2) Within twenty-four hours:
  - (a) Their child's injury or other health concern that does not require professional medical treatment (report to parent only);
  - (b) Change in child care staff, including serious illness or incapacity of the licensee that may impact child care staffing;
  - (c) Additions to the household of persons sixteen years old or older;
  - (d) Change in the licensee's phone number or e-mail; or
  - (e) Their child's exposure to a contagious disease from the list in WAC 246-110-010; and
- (3) The licensee's plans to move, as soon as the licensee plans to move. See WAC 170-296A-1475.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-110, § 170-296A-2250, filed 10/22/13, effective 11/22/13; WSR 11-23-068, § 170-296A-2250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2275 Other incident reporting to the department.** (1) The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325.

- (2) The licensee or another person must report to the department within twenty-four hours:
  - (a) The licensee's emergency absence, serious illness or incapacity of the licensee, staff or member of household, if the licensee:
    - (i) Has a reasonable expectation the absence, illness, or incapacity will affect the licensee's ability to provide care; and
    - (ii) Is going to continue to provide care.
  - (b) For the licensee, staff, volunteer or household member age fourteen or older, any:
    - (i) Pending charge or conviction for a crime listed in WAC 170-06-0120;
    - (ii) Allegation or finding of child abuse or neglect under chapter 26.44 RCW or chapter 388-15 WAC;
    - (iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or
    - (iv) Pending charge, conviction, or negative action from outside Washington state consistent with or the same crime listed in WAC 170-06-0120, or "negative action" as defined in RCW 43.215.010.

(8/19/15)

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2275, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2300 Reporting to DSHS children's administration intake.** (1) The licensee and each staff person are required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement within forty-eight hours as required under RCW 26.44.030, and to the department:

- (a) Any suspected child abuse or neglect;
- (b) A child's disclosure of sexual or physical abuse;
- (c) Inappropriate sexual contact between two or more children; or
- (d) A child's attempted suicide or talk about attempting suicide.

(2) The licensee or primary staff person must immediately report to CPS or law enforcement and the department the death of a child while in the licensee's care or from injury or illness that may have occurred while the child was in the licensee's care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2300, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2325 Reporting notifiable condition to health department.** (1) In the event a licensee, staff person, volunteer, household member, or child in care is diagnosed with a notifiable condition as defined in chapter 246-101 WAC, the licensee must report the diagnosis to the local health jurisdiction or the state department of health.

(2) Contact the local health jurisdiction for the list of notifiable conditions and reporting requirements.

(3) A person excluded from the family home by the health department or local health officer on the basis of such a diagnosis may not return to the family home until approved to do so by the local health officer.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-2325, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-2325, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2350 Policies.** (1) The licensee must have written policies for:

- (a) Parents and guardians, also known as the parent handbook;
  - (b) Program and staff.
- (2) The licensee must submit all policies and revisions of policies to the department.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2350, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2375 Parent/guardian policies (handbook).** The licensee's written parent/guardian policies (handbook) must include:

- (1) Hours of operation including closures and vacations;
- (2) Information on how children's records are kept current, including immunization records;
- (3) Enrollment and disenrollment process;
- (4) Parent/guardian access to their child during child care hours;

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(5) Program philosophy (the licensee's view of child learning and development);

(6) Typical daily schedule, including food and rest periods. See WAC 170-296A-6550;

(7) Communication plan with parents/guardians including:

(a) How the parent or guardian may contact the licensee with questions or concerns; and

(b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year;

(c) How the licensee will support parents regarding parenting;

(8) Written plan for any child's specific needs if applicable. See WAC 170-296A-0050;

(9) Fees and payment plans;

(10) Religious activities and how the parent's or guardian's specific religious preferences are addressed;

(11) How holidays are recognized in the program;

(12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025;

(13) Items that the licensee requires the parent or guardian to provide;

(14) Guidance and discipline policy. See WAC 170-296A-6050;

(15) If applicable, infant/toddler care including infant safe sleep practices, feeding, diapering and toilet training;

(16) Reporting suspected child abuse or neglect. See WAC 170-296A-6275;

(17) Food service practices. See WAC 170-296A-7125 through 170-296A-7200, and 170-296A-7500 through 170-296A-7650;

(18) Off-site field trips requirements. See WAC 170-296A-2450;

(19) Transportation requirements. See WAC 170-296A-6475;

(20) Staffing plan. See WAC 170-296A-5600 and 170-296A-5775;

(21) Access to licensee's and staff training and professional development records;

(22) Pet policies. See WAC 170-296A-4800;

(23) Health care and emergency preparedness policies including:

(a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825;

(b) Injury or medical emergency response and reporting. See WAC 170-296A-3575, 170-296A-3600, and 170-296A-2275;

(c) Medication management including storage and giving medications. See WAC 170-296A-3325;

(d) Exclusion/removal policy of ill persons. See WAC 170-296A-3210;

(e) Reporting of notifiable conditions to public health;

(f) Immunization tracking. See WAC 170-296A-3250; and

(g) Infection control methods, including:

(i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650); and

(ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used. See WAC 170-296A-3850 through 170-296A-3925 and definitions in WAC 170-296A-0010;

(24) Napping/sleeping;

(25) No smoking policy consistent with WAC 170-296A-4050;

(26) Drug and alcohol policy consistent with WAC 170-296A-4025;

(27) If applicable, guns and weapons storage. See WAC 170-296A-4725; and

(28) If applicable, overnight care requirements. See WAC 170-296A-6850.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-2375, filed 8/19/15, effective 9/19/15; WSR 11-23-068, § 170-296A-2375, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-2400 Program/operations policies.**

In addition to parent policies and procedures required under WAC 170-296A-2375, the licensee must have written program/operations policies that include:

(1) Plans to keep required program/staff records current;

(2) Child supervision requirements;

(3) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;

(4) Plan for off-site field trips;

(5) Plan for transporting children;

(6) Plans for preventing children's access to unlicensed space;

(7) Medical emergency, fire, disaster and evacuation responsibilities;

(8) Guidance and discipline responsibilities;

(9) Overnight care, if applicable; and

(10) Plan for staff (when applicable) to include:

(a) Staff responsibilities;

(b) Staff training;

(c) Staff expectations; and

(d) Professional development.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2400, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-2425 Staff policies.**

If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:

(1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees;

(2) Plan for keeping staff records current including:

(a) Completed background check forms and department clearances;

(b) First aid and CPR certification;

(c) TB test results;

(d) Required training and professional development for primary staff persons; and

(e) Training that the licensee must provide to staff that includes infant safe sleep if applicable;

(3) Job description;

(4) Staff responsibilities for:

(a) Child supervision requirements;

(b) Guidance/discipline techniques;

(c) Food service practices;

(d) Off-site field trips;

(e) Transporting children;



- (f) Preventing children's access to unlicensed space;
- (g) Health, safety and sanitization procedures;
- (h) Medical emergencies, fire, disaster and evacuations;
- (i) Mandatory reporting of suspected child abuse and neglect;
- (j) Overnight care, if applicable; and
- (k) Staff responsibilities if the licensee is absent from the child care operation.

(5) The licensee must keep documentation of all staff training on policies.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-2425, filed 8/19/15, effective 9/19/15; WSR 11-23-068, § 170-296A-2425, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2450 Off-site activity policy.** The licensee must have a written policy for off-site activities that includes:

(1) Parent notification and permissions. See WAC 170-296A-6400;

(2) Supervision plan;

(3) Transportation plan. See WAC 170-296A-6475;

(4) Emergency procedures including bringing each child's:

(a) Emergency contact information;

(b) Medical records;

(c) Immunization records;

(d) Individual medications for children who have them; and

(e) Medication administration log;

(5) Medication management;

(6) Maintaining a complete first-aid kit; and

(7) Charging of fees if any.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2450, filed 11/14/11, effective 3/31/12.]

## FIRE AND EMERGENCY PREPAREDNESS

**WAC 170-296A-2525 Building codes.** A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code adoption of the international residential code.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2550 Requesting local fire department visit.** (1) The licensee must request the local fire department to visit the home to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) If the local fire department does not provide this service, the licensee must have written documentation on file that the request was made.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2575 Combustible and flammable materials.** (1) The licensee must not allow combustible

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materials (including, but not limited to, lint, or rags soaked in grease, oils, or solvent) to accumulate; those items must be removed from the building or stored in a closed metal container.

(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2575, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2600 Furnaces and other heating devices.** (1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace, fireplace, or other heating device.

(2) A furnace must be inaccessible to the children, isolated, enclosed or protected.

(3) Any appliance or heating device that has a hot surface capable of burning a child must be made inaccessible to the children in care during operating hours when the appliance or device is in use or is still hot after use.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2625 Electrical motors.** The licensee must keep electrical motors on appliances free of accumulated dust or lint.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2650 Inspection of fireplaces, wood stoves, or similar wood-burning heating devices.** Any chimney, fireplace, wood stove or similar wood-burning device in use in the licensed home must be inspected yearly unless the licensee provides a written statement that the chimney, fireplace, wood stove or similar wood-burning device will not be used at any time.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2650, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2675 Open flame devices, candles, matches and lighters.** (1) Except as provided in WAC 170-296A-2650 or kitchen ranges using natural gas or propane, the licensee must not use or allow the use of open flame devices in the licensed space or any space accessible to the children during operating hours.

(2) The licensee must not use or allow the use of candles during operating hours.

(3) The licensee must keep matches and lighters inaccessible to children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2675, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2700 Emergency flashlight.** The licensee must have a working flashlight available for use as an emergency light source and extra batteries if the flashlight is powered by batteries.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2700, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2725 Portable heaters and generators.** (1) The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the family home child care or building during operating hours.

(2) When a portable fuel-powered generator is in use:

(a) The generator must be placed at least fifteen feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the home; and

(b) Appliances must be plugged directly into the generator or to a heavy duty outdoor-rated extension cord that is plugged into the generator.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2725, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2750 House numbers.** The licensee must place house numbers or address where the numbers are legible and plainly visible from the street or road in front of the premises.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2750, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2775 Telephone.** (1) The licensee must have a working telephone in the licensed space.

(2) The licensee must have a telephone readily available with sufficient backup power to function for at least five hours in the event of an electrical power outage.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2775, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2800 Access for emergency vehicles.** The licensed family home child care must be accessible to emergency vehicles.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2800, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2825 Fire evacuation plan.** (1) If there is a fire in the home during child care operating hours, the licensee's and staff's first responsibility is to evacuate the children in care to a safe place outside the home.

(2) The licensee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.

(3) The evacuation plan must include:

(a) An evacuation floor plan that identifies emergency exit pathways, emergency exit doors, and emergency exit windows;

(b) Method(s) to be used for sounding an alarm;

(c) Actions to be taken by the person discovering the fire;

(d) How the licensee and staff will evacuate all children, especially children who cannot walk;

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(e) Calling 911 after evacuating the children;

(f) How the licensee and staff will account for all of the children in attendance;

(g) Where children and staff will gather away from the building pending arrival of the fire department or emergency response; and

(h) How the licensee will inform parents or guardians and arrange pick up of children if needed.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2825, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2850 Disaster plan.** (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be reviewed annually and updated as needed.

(2) The written disaster plan must cover at minimum the following:

(a) For disasters that may require evacuation:

(i) How the licensee and staff will evacuate all children, especially those who cannot walk.

(ii) What to take when evacuating the children, including:

(A) First aid kit;

(B) Child medication records; and

(C) If applicable, individual children's medication;

(iii) Where to go; and

(iv) How the licensee and staff will account for all of the children in attendance.

(b) Earthquake procedures including:

(i) What the licensee and staff will do during an earthquake;

(ii) How the licensee and staff will account for all of the children in attendance; and

(iii) After an earthquake, how the licensee will assess whether the licensed space is safe for the children;

(c) Lockdown of the facility or shelter-in-place, including:

(i) How doors and windows will be secured if needed; and

(ii) Where children will stay safely inside the facility; and

(d) How parents and guardians will be contacted after the emergency situation is over.

(3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual children for use in a disaster, lockdown, or shelter-in-place incident.

