

# Chapter 170-295 WAC

## MINIMUM LICENSING REQUIREMENTS FOR CHILD CARE CENTERS

(Formerly chapter 388-295 WAC)

WAC			
	LICENSING	170-295-2120	Are there special program requirements for infants and toddlers?
170-295-0001	What gives the authority to the department to license child care and charge licensing fees?	170-295-2130	Do I need an outdoor play area?
170-295-0010	What definitions under this chapter apply to licensed child care providers?		HEALTH AND NUTRITION
170-295-0020	Who needs to become licensed?	170-295-3010	What kind of health policies and procedures must I have?
170-295-0030	Eligibility to receive state child care subsidies.	170-295-3020	How often must staff wash their hands?
170-295-0040	Do I have to follow any other regulations or have any other inspections?	170-295-3030	When is a child or staff member too ill to be at child care?
170-295-0050	Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?	170-295-3040	How often must children wash their hands?
170-295-0055	Can I get a dual license?	170-295-3050	Am I required to give medications to the children in my care?
170-295-0070	What personal characteristics do my volunteers, all staff and I need to provide care to children?	170-295-3060	Who can provide consent for me to give medication to the children in my care?
170-295-0080	How is my licensed capacity determined?	170-295-3070	How must I store medications?
170-295-0090	Initial and nonexpiring full licenses—Licensing fees.	170-295-3080	Can I use bulk medications (use one container for all the children such as with diaper ointments)?
170-295-0095	Nonexpiring full license.	170-295-3090	How do I handle left over medication?
170-295-0100	When can my license application be denied and when can my license be suspended or revoked?	170-295-3100	When can children take their own medication?
170-295-0110	Civil fines.	170-295-3110	Do I need special equipment to give medication?
170-295-0120	How much can I be fined?	170-295-3120	What documentation is required when giving children medication?
170-295-0130	When can an individual be fined for operating an unlicensed program?	170-295-3130	Can anyone else give medication to children in my care?
170-295-0140	Probationary licenses.	170-295-3140	What kind of milk can I serve?
	STAFFING	170-295-3150	How many meals and snacks must I serve?
170-295-1010	Who can be the director of a child care center?	170-295-3160	What kind of food and menus must I have?
170-295-1020	What if the director does not meet the minimum qualifications?	170-295-3170	What are the food service standards I am required to meet?
170-295-1030	Who can be a lead teacher in a child care center?	170-295-3180	What are approved food sources?
170-295-1040	Who can be an assistant or aide in a child care center?	170-295-3190	How can I be sure that the food I serve is safe?
170-295-1050	Who can be a volunteer in a child care center?	170-295-3200	How do I safely store food?
170-295-1060	What initial and ongoing state training and registry system (STARS) training is required for child care center staff?	170-295-3210	How do I safely thaw foods?
170-295-1070	What continuing state training and registry system (STARS) training is required for child care center staff?	170-295-3220	What type of kitchen material and equipment is required?
170-295-1080	What topics must my new staff orientation include?	170-295-3230	What type of eating and drinking equipment must I provide?
170-295-1090	What kind of meetings or ongoing training must I provide my staff?		CARE OF YOUNG CHILDREN
170-295-1100	What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training?	170-295-4010	At what age can I accept infants into care?
170-295-1110	Who must have human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS) and bloodborne pathogen training?	170-295-4020	How do I meet the nutritional needs of the infants in my care?
170-295-1120	What are the tuberculosis (TB) testing requirements for the staff?	170-295-4030	What is a safe way to prepare bottles?
	PROGRAM	170-295-4040	What is a safe way to store infant formula and food?
170-295-2010	What types of play materials, equipment and activities must I provide for the children?	170-295-4050	What is a safe way to store breast milk?
170-295-2020	How long can a child be at the center?	170-295-4060	What is a correct way to clean bottles and nipples?
170-295-2030	How should staff interact with children?	170-295-4070	Are there specific rules for feeding infants and toddlers?
170-295-2040	What behavior management and guidance practices must I have in place?	170-295-4080	When should I begin toilet training a child?
170-295-2050	Must we provide rest periods?	170-295-4090	Can I use potty-chairs for toilet training?
170-295-2060	What are the requirements for evening and nighttime care?	170-295-4100	What sleep equipment do I need for infants?
170-295-2070	What do I need to transport the children on offsite trips?	170-295-4120	What must I do to be sure that diaper changing is safe and does not spread infections?
170-295-2080	What must I communicate to parents?	170-295-4130	Do I need a nurse consultant?
170-295-2090	What are the required staff to child ratios and maximum group sizes for my center?	170-295-4140	When are children required to have a change of clothing on-site?
170-295-2100	What are the exceptions to group sizes and staff to child ratios?		SAFETY AND ENVIRONMENT
170-295-2110	Are children allowed in the kitchen when they are doing supervised activities?	170-295-5010	What first-aid supplies are required in my center?
		170-295-5020	How do I maintain a safe environment?
		170-295-5030	What do I need to include in my disaster plan?
		170-295-5040	How do I maintain a clean and sanitized environment?
		170-295-5050	How can I make sure water activities are as safe and sanitary as possible?
		170-295-5060	How must I store maintenance and janitorial supplies?
		170-295-5080	How do I safely get rid of sewage and liquid wastes?
		170-295-5090	What are the fence requirements?
		170-295-5100	What are the requirements for toilets, handwashing sinks and bathing facilities?

- 170-295-5110 What are the requirements if I do laundry on the premises or offsite?
- 170-295-5120 What kind of sleep and nap equipment do I need for children not in cribs, bassinets, infant beds or playpens?
- 170-295-5140 Are there any requirements for storage space provided for children?
- 170-295-5150 Are there temperature requirements for my facility?
- 170-295-5160 What do I need to know about pesticides?
- 170-295-5170 Can we have animals at the center?

## AGENCY PRACTICES

- 170-295-6010 What are the regulations regarding discrimination?
- 170-295-6020 What are the regulations regarding religious activities?
- 170-295-6030 What are the special requirements regarding American Indian children?
- 170-295-6040 What are the requirements regarding child abuse and neglect?
- 170-295-6050 What substances are prohibited in the child care center or on the premises?
- 170-295-6060 Who is allowed to have unsupervised access to children in care?

## RECORDS, REPORTING, AND POSTING

- 170-295-7010 Information to be kept in the child's individual file.
- 170-295-7020 Am I required to track immunizations?
- 170-295-7030 Attendance records.
- 170-295-7032 Electronic attendance records—Records retention.
- 170-295-7040 Facility records.
- 170-295-7050 What personnel records and policies must I have?
- 170-295-7060 What injuries and illnesses or child abuse and neglect must I report?
- 170-295-7070 What circumstantial changes must I report to my licensor?
- 170-295-7080 Materials that must be posted.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 170-295-0060 What are the requirements for applying for a license to operate a child care center? [Statutory Authority: RCW 43.215.070, 43.215.060, and chapter 43.215 RCW. WSR 12-09-036, § 170-295-0060, filed 4/11/12, effective 5/12/12. Statutory Authority: RCW 43.215.255, 43.215.070, chapter 43.215 RCW, 2010 c 37 § 614(14) 1st sp. sess. and RCW 43.135.055. WSR 10-24-016, § 170-295-0060, filed 11/19/10, effective 12/20/10. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-0060, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-0060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0060, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0060, filed 6/30/03, effective 8/1/03.] Repealed by WSR 17-15-056, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201.
- 170-295-0150 Where can I locate my child care center or facility? [WSR 06-15-075, recodified as § 170-295-0150, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0150, filed 6/30/03, effective 8/1/03.] Repealed by WSR 17-15-056, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201.
- 170-295-4110 What are infant safe sleep practices? [Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-4110, filed 8/19/15, effective 9/19/15. WSR 06-15-075, recodified as § 170-295-4110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4110, filed 6/30/03, effective 8/1/03.] Repealed by WSR 17-10-033, filed 4/26/17, effective 5/27/17. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201.
- 170-295-5070 How do I make sure my water is safe? [WSR 06-15-075, recodified as § 170-295-5070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5070, filed 6/30/03, effective 8/1/03.] Repealed by WSR 17-10-032, filed 4/26/17, effective 5/27/17. Statutory Authority: RCW

43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06.

170-295-7031 Recordkeeping—Records available to the department. [Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-295-7031, filed 5/8/12, effective 6/8/12.] Repealed by WSR 17-15-056, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201.

## LICENSING

**WAC 170-295-0001 What gives the authority to the department to license child care and charge licensing fees?** (1) The rules for child care centers are governed under chapter 43.215 RCW.

(2) The rules establishing licensing fees are adopted under authority of RCW 43.215.255.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0001, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0001, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0001, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0010 What definitions under this chapter apply to licensed child care providers? "American Indian child"** means any unmarried person under the age of eighteen who is:

(1) A member or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut, or other Alaska native and a member of an Alaskan native regional corporation or Alaska native village;

(2) Determined or eligible to be found Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

**"Anti-bias"** is an approach that works against biases and recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, gender, sexual orientation, class, religion, creed, disability, or age.

**"CACFP"** means child and adult care food program established by congress and funded by the United States Department of Agriculture (USDA).

**"Capacity"** means the maximum number of children that a licensee is authorized to have on the premises of the child care at any one time.

**"Center"** means the same as **"child care center."**

**"Certification"** means department approval of a person, home, or facility that does not legally need to be licensed, but wants evidence that they meet the minimum licensing requirements (also see **"Tribal certification"**).

**"Child abuse or neglect"** means the physical abuse, sexual abuse, sexual exploitation, abandonment or negligent treatment or maltreatment of a child by any person indicating the child's health, welfare, and safety is harmed.

**"Child-accessible"** means areas where children regularly have access such as: Entrances and exits to and from the center, classrooms or child care areas, playground area

including equipment and fencing, parking areas, walkways, decks, platforms, stairs and any items available for children to use in these areas.

**"Child care center"** means the same as a **"child day care center"** or a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours.

**"Clean"** means to remove dirt and debris from a surface by scrubbing and washing with a detergent solution and rinsing with water. This process must be accomplished before sanitizing a surface.

**"Commercial kitchen equipment"** means equipment designed for business purposes such as restaurants.

**"Contagious disease"** means as provided in WAC 246-110-010.

**"Cultural relevancy"** creates an environment that reflects home cultures, communities and lives of children enrolled in the program.

**"Department," "we," "us," or "our"** refers to and means the state department of early learning (DEL) and its predecessor agency the department of social and health services (DSHS).

**"Developmentally appropriate practice":**

(1) Means that the provider should interact with each child in a way that recognizes and respects the child's chronological and developmental age;

(2) Is based on knowledge about how children grow and learn; and

(3) Reflects the developmental level of the individual child, and interactions and activities must be planned with the needs of the individual child in mind.

**"Director"** means the person responsible for the overall management of the center's facility and operation, except that **"DEL director"** means the director of the department of early learning.

**"Disinfect"** means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents.

**"Domestic kitchen"** means a kitchen equipped with residential appliances.

**"External medication"** means a medication that is not intended to be swallowed or injected but is to be applied to the external parts of the body, such as medicated ointments, lotions, or liquids applied to the skin or hair.

**"I," "you," and "your"** refer to and mean the licensee or applicant for a child care license.

**"Inaccessible to children"** means stored or maintained in a manner preventing children from reaching, entering, or using potentially hazardous items or areas. Examples include but are not limited to: Quantities of water, sharp objects, medications, chemicals, electricity, fire, mechanical equipment, entrapment or fall areas.

**"Individual plan of care"** means that the center's health policies and procedures do not cover the needs of the individual child so an individual plan is needed. Examples may include children with allergies, asthma, Down syndrome, tube feeding, diabetes care such as blood glucose monitoring, or nebulizer treatments.

**"Infant"** means a child one-month through eleven months of age.

**"Lead teacher"** means the person who is the lead child care staff person in charge of a child or group of children and implementing the activity program.

**"License"** means a permit issued by the department authorizing a licensee by law to operate a child care center and certifying that the licensee meets the minimum requirements under licensure.

**"Licensee" or "you"** means the person, organization, or legal entity responsible for operating the center.

**"Maximum potential capacity based on square footage"** is the maximum number of children a licensee can be licensed for based on the amount of usable space (square footage) in the licensee's center. The licensee may be licensed for less than the maximum potential capacity. A licensee may not be licensed for more than the maximum potential capacity.

**"Moisture impervious" or "moisture resistant"** means a surface incapable of being penetrated by water or liquids.

**"Nonexpiring license" or "nonexpiring full license"** means a full license that is issued to a licensee following the initial licensing period as provided in WAC 170-295-0095.

**"Parent"** means birth parent, custodial parent, foster parent, legal guardian, those authorized by the parent or other entity legally responsible for the welfare of the child.

**"Pesticides"** means chemicals that are used to kill weeds, pests, particularly insects.

**"Potable water"** means water suitable for drinking by the public as determined by the state department of health or local health jurisdiction.

**"Potentially hazardous food"** means any food or ingredient that requires temperature control because it supports rapid growth of infectious or toxin forming microorganisms.

**"Premises"** means the building where the center is located and the adjoining grounds over which the licensee has control.

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

**"Program supervisor"** means the person responsible for planning and supervising the center's learning and activity program.

**"Sanitize"** means a surface must be clean and the number of germs reduced to a level that disease transmissions by that surface are unlikely. This procedure is less vigorous than disinfection.

**"Satellite kitchen"** means a food service establishment approved by a local health jurisdiction where food is stored, prepared, portioned or packaged for service elsewhere.

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

**"Staff"** means a child care giver or group of child care givers employed by the licensee to supervise children served at the center who are authorized by DEL to care for or have unsupervised access to children under chapter 170-06 WAC.

**"Supervised access"** refers to those individuals at a child care center who have no responsibility for the operation of the center and do not have unsupervised access to children. These individuals are not required to submit a background check form. This includes those persons on the premises for

"time limited" activities whose presence is supervised by a center employee and does not affect provider/child ratios or the normal activities or routine of the center. Examples include:

(1) A person hired to present an activity to the children in care such as a puppet show, cooking activity, and story telling;

(2) Parent participation as part of a special theme; or

(3) A relative visiting a child on the premises.

**"Terminal room cleaning"** means thorough cleaning of walls, ceiling, floor and all equipment, and disinfecting as necessary, in a room which has been used by a person having a contagious disease before it is occupied by another person.

**"The Washington state training and registry system (STARS)"** means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirement.