(4) As used in this section, "lockdown" or "shelter-in-place" means to remain inside the family home child care when police or an official emergency response agency notifies the licensee or primary staff person in charge that it is unsafe to leave the facility or be outdoors during an emergency situation.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2850, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2875 Fire, disaster training for staff and volunteers.** (1) The licensee must provide fire, evacuation and disaster training for all staff and volunteers when the

individual is first employed and at least once each calendar year. The training must include:

- (a) All elements of the fire, evacuation and disaster plans;
  - (b) Operation of the fire extinguishers;
  - (c) How to test the smoke detectors and, if required, test carbon monoxide detectors and replace detector batteries; and
  - (d) Staff responsibilities in the event of a fire or disaster.
- (2) The training must be documented in the staff's or volunteer's personnel file.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2875, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2900 Emergency drills.** The licensee and staff must practice emergency drills with the children as follows:

- (1) Fire/evacuation drill: Once each calendar month;
- (2) Earthquake drill: Once every three calendar months; and
- (3) Lockdown/shelter-in-place drill: Once annually.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2900, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2925 Record of emergency drills.** The licensee must keep records of emergency drills performed, and post the records as required in WAC 170-296A-2175. Records must include:

- (1) The date and time the drill took place;
- (2) Staff who participated;
- (3) Number of children who participated;
- (4) Length of drill; and
- (5) Notes about how the drill went and improvements, if any, that need to be made.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2925, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2950 Smoke and carbon monoxide detectors.** (1)(a) The licensee must have and maintain working smoke detectors in the home.

- (b) At least one smoke detector must be located:
  - (i) In each licensed sleeping area; and
  - (ii) On each level of the home.
- (c) Smoke detectors must be placed on the ceiling or wall, but not on the wall above any door.

(2) The licensee must have and maintain working carbon monoxide detectors in the home as provided in RCW 19.27.-530 and WAC 51-51-0315.

(3) One extra battery for each smoke detector and each carbon monoxide detector must be kept on the premises.

[Statutory Authority: Chapter 43.215 RCW. WSR 13-09-025, § 170-296A-2950, filed 4/9/13, effective 5/10/13. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2950, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-2975 Additional method to sound an alarm.** In addition to working smoke detectors, the licensee

must have an additional method to sound an alarm that is used only in a fire, emergency situation or drill.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-2975, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3000 Fire extinguishers.** (1) The licensee must have working fire extinguishers, minimum 2 A: 10 BC, readily available. A fire extinguisher must be:

(a) Located on each level of the home used for child care; and

(b) Mounted:

(i) Within seventy-five feet of an exit; and

(ii) Along the path of an exit.

(2) A fire extinguisher may be mounted in a closed unlocked closet. There must be:

(a) A sign on the closet door to indicate that a fire extinguisher is mounted inside; and

(b) No obstructions blocking access to the closet.

(3) The licensee must have documentation on file of annual:

(a) Fire extinguisher maintenance; or

(b) Proof of purchasing new extinguishers.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3025 Fire extinguisher, smoke/carbon monoxide detector use and testing.** The licensee and staff must demonstrate to the licensor how to:

(1) Use fire extinguishers;

(2) Test and operate the smoke detectors;

(3) Test and operate carbon monoxide detectors if required under WAC 170-296A-2950; and

(4) Test alternate alarm device(s).

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3050 Monthly fire inspection.** The licensee must inspect the home once each calendar month to identify possible fire hazards and take action to eliminate any hazards found. If the licensee employs a primary staff person, the primary staff person must participate in monthly fire hazard inspections. The licensee must keep records of monthly inspections.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3050, filed 11/14/11, effective 3/31/12.]

## HEALTH

**WAC 170-296A-3200 Health plan.** The licensee must have a written health plan. The health plan must include:

(1) Contagious disease procedures and exclusion of ill persons under WAC 170-296A-3210;

(2) Immunization tracking under WAC 170-296A-3250 through 170-296A-3300;

(3) Medication management under WAC 170-296A-3315 through 170-296A-3550;

(4) Injury treatment under WAC 170-296A-3575 through 170-296A-3600;

(5) Handwashing and hand sanitizers under WAC 170-296A-3625 through 170-296A-3675;

(6) Caring for children with special health needs under WAC 170-296A-0050;

(7) Cleaning, sanitizing, and disinfecting procedures;

(8) A bloodborne pathogens plan under WAC 170-296A-1850; and

(9) Notifying the health department when a licensee, staff person, volunteer, household member, or child in care is diagnosed with a notifiable condition as required under WAC 170-296A-2325.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-110, § 170-296A-3200, filed 10/22/13, effective 11/22/13; WSR 12-21-050, § 170-296A-3200, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-3200, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-3210 Contagious disease procedure.**

(1) When the licensee becomes aware that he or she, a household member, staff person or child in care has been diagnosed with any of the contagious diseases described in WAC 246-110-010, the licensee must, within twenty-four hours notify:

(a) The local health jurisdiction or DOH, except notice is not required for a diagnosis of chickenpox or conjunctivitis;

(b) The department; and

(c) Parents or guardians of each of the children in care.

(2) The licensee must follow the health plan before providing care or before readmitting the household member, staff person or child into the child care.

(3) The licensee's health plan must include provisions for excluding or separating a child, staff person, or household member with contagious disease as described in WAC 246-110-010 or any of the following:

(a) Fever of one hundred one degrees Fahrenheit or higher measured orally, or one hundred degrees Fahrenheit or higher measured under the armpit (axially), if the individual also has:

(i) Earache;

(ii) Headache;

(iii) Sore throat;

(iv) Rash; or

(v) Fatigue that prevents the individual from participating in regular activities.

(b) Vomiting that occurs two or more times in a twenty-four hour period;

(c) Diarrhea with three or more watery stools, or one bloody stool, in a twenty-four hour period;

(d) Rash not associated with heat, diapering, or an allergic reaction; or

(e) Drainage of thick mucus or pus from the eye.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-110, § 170-296A-3210, filed 10/22/13, effective 11/22/13; WSR 12-21-050, § 170-296A-3210, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-3210, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3250 Immunization tracking.** The licensee is required to track each child's immunization status. The licensee must:

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(1) Except as provided in WAC 170-296A-3275 or 170-296A-3300, have a complete current certificate of immunization status (CIS) form or similar form supplied by a health care professional for each child, submitted on or before the child's first day of child care;

(2) Develop a system to update and keep individual immunization records current to include when immunizations are received; and

(3) Have the CIS or similar forms for each currently enrolled child available in the licensed space for review by the licensor.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3275 Accepting a child who does not have current immunizations.** (1) The licensee may accept a child who is not current with immunizations on a conditional basis if immunizations are:

(a) Initiated before or on enrollment; and

(b) Completed as soon as medically possible.

(2) The licensee must have on file a document signed and dated by the parent or guardian stating when the child's immunizations will be brought up to date.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3275, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-3300 Immunizations—Exemption.**

The licensee may accept a child without any immunizations if the parent or guardian provides:

(1) A DOH medical exemption form signed by a health care professional; or

(2) A DOH form or similar statement signed by the child's parent or guardian expressing a religious, philosophical or personal objection to immunization.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 299. WSR 11-23-068, § 170-296A-3300, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-3315 Medication management.** (1)

The licensee's medication management policy must include:

(a) Safe medication storage, including the licensee's family medications; and

(b) Whether the licensee chooses to give medications to children in care.

(2) If the licensee chooses to give medications to children in care, the licensee's policy must include:

(a) How giving medications will be documented (medication log), including documenting when a medication is given or not given as prescribed or as indicated on the permission form;

(b) Permission to give medications to a child signed by the child's parent or guardian, and by a licensed medical professional when appropriate; and

(c) That only the licensee or primary staff person may give medication or observe a child taking his or her own medication as described in WAC 170-296A-3550.

(3) If the licensee chooses not to give any medications to children in care, the licensee must inform parents in the parent/guardian handbook.

(4) If the licensee or primary staff person decides not to give a specific medication to a child after having received written permission by the child's parent or guardian, the licensee or primary staff person must immediately notify the parent or guardian of the decision to not give the medication.

(5) The licensee must make reasonable accommodations and give medication if a child has a condition where the Americans with Disabilities Act (ADA) would apply.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3315, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3325 Medication storage.** The licensee must store all medications, as well as vitamins, herbal remedies, dietary supplements and pet medications as described in the following table:

(1) In a locked container or cabinet until used; or

(2) Inaccessible to children. The licensee must keep emergency rescue medications listed in subsection (3)(a)(i) through (vi) inaccessible but available for emergency use to meet the individual's emergency medical needs:

Medication Storage Table			
This list is not inclusive of all possible items in each category. Medications must be maintained as directed on the medication label, including refrigeration if applicable.			
(3)	If the medication is a (an):	The medication must be stored in a locked container or cabinet.	The medication must be stored inaccessible to children.
(a)	Individual's emergency rescue medications:		
(i)	Any medication used to treat an allergic reaction;		X
(ii)	Nebulizer medication;		X
(iii)	Inhaler;		X
(iv)	Bee sting kit;		X
(v)	Seizure medication;		X
(vi)	Other medication needed for emergencies.		X
(b)	Nonprescription medications, including herbal or natural:		
(i)	Pain reliever, cough syrup, cold or flu medication;	X	
(ii)	Vitamins, all types including natural;	X	
(iii)	Topical nonprescription medication;		X
(iv)	Hand sanitizer, when not in use.		X
(c)	Prescription medication:		
(i)	Intended use - Topical;	X	
(ii)	Intended use - Ingestible, inhaled or by injection.	X	

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Medication Storage Table			
This list is not inclusive of all possible items in each category. Medications must be maintained as directed on the medication label, including refrigeration if applicable.			
(d)	Pet medications (all types).	X	

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3325, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3375 Medication permission.** (1) The licensee must have written permission from a child's parent or guardian to give a child any medication. The permission must include:

- (a) Child's name;
- (b) Name of the medication and condition being treated;
- (c) Dose and frequency to be given;
- (d) Instructions for any specialized equipment or procedures for giving the child's medication;
- (e) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section;
- (f) Parent or guardian signature; and
- (g) Date of signature.

(2) A parent or guardian may give the licensee ninety calendar days permission for use of the following:

- (a) Diaper ointments and talc free powders used as needed that are intended specifically for use in the diaper area of children;
  - (b) Sun screen;
  - (c) Hand sanitizers; or
  - (d) Hand wipes with alcohol.
- (3) The licensee must keep a written record of medication administration (medication log) that includes the:
- (a) Child's name;
  - (b) Name of medication;
  - (c) Dose given;
  - (d) Dates and time of each medication given; and
  - (e) Name and signature of the person giving the medication.

(4) The licensee must return any unused medication to the child's parent or guardian.

(5) Medication permission forms and medication logs must be kept confidential. The licensee must allow a child's parent or guardian to review their own child's medication administration records.

(6) Medication permission forms and medication logs for the previous twelve months must be kept in the licensed space and be available for review by the licensor.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3375, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3425 Medication requirements.** The licensee or primary staff person must follow the medication directions for managing and administering prescription and nonprescription medication for the individual children in care. The licensee or primary staff person must not give or allow giving of an expired medication.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3425, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3450 Sedating a child prohibited.**

The licensee or primary staff person must not give or allow giving of any medication for the purpose of sedating a child unless the medication has been prescribed for that purpose by a qualified health care professional and prescribed for the child receiving the medication.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3450, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3475 Prescription medication.** The licensee or primary staff person may give a prescribed medication to a child only if the following conditions are met:

- (1) The medication is prescribed only for the child the medication is being given to;
- (2) The parent or guardian has provided written permission as described in WAC 170-296A-3375;
- (3) The prescribed medication is given in the amount and frequency prescribed by the child's health care professional with prescription authority;
- (4) The prescribed medication must only be given for the purpose or condition that the medication is prescribed to treat;
- (5) The medication must:
  - (a) Be in the original container;
  - (b) Be labeled with the child's first and last name;
  - (c) Have a nonexpired expiration date;
  - (6) The container must have or the parent or guardian must provide information from the pharmacy about:
    - (a) Medication storage;
    - (b) Potential adverse reactions or side effects; and
    - (7) The medication has been stored at the proper temperature noted on the container label or pharmacy instructions.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3475, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3525 Nonprescription medications.**

The licensee or primary staff person may give nonprescription medications, as defined in this chapter, only when the following conditions are met:

- (1) The parent or guardian has given signed written permission as provided in WAC 170-296A-3375.
- (2) The nonprescription medication is:
  - (a) Given to or used with a child only in the dosage, frequency and as directed on the manufacturer's label;
  - (b) Given in accordance to the age or weight of the child needing the medication;
  - (c) Given only for the purpose or condition that the medication is intended to treat;
  - (d) Is in the original container; and
  - (e) Has a nonexpired expiration date, if applicable.
- (3) The medication container or packaging includes, or the parent or guardian provides information about:
  - (a) Medication storage;
  - (b) Potential adverse reactions or side effects.

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- (4) The medication has been stored at the proper temperature noted on the container label or instructions.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3550 Children taking their own medication.** The licensee may permit a child to take his or her own prescription medication if:

- (1) The licensee follows all of the requirements in WAC 170-296A-3475 (1) through (6);
- (2) The child is physically and mentally capable of properly taking the medicine;
- (3) The licensee has on file the child's parent or guardian written approval for the child to take his or her own medication;
- (4) The medication and related medical supplies are locked and inaccessible to other children and unauthorized persons, except emergency rescue medications that may be stored inaccessible to other children but not locked; and
- (5) The licensee or a primary staff person observes and documents in the child's medication administration record that the medication was taken.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3575 Injuries requiring first aid only.** When a child has an injury that requires first aid only, the licensee must give a written or verbal notice to the child's parent or guardian and keep a record of the notice on file.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3575, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3600 Injuries or illness requiring professional medical treatment.** (1) When the licensee becomes aware that a child's injury or illness may require professional medical treatment, the licensee must:

- (a) Call 911, when applicable and follow their recommendations;
- (b) Administer first aid;
- (c) Call the child's parent or guardian;
- (d) Call the department; and
- (e) Within twenty-four hours, submit an injury/incident report form to the department.
- (2) The injury/incident report form must include:
  - (a) The name of child;
  - (b) The date, time and location where the injury or illness occurred;
  - (c) A description of the injury or illness;
  - (d) The names of staff present;
  - (e) The action taken by staff; and
  - (f) The signature of licensee.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3625 Handwashing.** (1) The licensee and staff must follow and teach children proper handwashing procedures. Proper handwashing procedures include:

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- (a) Wetting hands with warm water;
- (b) Apply soap to the hands;
- (c) Washing hands;
- (d) Rinsing hands;
- (e) Drying hands with a paper towel, single-use cloth towel or air hand dryer; and
- (f) Turning off the water with paper towel or single use cloth towel.

(2) Paper towels must be disposed of after a single use.

(3) If cloth towels are used, the licensee must wash and sanitize each cloth towel after a single use.

(4) If an air hand dryer is used, it must have a heat guard to prevent burning and must turn off automatically.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3650 Hand sanitizers.** (1) If the licensee has a written and signed parent or guardian permission as described in WAC 170-296A-3375(2), the licensee may use hand sanitizer products only with children over twenty-four months old. Hand sanitizer products may be used:

(a) When handwashing facilities are not available, such as an outing, emergency, or disaster; or

(b) After proper handwashing.

(2) Hand sanitizer gels must not be used in place of proper handwashing if handwashing facilities are available.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3650, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3675 When handwashing is required.** (1) The licensee and staff must wash their hands and follow proper handwashing techniques:

(a) Before and after preparing foods, eating, or feeding a child;

(b) After handling raw or undercooked meat, poultry or fish;

(c) After using the toilet or helping a child with toileting;

(d) Before and after diapering a child. If needed during diapering, a disposable hand wipe cloth may be used;

(e) After touching bodily fluids as described in the licensee's bloodborne pathogens plan;

(f) After being outdoors with the children;

(g) After handling animals or cleaning up animal waste;

(h) After handling garbage and garbage receptacles;

(i) Before and after giving medication or applying topical ointment; or

(j) As needed.

(2) The licensee and staff must direct children to wash their hands or assist children with handwashing:

(a) Before and after the eating or participating in food activities;

(b) After toileting or diapering (the licensee may use a diaper wipe to clean hands of a child age zero to six months);

(c) After touching bodily fluids, including after sneezing, coughing;

(d) After outdoor play;

(e) After playing with animals or handling animal toys; or

(f) As needed.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3675, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3700 Carpets.** The licensee must clean installed carpet in the licensed space at least once each calendar year or more often when soiled, using a carpet shampoo machine, steam cleaner, or dry carpet cleaner.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3700, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3725 Where children may sleep.** (1)

The licensee must provide mats, cots, or other sleeping equipment long enough and wide enough for the size of the child.

(2) The licensee must never place the children directly on the floor to sleep.

(3) When children are sleeping there must be enough space between children to give staff access to each child.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3725, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3750 Mats, cots and other sleeping equipment.** (1) The licensee must provide mats, cots, or other approved sleeping equipment that are made of material that can be cleaned and sanitized as provided in WAC 170-296A-0010.

(2) Mats, cots, or other sleeping equipment must be in good repair, not torn or with holes or repaired with tape.

(3) A sleeping mat must be at least one inch thick.

(4) Mats, cots, or other sleeping equipment must be cleaned, sanitized, and air dried:

(a) At least once a week or as needed if used by one child; or

(b) Between each use if used by different children.

(5) When in use, mats, cots, or other sleeping equipment must be arranged to allow the licensee or staff to access the children.

(6) Mats, cots, and other sleeping equipment must be stored so that the sleeping surfaces are not touching each other, unless they are cleaned and sanitized after each use.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-3750, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-3750, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3775 Bedding.** Each child's bedding, including sleeping bags and slumber bags, must:

(1) Meet the child's developmental needs;

(2) Consist of a clean sheet or blanket to cover the sleeping surface;

(3) Include a waterproof moisture barrier under the sheet or blanket;

(4) Have a clean, suitable cover for the child; children must not nap directly on the waterproof moisture barrier or the floor;

(5) Be laundered weekly or more often if soiled or used by different children; and

(6) Be stored separately from bedding used by another child.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3775, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3800 Overnight sleeping.** If the licensee is approved by the department to provide overnight care, the licensee must provide every child a bed or other sleeping equipment to sleep that:

- (1) Is safe and in good condition;
- (2) Is waterproof or washable; and
- (3) Meets the child's developmental needs.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3800, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3825 Loft style and bunk beds.** The licensee must not allow children less than six years of age to use:

- (1) Loft style beds; or
- (2) Upper bunks of bunk beds.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3825, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3925 Cleaning, sanitizing, and disinfecting table.** (1) The following table describes the minimum frequency for cleaning, sanitizing, or disinfecting items in the licensed space.

CLEANING, SANITIZING, AND DISINFECTING TABLE				
		"X" means CLEAN	And SANITIZE or DISINFECT	FREQUENCY
(a)	Kitchen countertops/tabletops, floors, doorknobs, and cabinet handles.	X	Sanitize (see subsection (3) of this section)	Daily or more often when soiled.
(b)	Food preparation/surfaces.	X	Sanitize (see subsection (3) of this section)	Before/after contact with food activity; between preparation of raw and cooked foods.
(c)	Carpets and large area rugs/small rugs.	X		(i) Vacuum daily.
		X	Sanitize (see subsection (3) of this section)	(ii) Installed carpet - Clean yearly or more often when soiled using a carpet shampoo machine, steam cleaner, or dry carpet cleaner. (iii) Small rugs - Shake outdoors or vacuum daily. Launder weekly or more often when soiled. (iv) Removable rugs - May be used in the bathroom. They must be easily removable and able to be washed when needed. Launder and sanitize weekly or more often when soiled.
(d)	Utensils, surfaces/toys that go in the mouth or have been in contact with other body fluids.	X	Sanitize (see subsection (3) of this section)	After each child's use; may use disposable, one-time utensils.
(e)	Toys that are not contaminated with body fluids and machine-washable cloth toys. Dress-up clothes (not worn on the head or come into contact with the head while dressing). Combs/hairbrushes, (none of these items should be shared among children).	X	Sanitize (see subsection (3) of this section)	Weekly or more often when visibly soiled.
(f)	Bedding, blankets, sleeping bags, individual sheets, pillowcases (if used).	X	Sanitize (see subsection (3) of this section)	Weekly or more often when soiled.
				Items that are put in the washing machine must be cleaned by using laundry detergent and sanitized by temperature (hot or warm water cycle) or chlorine bleach.

**WAC 170-296A-3850 Cleaning laundry.** The licensee must wash child care laundry using:

- (1) Laundry soap or detergent; and
- (2)(a) Temperature control (warm or hot cycle); or
- (b) Chlorine bleach.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-3850, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3875 Cleaning and sanitizing toys.** The licensee must clean and sanitize toys as provided in WAC 170-296A-0010:

- (1) Before a child plays with a toy that has come into contact with another child's mouth or bodily fluids;
- (2) After being contaminated with bodily fluids or visibly soiled; or
- (3) Not less than weekly when the toys have been used by the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-3875, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-3875, filed 11/14/11, effective 3/31/12.]



CLEANING, SANITIZING, AND DISINFECTING TABLE				
		"X" means CLEAN	And SANITIZE or DISINFECT	FREQUENCY
(g)	Wash cloths or single use towels.	X	Sanitize (see subsection (3) of this section)	After each use.
(h)	Hats and helmets.	X		After each child's use or use disposable hats that only one child wears.
(i)	Cribs and crib mattresses.	X	Sanitize (see subsection (3) of this section)	Weekly, before use by different child, and more often whenever soiled or wet.
(j)	Handwashing sinks, faucets, surrounding counters, soap dispensers, doorknobs.	X	Disinfect (see subsection (2) of this section)	Daily or more often when soiled.
(k)	Toilet seats, toilet training rings, toilet handles, doorknobs or cubicle handles, floors.	X	Disinfect (see subsection (2) of this section)	Daily or immediately if visibly soiled.
(l)	Toilet bowls.	X	Disinfect (see subsection (2) of this section)	Daily or more often as needed (e.g., child vomits or has explosive diarrhea, etc.).
(m)	Changing tables, potty chairs (use of potty chairs in child care is discouraged because of high risk of contamination).	X	Disinfect (see subsection (2) of this section)	After each child's use.
(n)	Waste receptacles.	X		Daily or more often as needed.

(2) "Disinfect" or "disinfecting" means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(b) Other disinfectant product if used strictly according to the manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled safe for food contact surfaces.

(3) "Sanitize" means to reduce the number of microorganisms on a surface by the process of:

(a) Cleaning and rinsing, followed by using:

(i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(ii) Another sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as safe for food contact surfaces; or

(b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-3925, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-3925, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-3950 Pest control.** When pests are present in the licensed space, the licensee must:

(1) Take action to remove or eliminate pests; and

(8/19/15)

(2)(a) Where possible, use nonchemical methods of control instead of chemical controls; or

(b) If chemical pesticides are used, the licensee must:

(i) Not spray pesticides when children are present. Wipe down surfaces that have been sprayed and air out rooms before allowing children to use sprayed areas;

(ii) Place and store rodent poison or insect baits inaccessible to children; and

(iii) Post a notice visible to parents and guardians of children in care forty-eight hours in advance of the application of pesticides, except when pesticides must be used to control pests that may pose an immediate risk to children's health or safety.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296-3950 (codified as WAC 170-296A-3950), filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4000 Lead, asbestos, arsenic and other hazards.** The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:

- (1) Lead based paint;
- (2) Plumbing containing lead or lead solders;
- (3) Asbestos; or
- (4) Arsenic or lead in the soil or drinking water;
- (5) Toxic mold; or
- (6) Other identified toxins or hazards.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4025 Drugs and alcohol.** (1) The licensee, staff, volunteers, or household members must not, or allow others to:

- (a) Have or use illegal drugs on the premises;
- (b) Consume alcohol during operating hours; or

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(c) Be under the influence of alcohol, illegal drugs or misused prescription drugs when working with or in the presence of children in care.