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

**"Tribal certification"** means that the department has certified the tribe to receive state payment for children eligible to receive child care subsidies.

**"Unsupervised access"** refers to those individuals at a child care center who can be left alone with children in the child care center. These individuals must have received a full background authorization clearance under chapter 170-06 WAC.

**"Usable space"** means the areas that are available at all times for use by the children that do not cause a health or safety hazard.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-13-057, § 170-295-0010, filed 6/12/14, effective 7/13/14; WSR 13-21-109, § 170-295-0010, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-0010, filed 4/17/12, effective 5/18/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-0010, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-0010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0010, filed 6/30/03, effective 8/1/03.]

#### **WAC 170-295-0020 Who needs to become licensed?**

(1) Individuals, entities and agencies that provide care for children must be licensed unless specifically exempt under RCW 43.215.010(2).

(2) The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it.

(3) We do not license a center that is legally exempt from licensing per RCW 43.215.010(2). However, if the applicant requests it, we follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing requirements and procedures apply equally to certification.

(4) We may certify a child care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office.

(5) The center listed in subsection (4)(a), (b), or (c) of this section must be licensed, certified, or approved in accordance with national or state standards, or standards approved by us. It must be operated on the premises where the entity operating the center has jurisdiction.

[Ch. 170-295 WAC p. 4]

dance with national or state standards, or standards approved by us. It must be operated on the premises where the entity operating the center has jurisdiction.

(6) We must not license a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center; or

(c) Authorization of payment for the child in care.

(7) We may license a center located in a private family residence when the portion of the residence accessible to the child is:

(a) Used exclusively for the child during the center's operating hours or while the child is in care; or

(b) Separate from the family living quarters.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0020, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0020, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0030 Eligibility to receive state child care subsidies.** To be eligible to receive state child care subsidies for children in their care, individuals, entities and agencies must:

(1) Be licensed or certified;

(2) Be a seasonal camp that has a contract with DEL and is certified by the American Camping Association;

(3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers*, revised 2012;

(4) Bill at the individual's, entity's, or agency's customary rate or the state rate, whichever is less; and

(5) Keep attendance records as described in WAC 170-295-7030 and invoices for state-paid children on-site for at least five years as provided in WAC 170-300-0465.

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-0030, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-295-0030, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0030, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0040 Do I have to follow any other regulations or have any other inspections?** (1) Prior to becoming licensed by us to operate a child care center, you must:

(a) Have a certificate of occupancy issued by your local building department; and

(b) Be inspected by the state fire marshal.

(2) In addition to the requirements of this chapter, you are also responsible for complying with any local building ordinances. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations. You must contact your local building jurisdiction to determine if local ordinances are different than our stan-

(7/13/17)

dards. If you encounter conflicts or differing interpretations, contact us immediately.

(3) We must notify the local planning office of your intention to operate a child care center within the local jurisdiction.

(4) Other state agencies such as labor and industries, the Fire Marshal and the department of health have regulations that apply to child care centers. You are responsible to contact those agencies to obtain their regulations. The other agencies are responsible to monitor and enforce their regulations.

[WSR 06-15-075, recodified as § 170-295-0040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0050 Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?**

(1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:

- (a) Submit the request in writing to us;
- (b) Explain in detail the reason you need the waiver; and
- (c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.

(2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.

(3) We approve a waiver request if:

- (a) You have a good reason;
- (b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;
- (c) The request and approval is for a specific purpose or child; and
- (d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.

(4) We can limit or restrict a license issued to you in combination with a waiver.

(5) Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would:

- (a) Not be in the best interest of public health and safety;
- (b) Be to the financial disadvantage of the state.
- (6) To request a waiver to the requirements to pay a licensing fees, you must:

(a) Submit a sworn, notarized petition requesting a waiver of fees;

(b) Mail or deliver the petition to your local child care licensing office; and

(c) Submit any additional documentation that we may consider relevant to your request for a waiver.

(7) You have no appeal rights to the denial of a waiver request under chapters 34.05 RCW and 170-03 WAC.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0050, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0050, filed 6/30/03, effective 8/1/03.]

(7/13/17)

**WAC 170-295-0055 Can I get a dual license?** We may either:

(1) Issue a child care center license to you having a license involving full-time care; or

(2) Permit simultaneous care for the child and adolescent or adult on the same premises if you:

(a) Demonstrate evidence that care of one client category will not interfere with the quality of services provided to another category of clients;

(b) Maintain the most stringent maximum capacity limitation for the clients categories concerned;

(c) Request and obtain a waiver permitting dual licensure; and

(d) Request and obtain a waiver to subsection (2)(b) of this section, if applicable.

[WSR 06-15-075, recodified as § 170-295-0055, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0055, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0070 What personal characteristics do my volunteers, all staff and I need to provide care to children?**

(1) You, your staff and volunteers must have the following personal characteristics in order to operate or work in a child care facility:

(a) The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional, and social needs of the children in care;

(b) Be authorized by DEL to care for or have unsupervised access to children in child care under chapter 170-06 WAC; and

(c) Be able to furnish the child in care with a healthy, safe, nurturing, respectful, supportive, and responsive environment.

(2) If we decide it is necessary, you must provide to us any additional reports or information regarding you, any assistants, volunteers, members of your household, or any other person having access to children in care if any of those individuals may be unable to meet the requirements of chapter 170-295 WAC. This could include:

- (a) Sexual deviancy evaluations;
- (b) Substance abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

(3) Any evaluation requested under subsection (2)(a) through (e) of this section will be at the expense of the person being evaluated.

(4) The person being evaluated must give us permission to speak with the evaluator(s) in subsection (2)(a) through (e) of this section prior to and after the evaluation.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-0070, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-0070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0070, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0070, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0080 How is my licensed capacity determined?**

(1) Maximum allowable capacity of your center is determined based on useable square footage and available toilets and sinks. The licensed capacity (the number of

children you are allowed to have in your center at any one time) may be less than the maximum capacity, but not exceed it. The licensed capacity is based on our evaluation of the program, the ages and characteristics of the children, the experience of the staff, and usable floor space. You must have:

(a) Fifty square feet of useable floor space per infant (includes crib, playpen, infant bed and bassinets);

(b) Thirty-five square feet of useable floor space for each toddler or older child that is dedicated to the children during child care hours; and

(c) Fifteen additional square feet must be provided for each toddler using a crib or playpen when cribs are located in the sleeping and play area.

(2) The areas included in your square footage must be available at all times for the children. The following areas will not be included in determining the useable square footage for each child:

(a) Food preparation areas of the kitchen;

(b) Laundry areas;

(c) All bath, toilet rooms and hand washing areas;

(d) Hallways, diaper changing areas (includes the changing table, sink and twenty-four inches of floor space around the changing table and sink), stairways, closets, offices, staff rooms, lockers and custodial areas;

(e) Furnace rooms, hot water heater rooms, storage rooms, or mop sink rooms; and

(f) Cabinets, storage, and fixed shelving spaces unless accessible to and used by children (for example, cubbies, shelves for storing toys and puzzles, bookshelves, etc.). If the children do not have access to their cubbies or toy storage areas, it is not included in the square footage.

(3) You can use a multipurpose room and gymnasium for multiple purposes such as playing, dining, napping, and learning activities, and before and after school programs when the room:

(a) Meets the square footage requirements for the purpose and number of children to be served; and

(b) Is being used for one purpose and does not interfere with usage of the room for another purpose.

(4) You may use and consider the napping area as child care space if staff remove mats and cots when they are not in use and the children then have free access to the area.

(5) We will not issue you a license to care for more children than the rules in this chapter permit.

(6) We may issue you a license to care for fewer children than the center's maximum capacity.

[WSR 06-15-075, recodified as § 170-295-0080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0090 Initial and nonexpiring full licenses—Licensing fees.** The department may issue an initial license to centers that have not yet begun providing care, but are accepting applications for potential clients.

(1) The department may issue an initial license when an applicant can show that he or she is following the rules regarding the child's health and safety.

(2) The department may issue an initial license if an applicant has not yet opened for business, and so is not yet able to show that he or she is complying with the rules pertaining to:

(a) Staff to child interactions;

(b) Group size and staff to child ratios;

(c) Behavior management and discipline;

(d) Activity programs;

(e) Child records and information; and

(f) Other rules that require us to observe the facility's ability to comply with rules.

(3) Applicants must provide the department with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. The department must approve of that plan.

(4) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(5) When a licensee has an initial license the department evaluates the licensee's ability to comply with all rules contained in this chapter and chapter 170-300 WAC prior to issuing a nonexpiring full license under WAC 170-295-0095.

(6) 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 and chapter 170-300 WAC at any time during the period of initial licensure;

(b) Demonstrates substantial compliance with the other requirements of this chapter and chapter 170-300 WAC at any time during the period of initial licensure; and

(c) Meets the requirements for a nonexpiring full license as provided in WAC 170-295-0095.

(7) 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 rules contained in this chapter and chapter 170-300 WAC during the period of initial licensure.

(8) Fees are due with applications for initial licenses or continuations of a nonexpiring full license.

(9) The department does not process an application or continuation until the applicant or licensee, as applicable, has paid the required fee.

(10) Applicants or licensees can pay licensing fees for:

(a) A minimum of one year; or

(b) Multiple years.

(11) Applicants and licensees pay their fees by mailing a check or money order for the required amount to the department.

(12) If there is a change in a facility that places the facility in a different fee category, the department prorates the additional fee amount over the remainder of the license period.

(13) If an applicant or licensee withdraws an application before the department denies or issues a license, the fee shall not be refunded.

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-0090, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-0090, filed 4/17/12, effective 5/18/12. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0090, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0090, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0095 Nonexpiring full license.** (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis thirty days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license was issued:

- (a) An annual nonrefundable licensing fee;
- (b) A declaration to the department on a department-approved form indicating:
  - (i) The intent to continue operating a licensed child care program; or
  - (ii) The intent to cease operation on a date certain;
- (c) A declaration on a department-approved form of compliance with all 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), as amended by chapter 295 (2SHB 1903), Laws of 2011, the schedule for submission of a background check application shall be once every three years. For each individual required to have a background check clearance, the licensee must verify current background checks or submit a background check application at least thirty days prior to the anniversary date.

(2) The requirements in 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 a 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 adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a full nonexpiring license as a result of the licensee's failure to comply with the requirements of this section.

[Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-0095, filed 4/17/12, effective 5/18/12.]

**WAC 170-295-0100 When can my license application be denied and when can my license be suspended or revoked?** (1) If you do not meet the requirements in chapter 170-295 WAC we deny your license application or suspend or revoke your license.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility:

- (a) We consider qualifications separately and together.
- (b) We deny the license application, or suspend or revoke the license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

- (a) Have been found to have abused, neglected, sexually exploited, abandoned a child or allowed such persons on the premises as defined in chapter 26.44 RCW;

(7/13/17)

(b) Have been convicted of, or have charges pending for, crimes on the DEL director's list under WAC 170-06-0120;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. However, if you demonstrate by clear and convincing evidence that you have taken enough corrective action and rehabilitation to justify the public trust to operate the center according to the rules of this chapter, we consider issuing you a license;

(d) Commit or allow an illegal act to be committed on the licensed premises;

(e) Allow children in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs;

(g) Use alcohol to the extent that it interferes with your ability to provide care for the children as required by this chapter;

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office with official identification to:

(i) Inspect the premises;

(ii) Access your records related to the centers operation; or

(iii) Interview staff or children in care.

(i) Refuse to provide us a copy of your:

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

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

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get or keep a license by making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with children in care;

(d) Fail to provide adequate supervision to children in care;

(e) Do not exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises that has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information requested by us;

(h) Fail to pay fees when due;

(i) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 43.215 RCW; or

(j) Provide care on the premises for children of an age different from the ages for which the center is licensed.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-0100, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-0100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0100, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0100, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0110 Civil fines.** (1) The department notifies licensees in writing of the department's intention to impose a civil fine. The department may use personal service, the department's licensor, or certified mail. The letter will include:

- (a) A description of the violation and a quote of the law or rule that the licensee has failed to meet;
- (b) A statement of what the licensee must do to come into compliance;
- (c) The date by which the department requires compliance;
- (d) Information about the maximum allowable penalty the department can impose if the licensee does not come into compliance by the given date;
- (e) How the licensee can get technical assistance services provided by the department or by others; and
- (f) Information about how the licensee can request an extension to the date to be in compliance, if the department decides he or she has a good reason.

(2) The length of time the department establishes for the licensee to come into compliance depends on:

- (a) The seriousness of the violation;
- (b) The potential threat to the health, safety and welfare of children in the licensee's care; or
- (c) If the licensee has had previous opportunities to correct the deficiency and has not done so.

(3) The department uses the following criteria to determine if the department imposes a civil fine based on, but not limited to, these reasons:

- (a) The child care center has previously been subject to an enforcement action for the same or similar type of violation for the same statute or rule; or
- (b) The child care center has previously been given notice of the same or similar type of violation of the same law or rule; or
- (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.
- (4) The department may impose a civil fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action.

(5) A licensee must pay any civil fines no more than twenty-eight days after receiving the notice that he or she has a fine. The department may specify a later date.

(6) The department may waive the fine if the licensee's center comes into compliance during the notification period.

(7) A licensee must post the final notice of a civil fine in a noticeable place in his or her center. The notice must remain posted until the department notifies the licensee that the department has received the payment.

(8) Each violation of a law or rule is a separate violation. The department may penalize each violation. The department may impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty.

(9) If a licensee fails to pay a fine within ten days after the assessment becomes final, the department may suspend, revoke, or not continue his or her license.

(10) Licensees have the right to a hearing when the department assesses a civil fine under RCW 43.215.307 and chapter 170-03 WAC.

[Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-0110, filed 4/17/12, effective 5/18/12. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0110, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-0110, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-0110, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0120 How much can I be fined? We can impose a civil fine for the following:**

(1) If we determine that an agency or child care center is operating without a license we may assess a fine of two hundred fifty dollars per day for each day you provide unlicensed child care. A fine is effective and payable within thirty days of receipt of the notification.

(2) We may impose a civil monetary fine of two hundred fifty dollars per violation per day for violation of any rules in chapter 170-295 WAC. We can assess and collect the fine with interest for each day that you fail to come into compliance.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0120, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0120, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0130 When can an individual be fined for operating an unlicensed program?** (1) If the department receives information that an individual is operating a child care center without a license, the department investigates the allegation.