(2) The licensee must keep and store all alcohol, including closed and open containers, inaccessible to children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4050 No smoking.** (1) As required by chapter 70.160 RCW, the licensee must, under the following conditions, prohibit smoking by anyone during operating hours:

- (a) Inside the home;
  - (b) In any outdoor or indoor licensed space;
  - (c) Within twenty-five feet from any entrance, exit, window, or ventilation intake of the home; or
  - (d) In motor vehicles while transporting children.
- (2) The licensee must keep tobacco products, cigarettes and containers holding cigarette butts, cigar butts, or ashes inaccessible to the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4075 First-aid kit.** (1) The licensee must have a complete first-aid kit at all times:

- (a) In the licensed space;
  - (b) On any off-site trip; and
  - (c) In any vehicle used to transport children in care.
- (2) A complete first-aid kit must include clean:
- (a) Disposable nonporous protective gloves;
  - (b) Adhesive bandages of various sizes;
  - (c) Small scissors;
  - (d) Tweezers;
  - (e) An elastic wrapping bandage;
  - (f) Sterile gauze pads;
  - (g) Ice packs;
  - (h)(i) Mercury free thermometer that is:
    - (A) Used with a disposable sleeve; or
    - (B) Cleaned and sanitized after each use; or
  - (ii) A single-use thermometer that is disposed of after a single use;
  - (i) A sling, or a large triangular bandage; and
  - (j) Adhesive tape.
- (3) The first-aid kit must include a current first-aid manual.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4100 Poisons, chemicals and other substances.** (1) The licensee must:

- (a) Store poisons inaccessible to children and where poisons will not contaminate food.
- (b) If poisons are not in the original container, clearly label the container with the name of the product and the words "poison" or "toxic."
- (2) The following describes chemicals and other substances that must be stored inaccessible to children:
  - (a) Nail polish remover;

- (b) Sanitizers and disinfectants;
- (c) Household cleaners and detergents;
- (d) Toxic plants;
- (e) Plant fertilizer;
- (f) Ice melt products;
- (g) Pool chemicals;
- (h) Pesticides or insecticides;
- (i) Fuels, oil, lighter fluid, or solvents;
- (j) Matches or lighters;
- (k) Air freshener or aerosols;
- (l) Personal grooming products including, but not limited to:
  - (i) Lotions, creams, toothpaste, or diaper creams when not in use;
  - (ii) Liquid, powder, or cream personal hygiene products;
  - (iii) Shampoo, conditioners, hair gels or hair sprays;
  - (iv) Bubble bath or bath additives;
  - (v) Makeup or cosmetics.
- (m) Dish soap, dishwasher soap or additives;
- (n) Tobacco products, including cigarette/cigar butts and contents of ashtrays; or
- (o) Alcohol, open or unopened.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4100, filed 11/14/11, effective 3/31/12.]

## ENVIRONMENTS

**WAC 170-296A-4200 Toys, equipment, and recalled items.** The licensee must maintain equipment, toys or other items in the child care in good and safe working condition. The licensee must remove a recalled item as soon as the licensee becomes aware that the item used in the licensee's child care operation has been recalled.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4225 Indoor licensed space—Minimum space.** (1) The indoor licensed space must have thirty-five square feet per child for the maximum number of children stated on the license, measured to include only the space intended for use by children in care.

(2) The space under furniture used by the children is counted in square footage.

(3) Indoor space that is not counted in the minimum square footage requirement includes:

- (a) Unlicensed space that is made inaccessible to children in care;
  - (b) Space under furniture not used by the children;
  - (c) Hallway space that leads to an exit;
  - (d) Bathrooms; and
  - (e) Closets.
- (4) An office or kitchen that is made inaccessible to the children and is not intended for their use may be included as licensed space but is not counted as part of the minimum square footage.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4250 Indoor temperature.** The indoor temperature must be no less than:

- (1) Sixty degrees Fahrenheit when children are sleeping or napping; and
- (2) Sixty-five degrees Fahrenheit when the majority of the children are awake.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4275 Fans, air conditioning or cross ventilation.** The licensee must use a fan, air conditioner or cross ventilation in licensed space when the inside temperature exceeds eighty degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4275, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4300 Window coverings.** (1) Window coverings with pull cords or inner cords capable of forming a loop are prohibited as provided by RCW 43.215.360.

(2) Window coverings may be allowed that have been manufactured or altered to eliminate the formation of a loop.

(3) A window covering may not be secured to the frame of a window or door used as an emergency exit in any way that would prevent the window or door from opening easily.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4300, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4325 Stairs.** (1) If there are stairs in the licensed space, the licensee must:

- (a) Keep the stairway well lit;
- (b) Keep the stairway free of clutter; and
- (c) Have a handrail not higher than thirty-eight inches high or sturdy slats on one side of the stairs.

(2) The licensee must provide a pressure gate, safety gate, or a door to keep the stairs inaccessible to infants and toddlers when not in use.

(3) Openings between slats or on pressure gates or safety gates must not be larger than three and one-half inches wide.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-4325, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-4325, filed 11/14/11, effective 3/31/12.]

## ELECTRICAL AND LIGHTING

**WAC 170-296A-4350 Electrical outlets, cords and power strips.** (1) The licensee must provide tamper-resistant outlet covers or receptacles in areas accessible to children. As used in this section "tamper-resistant receptacle" also means tamper-resistant outlets or child safety outlets that have automatic shutters which allow insertion of electrical plugs but block insertion of other objects.

- (2) Interior outlets near sinks, tubs or toilets must be:
  - (a) Tamper-resistant ground fault circuit interrupter (GFCI) type; or
  - (b) Made inaccessible to the children.
- (3) Electrical cords must be:
  - (a) Secured to prevent a tripping hazard;

(b) In good working order, not torn or frayed and without any exposed wire; and

(c) Plugged directly into an outlet or a surge protector.

(4) Power strips with a surge protector may be used and must be made inaccessible to the children.

(5) Extension cords may be used only for a brief or temporary purpose and must be plugged directly into an outlet or into a surge protected power strip.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4350, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4360 Area lighting.** (1) In the licensed space, lighting must be bright in the children's activity areas, eating areas and the bathroom.

(2) All other areas in the licensed space must have lighting so children are safe.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4360, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4375 Lighting safety.** (1) When ceiling-mounted light fixtures are in the licensed space accessible to children, the licensee must provide one or more of the following:

- (a) Shatter-resistant covers;
- (b) Shatter-resistant light bulbs; or
- (c) Otherwise make the light fixtures safe.

(2) The licensee must not:

- (a) Allow bare light bulbs in any play space;
- (b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or
- (c) Use halogen lamps in any area accessible to children during operating hours.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4375, filed 11/14/11, effective 3/31/12.]

## EXITS

**WAC 170-296A-4400 Exit doors.** (1) "Exit door" means any door in the licensed space that opens to the exterior of the home. Emergency exit doors are covered in WAC 170-296A-4500.

(2) The licensee must have a method on exit doors to alert the licensee or staff when an exit door is opened. The licensee may use a chime, bell, alarm, or other device as an alert method.

(3) An exit door that is not designated as an emergency exit door may be locked during operating hours. The door knob or handle must be of the type that can be opened from the inside without use of a key, tools, or special knowledge, and must automatically unlock when the door knob or handle is turned.

(4) At least one exit door must be of the pivoted or side-hinged swinging type. Other exit doors may be sliding glass doors.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4400, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4425 Night latches, deadbolts and security chains.** When overnight care is provided, the licensee must have a department approved safety plan in place before using any of the following on an exit door that is not used as an emergency exit:

- (1) Night latches;
- (2) Deadbolts; or
- (3) Security chains.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4425, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4450 Interior door and locks.** An interior door is any door that does not exit to the exterior of the home. Any interior door in the licensed space that locks must be able to be unlocked from either side. An unlocking device must be readily available for staff to unlock any interior door when a child is locked in.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4450, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4475 Emergency exit pathways.** The licensee must keep pathways to all emergency exits free from clutter and obstructions. Emergency exits and pathways to emergency exits are licensed space.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4475, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4500 Emergency exits—General.** (1) Each level of the home (floor) used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.

(a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible.

(b) One exit must be an emergency exit door as defined in WAC 170-296A-4525 and the other exit may be a door or an emergency window as defined in WAC 170-296A-4550.

(2) Every room used for child care, except bathrooms, must have two separate ways to exit that must be:

(a) An emergency exit door and emergency exit window leading directly to the exterior of the building;

(b) An emergency exit door or emergency exit window and an interior door or doorway leading to an emergency exit pathway; or

(c) Two separate doors or doorways leading to two separate emergency exit pathways.

See WAC 170-296A-4575 for additional requirements for rooms used for sleeping or napping.

(3) If child care is provided in a basement or level of the home accessed by an interior stairway, the stairway must have a self closing door at the top or bottom. As used in this section "basement" means the portion of the home that is partly or completely below grade.

(4) Any basement approved for licensed child care must have two means of emergency exit, which may be one of the following:

(a) Two emergency exit doors that exit directly to the exterior of the home without entering the first floor; or

(b) One of the two emergency exits is an emergency exit window or emergency exit door, and the other exit is an interior stairway that leads to an emergency exit.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4500, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4525 Emergency exit doors.** (1) An emergency exit door must open to the exterior of the home.

(2) Any door used as an emergency exit door must:

(a) Remain unlocked from the inside during operating hours; and

(b) Be easy to open to the full open position.

(3) If the emergency exit door opens to a landing that is four feet (forty-eight inches) or more above grade, the landing must lead to a stairway or ramp to get to ground level.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4550 Emergency exit windows.** (1) Any window used as an emergency exit window must:

(a) Remain unlocked during operating hours, except a manufacturer-installed latch may be latched;

(b) Be designed to open from the inside of the room without the use of keys, tools or special knowledge; and

(c) Be easy to open to the full open position.

(2) An emergency exit window must be at least five point seven square feet of opened area, except emergency exit windows on the ground floor may be five square feet of opened area. When open, the window opening must be at least:

(a) Twenty inches wide; and

(b) Twenty-four inches tall.

(3) An emergency exit window must have an interior sill height of forty-four inches or less above the interior floor. If the interior sill height is more than forty-four inches above the interior floor, a sturdy platform (which may be a table or other device) may be used to make the distance forty-four inches or less to the interior window sill. The platform must be in place below the window sill at all times during operating hours.

(4) An emergency exit window must have a place to land outside that is forty-eight inches or less below the window which may be either:

(a) The ground; or

(b) A deck, landing or platform constructed to meet current building codes.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. Readopted by WSR 12-21-050, § 170-296A-4550, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-4550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4575 Emergency exits from areas used only for sleeping/napping areas.** Each room used for sleeping or napping must have two ways to exit:

(1) One exit must be an emergency exit door or emergency exit window leading directly to the exterior of the building;

(2) The other exit may be an interior door leading to an emergency exit pathway.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4575, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4600 Commercial use areas—Fire wall.** (1) The licensed space must have a fire resistant wall separating the child care space from any space used as a commercial:

- (a) Kitchen;
  - (b) Boiler;
  - (c) Maintenance shop;
  - (d) Laundry;
  - (e) Woodworking shop;
  - (f) Storage where flammable or combustible materials are stored;
  - (g) Painting operation;
  - (h) Automobile or boat building or repair;
  - (i) Parking garage; or
  - (j) Other similar commercial operation.
- (2) Emergency exits pathways must not exit to or go through the commercial space.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4625 Bathrooms.** (1) The licensee must provide at least one indoor bathroom in the licensed space with:

- (a) A working flush-type toilet;
- (b) Privacy for toileting for children of the opposite sex who are four years of age or older and for other children demonstrating a need for privacy;
- (c) A mounted toilet paper dispenser and toilet paper for each toilet; and
- (d) A toilet of an appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.

(2) Bathroom and toileting areas must be ventilated by the use of a window that can be opened or an exhaust fan.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4650 Bathroom floors.** (1) Floors in a bathroom or toileting area must have a washable surface and be resistant to moisture. The floor must be cleaned and disinfected as provided in WAC 170-296A-0010 daily or more often if needed.

(2) Removable rugs may be used in the bathroom. The rugs must be laundered and sanitized as provided in WAC 170-296A-0010 at least weekly or more often if needed.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-4650, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-4650, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4675 Bathroom sinks.** A sink used for handwashing must be located in or next to bathrooms. The sink must:

- (1) Have warm running water; and

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(2) Be of appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4675, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4700 Water temperature.** Hot water must be kept at temperature not less than eighty degrees and not more than one hundred twenty degrees Fahrenheit.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4700, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4725 Guns and other weapons.** (1) The licensee must store guns, ammunition and other weapons inaccessible to children in a:

- (a) Locked gun safe; or
- (b) Locked room.

(2) If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling feature.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4725, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4750 Storage for each child's belongings.** The licensee must provide separate storage for each child's belongings. Belongings of children from the same family may be stored together.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4750, filed 11/14/11, effective 3/31/12.]