(2) If the department suspects that an individual is providing unlicensed child care, 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 seeks to obtain a license, within thirty calendar days from the date of the department's notice in this subsection, 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 two hundred fifty dollars per day for each day that the individual continues to provide child care without a license.

(3) The department's written notice in subsection (2) 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;
- (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.

(4) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in



subsection (2)(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 43.215.070, 43.215.060, and chapter 43.215 RCW. WSR 12-09-061, § 170-295-0130, filed 4/17/12, effective 5/18/12. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-0130, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-0130, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0130, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-0140 Probationary licenses.** (1) The department may issue a probationary license to a licensee in accordance with the process provided in RCW 43.215.290, based on the following factors:

- (a) The licensee's willful or negligent failure to comply with the regulations;
- (b) The licensee's history of noncompliance with the regulations;
- (c) How far the licensee deviates from the regulations;
- (d) Evidence of the licensee's good faith effort to comply with the regulations; and
- (e) Any other factors relevant to the licensee's unique situation.

(2) The department may issue a probationary license to a licensee when the willful or negligent violation of the licensing requirements does not present an immediate threat to the health and well being of the children, but would be likely to do so if allowed to continue. The department may also issue civil fines or other sanctions in this case. Such situations can include:

- (a) Substantiation that a child was abused or neglected while in the care of the center;
- (b) A fire safety inspection or health/sanitation inspection report that has been disapproved;
- (c) Use of unauthorized space for child care;
- (d) Inadequate supervision of children;
- (e) Under staffing for the number of children in care; and
- (f) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation and personal hygiene practices.

(3) Licensees are required to notify parents when a probationary license is issued. The licensee must:

- (a) Notify in writing the parents or guardians of all children in care that the center is in probationary status. This notification must be within five working days of receiving notification of being placed on probationary status or being issued a probationary license. The department must approve the notification before the licensee sends it; and

(b) Provide documentation to the department that parents or guardians of all children in care have been notified. The licensee must provide this documentation within ten working days of being notified that he or she has been issued a probationary license.

(4) A probationary license may be issued for up to six months and may be extended at the department's discretion for an additional six months.

[Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-0140, filed 4/17/12, effective 5/18/12. WSR 06-15-075, recodified as § 170-295-0140, filed 7/13/06,

(7/13/17)

effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-0140, filed 6/30/03, effective 8/1/03.]

## STAFFING

**WAC 170-295-1010 Who can be the director of a child care center?** If you apply for a license to operate a child care center, you may be the director yourself, or you can hire a director. The director is responsible for the overall management of the center's facility and operation and ensures that the center follows the minimum licensing requirements. The director must:

- (1) Be at least eighteen years of age or older;
- (2) Have knowledge of child development as evidenced by professional reference, education, experience, and on-the-job performance;
- (3) Have written proof of education including:
  - (a) A current child development associate certificate (CDA); or
  - (b) The following minimum number of college quarter\* credits or combination of college quarter credits and department-approved clock hours (ten clock hours equals one college credit) in early childhood education or child development:

If your center is licensed for this number of children:	Then the director must have completed at least this number of college quarter credits in early childhood education:	Of the total credits required, the minimum number that must be college quarter credits is:	And of the total credits required, the maximum number that can be department-approved clock hours is:
(i) Twelve or less	10	7	30 (replacing 3 college quarter hours)
(ii) Thirteen through 24	25	17	80 (replacing 8 college quarter hours)
(iii) Twenty-five or more	45	30	150 (replacing 15 college quarter hours)

\*Note: One college semester credit equals one and one half (1.5) college quarter hours.

(4) Have at least two years experience working with children the same age level as the center serves;

(5) Not let the provision of child care interfere with management or supervisory responsibilities;

(6) Be on the premises for the majority of the hours that care is provided and designate a person to be in charge that meets the qualifications of a lead teacher when not present; and

(7) Meet the STARS requirement and be listed in the state training and registry system (STARS).

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-1010, filed 7/13/17, effective 8/13/17. WSR 06-15-075, recodified as § 170-295-1010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1020 What if the director does not meet the minimum qualifications?** (1) If the director does not meet the requirements in WAC 170-295-1010, you must have a program supervisor who:

- (a) Meets all the qualifications of WAC 170-295-1010;
- (b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and
- (c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio. If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor.

(2) If the director does not meet the minimum requirements in WAC 170-295-1010 the director must have had at least one three credit college class in early childhood education or development.

(3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(4) The director or program supervisor may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-1020, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-1020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1030 Who can be a lead teacher in a child care center?** The lead teacher is a child care staff person who is in charge of a child or group of children and implements the activity program. The lead teacher must:

- (1) Be at least eighteen years of age or older;
- (2) Have completed a high school education or the equivalent; and
- (3) Have documented child development education or work experience; **or**
- (4) Complete STARS training within six months of becoming a lead teacher.

[WSR 06-15-075, recodified as § 170-295-1030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1040 Who can be an assistant or aide in a child care center?** You may assign a child care assistant or aide to support the lead child care staff.

- (1) The assistant or aide must be:
  - (a) At least sixteen years of age; and
  - (b) Under the direct supervision of a lead child care staff person.
- (2) You may assign an assistant who is age eighteen or older to care for a child or a group of children under direct supervision of a lead staff person. This person may have sole responsibility for a group of children without direct supervision by a superior for a brief period of time.
- (3) You must not assign a person under the age of eighteen years sole responsibility for a group of children.

[Ch. 170-295 WAC p. 10]

[WSR 06-15-075, recodified as § 170-295-1040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1050 Who can be a volunteer in a child care center?** (1) You may arrange for a volunteer to support lead child care staff. The volunteer must:

- (a) Be at least sixteen years of age or older; and
  - (b) Care for children under the direct supervision of a lead child care staff person at all times.
- (2) You may count the volunteer in the staff-child ratio when the volunteer meets staff qualification requirements and is sixteen years of age or older.

[WSR 06-15-075, recodified as § 170-295-1050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1060 What initial and ongoing state training and registry system (STARS) training is required for child care center staff?** The director, program supervisor and lead teachers must register with the STARS registry and complete one of the following trainings within the first six months of employment or of being granted an initial license:

- (1) Basic training approved by the Washington state training registry system (STARS);
- (2) Current child development associate certificate (CDA) or equivalent credential, or twelve or more college credits in early childhood education or child development; or
- (3) Associate of arts (AA), associate of arts and sciences or higher college degree in early childhood education or child development.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-044, § 170-295-1060, filed 12/9/14, effective 1/9/15. WSR 06-15-075, recodified as § 170-295-1060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1060, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1070 What continuing state training and registry system (STARS) training is required for child care center staff?** (1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing the initial training required in WAC 170-295-1010.

(2) The director and program supervisor must have five of the ten hours in program management and administration for the first two years in their respective positions. Each additional year, three of the ten hours required must be in program management and administration.

(3) The continuing education must include department approved annual infant safe sleep training when licensed to care for infants.

(4) The continuing education must be delivered by a state-approved trainer, or consist of training that has been department-approved through MERIT.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-1070, filed 8/19/15, effective 9/19/15; WSR 13-15-155, § 170-295-1070, filed 7/23/13, effective 8/23/13. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-1070, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-1070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-1070, filed 4/20/04,

(7/13/17)

effective 5/21/04; WSR 03-14-110, § 388-295-1070, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1080 What topics must my new staff orientation include?** You must have an orientation system in place to train each new employee and volunteer about program policies, practices, philosophies and goals. This training must include, but is not limited to, the program policies and practices listed in this chapter such as:

- (1) Minimum licensing requirements;
- (2) Planned daily activities and routines;
- (3) Child guidance and behavior management methods;
- (4) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (5) Health policies and procedures;
- (6) Contagious disease recognition and prevention;
- (7) Bloodborne pathogens;
- (8) Fire prevention, disaster plan and safety procedures;
- (9) Special health and developmental needs of the individual child;
- (10) Infant safe sleep practices when licensed to care for infants;
- (11) Personnel policies, when applicable;
- (12) Limited restraint techniques;
- (13) Cultural relevancy; and
- (14) Age and developmentally appropriate practices and expectations for the age group the staff will work with.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-1080, filed 8/19/15, effective 9/19/15; WSR 13-21-109, § 170-295-1080, filed 10/22/13, effective 11/22/13. WSR 06-15-075, recodified as § 170-295-1080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1090 What kind of meetings or ongoing training must I provide my staff?** (1) You must provide or arrange for staff meetings and training opportunities for the child care staff at least quarterly; and

- (2) At a minimum, your staff and volunteers must have ongoing training when there are changes:
  - (a) In your policies and procedures;
  - (b) In the equipment that you use;
  - (c) In the types of services you provide; or
  - (d) To health care plans for specific children.
- (3) Annual infant safe sleep training approved by the department must be provided when licensed to care for infants.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-1090, filed 8/19/15, effective 9/19/15. WSR 06-15-075, recodified as § 170-295-1090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1100 What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training?** (1) You must ensure that at least one person of your staff with a current basic standard first aid and age appropriate CPR certificate is present with each group of children in your center at all times. For example, if you have six different classrooms with different groups of children, you must have a staff person in each room trained in first aid and CPR.

(7/13/17)

(2) The person providing the first aid and CPR training must be knowledgeable about current national first aid and CPR standards. The trainer must:

- (a) Be in the medical field;
- (b) Be in the emergency field such as an emergency medical technician or firefighter;
- (c) Complete a "train the trainer" course from a reputable program such as the American Red Cross, American Heart Association, National Safety Council or labor and industries; or
- (d) Work for a company that specializes in first aid and CPR training.

(3) First aid and CPR training must be updated as required on the card or certificate received by you or your staff person. The first aid and CPR cards or certificates must have a date of expiration.

[WSR 06-15-075, recodified as § 170-295-1100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1100, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1110 Who must have human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS) and bloodborne pathogen training?** (1) Every employee who is included in the staff to child ratio must have written proof of HIV/AIDS and bloodborne pathogen training that includes prevention, transmission, treatment and confidentiality issues.

(2) You must comply with applicable Washington Industrial Safety and Health Act (WISHA)/labor and industries safety and health regulations under chapter 296-823 WAC that apply to you.

[WSR 06-15-075, recodified as § 170-295-1110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-1110, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-1110, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-1120 What are the tuberculosis (TB) testing requirements for the staff?** (1) Each employee and volunteer must have the results of a one step Mantoux TB skin test prior to starting work.

(2) New employees and volunteers do not need a TB skin test if they have written proof of:

- (a) A negative Mantoux TB test in the twelve months prior to you hiring them;
- (b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X-ray; or
- (c) Medication therapy to treat TB.

(3) Your staff and volunteers must be retested for TB when you are notified that any of the staff or volunteers have been exposed to TB. They must comply with the direction of the local health jurisdictions.

[WSR 06-15-075, recodified as § 170-295-1120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-1120, filed 6/30/03, effective 8/1/03.]

## PROGRAM

**WAC 170-295-2010 What types of play materials, equipment and activities must I provide for the children?** You must:

[Ch. 170-295 WAC p. 11]

(1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care.

(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be:

(a) Specific for each age group of children; and

(b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):

(i) Child initiated activity (free play);

(ii) Staff initiated activity (organized play);

(iii) Individual choices for play;

(iv) Creative expression;

(v) Group activity;

(vi) Quiet activity;

(vii) Active activity;

(viii) Large and small muscle activities; and

(ix) Indoor and outdoor play.

(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(4) Post the daily schedule and lesson plan in each room for easy reference by parents and by caregivers;

(5) Keep the daily schedule of events and lesson plans for the past six months on site for inspection;

(6) Maintain staff-to-child ratios and group size during transitions from one activity to another during the day;

(7) Plan for smooth transitions by:

(a) Establishing familiar routines; and

(b) Using transitions as a learning experience.

(8) Ensure the center's program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books; and

(9) Afford staff classroom planning time.

[WSR 06-15-075, recodified as § 170-295-2010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-2010, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-2010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2020 How long can a child be at the center?** The child may remain in care a maximum of ten hours or less each day. If needed, you may extend the time based upon the parent's typical work schedule and travel from and to the center.

[WSR 06-15-075, recodified as § 170-295-2020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2030 How should staff interact with children?** To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

(1) Ensure staff interact with children using positive communication (for example, giving children options of what to do rather than being told what not to do);

(2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;

(3) Provide age-appropriate opportunities for the child to grow and develop intellectually. Examples include:

(a) Reading readiness skills;

(b) Language skills development;

(c) Encouraging the child to ask questions;

(d) Counting;

(e) Matching objects;

(f) Differentiating between large and small; and

(g) Sorting.

(4) Help each child solve problems with intervention as necessary;

(5) Encourage children to be creative in their projects;

(6) Allow independence in selecting routine activities and projects;

(7) Show tolerance for mistakes;

(8) Encourage children to try new activities; and

(9) Honor all children's race, religion, culture, gender, physical ability and family structure.

[WSR 06-15-075, recodified as § 170-295-2030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2040 What behavior management and guidance practices must I have in place?** You must:

(1) Develop and implement written behavior management and guidance practices for the center;

(2) Guide the child's behavior based on an understanding of the individual child's needs and stage of development;

(3) Promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others;

(4) Ensure behavior management and guidance practices that are fair, reasonable, consistent, and related to the child's behavior;

(5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:

(a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child;

(b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child's family, or using language that threatens, humiliates or frightens a child;

(c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and

(d) The using or withholding of food or liquids as punishment.

(6) In emergency situations, a staff person may use limited physical restraint when:

(a) Protecting a person on the premises from serious injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(7) Staff who use limited restraint must complete an incident report. A copy of the incident report must be:

(a) Placed in the child's individual record; and

(b) Given to the parent.

[WSR 06-15-075, recodified as § 170-295-2040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2040, filed 6/30/03, effective 8/1/03.]

### **WAC 170-295-2050 Must we provide rest periods?**

You must:

(1) Offer a supervised rest period to the child who is:

(a) Five years of age or younger and in care for more than six hours; or

(b) Showing a need for rest.

(2) Allow a child twenty-nine months of age or younger to follow an individual sleep schedule, and plan alternative quiet activities for the child who does not need rest.