## PETS AND OTHER ANIMALS

**WAC 170-296A-4800 Pet and animal policy.** A licensee who has a pet or other animals on the premises must:

- (1) Inform children's parents and guardians that the licensee has a pet or other animals; and
- (2) Have a pet/animal policy in the parent handbook that includes:

- (a) How children will have access to pets or other animals;
- (b) How children will be kept safe around pets or other animals;
- (c) Pet or animal immunizations; and
- (d) Handling of pet or animal waste.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4800, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4850 Pet/animal health and safety.** Pets or other animals that have contact with children must:

- (1) Have current immunizations for contagious diseases if applicable;
- (2) Show no signs of disease, worms or parasites; and
- (3) Be nonaggressive.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-110, § 170-296A-4850, filed 10/22/13, effective 11/22/13; WSR 11-23-068, § 170-296A-4850, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4875 Pets or other animals interacting with children.** The licensee:

(1) Or primary staff person must directly supervise, or instruct staff to directly supervise, children preschool age and younger when the children are interacting with pets or other animals.

(2) Must have children and staff wash their hands as required under WAC 170-296A-3625 after interacting with pets or other animals, or after handling an animal's toys, bedding, litter or equipment.

(3) Must have a written plan to keep a pet or other animal inaccessible to the children if the pet or animal is known to be dangerous or aggressive.

(4) Must make reptiles and amphibians inaccessible to the children due to the risk of Salmonella.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4875, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4900 Pet wastes.** The licensee must:

(1) Keep litter boxes inaccessible to the children.

(2) For pets that do not have an indoor litter area, have a designated area outside for pets to relieve themselves that is inaccessible to children in care. This area may not be counted in the licensed outdoor square footage under WAC 170-296A-4925.

(3) Remove feces right away if an animal relieves itself in the outdoor licensed space.

(4) Clean and disinfect the area immediately when a pet leaves feces, urine, blood, or vomit in the indoor licensed space.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4900, filed 11/14/11, effective 3/31/12.]

## OUTDOOR ENVIRONMENT

**WAC 170-296A-4925 Licensed outdoor space.** (1) The licensee must provide a safe outdoor play area on the premises.

(a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license.

(b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for all children in care to have daily opportunities for active outdoor play.

(2) The licensed outdoor play space must be securely enclosed with a fence of a minimum height of four feet. When a fence has slats, openings between the slats must be no wider than three and one-half inches.

(3) When the licensed outdoor play space is not adjacent to the home the licensee must:

(a) Identify and use a safe route to and from the licensed outdoor space that is approved by the department; and

(b) Supervise the children at all times when passing between the licensed outdoor space and the home.

(4) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent

to the licensed outdoor play space inaccessible to children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-4925, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-4950 Rails on platforms, decks, and stairs.** (1) Platforms or decks (not including play equipment) used at any time for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.

(2) Outdoor stairs with four or more steps must have slats (balusters) or a hand rail not higher than thirty-eight inches high on at least one side. Openings between the slats must be no wider than three and one-half inches. This requirement does not apply to outdoor play equipment with stairs.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-4950, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-4950, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5000 Play equipment.** (1) The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. The licensee must inspect play equipment at least weekly for injury hazards, broken parts, or damage. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.

(2) Play equipment must be arranged so that it does not interfere with other play equipment when in use.

(3) The licensee must install or assemble new play equipment acquired after March 31, 2012, according to manufacturer specifications, and keep specifications on file for review by the licensor.

(4) For used or "hand-made" play equipment, or for play equipment acquired and installed prior to March 31, 2012, the licensee must assemble the equipment in a manner that provides a safe play experience for the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5025 Outdoor physical activities.** The licensee must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5050 Bouncing equipment prohibited.** The licensee must not use or allow the use of bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment. This requirement does not apply to bounce balls with or without handles for use by individual children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5075 Playground equipment—Ground cover—Fall zones.** (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children.

(2) The ground under swings and play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed. Acceptable ground cover includes:

- (a) Pea gravel - At least nine inches deep;
- (b) Playground wood chips - At least nine inches deep;
- (c) Shredded recycled rubber - At least six inches deep;

or

- (d) Other department approved material.

(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.

(4) The fall zone area must extend at least six feet beyond the perimeter of the play equipment. For swings, the fall zone must be the distance to the front and rear of the swing set equal to or greater than twice the height of the top bar from which the swing is suspended.

(5) Swing sets must be positioned further away from structures to the front and rear of the swing set. The distance to the front and rear of the swing set from any playground equipment or other structure must be the distance equal to or greater than twice the height of the top bar from which the swing is suspended.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5125 Daily outdoor activity.** The licensee or staff must provide outdoor activities at least thirty minutes each day unless conditions pose a health and safety risk to the children. Conditions that may pose a health and safety risk include, but are not limited to:

- (1) Heat in excess of one hundred degrees Fahrenheit;
- (2) Cold less than twenty degrees Fahrenheit;
- (3) Lightning storm, tornado, hurricane, or flooding, if there is immediate or likely danger to the children;
- (4) Earthquake;
- (5) Air quality emergency ordered by a local or state air quality authority or public health authority;
- (6) Lockdown order by a public safety authority; or
- (7) Other similar incidents.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5125, filed 11/14/11, effective 3/31/12.]

## WATER SAFETY

**WAC 170-296A-5150 Water activity—Supervision.** When children in care are attending a swimming or water play activity outside the licensed premises:

- (1) The licensee must have written permission from each child's parent or guardian;
- (2) There must be a certified lifeguard on duty; and
- (3) When infants or toddlers are in water depth that is:
  - (a) Twenty-four inches or less, the licensee or staff must stay within reach of infants or toddlers; or

- (b) Greater than twenty-four inches, the licensee must provide one-to-one staff-to-child ratio for each infant or toddler. Staff must hold or be in constant touch contact with each infant or toddler.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5175 Wading pools—Defined—Supervision.** (1) A wading pool:

- (a) Is an enclosed pool with water depth of two feet or less measured without children in the pool; and

- (b) Can be emptied and moved.

(2) When a wading pool on the premises is intended for use by the children, the licensee must:

- (a) Directly supervise or have a primary staff person directly supervise the children;

- (b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool;

- (c) Maintain staff-to-child ratios when children are in a wading pool;

- (d) Keep infants or toddlers in the wading pool within reach of the licensee or staff;

- (e) Use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed, or keep the wading pool empty when not in use;

- (f) Empty the pool daily; and

- (g) Clean and disinfect the pool as provided in WAC 170-296A-0010 daily or immediately if the pool is soiled with urine, feces, vomit, or blood.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-5175, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-5175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5200 Swimming pools defined—Barriers and supervision.** (1) A swimming pool is a pool that has a water depth greater than two feet.

(2) When there is a swimming pool on the premises the licensee must provide:

- (a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened;

- (b) A five-foot high fence that blocks access to the swimming pool. When the fence has slats the openings between slats must not be wider than three and one-half inches wide;

- (c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and

- (d) An unlocking device that is inaccessible to children but readily available to the licensee or staff.

(3) The licensee must maintain the swimming pool according to manufacturer's specifications, including cleaning and sanitizing.

(4) When the swimming pool on the premises is used by the children:

- (a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool;

- (b) One person present at the swimming pool must have lifeguard training;

(c) The licensee must provide:

(i) One additional staff person more than the required staff-to-child ratio than provided in WAC 170-296A-5700 to help supervise children preschool age and older;

(ii) A one-to-one staff-to-child ratio for infants or toddlers in the swimming pool;

(d) Staff must hold or be in constant touch contact with infants or toddlers in the swimming pool; and

(e) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5225 Bodies of water or water hazards on the licensed premises.** (1)(a) As used in WAC 170-296A-5150 through 170-296A-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.

(b) "Body of water" does not include a wading pool as defined in WAC 170-296A-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.

(2) When children are in care the licensee must:

(a) Make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall, except as provided in subsection (c) of this section. When a fence has slats or open grids, openings must not be wider than three and one-half inches;

(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water;

(c) Make hot tubs, spas, or jet tubs inaccessible with a tub cover that is locked; and

(d) Not use five gallon buckets or similar containers for infant or toddler water play.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5250 Bodies of water outside and near licensed space.** (1) The licensee must make the following bodies of water inaccessible to children in care, and have a written safety plan approved by the department for:

(a) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or

(b) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.

(2) Unless attending a swimming or water play activity, when outside the licensed premises the licensee or staff must keep children from having access to bodies of water that pose a drowning hazard.

(3) When the licensee or primary staff person takes children near a body of water outside the licensed premises and

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children have access to a body of water that is more than four inches deep, there must be:

(a) One additional staff person more than the required staff-to-child ratio provided in WAC 170-296A-5700 to help with the children; and

(b) At least one staff person in attendance must be able to swim.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5250, filed 11/14/11, effective 3/31/12.]

## SUPERVISION, CAPACITY AND RATIO

**WAC 170-296A-5400 Infant-toddler only license (birth to two years old).**

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5400, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5450 Two through five year old only license.**

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5450, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5500 School age only license (over five years through twelve years).**

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5500, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5550 Birth through twelve years license.** (1) The department issues an initial license or nonexpiring full license for the licensee to care for not more than twelve children birth through twelve years of age.

(2) The department may issue an initial license or nonexpiring full license for fewer than twelve children if the total square footage of licensed indoor or outdoor space is less than the minimum square footage required to care for twelve children.

(3) If the licensee has less than one year of child care experience, the department may issue an initial license limited to:

(a) Caring for not more than six children; or

(b) Caring for children older than eighteen months of age and walking independently.

(4) See the table in WAC 170-296A-5700 for the number and ages of children a licensee may care for and the staff-to-child ratios required based on the licensee's experience and staffing levels.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5600 Staff-to-child ratio.** (1) The licensee must provide qualified staff to fulfill the staffing requirements and ratios described in WAC 170-296A-5700 at all times during all operating hours, including off-site trips or when transporting children in care.

(2) The licensee must provide additional staff as described in WAC 170-296A-5150, 170-296A-5175, or 170-

(8/19/15)



296A-5225 when children are participating in water activities or activities near water.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5625 Capacity and ratio.** (1) The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.

(2) All children in care through twelve years of age in attendance on the premises or being transported by the licensee or staff or a household member are counted in capacity.

(3) Any child within the age range on the license count in ratio, including the licensee's own children, children of staff, or visiting children who are not accompanied by an adult.

(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-296A-0050 if the child is older than the maximum age

identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.

(5) If an individual child with special needs requires individualized supervision, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5700 Capacity and ratio table—Birth through twelve year license.** The table in this section describes the required staff-to-child ratio, age composition of children in care, and maximum licensed capacity permitted in a licensed family home child care depending on the:

(1) Licensee's years of experience;

(2) Number and qualifications of staff providing care:

Staff	Licensee Minimum Experience and Requirements	Staff-Child Ratio	Age Range	Maximum Number of Children by Age Group:	Maximum Capacity
(a) Licensee working alone	Less than one year of experience	1:6	Birth through 12 years of age	Under 18 months of age 2 or	6  Maximum of 2 children under the age of two not walking independently
				Under two years of age (One must be walking independently) 3	
(b) Licensee working alone	At least one year of experience	1:8	18 months through 12 years of age	18 months to 2 years (Must be walking independently) 2 or	8  All children must be walking independently
				Under three years of age (Not more than two under two years of age and must be walking independently) 4	
(c) Licensee working alone	At least two years of experience and 10 hours of annual ongoing early childhood education equivalent STARS training	1:10	Three years through 12 years of age	Not Applicable	10
(d) Licensee working with primary staff person or assistant (2 persons total)	Licensee has at least one year of experience	2:9	Birth through 12 years of age	Under 18 months of age 2 and	9
				18 months to two years of age and walking independently  1 and	
				Two years to three years of age 4	

Staff	Licensee Minimum Experience and Requirements	Staff-Child Ratio	Age Range	Maximum Number of Children by Age Group:	Maximum Capacity
(e) Licensee working with primary staff person or assistant (2 persons total)	Licensee has two or more years child care experience and 10 hours of annual ongoing early childhood education equivalent STARS training	2:12	Birth through 12 years of age	Under 18 months of age 4 and	12  Maximum four children not walking independently
				18 months to two years of age and walking independently  2 and	
				Two years to three years of age 4	
(f) Licensee working with primary staff person or assistant (2 persons total)	Licensee has two or more years child care experience and 10 hours of annual ongoing early childhood education equivalent STARS training	2:12	Two years of age through 12 years of age	Not Applicable	12

(3) As used in this section, "walking independently" means being able to stand and move about easily without the aid or assistance of or holding on to an object, wall, equipment or other person.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5700, filed 11/14/11, effective 3/31/12.]