[WSR 06-15-075, recodified as § 170-295-2050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2060 What are the requirements for evening and nighttime care?** In addition to meeting the other requirements of chapter 170-295 WAC, if you offer child care during evening and nighttime hours, you must:

(1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as:

(a) In centers operating past midnight, you must provide for each child a crib, mat or cot, or mattress pad, that is easily sanitized;

(b) Make arrangements for bathing as needed;

(c) Make arrangements for personal hygiene including tooth brushing;

(d) Have individual bedding appropriate for overnight sleeping; and

(e) Have separate dressing and sleeping areas for boys and girls ages six years and older or younger children demonstrating a need for privacy.

(2) Maintain the same staff-to-child ratio that is in effect during daytime care;

(3) Keep the child within continuous visual and auditory range at all times;

(4) Ensure that the staff in charge during evening and nighttime hours meets the requirements of a lead teacher; and

(5) Ensure all staff attending to children in care are awake.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-2060, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-2060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2060, filed 6/30/03, effective 8/1/03.]

(7/13/17)

**WAC 170-295-2070 What do I need to transport the children on offsite trips?** (1) You may transport a child or permit the child to travel offsite only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised offsite activities.

(2) The parent's consent may be:

(a) For a specific date or trip; or

(b) A blanket authorization describing the full range of trips the child may take. If you use a blanket authorization, you must notify the parent in writing at least twenty-four hours in advance about any specific trip.

(3) When transportation is provided by the center for children in care:

(a) The driver must have a valid Washington state driver's license to operate the type of vehicle being driven;

(b) The number of passengers cannot exceed the seating capacity of the vehicle;

(c) Either the center owner or the driver must have liability and medical insurance; and

(d) The driver, parent volunteer, or staff supervising the children being transported in each vehicle must have written documentation on file of current CPR and first-aid training.

(4) When you transport children, the vehicle used must:

(a) Have a current license and registration according to Washington state transportation laws;

(b) Be maintained in good repair and safe operating condition; and

(c) Be equipped with:

(i) At least one first-aid kit that meets the requirements of WAC 170-295-5010;

(ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;

(iii) The health history and emergency information for each child in the vehicle; and

(iv) A method to call for emergency help.

(5) You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information.

(6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and

(7) Staff or driver must not leave the children unattended in the motor vehicle.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-2070, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-2070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2070, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2080 What must I communicate to parents?** (1) You must have written documentation signed by the parent in each child's file that you have:

(a) Explained to the parent the centers policies and procedures;

(b) Discussed the centers philosophy, program and facilities;

(c) Advised the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encouraged parent participation in center activities.

[Ch. 170-295 WAC p. 13]

(2) You must also give the parent the following written policy and procedure information:

- (a) Enrollment and admission requirements;
- (b) The fee and payment plan;
- (c) A typical activity schedule, including hours of operation;
- (d) Meals and snacks served, including guidelines on food brought from the child's home;
- (e) Permission for free access by the child's parent to all center areas used by the child;
- (f) Signing in and signing out requirements;
- (g) Child abuse reporting law requirements;
- (h) Behavior management and discipline;
- (i) Nondiscrimination statement;
- (j) Religious and cultural activities, if any;
- (k) Transportation and field trip arrangements;
- (l) Practices concerning an ill child;
- (m) Medication management;
- (n) Medical emergencies;
- (o) Disaster preparedness plans; and
- (p) If licensed for the care of an infant or toddler:
  - (i) Diapering;
  - (ii) Toilet training; and
  - (iii) Feeding.

[WSR 06-15-075, recodified as § 170-295-2080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2090 What are the required staff to child ratios and maximum group sizes for my center?** The following requirements apply to centers licensed for any number of children:

(1) You must ensure the required staff to child ratios are met at all times when children are in your care. The licensee must conduct group activities within the group size and staff to child ratio requirements, according to the age of the children:

If the age of the children is:	Then the staff to child ratio is:	And the maximum group size is:
(a) One month, through 11 months (infant)	1:4	8
(b) Twelve months through 29 months (toddler)	1:7	14
(c) Thirty months through six years not attending kindergarten or elementary school (preschool age child)	1:10	20
(d) Five years through 12 years attending kindergarten or elementary school (school-age child)	1:15	30

(2) You must conduct activities for each group in a specific room or other defined space within a larger area.

(3) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

(4) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(5) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if:

- (a) Staff remain on the premises; and
- (b) Each child is within continuous visual and auditory range of a staff person.

(6) You must ensure staff:

- (a) Attend to the group of children at all times; and
- (b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must be within auditory range of a center staff member.

(7) When only one staff person is present, you must ensure a second staff person is readily available in case of emergency.

(8) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either:

- (a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or

(b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is not needed for the staff to child ratio, but is available to provide emergency relief.

(9) Service staff, such as cooks, janitors, or bus drivers, may be counted in the required staff to child ratio if they meet all child care worker qualifications.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-13-057, § 170-295-2090, filed 6/12/14, effective 7/13/14. WSR 06-15-075, recodified as § 170-295-2090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-2090, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-2090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2100 What are the exceptions to group sizes and staff to child ratios?** (1) If the center is licensed for twelve or fewer children, you may combine children (excluding infants not walking independently) of different age groups if you:

(a) Maintain the staff to child ratio for the youngest child in the mixed group; and

(b) Provide a separate area when infants not walking independently are in care.

(2) In centers licensed for thirteen or more children, you may group children between one year and two years of age who are walking independently with older children, provided:

(a) The total number of children in the group does not exceed twelve; and

(b) Two staff are assigned to the group.

(3) Excluding infants not walking independently, you may place an individual child in a different age group and serve the child within the different age group's required staff to child ratio. Prior to making the change, you must:

(a) Consult with the child's parent; and

(b) Document that the change is appropriate to the child's individual needs and developmental level.

(4) Mixed groups including infants walking independently under subsections (1) and (3) of this section must not include school-age children.

(5) You may combine children of different age groups for periods of no more than one hour at the beginning and end of the day provided you maintain the staff to child ratio and group size designated for the youngest child in the mixed group;

(6) You may have nine infants in a classroom with appropriate square footage if you maintain a ratio of one staff to three infants; and

(7) You can request a waiver to group size limitations. If we approve variations to group size limitations, you must maintain the required staff-to-child ratios. Our approval will depend on factors including, but not limited to:

- (a) Staff qualifications;
- (b) Program structure;
- (c) Square footage; and
- (d) Lower staff to child ratios.

(8) 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 14-13-057, § 170-295-2100, filed 6/12/14, effective 7/13/14. WSR 06-15-075, recodified as § 170-295-2100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-2100, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-2100, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2110 Are children allowed in the kitchen when they are doing supervised activities?** (1) You must be sure that children are not in the kitchen except during supervised activities.

(2) When children are in the kitchen, you must:

- (a) Supervise food preparation activities involving children; and
- (b) Make the kitchen environmentally safe for children to participate in planned kitchen activities.

[WSR 06-15-075, recodified as § 170-295-2110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2110, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-2120 Are there special program requirements for infants and toddlers?** (1) When you care for infants and toddlers you must:

- (a) Encourage them to handle and manipulate a variety of objects;
- (b) Provide a safe environment for climbing, moving and exploring;
- (c) Provide materials and opportunities for large and small muscle development;
- (d) Read and talk to them daily;
- (e) Provide daily indoor opportunities for freedom of movement outside their cribs, in an open, uncluttered space;
- (f) Place them in a prone (lying on the tummy) position part of the time when they are awake and staff are observing them;
- (g) Not leave them in car seats once they arrive at the center even if they are asleep; and

(7/13/17)

(h) Not be left in playpens for extended periods of time excluding sleep time.

(i) Talk to and interact with each infant and toddler often and encourage them to respond. Naming objects and describing care encourages language development;

(j) Hold and cuddle infants and toddlers to encourage strong relationships; and

(k) Respond to and investigate cries or other signs of distress immediately.

(2) You must provide toys, objects and other play materials that:

- (a) Are cleanable;
  - (b) Are nontoxic; and
  - (c) Cannot cause a choking hazard for infants or toddlers.
- (3) You must not use baby walkers.

[WSR 06-15-075, recodified as § 170-295-2120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2120, filed 6/30/03, effective 8/1/03.]

### **WAC 170-295-2130 Do I need an outdoor play area?**

(1) You must provide an outdoor program that promotes the child's coordination, active play, and physical, mental, emotional, and social development based on their age. The play area must:

(a) Adjoin the indoor premises directly or be reachable by a safe route or method;

(b) Have adequate drainage and be free from health and safety hazards;

(c) Contain a minimum of seventy-five usable square feet per child using the play area at any one time. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size.

(2) If you provide full-time care, the activity schedule must provide the child daily morning and afternoon outdoor play;

(3) If you provide drop-in care only, at our discretion we may approve equivalent, separate, indoor space for the child's large muscle play;

(4) You must ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and maintain group size;

(5) Staff must be outdoors with the children in continuous visual and auditory range;

(6) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding and balancing activities; and

(7) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

[WSR 06-15-075, recodified as § 170-295-2130, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-2130, filed 6/30/03, effective 8/1/03.]

## **HEALTH AND NUTRITION**

**WAC 170-295-3010 What kind of health policies and procedures must I have?** (1) You must have written health policies and procedures that are:

- (a) Written in a clear and easily understood manner;
- (b) Shared with all new staff during orientation;
- (c) Posted for staff and families to review; and

[Ch. 170-295 WAC p. 15]

(d) Reviewed, signed and dated by a physician, a physician's assistant or registered nurse when you change your policies and procedures or type of care that you provide, or at least every three years when you are due for relicensing. (For example, if you go from caring for children from twelve months and older to caring for infants, you must update your health policies and procedures and have them reviewed and signed.)

(2) Your health policies and procedures must have information on how you plan to:

(a) Provide general cleaning of areas including, but not limited to, bathrooms, floors, walls, and doorknobs;

(b) Clean and sanitize areas including, but not limited to, food contact surfaces, kitchen equipment, diapering areas, toys, toileting equipment and areas, equipment that might be shared with several children such as sleep mats, cribs or high chairs;

(c) Prevent, manage and report contagious diseases;

(d) Handle minor injuries such as nosebleeds, scrapes and bruises;

(e) Provide first aid;

(f) Screen children daily for illnesses;

(g) Notify parents that children have been exposed to infectious diseases and parasites;

(h) Handle minor illnesses;

(i) Handle major injuries and medical emergencies that require emergency medical treatment or hospitalization;

(j) Manage medication;

(k) Assist with handwashing and general hygiene including diapering and toileting;

(l) Handle food;

(m) Provide nutritious meals and snacks;

(n) Respond during any disasters;

(o) Care for children that may have special needs;

(p) Care for infants and obtain infant nurse consultation (if licensed for four or more infants); and

(q) Follow the infant safe sleep practices in WAC 170-295-4110.

(3) Your health policies and procedures must have information on when you plan to:

(a) Require ill children to stay home and for how long;

(b) Allow the ill child to return; and

(c) Call a parent to pick up their child and how you will care for the child until the parent arrives.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-3010, filed 8/19/15, effective 9/19/15; WSR 13-21-109, § 170-295-3010, filed 10/22/13, effective 11/22/13. WSR 06-15-075, recodified as § 170-295-3010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-3010, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-3010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3020 How often must staff wash their hands?** Staff and volunteers must wash their hands with soap and warm water:

(1) When arriving at work;

(2) After toileting a child;

(3) Before, during (may use wet wipe) and after diapering a child;

(4) After personal toileting;

(5) After attending to an ill child;

(6) Before and after preparing, serving, or eating food;

(7) Before and after giving medication;

(8) After handling, feeding or cleaning up after animals;

(9) After handling bodily fluids;

(10) After smoking;

(11) After being outdoors or involved in outdoor play; and

(12) As needed.

[WSR 06-15-075, recodified as § 170-295-3020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3030 When is a child or staff member too ill to be at child care?** (1) Your staff must check all children for signs of illness when they arrive at the center and throughout the day.

(2) You must exclude children and staff with the following symptoms from care:

(a) Diarrhea (three or more watery stools or one bloody stool within twenty-four hours);

(b) Vomiting (two or more times within twenty-four hours);

(c) Open or oozing sores, unless properly covered with cloths or with bandages;

(d) For suspected contagious skin infection such as impetigo and scabies: The child may return twenty-four hours after starting antibiotic treatment; and

(e) Fever of 100 degrees Fahrenheit or higher and who also have one or more of the following:

(i) Earache;

(ii) Headache;

(iii) Sore throat;

(iv) Rash; or

(v) Fatigue that prevents participation in regular activities.

(3) Children and staff who have a reportable disease may not be in attendance at the child care center unless approved by the local health authority.

(4) You must not take ear or rectal temperatures. Oral temperatures can be taken for preschool through school age if single use disposable covers are used over the thermometer.

(5) When a child becomes ill or injured while in your care, you must:

(a) Keep a confidential, individualized, written record in the child's file that includes the:

(i) Date of an illness or injury;

(ii) Treatment provided while in care; and

(iii) Names of the staff providing the treatment.

(b) Provide a copy of the illness or injury report to the parent; and

(c) Keep a current, written incident log listing date of illness or injury, the child's name, names of staff involved, and a brief description of the incident for tracking and analysis.

(6) You must notify parents in writing when their children have been exposed to infectious diseases or parasites. The notification may consist of either a letter to parents or posting a notification for parents in a visible location.

(7) You are a mandated disease reporter to the health department per WAC 246-101-415. You can obtain a list of reportable diseases, time frames for reporting and reporting phone numbers from your local health department.



[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-109, § 170-295-3030, filed 10/22/13, effective 11/22/13. WSR 06-15-075, recodified as § 170-295-3030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3040 How often must children wash their hands?** Children must wash their hands with soap and warm water:

- (1) On arrival at the center;
- (2) After using the toilet;
- (3) After the child is diapered;
- (4) After outdoor play;
- (5) After playing with animals;
- (6) After touching body fluids (such as blood or after nose blowing or sneezing); and
- (7) Before and after the child eats or participates in food activities.

[WSR 06-15-075, recodified as § 170-295-3040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3050 Am I required to give medications to the children in my care?** If a child has a condition where the Americans with Disabilities Act (ADA) would apply you must make reasonable accommodation and give the medication.

[WSR 06-15-075, recodified as § 170-295-3050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3050, filed 6/30/03, effective 8/1/03.]

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

- (a) Child's first and last name;
- (b) Name of medication;
- (c) Reason for giving medication;
- (d) Amount of medication to give;
- (e) How to give the medication (route);
- (f) How often to give the medication;
- (g) Start and stop dates;
- (h) Expected side effects; and
- (i) How to store the medication consistent with directions on the medication label.

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

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

- (a) Antihistamines;
- (b) Nonaspirin fever reducers/pain relievers;
- (c) Nonnarcotic cough suppressants;
- (d) Decongestants;
- (e) Ointments or lotions intended to reduce or stop itching or dry skin;
- (f) Diaper ointments and nontalc powders, intended only for use in the diaper area;
- (g) Sun screen for children over six months of age; and

(7/13/17)

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

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

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

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

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

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

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

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

#### **WAC 170-295-3070 How must I store medications?**

(1) You must store medications in the original container labeled with:

- (a) The child's first and last names;
- (b) If a prescription, the date the prescription was filled;
- (c) The expiration date; and
- (d) Easy to read instructions on how to give the medication (i.e., the bottle is in the original package or container with a clean and readable label).

(2) You must store medications:

- (a) In a container inaccessible to children (including staff medications);
- (b) Away from sources of moisture;
- (c) Away from heat or light;
- (d) Protected from sources of contamination;
- (e) According to specific manufacturers or pharmacists directions;

(f) Separate from food (medications that must be refrigerated must be in a container to keep them separate from food); and

(g) In a manner to keep external medications that go on the skin separate from internal medications that go in the mouth or are injected into the body.

(3) All controlled substances must be in a locked container.

[WSR 06-15-075, recodified as § 170-295-3070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3070, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3080 Can I use bulk medications (use one container for all the children such as with diaper ointments)?** You can keep bulk containers of diaper ointments

[Ch. 170-295 WAC p. 17]

and nontalc type powders intended for use in the diaper area and sun screen if you:

- (1) Obtain written parental consent prior to use;
- (2) Use for no longer than six months; and
- (3) Notify the parents of the:
  - (a) Name of the product used;
  - (b) Active ingredients in the product; and
  - (c) Sun protective factor (SPF) in sun screen.
- (4) Apply the ointments in a manner to prevent contaminating the bulk container.

[WSR 06-15-075, recodified as § 170-295-3080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3090 How do I handle left over medication?** You must not keep old medications on site. When a child is finished with a medication, you must either:

- (1) Give it back to the parent; or
- (2) Dispose of it by flushing medication(s) down the toilet.

[WSR 06-15-075, recodified as § 170-295-3090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3100 When can children take their own medication?** (1) Children can take their own medication if they:

- (a) Have a written statement from the parent requesting the child take their own medication;
- (b) Have a written statement from a health care provider with prescriptive authority stating that the child is physically and mentally capable of taking their own medication; and
- (c) Meet all other criteria in chapter 170-295 WAC including storage of medications.

(2) A staff member must observe and document that the child took the medication.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-3100, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-3100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3100, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3110 Do I need special equipment to give medication?** To give liquid medication you must use a measuring device designed specifically for oral or liquid medications. Parents should provide the measuring devices for individual use.

[WSR 06-15-075, recodified as § 170-295-3110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3110, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3120 What documentation is required when giving children medication?** You must keep a confidential, written record in the child's file of:

- (1) Child's full name, date, time, name of medication and amount given (indicate if self-administered);
- (2) Initial of staff person giving medication or observing the child taking the medication with a corresponding signature on the medication record to validate the initials; and
- (3) Provide a written explanation why a medication that should have been given was not given.

[Ch. 170-295 WAC p. 18]

[WSR 06-15-075, recodified as § 170-295-3120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3120, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3130 Can anyone else give medication to children in my care?** (1) Only staff persons who have been oriented to your center's medication policies and procedures can give medications.

(2) You must have documentation that the staff person has been oriented.

(3) Before a staff may administer medications they must ask parents to provide instruction on specialized medication administration procedures or observations, i.e., how to use the nebulizer, epi-pens or individual child's preference for swallowing pills.

[WSR 06-15-075, recodified as § 170-295-3130, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3130, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3140 What kind of milk can I serve?** (1) Only pasteurized milk or pasteurized milk products can be served to children in your care.

(2) Nondairy milk substitutes may be served only with written permission of the child's parent for children over the age of twelve months.

(3) The amount of required milk fat in the milk product is determined by the child's age:

If the age of the child is:	Then the fat content of the milk must be:
(a) Under 12 months	Full strength formula or full strength breast milk unless there is specific written instructions from a licensed health care provider.
(b) Between 12 months and 24 months	Full strength whole milk or breast milk unless there is specific written instruction from a licensed health care provider.
(c) Over 24 months	With or without fat content of providers or parents choice.

[WSR 06-15-075, recodified as § 170-295-3140, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3140, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3150 How many meals and snacks must I serve?** (1) The number of meals or snacks you must serve is based on the number of hours you are open.

If you are open:	You must serve at least:
(a) Nine hours or less	(i) Two snacks and one meal; or (ii) One snack and two meals.
(b) Over nine hours	(i) Two snacks and two meals; or (ii) Three snacks and one meal.

(2) You must also offer:

- (a) Food at intervals not less than two hours and not more than three and one-half hours apart;
- (b) Breakfast or snack to children in morning care whether or not the child ate before arriving at the center;
- (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time;
- (d) A snack or meal for children arriving after school;
- (e) Dinner to children in nighttime care if the children are at the center after their usual dinnertime or have not had dinner; and
- (f) An evening snack to children in nighttime care.

(7/13/17)

[WSR 06-15-075, recodified as § 170-295-3150, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3150, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3160 What kind of food and menus must I have?** (1) You must:

- (a) Prepare, date, and conspicuously post menus one week or more in advance, containing the meals and snacks to be served;
- (b) Provide two weeks or more of meal and snack menu variety before repeating the menu;
- (c) Keep six months of past menus on-site for inspection by the department;
- (d) Make substitutions of comparable nutrient value and record changes on the menu, when needed;
- (e) Provide daily a minimum of one serving of Vitamin C fruit, vegetable, or juice;
- (f) Provide three or more times weekly foods high in Vitamin A; and
- (g) Maintain at least a three day supply of food and water for emergency purposes based on the number of children in child care.

(2) Meals eaten at the center must contain the following:

- (a) Each breakfast meal the child eats at the center must contain:
  - (i) A fruit or vegetable or one hundred percent fruit or vegetable juice.
  - (ii) A dairy product (such as milk, cheese, yogurt, or cottage cheese).
  - (iii) A grain product (such as bread, cereal, rice cake or bagel).
- (b) Each lunch and dinner meal the child eats at the center must contain:
  - (i) A dairy product (such as milk, cottage cheese, yogurt, cheese);
  - (ii) Meat or meat alternative (such as beef, fish, poultry, legumes, tofu, or beans);
  - (iii) A grain product (such as bread, cereal, bagel, or rice cake);
  - (iv) Fruits or vegetables (two fruits or two vegetables or one fruit and one vegetable to equal the total portion size required). When juice is served in place of a fruit or vegetable it must be one hundred percent fruit or vegetable juice.

(3) When meals are not provided by the center you must:

- (a) Notify parents in writing that meals they provide for their children must meet the daily nutritional requirements;
- (b) Provide adequate refrigeration for keeping potentially hazardous foods (such as meats of any type, cooked potato, cooked legumes, cooked rice, sprouts, cut melons or cantaloupes, milk, cheese);
- (c) Refrigerate foods requiring refrigeration at 45 degrees Fahrenheit or less and keep frozen foods at 10 degrees Fahrenheit or less until they are cooked or consumed.
- (4) Each snack the child eats at the center must include at least two of the following four components:
  - (a) A milk product (such as milk, cottage cheese, yogurt, cheese);
  - (b) A meat or meat alternative (such as meat, legumes, beans, egg);
  - (c) A grain product (such as cereal, bagel, rice cake or bread); and

(d) Fruit or vegetable.

(5) Each snack or meal must include a liquid to drink. The drink could be water or one of the required components such as milk, fruit or vegetable juice.

(6) You may allow parents to bring in snacks for all the children that may not meet the nutritional requirements on special occasions such as birthdays. The snacks provided by parents must be limited to store purchased:

- (a) Uncut fruits and vegetables; and
- (b) Foods prepackaged in original manufacturer's containers.

(7) If a child has a food allergy or special menu requirements due to a health condition, you must:

- (a) Receive written directions from the child's health care provider and parent to provide nutritional supplements (such as iron), a medically modified diet (such as a diabetic or an allergy diet). For allergy diets, the parent and child's health care provider must identify the foods the child is allergic to;
- (b) Post each child's food allergies in locations where food is prepared and served;
- (c) Include the allergies on the individual health care plan;
- (d) Specify an alternative food with comparable nutritive value; and
- (e) Notify staff of the allergies and reactions. NOTE: You can require parents to supply food for supplements and special diets.

[WSR 06-15-075, recodified as § 170-295-3160, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3160, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3170 What are the food service standards I am required to meet?** You must maintain on site at least one person with a Washington state department of health food handler's permit to:

- (1) Monitor and oversee food handling and service at the center; and
- (2) Provide orientation and ongoing training as needed for all staff involved in food handling. Anyone cooking full meals must have a food handlers permit.

[WSR 06-15-075, recodified as § 170-295-3170, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3170, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3180 What are approved food sources?** You must:

- (1) Prepare or serve food that is not tampered with or spoiled and is obtained from an approved source including, but not limited to, a licensed caterer, a food service company or a grocery store. Food sources that are not approved include:
  - (a) Left over food that was previously served from outside your center;
  - (b) Home canned, frozen or prepared food unless it is for the person's own children;
  - (c) Donated food from restaurants or caterers that was previously served;
  - (d) Game meat that has not been inspected by the USDA; and
  - (e) Donated meat, fish, poultry or milk that is not from a source inspected for sale.

- (2) Prepare all food on site unless it is provided by a:
  - (a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or
  - (b) Parent for individual children.
- (3) Have a signed contract or agreement with any satellite kitchen or the catering service that you use. Your contract must include written proof that the caterer and the method of transporting the food are approved by the local health jurisdiction as meeting the requirements of the department of health, chapter 246-215 WAC.

(4) Have a written policy if you use a satellite kitchen that describes:

- (a) A description of how food will be handled once it is on-site; and
- (b) What back up system you will use if the food does not arrive, not enough food arrives, or the food cannot be served.

[WSR 06-15-075, recodified as § 170-295-3180, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3180, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3190 How can I be sure that the food I serve is safe?** (1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:

- (a) The name and the temperature of the food;
- (b) The date and time the temperature was checked; and
- (c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) You may serve previously prepared food that has not been previously served if it was stored at the proper temperature for less than forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-114, § 170-295-3190, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-3190, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-3190, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3190, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3200 How do I safely store food?** You must store food:

- (1) In the original containers or in clean, labeled containers that are airtight and off the floor;
- (2) In a manner that prevents contamination from other sources;
- (3) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;
- (4) That is not past the manufacturer's expiration or freshness date;
- (5) In a refrigerator or freezer if cooling is required;
- (6) Raw meat, poultry or fish in the refrigerator, below cooked or ready to eat foods;

[Ch. 170-295 WAC p. 20]

(7) Foods not requiring refrigeration at least six inches above the floor in a clean, dry, ventilated storeroom or other areas; and

(8) Dry bulk foods not in their original containers, in containers with tight fitting covers. Containers must be labeled and dated.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-3200, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-3200, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3200, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3210 How do I safely thaw foods?** You must thaw food by one of the following methods:

- (1) In a refrigerator;
- (2) Under cool running water, in a pan placed in a sink with the stopper removed;
- (3) In a microwave, if the food is to be cooked immediately; or
- (4) As part of the continuous cooking process.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-3210, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-3210, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3210, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3220 What type of kitchen material and equipment is required?** You need the following equipment to cook and serve meals without restrictions on the type of menus or foods that you can cook, serve or store:

- (1) Kitchen walls, counter tops, floors, cabinets and shelves that are:
  - (a) Maintained in good repair to include being properly sealed without chips or cracks;
  - (b) Moisture resistant; and
  - (c) Maintained in a clean and sanitary condition.
- (2) A range with a properly vented hood or exhaust fan, except when serving only snacks;
- (3) A refrigerator, freezer or a combination refrigerator with sufficient space for proper storage and cooling of food;
- (4) Handwashing facilities located in or adjacent to the food preparation area with handwashing procedures posted at each sink used for handwashing and followed by all persons who participate in food preparation.

(5) A method to clean and sanitize equipment using:

- (a) A two compartment sink and an automatic dishwasher capable of reaching a temperature of 140 degrees Fahrenheit; or

(b) The means to appropriately clean and sanitize dishes and utensils through the use of a three compartment sink method where sink one is used to wash, sink two is used to rinse, and sink three contains a sanitizing ingredient;

(6) You may use a microwave oven to reheat foods if the food is:

- (a) Rotated or stirred during heating;
- (b) Covered to retain moisture; and
- (c) Held for two minutes prior to serving to allow the temperature to spread evenly throughout the food.

[WSR 06-15-075, recodified as § 170-295-3220, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3220, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-3230 What type of eating and drinking equipment must I provide?** (1) You must provide eating and drinking equipment that is:

- (a) Cleaned and sanitized between use by different children;
  - (b) Free from cracks or chips;
  - (c) Individual; and
  - (d) Developmentally appropriate.
- (2) You must not directly serve food on the table without a plate or paper napkin;
- (3) You must use gloves, tongs, or spoons to serve food;
- (4) You may have inclined jet-type drinking fountains. Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain cannot be used; and
- (5) You must not have drinking fountains in restrooms.

[WSR 06-15-075, recodified as § 170-295-3230, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-3230, filed 6/30/03, effective 8/1/03.]

## CARE OF YOUNG CHILDREN

**WAC 170-295-4010 At what age can I accept infants into care?** You must not accept into care an infant who is less than one month of age.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-4010, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-4010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-4010, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-4010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4020 How do I meet the nutritional needs of the infants in my care?** You must:

- (1) Have written policies on providing, preparing, storing and sanitizing infant formula, food and utensils; and
- (2) Work with the infant's parent to develop a plan for the infant's feedings that is acceptable to the parent and incorporates the following guidelines:

Developmental Stage/Age of Infant	Type of Feeding
(a) Under 4 months of age	Serve only formula or breast milk unless you have a written order from the child's health care provider.
(b) When baby can: (At about 4-6 months of age) Sit with support Hold head steady Close lips over the spoon Keep food in mouth and swallow it.	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin iron fortified baby cereal and plain pureed fruits and vegetables upon consultation with parents.
(c) When baby can: (At about 6-8 months) Sit without support Begin to chew Sip from a cup with help Grasp and hold onto things	Serve only formula or breast milk unless you have a written order from the child's health care provider. Start small amounts of juice, or water in a cup. Let baby begin to feed self. Start semisolid foods such as cottage cheese, mashed tofu, mashed soft vegetables or fruits.