## LICENSEE RESPONSIBILITIES

### WAC 170-296A-5750 Supervision. Supervising children.

(1) The licensee must provide required staffing levels, staff-to-child ratios and supervision for the number of children in attendance.

(2) The licensee or primary staff person must be aware of what the children are doing at all times and be available and able to promptly assist or redirect activities when necessary. If unable to see the children, the licensee or primary staff person must frequently go to the area where the children are located to check on them. For the purposes in this section frequently is defined as on many occasions with little time between them.

(3) The licensee must consider the following when deciding how closely to supervise the children:

- (a) Ages of the children;
- (b) Individual differences and abilities;
- (c) Layout of the indoor and outdoor licensed space and play area;
- (d) The risk associated with the activities children are engaged in; and
- (e) Any nearby hazards including those in the licensed or unlicensed space.

(4) A baby monitor or video monitor must not be used in place of direct supervision of the children.

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### Additional requirements when the children are indoors.

(5) The licensee or primary staff person must be within sight or hearing range when children are indoors and be available and able to respond if the need arises for the safety of the children.

(6) When children are present on more than one level (floor) of the home, the licensee or primary staff person must be supervising the children on each level and maintain required staff-to-child ratios. Each level of the home used by the children must be licensed space.

### Additional requirements when children are outdoors.

(7) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(8) The licensee or primary staff person must be within sight or hearing range of school age children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(9) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (10) of this section.

(10) Except when children in care are using a wading pool or swimming pool, a second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children.

(11) See:

(a) WAC 170-296A-5150 for additional supervision requirements when children are engaged in an off-site water-play or swimming activity;

(b) WAC 170-296A-5175 for additional supervision requirements when children are using a wading pool; and

(8/19/15)

(c) WAC 170-296A-5200 for additional supervision requirements when children are using a swimming pool.

**Supervising staff.**

(12) When the licensee or primary staff person is supervising staff, he or she must be:

(a) Aware of what staff are doing; and

(b) Available and able to respond if the need arises to protect the health and safety of children in care.

(13) See WAC 170-296A-1925 for additional supervision requirements for assistants and volunteers.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5750, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5775 Licensee absence.** (1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:

(a) A staffing plan to include:

(i) That a qualified primary staff person will be present and in charge at all times during the licensee's absence;

(ii) Staff roles and responsibilities;

(iii) How staff-to-child ratios will be met; and

(iv) How staff will meet the individual needs of children in care;

(b) How parents will be notified in writing of the licensee's absence described in WAC 170-296A-5810(1), closures, or staffing changes;

(c) Responsibility for meeting the requirements of this chapter and chapter 43.215 RCW;

(d) Emergency contact information for the licensee; and

(e) Licensee's expected outside work schedule if applicable.

(2) Prior to engaging in outside employment or ongoing activities outside the child care during operating hours, the licensee must inform the department in writing.

(3) The department must approve the licensee's policy and procedure for licensee absence. The department may require modifications to the proposed policy and procedure if it does not meet licensing requirements.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5775, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5810 Licensee notice of absences.** (1) The licensee must notify the department forty-eight hours prior to the following absences when the absence is during child care hours:

(a) Outside employment;

(b) Vacation or absence exceeding seven consecutive days when the child care will remain open; or

(c) Regular absences scheduled during child care hours.

As used in this section, "regular absence" is an absence that is planned and reoccurring, and is more than four hours duration.

(2) The licensee must inform the department of the following regarding the licensee's absence:

(a) Time period of the absence;

(b) Written plan including who will be left in charge of the child care. See WAC 170-296A-5775;

(c) Contact information for licensee; and

(8/19/15)

(d) How parents will be informed prior to the absence.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5810, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-5825 Licensee absence—Retraining for staff if standards are violated.** (1) The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.

(2) If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:

(a) Retrain the staff on the licensing standards in this chapter; and

(b) Document that the retraining occurred.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-5825, filed 11/14/11, effective 3/31/12.]

## NURTURE AND GUIDANCE

**WAC 170-296A-6000 Interactions with children.** The licensee and staff members must:

(1) Demonstrate positive interactions with children and other adults when children are present;

(2) Interact with children through listening and responding to what the children have to say;

(3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain actions, even to very young babies;

(4) Treat each child with consideration and respect;

(5) Appropriately hold, touch and smile at children;

(6) Speak to the children at their eye level when possible and appropriate;

(7) Be responsive to children, encouraging them to share experiences, ideas and feelings;

(8) Respond to and investigate cries or other signs of distress immediately;

(9) Perform age or developmentally appropriate nurturing activities that:

(a) Take into consideration the parent's own nurturing practices;

(b) Promote each child's learning self-help and social skills; and

(c) Stimulate the child's development.

(10) Provide each child opportunities for vocal expression; and

(11) Adult voices must not always dominate the overall sound of the group.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6025 Prohibited interactions.** In the presence of the children in care the licensee and staff must not or allow others to:

(1) Use profanity, obscene language, "put downs," or cultural or racial slurs;

- (2) Have angry or hostile interactions;
- (3) Use name calling or make derogatory, shaming or humiliating remarks; or
- (4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:
  - (a) Spanking children;
  - (b) Biting, jerking, kicking, hitting, or shaking;
  - (c) Pulling hair;
  - (d) Pushing, shoving or throwing a child; or
  - (e) Inflicting pain or humiliation as a punishment.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6050 Guidance and discipline.** The licensee and staff must use consistent, fair and positive guidance and discipline methods. These methods must be appropriate to the child's developmental level, abilities, culture and are related to the child's behavior.

(1) Only the licensee or primary staff person trained in the licensee's expected standards may discipline a child in care.

(2) The licensee is responsible for developing a written policy including:

- (a) Setting standards for guidance and discipline;
- (b) Communicating to parents, guardians, and children in care what the policy is;
- (c) Training staff and volunteers in the standards of guidance and discipline policy; and
- (d) Any disciplinary actions by the licensee or staff that occur during child care hours.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6075 Positive options for discipline.**

The licensee and staff must use positive guidance methods. The guidance methods may include any of the following:

- (1) Distracting;
- (2) Redirecting;
- (3) Planning ahead to prevent problems;
- (4) Encouraging appropriate behavior;
- (5) Explaining consistent, clear rules;
- (6) Allowing children to be involved in solving problems; and
- (7) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6100 Separating a child from the group.** (1) The licensee or staff may separate a child three years or older from other children as a form of discipline only long enough to allow the child to regain control of himself or herself. The child must remain under the direct supervision of the licensee or primary staff person.

(2) The licensee or primary staff person must:

- (a) Take into account the child's developmental level and ability to understand the consequences of his or her actions;

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(b) Communicate to the child the reason for being separated from the other children;

(c) Not discipline any child by separating the child from the group and placing him or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or

(d) Not use high chairs, car seats and other confining space or equipment for the purpose of punishment or restricting a child's movements.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6100, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6125 Harmful or aggressive acts of children.** The licensee and staff must:

(1) Take steps to protect children from the harmful acts of other children; and

(2) Immediately intervene when a child becomes physically aggressive.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6125, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6150 Prohibited actions.** The licensee or staff must not or allow others to:

- (1) Restrict a child's breathing;
- (2) Deprive a child of:
  - (a) Sleep, food, clothing, shelter, or physical activity;
  - (b) Needed first aid; or
  - (c) Required or emergency medical or dental care;
- (3) Interfere with a child's ability to take care of his or her own hygiene and toileting needs; or
- (4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6175 Using alternate methods before using physical restraint.** (1) The licensee must train the primary staff person on alternate methods to use before using physical restraint.

(2) Before using physical restraint, the licensee and staff must first use other methods described in WAC 170-296A-6075 to redirect or deescalate a situation.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6200 Physical restraint—Prohibited uses or methods.** The licensee, staff, or household members must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;
- (3) Locked time-out or isolation space;
- (4) Bonds, ties, tape, or straps to restrain a child; or
- (5) Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to:

- (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Pulling hair;
- (e) Choking or putting arms around the throat; or
- (f) Chemical restraint such as mace or pepper spray.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6225 Physical restraint—Holding method allowed.** When a child's behavior makes it necessary for his or her own or other's protection, the licensee or primary staff person may restrain the child, by holding the child as gently as possible. A child must not be physically restrained longer than necessary to control the situation.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6250 Notice and documenting use of physical restraint.** (1) If physical restraint is used, the licensee must within twenty-four hours:

- (a) Report the use of physical restraint to the child's parent or guardian and the department as required under WAC 170-296A-2250;
  - (b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and
  - (c) Document the incident in the child's file, including what happened before, during and after the child was restrained.
- (2) The licensee must develop a safety plan with the licenser if required by the department.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6275 Abuse and neglect—Protection and training.** (1) The licensee and staff must:

- (a) Protect children in child care from all forms of child abuse or neglect as defined in RCW 26.44.020; and
  - (b) Report suspected or actual abuse or neglect as required under RCW 26.44.030 to DSHS children's administration (child protective services) or law enforcement.
- (2) The licensee must provide training for staff, volunteers and household members on:
- (a) Prevention of child abuse and neglect as defined in RCW 26.44.020; and
  - (b) Mandatory reporting requirements under RCW 26.44.030.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6275, filed 11/14/11, effective 3/31/12.]

## PROGRAM

**WAC 170-296A-6400 Off-site activities—Parent or guardian permission.** (1) The licensee must:

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(a) Have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file.

(b) Have a separate permission for activities that occur less often than once per calendar month.

(2) For scheduled or unscheduled off-site activities that may occur more than once a month, the licensee must:

- (a) Have a signed parent or guardian permission on file for each child; and
- (b) Inform parents and guardians about how to contact the licensee when children are on an off-site activity.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6400, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6425 Off-site activity supervision.** When on an off-site activity, the licensee and staff responsible for the care of the children must at all times provide supervision, and be able to promptly assist or redirect the children's activities.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6425, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6450 Off-site activity—Emergency information and supplies.** When on an off-site activity, the licensee must have available:

- (1) An emergency consent form for each child that includes:
  - (a) Emergency contact information;
  - (b) Permission to obtain medical treatment for the child in the event of a medical emergency;
  - (c) A list of the child's allergies, if applicable;
  - (d) Permission to administer medications, if applicable; and
- (2) Emergency supplies, including:
  - (a) A first aid kit; and
  - (b) Each child's required medication or emergency medicine, if applicable.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6450, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6475 Transportation.** When transporting children the licensee, staff, and volunteers must:

- (1) Follow RCW 46.61.687 and other applicable law regarding child restraints and car seats;
- (2) Carry in the vehicle all items required under WAC 170-296A-6450 and a current copy of each child's completed enrollment form;
- (3) Maintain the vehicle in safe operating condition;
- (4) Have a valid driver's license;
- (5) Have a current insurance policy that covers the driver, the vehicle, and all occupants;
- (6) Take attendance each time children are getting in or getting out of the vehicle;
- (7) Never leave children unattended in the vehicle; and
- (8) Maintain required staff-to-child ratio and capacity.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6475, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6500 Using public transportation.**

The licensee may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee or staff must not allow or send children on public transportation unsupervised.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6500, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6525 Transporting children—Limited periods.** The licensee must not transport or allow the transport of children in care for periods of more than two hours per day on a regular and ongoing basis.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6550 Developmental activities. (1)**

The licensee must have and post a typical daily schedule that includes program activities.

(2) The typical daily schedule must include:

- (a) Hours of operation;
- (b) Types of activities, including screen time;
- (c) General timelines for activities;
- (d) Routine transportation times;
- (e) Meal service;
- (f) Rest periods;
- (g) Outdoor times; and
- (h) If applicable, overnight care.

(3) Evidence of daily activities may be shared or demonstrated through:

- (a) Display;
- (b) Writing; or
- (c) A checklist.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6575 Activities to promote child growth and development.** The licensee must provide activities that support each child's developmental stage including:

- (1) Social, emotional and self development;
- (2) Positive self concepts;
- (3) Language and literacy;
- (4) Physical development, including daily opportunities to develop the child's small and large muscles;
- (5) Spatial concepts (including, but not limited to, size or position); and
- (6) Numeracy (counting and numbers).