(7/13/17)

Developmental Stage/Age of Infant	Type of Feeding
(d) When baby can: (At about 8-10 months) Take a bite of food Pick up finger foods and get them into the mouth Begin to hold a cup while sipping from it	Serve only formula or breast milk unless you have a written order from the child's health care provider. Small pieces of cheese, tofu, chicken, turkey, fish or ground meat. Small pieces of soft cooked vegetables, peeled soft fruits. Toasted bread squares, unsalted crackers or pieces of soft tortilla. Cooked plain rice or noodles. Only formula, breast milk, juice or water in the cup.
(e) When a baby can: (10-12 months) Finger Feed Chew and swallow soft, mashed and chopped foods Start to hold and use a spoon Drink from a cup	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin offering small sized, cooked foods. Variety of whole grain cereals, bread and crackers, tortillas. Cooked soft meats, mashed legumes (lentils, pinto beans, kidney beans, etc.), cooked egg yolks, soft casseroles.
(f) When a baby can eat a variety of foods from all food groups without signs of an allergic reaction	Fruit pieces and cooked vegetables. Yogurt, cheese slices. Offer small amounts of formula, breast milk or water in the cup during meals.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-4020, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-4020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4030 What is a safe way to prepare bottles?** (1) Parents may bring from home filled bottles labeled with the infant's name for daily use (see WAC 170-295-4040).

- (2) To prepare bottles you must:

(a) Prepare and fill bottles by washing hands prior to bottle preparation;

(b) Use a sink that is only for bottle preparation, other food preparation or other approved source of water. Water from a handwashing sink may not be used for bottle preparation;

(c) Do not heat a bottle in a microwave or allow bottles to warm at room temperature for more than an hour, to limit bacterial growth; and

(d) Bottles must be warmed under running warm water or placed in a container of water that is not warmer than 120 degrees Fahrenheit.

- (3) The bottle preparation area including the sink must:

(a) Be located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or

(b) Have a barrier to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink. If a barrier is used, it must be:

- (i) Solid (without cracks or breaks);

- (ii) Sealed;

- (iii) Moisture-resistant; and

(iv) At least twenty-four inches in height from the counter surface.

(4) If the infant room does not have a sink that is dedicated to bottle and food preparation, you must provide a clean source of water for preparing bottles such as getting water from the kitchen and keeping it in a container with an airtight cover that:

(a) Is located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or

(b) Has a barrier that meets the requirements in WAC 170-295-4030 (3)(b) to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-4030, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-4030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4040 What is a safe way to store infant formula and food?** To store bottles, formula or infant food, you must:

(1) Label all bottles with the infant's full name and the date the bottle was filled to be sure the correct formula or breast milk is given to each infant;

(2) Have a refrigerator accessible to staff to store bottles and unserved, leftover infant food;

(3) Throw away the contents of any bottle not fully consumed within one hour. Do not put bottles that have been used back into the refrigerator;

(4) Throw away or return to the family any unused bottle contents within twelve hours of preparing or arriving at the center;

(5) Not serve infant formula past the expiration date on the manufacturers container; and

(6) Keep bottle nipples covered when not in use to reduce risk of cross contamination and exposure.

[WSR 06-15-075, recodified as § 170-295-4040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4050 What is a safe way to store breast milk?** You can keep frozen breast milk if you:

(1) Label the contents with the child's name and date it was brought into the center;

(2) Store the frozen breast milk at 10 degrees Fahrenheit or less;

(3) Thaw the breast milk in the refrigerator, under warm running water or in a pan of warm water; and

(4) Keep frozen breast milk in the center for no more than two weeks.

[WSR 06-15-075, recodified as § 170-295-4050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4060 What is a correct way to clean bottles and nipples?** Bottles, bottle caps, nipples and other equipment used for bottle feeding must not be reused without first being cleaned and sanitized by:

(1) Washing in a dishwasher; or

(2) Washing, rinsing and boiling for one minute.

[Ch. 170-295 WAC p. 22]

[WSR 06-15-075, recodified as § 170-295-4060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4060, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4070 Are there specific rules for feeding infants and toddlers?** (1) Infants must be fed according to their need rather than according to an adult prescribed time schedule.

(2) While feeding infants:

(a) Hold infants for bottle feedings to prevent choking;

(b) Place infants who can sit in high chairs or at an appropriate child-sized table and chairs for feeding and sit facing the child during the feeding;

(c) Do not prop a bottle;

(d) To prevent tooth decay:

(i) Do not give a bottle to a reclining child unless the bottle contains only water; and

(ii) Offer juice only from a cup.

(e) Take the bottle from the child when the child finishes feeding.

[WSR 06-15-075, recodified as § 170-295-4070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4070, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4080 When should I begin toilet training a child?** Toilet training is initiated with consultation with parents:

(1) Using positive reinforcement;

(2) Cultural sensitivity;

(3) Not using foods as a reinforcement; and

(4) Following a routine established between the parent and you.

[WSR 06-15-075, recodified as § 170-295-4080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4090 Can I use potty-chairs for toilet training?** You may use potty-chairs that are:

(1) Located in the toilet room or similar area that meets the requirements of WAC 170-295-5100 designed for toiletting;

(2) On a floor that is moisture resistant and washable;

(3) Immediately emptied into a toilet; and

(4) Cleaned in a designated sink or utility sink separate from classrooms and sanitized after each use. The sink must also be cleaned and sanitized after cleaning potty-chairs.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-4090, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-4090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4100 What sleep equipment do I need for infants?** (1) You must not put infants to sleep in infant swings, car seats, or similar equipment.

(2) You must provide each infant with a single-level crib (stacking cribs must not be used), infant bed, bassinet or playpen for napping until you and the parent agree that the child can safely use a mat, cot or other approved sleeping equipment.

(7/13/17)

(3) You must provide a crib, infant bed, playpen or bassinets mattress that is:

(a) Snug fitting and touches each side of the crib to prevent the infant from becoming entrapped between the mattress and crib side rails;

(b) Waterproof; and

(c) Easily cleaned and sanitized, without tears or tape.

(4) To allow walking room between cribs and reduce the spread of germs you must:

(a) Space cribs a minimum of thirty inches apart. You may place cribs end to end if you provide a barrier. If you use barriers, staff must be able to observe and have immediate access to each child.

(b) Provide a moisture resistant and easily cleanable solid barrier on the side or end adjacent to another crib.

(5) You must provide an appropriate fitting sheet or cover for the sleeping surface.

(6) You must launder bedding at least weekly and more often if it becomes soiled.

(7) 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.

(a) A crib meets the requirements of this subsection if the crib is labeled by the manufacturer as made on or after June 28, 2011.

(b) A crib labeled as made from July 1, 2010 through June 27, 2011, may meet the requirements of this subsection 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.

(c) Any crib that does not meet the requirements of (a) or (b) of this subsection must be removed from the child care facility not later than December 28, 2012.

(d) 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 15-17-131, § 170-295-4100, filed 8/19/15, effective 9/19/15. Statutory Authority: Chapter 43.215 RCW and 16 C.F.R. parts 1219, 1220, 1500, et al. WSR 12-22-023, § 170-295-4100, filed 10/30/12, effective 11/30/12. WSR 06-15-075, recodified as § 170-295-4100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-4100, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-4100, filed 6/30/03, effective 8/1/03.]

### **WAC 170-295-4120 What must I do to be sure that diaper changing is safe and does not spread infections?**

(1) Your diaper changing table and area must:

(a) Have a washable, moisture resistant diaper-changing surface that is cleaned and sanitized between children;

(b) Be a table or counter with a protective barrier on all sides that is at least three and one-half inches higher than the surface that the child lays on;

(c) Have a garbage can with a lid, plastic liner, and method for disposing of hand drying supplies so that a garbage can lid does not have to be opened with hands;

(d) Be on moisture impervious and washable flooring that extends at least two feet surrounding the diaper changing and handwashing area; and

(e) Be directly adjacent to a sink used for handwashing supplied with:

(i) Warm running water (between 85 degrees Fahrenheit and 120 degrees Fahrenheit);

(ii) Soap; and

(iii) A sanitary method for drying hands (single-use towels).

(2) You must have the diaper changing procedure posted and must follow the steps included.

(3) You must not leave the child unattended during the diaper change.

(4) You must not use the safety belts on diaper changing tables because they are neither cleanable nor safe.

(5) You must not place anything on the diaper-changing table, counter or sink except the child, changing pad and diaper changing supplies.

(6) Disposable diapers must be:

(a) Placed into a covered, plastic-lined, hands free covered container;

(b) Removed from the facility and the liner changed at least daily and more often if odor is present; and

(c) Disposed of according to local disposal requirements.

(7) Reuseable diapers must be:

(a) Individually bagged and placed without rinsing into a separate, cleanable, covered container equipped with a waterproof liner before transporting to the laundry, given to the commercial service or returned to parents for laundry; and

(b) Removed from the facility daily or more often if odor is present.

[WSR 06-15-075, recodified as § 170-295-4120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4120, filed 6/30/03, effective 8/1/03.]

### **WAC 170-295-4130 Do I need a nurse consultant? (1)**

If you are licensed to care for four or more infants you must have an infant nurse consultant. The nurse consultant's duties will depend upon the needs of the center. We, center management, teachers, and observations/assessments of the nurse consultant can identify the needs.

(2) If you are required to have an infant nurse consultant, you must:

(a) Have a written agreement with a nurse consultant who is a currently licensed registered nurse (RN) who has either worked in pediatrics (care of children) or public health in the past year or has taken or taught classes in pediatric nursing at the college level in the past five years;

(b) Have at least one monthly on-site visit from your nurse consultant when you have infants enrolled (you may skip the monthly visit if no infants are enrolled);

(c) Have the nurse or a designee that meets the requirements of a nurse consultant available by phone as needed; and

(d) Have written notes of the nurse consultant visit on-site that includes topics discussed, areas of concern, date and signature.

[WSR 06-15-075, recodified as § 170-295-4130, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4130, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-4140 When are children required to have a change of clothing on-site?** (1) You are required to have extra clothing available for the children who wet or soil their clothes.

(2) You may require the parent to provide the clothing, but you must have clothing available for use in case the parent forgets the change of clothing.

[WSR 06-15-075, recodified as § 170-295-4140, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-4140, filed 6/30/03, effective 8/1/03.]

## SAFETY AND ENVIRONMENT

**WAC 170-295-5010 What first-aid supplies are required in my center?** (1) You must maintain on the premises adequate first-aid supplies conforming to the center's first-aid policies and procedures. The center's first-aid supplies must include:

(a) A supply for each vehicle used to transport children; and

(b) A portable supply, which can be taken on walks and field trips.

(2) You must store first aid supplies:

(a) Inaccessible to children;

(b) In an area easily accessible to staff;

(c) Separate from food; and

(d) In a clean and safe manner to prevent contamination such as in a tackle box or other container, away from chemicals and moisture.

(3) Your first-aid kit must include at least:

(a) A current first-aid manual;

(b) Sterile gauze pads;

(c) Small scissors;

(d) Band-Aids of various sizes;

(e) Roller bandages;

(f) Large triangular bandage (sling);

(g) Nonsterile protective gloves;

(h) Adhesive tape;

(i) Tweezers;

(j) One-way CPR barrier or mask; and

(k) At least one unexpired bottle of Syrup of Ipecac that must be given only at the direction of a poison control center.

[WSR 06-15-075, recodified as § 170-295-5010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5020 How do I maintain a safe environment?** (1) You must maintain the building, equipment and premises in a safe manner that protects the children from injury hazards including but not limited to:

(a) Burns (for example: Chemicals or other potentially flammable substances);

(b) Drowning;

(c) Choking (for example: Ropes, wires, blind cords, fences not meeting requirements);

(d) Cuts (for example: Broken glass, sharp objects, abrasive surfaces);

(e) Entrapments (for example: The following items must not have openings between three and one-half inches and nine inches wide: Deck and fence rails, stair rails or other equipment);

(f) Falls from excessive heights;

(g) Gunshots by ensuring no firearm or another weapon is on the premises;

(h) Hearing loss by keeping noise at a level where a normal conversation can be heard;

(i) Objects falling on the children (for example: Heavy items on open shelving that could fall in an earthquake or similar emergency);

(j) Pinches from equipment (for example: Broken or cracked areas);

(k) Poison (such as cleaning supplies or lead-based paint);

(l) Puncture (for example: Equipment, building edges or playground equipment with sharp points or jagged edges);

(m) Shear or crush (for example: Lawn and garden equipment used for yard maintenance);

(n) Shock by electricity;

(o) Trap (for example: Compost bins, old freezers, dryers or refrigerators); and

(p) Trip (for example: Cable wires, ropes, jagged or cracked walkways).

(2) To further prevent injuries, you must

(a) Provide child height handrails on at least one side of the steps, stairways, and ramps;

(b) Provide guardrails for elevated play areas and stairs;

(c) Use listed tamper resistant receptacles or use tamper resistant, nonmoveable, nonremovable cover plates in areas accessible to children preschool age and younger;

(d) Shield light bulbs and tubes by using a protective barrier to prevent shattering into child-accessible areas, food, and storage areas;

(e) Provide screens for windows or limit the opening capability of any windows within reach of children to less than three and one-half inches. Windows with limited opening capabilities cannot be the designated fire escape window. Windows protected with guards must not block outdoor light or air in areas used by children;

(f) Provide a barrier for glass areas such as windows or sliding glass doors that extend down to the child's eye level by placing a barrier between the child and glass or something placed on the glass at the child's eye level such as stickers or art work so that the child does not try to go through the solid glass;

(g) Not place cribs, play pens, bassinets, infant beds, indoor climbing structures next to windows unless of safety glass; and

(h) When using heaters capable of reaching 110 degrees Fahrenheit on the surface, you must protect children from burn hazards by making them inaccessible to children or locating them where children cannot reach them.

(3) You may not use portable heaters.

(4) You must implement a method to monitor entrance and exit doors to prevent children from exiting the buildings unsupervised. You may use:

(a) A door alarm;

(b) A bell that can be heard throughout the building;

(c) Adult supervision at the exits; or

(d) Other method to alert the staff (you may not lock the door to prevent an exit. It is against the fire code).



(5) You must maintain one or more telephones on the premises in working order that is accessible to staff at all times.

(6) You must maintain a flashlight or other emergency lighting device in working condition.

[WSR 06-15-075, recodified as § 170-295-5020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5030 What do I need to include in my disaster plan?** (1) You must develop and implement a disaster plan designed for response to fire, natural disasters and other emergencies. The plan must address what you are going to do if there is a disaster and parents are not able to get to their children for two or three days.

(2) The fire plan must follow the requirements in chapter 212-12 WAC or the state fire marshal requirements.

(3) In areas where local emergency plans are in place, such as school district emergency plan, centers may follow those procedures and actions in developing their own plan.

(4) The disaster plan must be:

(a) Specific to the child care center;  
(b) Relevant to the types of disasters that might occur in the location of your child care center;

(c) Able to be implemented during hours of operation; and

(d) Posted in every classroom for easy access by parents and staff.

(5) Your disaster plan must identify:

(a) The designated position of the person (example: Director, lead teacher, program supervisor, etc.) who is responsible for each part of the plan;

(b) Procedures for accounting for all children and staff during and after the emergency;

(c) How you evacuate the premises, if necessary, and the meeting location after evacuation;

(d) How you care for children with special needs during and after the disaster;

(e) How you provide for children until parents are able to pick them up;

(f) How you contact parents or how parents can contact the child care center; and

(g) Transportation arrangements, if necessary.

(6) Your written records must include a disaster plan, with signatures and dates of persons completing the disaster plan review on-site. The disaster plan must be read, reviewed and signed by:

(a) The director and staff annually; and

(b) Parents when children are enrolled.

(7) In addition to the requirements for fire drills and training set forth by the state fire marshal in chapter 212-12 WAC, you must:

(a) Document staff education and training of the disaster plan;

(b) Conduct and document quarterly disaster drills for children and staff (you do not have to conduct a drill quarterly for each potential disaster - just one drill per quarter);

(c) Keep written documentation of the drills on-site; and

(d) Debrief and evaluate the plan in writing after each disaster incident or drill.

(8) You must keep the twelve month record indicating the date and time you conducted the required monthly fire evacuation drills on-site for the current year plus the previous calendar year.

[WSR 06-15-075, recodified as § 170-295-5030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-5030, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-5030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5040 How do I maintain a clean and sanitized environment?** (1) Surfaces must be easily cleanable. A cleanable surface is one that is:

(a) Designed to be cleaned frequently;

(b) Moisture-resistant; and

(c) Free from cracks, chips or tears.

(2) Examples of cleanable surfaces include linoleum, tile, sealed wood, and plastic.

(3) You must maintain the building, equipment and premises in a clean and sanitary manner that protects the children from illness including but not limited to:

(a) Ensure that floors around sinks, toilets, diaper change areas and potty chairs are moisture resistant and easily cleanable for at least twenty-four inches surrounding the surfaces; and

(b) Take measures to control rodents, fleas, cockroaches, and other pests in and around the center premises such as:

(i) Keep all trash and garbage cans tightly sealed;

(ii) Screen open windows and doors;

(iii) Seal and store food properly; and

(iv) Keep floors and other areas free from crumbs and food debris.

(4) Surfaces can be cleaned:

(a) With any cleaning solution such as soap and water, cleanser or cleaning spray;

(b) With a concentration according to label directions; and

(c) Rinsed as needed per label directions.

(5) You may use a bleach solution to sanitize in the following areas:

(a) Diapering areas;

(b) Surfaces exposed to body fluids;

(c) Bathrooms and bathroom equipment;

(d) Table tops;

(e) High chairs;

(f) Toys;

(g) Dishes;

(h) Floors; and

(i) Sleeping mats.

(6) You may use any solution that is intended for sanitizing if the solution is approved by the department. When you use a product other than bleach to sanitize, you must:

(a) Follow the label directions for use including concentration, contact time and rinsing; and

(b) Be sure that if you use the product on food contact surfaces and items that children might put into their mouths, the label states the product is safe for food contact surfaces.

(7) The following are surfaces that need to be cleaned and sanitized and a minimum schedule for that cleaning:

(a) Tables and counters used for food serving and high chairs before and after each meal or snack;

(b) Sinks, counters and floors daily, or more often if necessary;

(c) Refrigerators monthly or more often as needed;

(d) Bathrooms (including sinks, toilets, counters and floors) daily and more often if necessary;

(e) Floors will be swept, cleaned and sanitized daily;

(f) Carpet vacuumed at least daily and shampooed as needed but at least every six months;

(g) Toys that children place in their mouth between use by different children;

(h) Infant and toddler toys daily; and

(i) Sleeping mats, cribs and other forms of bedding between use by different children and at least weekly.

(8) Your health policies and procedures must describe your frequency for general cleaning, dusting, cleaning toys, toy shelves, and equipment.

[WSR 06-15-075, recodified as § 170-295-5040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5050 How can I make sure water activities are as safe and sanitary as possible?** (1) To ensure that the children are safe with a swimming pool on the premises, you must:

(a) Ensure that pools are inaccessible to children when not in use;

(b) Provide a certified lifeguard at all times in addition to required staff, when children use a swimming pool; and

(c) Follow any guidelines established by your local health jurisdiction or the state department of health.

(2) You must prohibit children from using or having access to a hot tub spa, small portable wading pools, whirlpool, or other similar equipment.

(3) If you have a water table you must empty and sanitize water tables or similar water play containers after each use and more often if necessary.

[WSR 06-15-075, recodified as § 170-295-5050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5060 How must I store maintenance and janitorial supplies?** (1) You must provide safe storage for flammable and combustible liquids and chemicals used for maintenance purposes and operation of equipment. They must be in a location designed to prevent child access at all times. The liquids and chemicals must be:

(a) Stored in original containers or in department approved safety containers that identify contents;

(b) Stored to comply with fire safety regulations adopted by the state fire marshal's office; and

(c) Ventilated either by mechanical ventilation to the outdoors or through a window that opens on the exterior wall.

(2) Your janitorial or housekeeping storage must have:

(a) Floor surfaces that are moisture impervious and easily cleanable;

(b) A designated utility or service sink for disposing of wastewater; and

(c) A place for mop storage that is ventilated to the outside.

[Ch. 170-295 WAC p. 26]

[WSR 06-15-075, recodified as § 170-295-5060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5060, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5080 How do I safely get rid of sewage and liquid wastes?** (1) You must dispose of sewage and liquid waste into a public sewer system or approved on-site sewage disposal system (septic system) designed, constructed and maintained as required in chapters 246-272A and 173-240 WAC and local ordinances.

(2) If you have an on-site sewage system, you must:

(a) Have written verification that the system has been approved by the department of health or local health jurisdiction; and

(b) Locate your drain field and venting to be sure that:

(i) Playgrounds are not on and do not interfere with the access to or operation of the on-site sewage system including the drain field; and

(ii) That drain field venting does not vent onto the playground.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-5080, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-5080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5080, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5090 What are the fence requirements?** (1) You must fence the outdoor play area to:

(a) Prevent unauthorized people from entering; and

(b) Prevent children from escaping and having access to hazardous areas.

(2) At a minimum fences and gates must:

(a) Be safe, and maintained in good repair; and

(b) Be designed to discourage climbing and prevent entrapment.

[WSR 06-15-075, recodified as § 170-295-5090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5090, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5100 What are the requirements for toilets, handwashing sinks and bathing facilities?** (1) You must provide:

(a) A toilet room that is vented to the outdoors;

(b) A room with flooring that is moisture resistant and washable;

(c) One flush-type toilet and one adjacent sink for handwashing within auditory (hearing) range of the child care classrooms for every fifteen children and staff;

(d) Toileting privacy for children of opposite genders who are six years of age and older, or when a younger child demonstrates a need for privacy; and

(e) A mounted toilet paper dispenser within arms reach of the user with a constant supply of toilet paper for each toilet.

(2) Children eighteen months of age or younger are not included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(7/13/17)

(4) Toilet fixture heights must be as follows:

If the age group is:	The toilet fixture height must be:
(a) Toddler: Eighteen months through 29 months	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.
(b) Preschool or older: Thirty months of age through six years of age not enrolled in kindergarten or elementary school	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.

(5) Handwashing sink heights must be as follows:

If the age group is:	The sink height must be:
(a) Toddler: Twelve months through 29 months	(i) Eighteen - 22 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.
(b) Preschool or older: Thirty months of age through six years of age not enrolled in kindergarten or elementary school	(i) Twenty-two - 26 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.
(c) School age: Over five years of age or enrolled in kindergarten or elementary school	(i) Twenty-six - 30 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.

(6) Infants are not included when determining the number of sinks required for handwashing.

(7) The sink for handwashing must:

(a) Be located in or immediately outside of each toilet room;

(b) Have water controls that are accessible by the intended user; and

(c) Not be used for food preparation, as a drinking water source or a storage area.

(8) You must have:

(a) Single-use paper towels and dispensers; or

(b) Heated air-drying devices.

(9) You must use soap from some type of dispenser to prevent the spread of bacteria from the soap.

(10) If the center is equipped with a bathing facility, you must:

(a) Have parent permission to bathe children;

(b) Equip the bathing facility with a conveniently located grab bar and a nonskid pad or surface; and

(c) Provide constant supervision for the child five years of age and younger and older children who require supervision.

(11) You must make the bathing facility inaccessible to children when not in use.

[Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 14-13-057, § 170-295-5100, filed 6/12/14, effective 7/13/14.

(7/13/17)

WSR 06-15-075, recodified as § 170-295-5100, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5100, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5110 What are the requirements if I do laundry on the premises or offsite?** (1) If you choose to do laundry on the premises or offsite you must be sure the laundry is:

(a) Cleaned and rinsed;

(b) Sanitized with hot water that reaches at least 140 degrees Fahrenheit or use an alternative method such as chlorine bleach that has been approved by the department;

(c) Stored to keep soiled linen and laundry separate from clean linen;

(d) Separate from kitchen and food preparation areas; and

(e) Inaccessible to children.

(2) You also must ensure the dryer is ventilated to outside the building.

[WSR 06-15-075, recodified as § 170-295-5110, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5110, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5120 What kind of sleep and nap equipment do I need for children not in cribs, bassinets, infant beds or playpens?** Sleeping and nap equipment must be available for each toddler and preschool age child not using a crib and remaining in care for at least six hours and any other child requiring a nap or rest period.

(1) You must:

(a) Provide a separate, firm and waterproof mat or mattress, cot or bed for each child or have a system for cleaning the equipment between children;

(b) Place mats or cots at least thirty inches apart at the sides and arrange children head to toe or toe to toe;

(c) Be sure that the bedding consists of a clean sheet or cover for the sleeping surface and a clean blanket or suitable cover for the child;

(d) Launder the bedding weekly or more often if necessary and between uses by different children;

(e) Store each child's bedding separately from bedding used by other children. Once the bedding has been used, it is considered dirty. One child's bedding cannot touch another child's bedding during storage;

(f) Keep mats clean and in good repair. Once a mat is torn it is not cleanable. You may not use duct tape or fabric to repair sleeping mats or mattresses; and

(g) Use only cots with a surface that can be cleaned with a detergent solution, disinfected and allowed to air dry.

(2) You may not use the upper bunk of a bunk bed for children under six years of age.

[WSR 06-15-075, recodified as § 170-295-5120, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5120, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5140 Are there any requirements for storage space provided for children?** You must provide accessible individual storage space for each child's belongings that prevents the spread of diseases or parasites such as scabies and lice.

[WSR 06-15-075, recodified as § 170-295-5140, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5140, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5150 Are there temperature requirements for my facility?** (1) You must maintain all rooms used by children at temperature of:

- (a) Sixty-eight degrees Fahrenheit to 75 degrees Fahrenheit during winter months; and
- (b) Sixty-eight degrees Fahrenheit to 82 degrees Fahrenheit during the summer months.

(2) In addition, you must:

(a) Equip the room or building with a mechanical air cooling system or equivalent when the inside temperature of child-occupied areas exceeds 82 degrees Fahrenheit. This includes but is not limited to, swamp coolers, fans, air conditioners, or drip systems;

(b) Not take children outdoors during extremes temperatures that put children at risk for physical harm.

[WSR 06-15-075, recodified as § 170-295-5150, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-5150, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-5150, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5160 What do I need to know about pesticides?** (1) To use pesticides, you must comply with licensing requirements of chapter 17.21 RCW (The Pesticide Application Act) which requires you to:

(a) Establish a policy on the use of pesticides that includes your posting and notification requirements;

(b) Provide to parents a written copy of your pesticide policies that includes your posting and notification requirements annually or on enrollment;

(c) Notify parents, guardians, and any other interested parties forty-eight hours in advance of the application of pesticides; and

(d) Require the pesticide applicator to provide a copy of the records required within twenty-four hours of when the pesticide is applied.

(2) Your notification must include a heading stating "Notice: Pesticide Application and..." at a minimum must state the:

- (a) Product name of the pesticide being used;
- (b) Intended date and time of application;
- (c) Location where the pesticide will be applied;
- (d) Pest to be controlled; and
- (e) Name and number of a contact person at the facility.

(3) To notify people that a pesticide has been used, you must place a marker at each primary point of entry to the center grounds. The marker must be:

- (a) A minimum of four inches by five inches;
- (b) Printed in colors contrasting to the background; and
- (c) Left in place for at least twenty-four hours following the pesticide application or longer if a longer restricted period is stated on the label.

(4) The marker must include:

- (a) A headline that states "This landscape has recently been sprayed or treated with pesticides";
- (b) Who has treated the landscape; and
- (c) Who to call for more information.

[WSR 06-15-075, recodified as § 170-295-5160, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5160, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-5170 Can we have animals at the center?** (1) When animals are on the center premises you must:

(a) Notify the parents in writing that animals are on the premises and the potential health risks associated with the animals to include how to address the needs of children having allergies to animals;

(b) Have a signed document from each parent stating they understand the potential health risks;

(c) Not hang pet containers or cages in corridors, entryways or over where children eat, sleep, and play;

(d) Post handwashing signs in areas where pets are housed;

(e) Have containers or cages to prevent debris from spilling out of the container or cage. The container or cage must not be located in corridors, entrance ways, or where children eat, or play;

(f) Assign responsible staff to ensure pet containers, cages, and litter boxes are cleaned and disinfected at least weekly and more often if needed;

(g) Not allow animals in food preparation areas. If the sink is used for cleaning food or utensils it cannot be used to clean pet supplies;

(h) Not allow animals in rooms that typically are used by infants or toddlers;

(i) Keep on file proof of current rabies vaccinations for all dogs and cats;

(j) Meet local requirements in counties with immunization, vaccination and licensing requirements for animals; and

(k) Organize children into small groups for supervised activity for handling of pets.