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6575, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6600 Toys and play materials.** The licensee must provide toys, objects, and other play materials that are:

- (1) Washable and clean;
- (2) Nonpoisonous or free of toxins; and
- (3) For infants, toddlers, or children at those developmental levels, large enough to avoid swallowing or choking.

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[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6625 Art materials.** (1) All prepackaged art materials used in the family home child care must be labeled "nontoxic" and as conforming to or meeting "ASTM D-4236." This does not apply to food items used as art materials, bulk paper, or items from the natural environment.

(2) Infants, toddlers, and preschool age children must be closely supervised when using art materials.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6650 Screen time.** If the licensee or staff provide screen time for children in care, the screen time must:

- (1) Be educational, and developmentally and age appropriate;
- (2) Have child-appropriate content; and
- (3) Not have violent or adult content.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6650, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6675 Screen time—Limitations.** The licensee or staff must:

- (1) Limit screen time for any child to less than two hours per day during operating hours;
- (2) Not require children to participate in screen time;
- (3) Provide alternative activities to screen time; and
- (4) Place children at least three feet from a television screen.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6675, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6700 Limiting screen time for children under two.** The licensee must minimize exposure to screen time for any child under the age of two by:

- (1) Providing alternative activities for the child;
- (2) Moving the child away from direct view of the screen; and
- (3) Positioning the child so the child is not able to view the screen.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6700, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6775 Diversity.** The licensee must:

- (1) Provide an environment that reflects each child's daily life, family culture and language, and the diversity in society.
- (2) Describe or demonstrate to the licensor, or have a written plan for how:
  - (a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and
  - (b) The child care environment reflects the diversity in society.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6775, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6800 Rest periods.** (1) The licensee must offer a daily supervised rest period for children.

(2) The supervised rest period must be:

(a) Offered to all children five years of age and younger who remain in care more than six hours per day; and

(b) Offered to any child who shows a need for rest.

(3) The licensee must:

(a) Not force a child to sleep;

(b) Provide quiet activities for the children who do not require rest. These activities must be offered with a minimum of disruption to sleeping children;

(c) Communicate with the parent or guardian about the child's sleep needs and patterns; and

(d) Allow infants and toddlers to follow individual sleep patterns.

(4) See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6800, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-6850 Overnight care.** The licensee must be approved by the department to provide overnight care. If the licensee provides overnight child care:

(1) The licensee or primary staff person must be awake until all children in care are asleep;

(2) The licensee or a primary staff person must be on the same level of the home as the children in care;

(3) The licensee or primary staff person must maintain required staff-to-child ratios; and

(4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.

See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

See WAC 170-296A-4400 and 170-296A-4425 regarding door alarms, night latches, deadbolts, and security chains.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-6850, filed 11/14/11, effective 3/31/12.]

## INFANT CARE

**WAC 170-296A-7000 Wheeled baby walkers prohibited.** The licensee must not use or allow the use of wheeled baby walkers in the family home child care during operating hours.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7025 Infant "tummy time" positioning.** When infants are awake, the licensee or staff must allow each infant supervised tummy time at least three times daily. As used in this section, "tummy time" means placing the infant in a nonrestrictive prone position, lying on his or her stomach, when not in sleeping equipment.

(8/19/15)

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7075 Infant and toddler sleeping or napping equipment.** (1) The licensee must:

(a) Provide and use a single level crib, toddler bed, playpen or other sleeping equipment for each infant or toddler in care that is safe and not subject to tipping. The equipment must be of a design approved for infants or toddlers by the U.S. Consumer Product Safety Commission (see WAC 170-296A-7085 regarding approved cribs);

(b) Provide sleeping or napping equipment with clean, firm, and snug-fitting mattress designed specifically for the particular equipment and that does not have tears or holes or is repaired with tape;

(c) Provide mattresses covered with waterproof material that is easily cleaned and sanitized as provided in WAC 170-296A-0010;

(d) Provide the appropriate fitted sheet for the sleeping equipment;

(e) Arrange sleeping equipment to allow staff access to children;

(f) Remove sleeping children from car seats, swings or similar equipment; and

(g) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other approved sleeping equipment.

(2) Children able to climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-7075, filed 8/19/15, effective 9/19/15; WSR 12-21-050, § 170-296A-7075, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7085 Cribs.** In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.

(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full size cribs as defined in 16 Code of Federal Regulations (C.F.R.) 1219, or nonfull size cribs as defined in 16 C.F.R. 1220.

(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.

(3) A crib labeled as made from July 1, 2010, through June 27, 2011, may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the crib is certified as meeting the CPSC regulations.

(4) Any crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.

(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7085, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7100 Infant safe sleep practices.** (1)

Infant safe sleep practices must be followed when infants are napping or sleeping. The licensee or staff must:

(a) Place an infant to sleep on his or her back. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;

(b) Place an infant in sleeping equipment consistent with WAC 170-296A-7075 and 170-296A-7085;

(c) Not allow blankets, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment, or allow a blanket to cover or drape over the sleeping equipment;

(d) Not cover an infant's head and face during sleep;

(e) Take steps so infants do not get too warm during sleep with the infant's arms free; and

(f) Not place the infant in another sleeping position other than on their backs, or use a sleep positioning device unless required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.

(2) The licensee must:

(a) Complete annual infant safe sleep training as required in WAC 170-296A-1800; and

(b) Provide and document annual infant safe sleep training for all staff and volunteers as required in WAC 170-296A-2075.

(3) When the department finds the licensee in violation of infant safe sleep practices, the licensee must:

(a) Post the notice of violation in the licensed space as required by RCW 43.215.525 (1)(c); and

(b) Within five working days of receiving notice of the violation, provide the parents and guardians of enrolled children with:

(i) A letter describing the safe sleep violation; and

(ii) Written information on safe sleep practices for infants.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-130, § 170-296A-7100, filed 8/19/15, effective 9/19/15; WSR 11-23-068, § 170-296A-7100, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7125 Infant bottles.** The licensee must:

(1) Use glass bottles or use plastic bottles labeled with "1," "2," "4," or "5" on the bottle. A plastic bottle must not contain the chemical bisphenol-A or phthalates.

(2) If heating a bottle, heat the bottle in warm water that is not more than one hundred twenty degrees Fahrenheit;

(3) Not use a microwave oven to warm the contents of a bottle;

(4) Clean bottles and nipples before each use, only with warm soapy water and a bottlebrush, or in a dishwasher;

(5) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared;

(6) Not allow infants to share bottles or infant cups;

(7) Have a method to identify the individual child's bottle or cup;

(8) Keep the contents of a child's bottle inaccessible to other children; and

(9) Throw away milk, breast milk, or formula if it has been sitting at room temperature for more than one hour.

[Ch. 170-296A WAC p. 40]

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7125, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7150 Breast milk.** When breast milk is provided for a child, the licensee must:

(1) For breast milk to be used on the day received, refrigerate and label the breast milk container;

(2) If the breast milk is to be frozen, label the container with the child's name and date the milk was brought to the child care. The licensee must:

(a) Store frozen breast milk at ten degrees Fahrenheit or less;

(b) Keep frozen breast milk not more than two weeks;

(c) Use frozen breast milk within twenty-four hours after thawing;

(d) Thaw breast milk in the refrigerator, under warm running water, or in a container with warm water that is not more than one hundred twenty degrees Fahrenheit; and

(e) Never thaw or heat breast milk in a microwave oven or on the stove.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7175 Bottle feeding infants.** (1)

When bottle feeding, the licensee or staff must:

(a) Test the bottle contents before feeding, to avoid scalding or burning the infant's mouth;

(b) Hold infants when the infant is unable to hold his or her bottle;

(c) Not prop bottles when feeding an infant;

(d) Not give a bottle or cup to an infant who is lying down;

(e) Feed infants on demand or based on the parent or guardian's recommended feeding schedule;

(f) Stop feeding the infant when he or she shows signs of fullness; and

(g) Not add medication, cereal, supplements, or sweeteners to the contents of the bottle unless prescribed by a health care provider.

(2) When an infant can hold his or her own bottle, the licensee or staff:

(a) May hold the infant or place the infant in a semi-reclining or upright position during bottle feeding; and

(b) Must be in the same room within visual range of the infant during feeding.

(3) The licensee or staff must take the bottle from the infant when the child finishes feeding.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7200 Feeding solid food to infants.**

(1) The licensee must consult with and have approval from an infant's parent or guardian before introducing solid food to an infant.

(2) When serving infants solid food the licensee or staff must:

(a) Hold or sit the infant in a semi-reclining or upright position;

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- (b) Not allow infants to share the same dish or utensil;
- (c) Stir and test for safe temperature after heating food and before serving;
- (d) Throw away any uneaten food from the serving container;
- (e) Serve solid food by utensil or let the child feed themselves; and
- (f) Feed the infant when hungry unless the parent or guardian gives written instructions for an alternative feeding schedule, and stop feeding when the infant shows signs of fullness.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7200, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7225 High chairs.** (1) If the licensee uses high chairs in the child care, each high chair must:

- (a) Have a base that is wider than the seat;
  - (b) Have a safety device that prevents the child from climbing or sliding down the chair;
  - (c) Be free of cracks and tears; and
  - (d) Have a washable surface.
- (2) When a child is seated in a high chair, the chair's safety device must be used to secure the child.

(3) The licensee or staff must clean and sanitize high chairs as provided in WAC 170-296A-0010 after each use.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-7225, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7250 Diapering and toileting.** (1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.

- (2) The diaper changing area must:
- (a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;
  - (b) Have a sturdy surface or mat that is:
    - (i) Not torn or repaired with tape;
    - (ii) Easily cleanable;
    - (iii) Waterproof; and
    - (iv) Large enough to prevent the area underneath from being contaminated with bodily fluids.
- (3) The diapering area must be cleaned and disinfected as provided in WAC 170-296A-0010 between each use.
- (4) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.

(5) The diaper changing surface must be free of all other items not used in diapering the child.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-7250, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7275 Diaper disposal.** (1) The licensee must provide a container specifically for diaper and diapering supply disposal that is not used for other household trash. The diaper disposal container must:

- (a) Have a tight cover;

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- (b) Be lined with a disposable plastic trash bag; and
  - (c) Be within arm's reach of the diaper changing area.
- (2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.
- (3) If cloth diapers are used, the diapers must:
- (a) Not be rinsed; and
  - (b)(i) Be kept in the diaper disposal container until picked up by the diaper service; or
  - (ii) Placed in a securely closed plastic bag and sent home with the child daily.
- (4) If soiled diapers are sent home they must be kept in a separate closed container used only for diapers and not placed with the child's other belongings.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7275, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7300 Diaper changing.** (1) The licensee or staff must:

- (a) Check diapers at least every two hours;
- (b) Change the diaper when necessary, or whenever the child indicates discomfort;
- (c) Attend to the child at all times when diapering a child;
- (d) Not rinse soiled diapers; and
- (e) Place soiled diapers directly into a diaper waste container.

(2) Diapers used must be:

- (a) Disposable; or
  - (b) Cloth diapers supplied by a commercial diaper service; or
  - (c) Reusable cloth diapers supplied by the child's family.
- (3) When cloth diapers are used, a waterproof, washable barrier must be used between the diaper and the child's clothes.

(4) The licensee or staff must wash their hands before and after diapering, and wash the child's hands immediately after diapering the child. Baby wipes may be used to wash the child's hands.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7300, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7350 Toilet training.** The licensee must discuss toilet training with the child's parent or guardian when a child is ready for training. The licensee or staff must use:

- (1) Positive reinforcement;
- (2) Culturally sensitive methods;
- (3) Developmentally appropriate methods; and
- (4) A routine developed in agreement with the parent or guardian.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7350, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7375 Potty chairs or modified toilet seats.** (1) When potty chairs are used, the licensee or staff must immediately after each use:

- (a) Empty the potty chair into the toilet; and

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(b) Clean and disinfect the potty chair as provided in WAC 170-296A-0010.

(2) The floor under the potty chairs must be made of a material that is resistant to moisture.

(3) When a modified toilet seat is used, it must be cleaned and disinfected as provided in WAC 170-296A-0010 daily or more often when soiled.

(4) If a sink or basin is used to clean a potty chair or modified toilet seat, the sink or basin must be cleaned and disinfected afterwards as provided in WAC 170-296A-0010.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-7375, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7375, filed 11/14/11, effective 3/31/12.]

## FOOD SERVICE AND NUTRITION

**WAC 170-296A-7500 Food must meet USDA guidelines.** The licensee must provide meals and snack foods to children in care according to the current edition of the U.S. Department of Agriculture (USDA) - Child and adult care food program (CACFP) charts for the ages of children in the licensee's care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7500, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7525 Parent or guardian-provided food.** (1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee.

(2) A written food plan is not required for infant formula, breast milk or baby food supplied by the child's parent or guardian.

(3) A written food plan may include accommodations for:

- (a) The child's medical needs;
- (b) Special diets;
- (c) Religious or cultural preference; or
- (d) Family preference.

(4) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA CACFP requirements if the food provided by the parent or guardian does not meet the nutritional needs of the child.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7525, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7550 Home canned foods.** The licensee must not serve home canned foods due to the risk of botulism poisoning.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7550, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7575 Drinking water.** The licensee must supply safe drinking water for the children in care. Drinking water must be served in a safe and sanitary manner and be available throughout the day. See WAC 170-296A-1400 for water testing requirements for a family home child care that receives its drinking water from a private well and water system.

[Ch. 170-296A WAC p. 42]

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7575, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7600 Serving milk.** (1) The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:

(a) Breast milk or formula to children from birth to twelve months old. The parent or guardian may request breast milk or formula be served to their child after the child turns twelve months of age.

(b) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk.

(c) Pasteurized milk or pasteurized milk product to children over twenty-four months old.

(2) Variations of subsection (1)(a), (b), or (c) of this section require a written statement from the child's health provider.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7600, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7625 Meal and snack schedule.** (1) The licensee must offer meals and snacks to the children in care at intervals of at least two hours apart and no more than three hours unless the child is asleep.

(2) The licensee must offer a snack to children arriving from school.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7625, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7650 Serving foods.** (1) The licensee or staff may:

- (a) Serve each child individually; or
- (b) Serve family style in serving containers that allow each child the opportunity to serve themselves.

(2) The licensee or staff must:

- (a) Stir and test for safe temperature any heated food before serving;
  - (b) Closely supervise all children when eating;
  - (c) Not force or shame a child to eat or try any food;
  - (d) Not punish a child for refusing to try or eat foods;
  - (e) Serve meals in a safe and sanitary manner;
  - (f) Be respectful of each child's cultural food practices;
- and
- (g) Sit with children during meals when possible.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7650, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7675 Food handler permits.** (1) New license applicants must obtain a current state food handler permit prior to being licensed.

(2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.

(3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.

(8/19/15)

(4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.

(5) The licensee must keep a copy of each individual's food handler permit on file.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7675, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7680 Safe food handling.** (1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) The licensee and staff must:

(a) Wash their hands as required under WAC 170-296A-3675; and

(b) Not prepare food when ill with vomiting or diarrhea.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7680, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7700 Washing dishes.** The licensee or staff must wash dishes thoroughly after each use by one of the following methods:

(1) Automatic dishwasher, using the sanitizing cycle if available; or

(2) Handwashing method, by immersion in hot soapy water, rinse, sanitize as provided in WAC 170-296A-0010 and air dry.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-7700, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7700, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7725 Food containers and utensils.**

(1) The licensee must not use or allow cookware containers to be used to cook or reheat food in a microwave oven, unless the container is labeled by the manufacturer as "for microwave use," "microwave safe," or similar labeling.

(2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.

(3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use.

(4) The licensee must not serve food to infants or toddlers using polystyrene foam (commonly known as styro-foam) cups, bowls and plates.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-7725, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-7750 Food preparation area.** (1) The licensee or staff must clean and sanitize food preparation and eating surfaces as provided in WAC 170-296A-0010 before and after use. The licensee's food preparation area must:

(a) Have surfaces that are free of cracks and crevices; and

(b) Have a floor area made of a material that is resistant to moisture.

(8/19/15)

(2) The licensee must not allow pets in the food preparation area while food is being prepared or served.

(3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 12-21-050, § 170-296A-7750, filed 10/12/12, effective 11/12/12; WSR 11-23-068, § 170-296A-7750, filed 11/14/11, effective 3/31/12.]

## ENFORCEMENT OF LICENSING STANDARDS

**WAC 170-296A-8000 Facility licensing compliance agreements.** At the department's discretion, when a licensee is in violation of this chapter or chapter 43.215 RCW, a facility licensing compliance agreement may be issued in lieu of the department taking enforcement action.

(1) The facility licensing compliance agreement contains:

(a) A description of the violation and the rule or law that was violated;

(b) A statement from the licensee regarding the proposed plan to comply with the rule or law;

(c) The date the violation must be corrected;

(d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and

(e) Signature of the licensor and licensee.

(2) The licensee must return a copy of the completed facility license compliance agreement to the department by the date indicated when corrective action has been completed.

(3) The licensee may request a supervisory review regarding the violation of rules or laws identified on the facility license compliance agreement.

(4) A facility license compliance agreement is not subject to appeal under chapter 170-03 WAC.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8000, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8010 Nonreferral status.** In addition to or in lieu of an enforcement action under this chapter, the department may place a family home child care on nonreferral status as provided in RCW 43.215.300(4).

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8010, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8025 Time period for correcting a violation.** The length of time the licensee has to make the corrections depends on:

(1) The seriousness of the violation;

(2) The potential threat to the health, safety and well-being of the children in care; and

(3) The number of times the licensee has violated rules in this chapter or requirements under chapter 43.215 RCW.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8025, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8050 Civil monetary penalties (fines).** A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.

(1) A fine of one hundred fifty dollars per day may be imposed for each violation.

(2) The fine may be assessed and collected with interest for each day a violation occurs.

(3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.

(4) At the department's discretion, a fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.

(5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 296. WSR 11-23-068, § 170-296A-8050, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8060 When fines are levied.** The department may base a fine for violation of a rule under this chapter or a requirement in chapter 43.215 RCW, according to whether the licensee:

(1) Has allowed the existence of any condition that creates a serious safety and health risk;

(2) Or any staff person or household member uses corporal punishment or humiliating methods of control or discipline;

(3) Or any staff person fails to provide the required supervision;

(4) Fails to provide required light, ventilation, sanitation, food, water, or heating;

(5) Provides care for more than the highest number of children permitted by the license; or

(6) Repeatedly fails to follow the rules in this chapter or the requirements in chapter 43.215 RCW. As used in this section, "repeatedly" means a violation that has been the subject of a facility license compliance agreement that occurs more than once in a twelve-month time period.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8060, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8075 Fines—Payment period.** A fine must be paid within twenty-eight calendar days after the licensee receives the notice unless:

(1) The department approves a payment plan if requested by the licensee; or

(2) The licensee requests a hearing as provided in RCW 43.215.307(3).

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8075, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8100 Notice of fine—Posting.** The licensee must post the department letter notifying the licensee of a final notice of a civil penalty:

(1) Immediately upon receipt;

(2) In the licensed space where it is clearly visible to parents and guardians; and

(3) For two weeks or until the violation causing the fine is corrected, whichever is longer.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8100, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8125 Failure to pay a fine—Department action.** If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not continue the license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8125, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8150 Denial, suspension, revocation, modification, or noncontinuation of a license.** A license may be denied, suspended, modified, revoked, or not continued when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8150, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8175 Violations—Enforcement action.** The department may deny, suspend, revoke, or not continue a license when:

(1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;

(2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);

(3) The licensee or household member has been found to have committed child abuse or child neglect;

(4) The licensee has been found to allow staff or household members to commit child abuse or child neglect;

(5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120;

(6) There is an allegation of child abuse or neglect against the licensee, staff, or household member;

(7) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;

(8) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;

(9) The licensee commits, permits or assists in an illegal act at the child care premises;

(10) The licensee uses illegal drugs or alcohol in excess, or abuses prescription drugs;

(11) The licensee knowingly allowed a staff or household member to make false statements on employment or background check application related to their suitability or competence to provide care;

(12) The licensee fails to provide the required level of supervision for the children in care;

(13) The licensee cares for more children than the maximum number stated on the license;

(14) The licensee refuses to allow department authorized staff access during child care operating hours to:

- (a) Requested information;
- (b) The licensed space;
- (c) Child, staff, or program files; or
- (d) Staff or children in care.

(15) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;

(16) The licensee cares for children outside the ages stated on the license;

(17) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);

(18) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;

(19) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;

(20) The licensee does not provide the required number of qualified staff to care for the children in attendance; or

(21) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), chapter 43.215 RCW, and 2011 c 293 [c 295]. WSR 11-23-068, § 170-296A-8175, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8225 Notice of license denial, suspension, revocation, or modification.** (1) The department notifies the licensee of the denial, suspension, revocation, or modification of the license by sending a certified letter or by personal service.

(2) The letter contains information on what the licensee may do if the licensee disagrees with the decision to deny, suspend, revoke, or modify the license.

(3) The licensee has a right to appeal the denial, suspension, revocation or modification of the license. The department notice will include information on hearing rights and how to request a hearing.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8225, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8250 Probationary license.** A probationary license may be issued to a licensee operating under a nonexpiring full license as part of a corrective action plan. The department refers the licensee for technical assistance as provided in RCW 43.215.290 prior to issuing a probationary license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8250, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8275 Probationary license—Cause.** A department decision to issue a probationary license must be based on the following:

- (1) Negligent or intentional noncompliance with the licensing rules;
- (2) A history of noncompliance with the licensing rules;
- (3) Current noncompliance with the licensing rules; or

(8/19/15)

(4) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8275, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-8300 Issuing a probationary license.**

When the department issues a probationary license, the licensee must:

(1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license;

(2) Provide documentation to the department that parents or guardians of enrolled children have been notified;

(3) Inform new parents or guardians about the probationary status before enrolling new children;

(4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and

(5) Return the licensee's nonexpiring full license to the department.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8300, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-8325 Refusing a FLCA or probationary license.** (1) The licensee has the right to:

(a) Refuse or refuse to sign a facility licensing compliance agreement; or

(b) Refuse to agree to a probationary license.

(2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:

(a) Modification of the license;

(b) Noncontinuation of a nonexpiring full license;

(c) Suspension of the license; or

(d) Revocation of the license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8325, filed 11/14/11, effective 3/31/12.]

#### **WAC 170-296A-8350 Providing unlicensed care—**

**Notice.** (1) If the department determines that an individual is providing unlicensed child care in his or her home, the department will send the individual written notice within ten calendar days to explain:

(a) Why the department suspects that the individual is providing child care without a license;

(b) That a license is required and why;

(c) That the individual must immediately stop providing child care;

(d) That if the individual wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) the individual must submit a written agreement, on a department form, stating that he or she agrees to:

(i) Attend the next available department child care licensing orientation; and

(ii) Submit a child care licensing application after completing orientation; and

(e) That the department has the authority to issue a fine of one hundred fifty dollars per day for each day that the individual continues to provide child care without a license.

(2) The department's written notice in subsection (1) of this section must inform the individual providing unlicensed child care:

- (a) How to respond to the department;
- (b) How to apply for a license;
- (c) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;
- (d) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and
- (e) How to ask for a hearing.

(3) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (1)(d) of this section within thirty calendar days from the date of the department's written notice, the department will post information on its web site that the individual is providing child care without a license.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 296. WSR 11-23-068, § 170-296A-8350, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8375 Unlicensed care—Fines and other penalties.** A person providing unlicensed child care may be:

- (1) Assessed a fine of one hundred fifty dollars a day for each day unlicensed child care is provided;
- (2) Guilty of a misdemeanor; or
- (3) Subject to an injunction.

[Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2011 c 296. WSR 11-23-068, § 170-296A-8375, filed 11/14/11, effective 3/31/12.]

**WAC 170-296A-8400 Hearing process.** (1) Department notice of an enforcement action includes information about the individual's or licensee's right to request an adjudicative proceeding (hearing) and how to request a hearing.

(2) The hearing process is governed by chapter 34.05 RCW Administrative Procedure Act, applicable sections of chapter 43.215 RCW department of early learning, and chapter 170-03 WAC, DEL hearing rules.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-23-068, § 170-296A-8400, filed 11/14/11, effective 3/31/12.]