(2) You must develop policies and procedures for management of pets to include:

(a) How the needs of children who have allergies to pets will be accommodated;

(b) How pet containers, cages, litter boxes will be cleaned and sanitized and who will do it;

(c) How pets will receive food and water, and be kept clean and who will do it;

(d) Curricula for teaching children and staff about safety and hygiene when handling pets; and

(e) Pets (excluding aquatic animals) showing signs of illness must be removed from the facility until they have been seen, treated and given approval to return to the center by a veterinarian. Written proof of veterinary visits must be maintained on file.

(3) Reptiles and amphibians must be in an aquarium or other totally self-contained area except during educational activities involving the reptile. Children five years of age or less must not physically handle reptiles and amphibians.

(4) Animals with a history of biting or other aggressive behaviors must not be on the premises of the child care center.

(5) You must ensure children wash their hands after handling animals.

[WSR 06-15-075, recodified as § 170-295-5170, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-5170, filed 6/30/03, effective 8/1/03.]

## AGENCY PRACTICES

**WAC 170-295-6010 What are the regulations regarding discrimination?** (1) Child care centers are defined by state and federal law as places of public accommodation and must not discriminate in employment practices and client services on the basis of race, creed, color, national origin, marital status, gender, sexual orientation, class, age, religion, or disability.

(2) You must:

(a) Post a nondiscrimination poster where families and staff can easily read it;

(b) Have a written nondiscrimination policy; and

(c) Comply with the requirements of the Americans with Disabilities Act.

[WSR 06-15-075, recodified as § 170-295-6010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-6020 What are the regulations regarding religious activities?** You must:

(1) Respect and facilitate the rights of the child in care to observe the tenets of the child's faith, consistent with state and federal laws;

(2) Not punish or discourage the child for exercising these rights; and

(3) Maintain a written description of the center's religious policies and practices that affect the child in care.

[WSR 06-15-075, recodified as § 170-295-6020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-6030 What are the special requirements regarding American Indian children?** When five percent or more of the center's child enrollment consists of American Indian children, you must develop social services resource and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian health service, and Bureau of Indian Affairs social service staff, and appropriate urban Indian and Alaska native consultants.

[WSR 06-15-075, recodified as § 170-295-6030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-6040 What are the requirements regarding child abuse and neglect?** (1) You and your staff must protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.

(2) You must immediately report an instance when you or the staff have reason to suspect that child physical, sexual, or emotional abuse, child neglect, or child exploitation as defined in chapter 26.44 RCW has occurred. This report must be made to children's administration central intake.

(3) If there is immediate danger to a child you must also make a report to local law enforcement.

[WSR 06-15-075, recodified as § 170-295-6040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6040, filed 6/30/03, effective 8/1/03.]

(7/13/17)

**WAC 170-295-6050 What substances are prohibited in the child care center or on the premises?** (1) You, your staff, parents, and volunteers must not be under the influence of, consume, or possess an alcoholic beverage or illegal drug while on the child care premises or during work hours while you are responsible for children in care.

(2) You, your staff, parents, and volunteers must not smoke:

(a) Inside the center building;

(b) While supervising children outdoors; or

(c) In a motor vehicle while transporting children.

(3) You, your staff, parents, and volunteers may smoke outdoors, off the premises and out of view of the children.

[WSR 06-15-075, recodified as § 170-295-6050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-6060 Who is allowed to have unsupervised access to children in care?** (1) During operating hours or while a child is in care, individuals allowed to have unsupervised access to the child in care are:

(a) You;

(b) An employee or volunteer who has been authorized by DEL to care for or have unsupervised access to children in child care; and

(c) A representative of a governmental agency who has specific, verifiable authority supported by documentation for the access.

(2) A parent can have unsupervised access only to his or her own child. A parent may sign an authorization for an individual to have unsupervised access to his or her own child (for example a therapist).

(3) You must not allow anyone else to have unsupervised access to a child in child care.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-6060, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-6060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-6060, filed 6/30/03, effective 8/1/03.]

## RECORDS, REPORTING, AND POSTING

**WAC 170-295-7010 Information to be kept in the child's individual file.** (1) Licensees must keep current organized confidential records and information about each child in care on the premises as provided in WAC 170-300-0465, and must make sure that each child's record contains, at a minimum:

(a) Completed enrollment application signed by the parent;

(b) Name, birth date, dates of enrollment and termination, and other identifying information;

(c) Name, address, and home and business telephone number of the parent and other person to be contacted in case of an emergency;

(d) Health history;

(e) Individual plan of care when needed for chronic health conditions and life threatening medical conditions;

(f) Written consent from the parent for the licensee to seek and approve medical care in an emergency situation, a court order waiving the right of informed consent, or the par-

ent's alternate plans for emergency medical and surgical care if the parent can not be reached;

(g) Information on how to contact the parents, especially in emergencies;

(h) Instructions from the parent or health care providers related to medications, specific food or feeding requirements, allergies, treatments, and special equipment or health care needs if necessary;

(i) Written records of any illness or injury that occurs during child care hours and the treatment provided; and

(j) Written records of any medications given while the child is at child care.

(2) Licensees must include the following authorizations in each child's record:

(a) Name, address, and telephone number of the person authorized to remove the child from the center;

(b) Written parental consent for transportation to and from school; and

(c) Written parental consent for transportation provided by the center to and from field trips, including field trip location, date of trip, departure and arrival times and any other additional information on which the parent may need to be advised.

(3) Licensees may use any health history form that the licensee chooses as long as it includes:

(a) The date of the child's last physical exam or the date the child was last seen by a health care provider for reasons other than immunizations;

(b) Allergies, expected symptoms, and method of treatment if necessary;

(c) Health and developmental concerns or issues;

(d) Any life threatening medical condition that requires an individual health plan;

(e) A list of current medications used by the child;

(f) Name, address, and phone number of the child's health care provider; and

(g) Name, address, and phone number of the child's dentist, if the child has a dentist.

(4) The individual records, including the certificate of immunization status, must be kept on the premises:

(a) For each child currently in care; and

(b) For five years after the child leaves enrollment in the licensee's care.

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-7010, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-295-7010, filed 5/8/12, effective 6/8/12. WSR 06-15-075, recodified as § 170-295-7010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-7010, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-7010, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7020 Am I required to track immunizations?** (1) You are required to track each child's immunization status. To be sure that the children have the required immunizations for their age, you or your staff must:

(a) See that each child has a completed certificate of immunization status form submitted or on file before the first day of child care;

(b) Develop a system to audit and update as scheduled the information on the certificate of immunization status forms;

(c) Meet any requirement of state board of health WAC 246-100-166; and

(d) Have available on the premises the certificate of immunization status forms for review by the health specialist, licenser, the department of health, and nurse consultant.

(2) You may accept a child whose immunizations are started but not up to date on a "conditional" basis if:

(a) For children whose records are difficult to obtain (such as foster children), there is written proof that the case worker or health care provider is in the process of obtaining the child's immunization status prior to the child starting child care; or

(b) The required immunizations are started prior to children starting child care; and

(c) The immunizations are completed as rapidly as medically possible. You must work with the parent, health care provider, or local health department to obtain an immunization plan.

(3) If a parent or health care provider chooses not to immunize a child, they must sign the exempt portion of the certificate of immunization status form.

(4) You may have a policy that states you do not accept children who have been exempted from immunizations by their parent or guardian, unless that exemption is due to an illness protected by the American With Disabilities Act (ADA).

(5) The certificate of immunization status forms for children who are currently enrolled must be accessible and maintained on the premises in a confidential manner.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-7020, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-7020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-7020, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7030 Attendance records.** Licensees must keep daily attendance records.

(1) The parent or other person authorized by the parent to take the child to or from the center must:

(a) Sign in the child on arrival and sign out the child at departure, using their full signature and writing the time of arrival and departure; or

(b) Record the child's attendance using an electronic system if used by the licensee under WAC 170-295-7032;

(2) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent, the licensee or staff must sign out the child, and sign in the child on return to the center; and

(3) Paper and electronic attendance records and invoices for state subsidized children must be kept on the premises for at least five years after the child leaves the licensee's care as provided in WAC 170-300-0465.

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-7030, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-295-7030, filed 5/8/12, effective 6/8/12. WSR 06-15-075, recodified as § 170-295-7030, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-7030, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7032 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, § 170-295-7032, filed 5/8/12, effective 6/8/12.]

**WAC 170-295-7040 Facility records.** The licensee must keep a file on-site containing copies of the most recent child care center monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

[Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-7040, filed 4/17/12, effective 5/18/12. WSR 06-15-075, recodified as § 170-295-7040, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-7040, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-7040, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7050 What personnel records and policies must I have?** (1) Each employee and volunteer who has unsupervised access to a child in care must complete the following forms on or before their date of hire:

(a) An application for employment on a form prescribed by us, or on a comparable form approved by the department; and

(b) A background check form.

(2) You must submit the background check form to us within seven calendar days of the employee's first day of work. The form authorizes a criminal history background inquiry for that person.

(3) Until the background check results are returned and show the employee to not be disqualified, you must not leave the employee unsupervised with the children.

(4) We discuss the information on the background check form with you, the director, or other person responsible for the operation of the center, such as a human resources professional, if applicable.

(5) If you employ five or more people you must have written personnel policies. These policies must describe staff benefits, if any, and duties and qualifications of staff.

(6) You must maintain a system of record keeping for personnel. In addition to the other requirements in this chapter, you must keep the following information on file on the premises for yourself, each staff person and volunteer:

(a) An employment application, including work and education history;

(b) Documentation that a background check form was submitted;

(c) A copy of the department notification of background clearance authorization;

(d) Written documentation of trainings and meetings such as but not limited to:

(i) Orientation;

(ii) Ongoing trainings to include infant safe sleep training when licensed to care for infants;

(iii) Bloodborne pathogen training (including HIV/AIDS);

(iv) CPR/first aid;

(v) Food handler's cards (if applicable);

(vi) STARS;

(vii) Staff meetings; and

(viii) Child abuse and neglect.

(e) Documentation of the results of tuberculosis (TB) testing by the Mantoux skin test prior to starting work.

(7) You must keep the following information on file for the owner of the facility:

(a) If the center is solely owned by you:

(i) A photocopy of your Social Security card that is valid for employment or verification of your employer identification number (EIN); and

(ii) A photocopy of your photo identification issued by a government entity.

(b) If the center is owned by a corporation, verification of the corporation's EIN.

(8) Training documentation must include a certificate, card, or form with a copy placed in each individual employees file that contains the:

(a) Topic presented;

(b) Number of clock hours;

(c) Date and names of persons attending; and

(d) Signature and organization of the person conducting the training.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-17-131, § 170-295-7050, filed 8/19/15, effective 9/19/15. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-295-7050, filed 4/30/08, effective 5/31/08. WSR 06-15-075, recodified as § 170-295-7050, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 04-09-093, § 388-295-7050, filed 4/20/04, effective 5/21/04; WSR 03-14-110, § 388-295-7050, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7060 What injuries and illnesses or child abuse and neglect must I report?** You or your staff must report immediately:

(1) A death or a serious injury or illness that requires medical treatment or hospitalization of a child in care must be reported by telephone and in writing to the parent, licensor, and child's social worker, if the child has a social worker;

(2) Any instance when you or your staff have reason to suspect the occurrence of any physical, sexual, or emotional child abuse or child neglect, child endangerment, or child exploitation as required under described in chapter 26.44 RCW. You may make a report by calling the statewide number at 1-800-562-5624 or 1-866-ENDHARM; and

(3) An occurrence of food poisoning or reportable contagious disease, as required by the state board of health to the local public health department and to the licensor, by telephone.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-109, § 170-295-7060, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW and 2006 c 265. WSR 08-08-012, § 170-295-7060, filed 3/19/08, effective 4/19/08. WSR 06-15-075, recodified as § 170-295-7060, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-7060, filed 6/30/03, effective 8/1/03.]

**WAC 170-295-7070 What circumstantial changes must I report to my licensor?** A child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensor. A major change includes the following:

(1) Center's address, location, space or phone number;

(2) Maximum number and age ranges of children you wish to serve compared to the current license specifications;

(3) Number and qualifications of the center's staffing pattern that may affect staff capability to carry out the specified program, including:

(a) Change of ownership, chief executive, director, or program supervisor; and

(b) Death, retirement, or incapacity of the person licensed;

(4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and bylaws;

(5) A fire, major structural change, or damage to the premises; and

(6) Plans for major remodeling of the center, including planned use of space not previously approved by the fire marshal's office or us.

[WSR 06-15-075, recodified as § 170-295-7070, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-7070, filed 6/30/03, effective 8/1/03.]

### **WAC 170-295-7080 Materials that must be posted.**

Licensees must post the following items so that they are clearly visible to the parent and staff:

(1) The center's child care license issued under this chapter and chapter 170-300 WAC;

(2) A schedule of regular duty hours with the names of staff;

(3) A typical activity schedule, including operating hours and scheduled mealtimes;

(4) Meal and snack menus for the month;

(5) Fire safety record and evacuation plans and procedures, including a diagram of exiting routes;

(6) Emergency telephone numbers near the telephone;

(7) Nondiscrimination poster;

(8) For the staff, the licensee must post:

(a) Dietary restrictions and nutrition requirements for particular children;

(b) Handwashing practices;

(c) Diaper changing procedures, if applicable;

(d) Disaster preparedness plan; and

(e) Center policies and procedures.

(9) The licensee must post a notification advising parents that the licensee is required to keep a file on-site for their review containing copies of the most recent child care center monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

[Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-15-056, § 170-295-7080, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 43.215.070, 43.215.060, 43.43.832(6), and chapter 43.215 RCW. WSR 12-09-060, § 170-295-7080, filed 4/17/12, effective 5/18/12. WSR 06-15-075, recodified as § 170-295-7080, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapters 74.12 and 74.15 RCW. WSR 03-14-110, § 388-295-7080, filed 6/30/03, effective 8/1/03.]