

**WAC 110-06-0020 Definitions.** The following definitions apply to this chapter:

**"Agency"** has the same meaning as "agency" in RCW 43.216.010.

**"Appellant"** means only those with the right of appeal under this chapter.

**"Applicant"** means an individual who is seeking DCYF background check authorization as part of:

(a) An application for a child care agency license or DCYF certification or who seeks DCYF authorization to care for or have unsupervised access to children receiving early learning services; or

(b) A continuation of a nonexpiring license or renewal of a certificate, or renewal of DCYF's authorization to care for or have unsupervised access to children receiving early learning services, with respect to an individual who is a currently licensed or certified child care provider.

**"Authorized"** or **"authorization"** means approval by DCYF to care for or have unsupervised access to children receiving early learning services or to work in or reside on the premises of a child care agency or certified facility.

**"Certification"** or **"certified by DCYF"** means an agency that is legally exempt from licensing that has been certified by DCYF as meeting minimum licensing requirements.

**"Conviction information"** means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject individual.

**"DCYF"** or **"department"** means the department of children, youth, and families.

**"Disqualified"** means DCYF has determined that a person's background information prevents that person from being authorized by DCYF to care for or have unsupervised access to children receiving early learning services.

**"Early learning service(s)"** for purposes of this chapter means the early childhood education and assistance program, head start, licensed child care, and license-exempt child care services.

**"In-home/relative provider"** or **"family, friends, and neighbors provider"** or **"FFN provider"** means an individual who is exempt from child care licensing standards, meets the requirements of chapter 110-16 WAC, and is approved for working connections child care (WCCC) payments under WAC 110-15-0125.

**"Licensee"** means the individual, person, organization, or legal entity named on the child care license issued by DCYF and responsible for operating the child care facility or agency.

**"Negative action"** means a court order, court judgment or an adverse action taken by an agency, in any state, federal, tribal or foreign jurisdiction, which results in a finding against the subject individual reasonably related to the subject individual's character, suitability and competence to care for or have unsupervised access to children receiving early learning services. This may include, but is not limited to:

(a) A decision issued by an administrative law judge.

(b) A final determination, decision or finding made by an agency following an investigation.

(c) An adverse agency action, including termination, revocation or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification or contract in lieu of the adverse action.

(d) A revocation, denial or restriction placed on any professional license.

(e) A final decision of a disciplinary board.

**"Nonconviction information"** means arrest, pending charges, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the subject individual.

**"Nonexpiring license"** or **"nonexpiring full license"** means a license that is issued to a licensee following the initial licensing period, as provided in chapter 110-300 WAC, as appropriate.

**"Secretary's list"** means a list of crimes, the commission of which disqualifies a subject individual from being authorized by DCYF to care for or have unsupervised access to children receiving early learning services, WAC 110-06-0120.

**"Subject individual":**

(a) Means an individual who:

(i) Is seeking a background check authorization or upon whom the department may conduct a background check authorization;

(ii) Is sixteen years of age or older;

(iii) Is an in-home/relative provider or is employed, contracted with, or volunteers to provide early learning services; and

(iv) Will care for or have unsupervised access to children receiving early learning services; and

(b) Includes, but is not limited to, the following:

(i) Personnel, including employees and staff;

(ii) Contractors, including contracted providers;

(iii) Temporary workers;

(iv) Assistants;

(v) Volunteers;

(vi) Interns;

(vii) Each person who is sixteen years of age or older residing on, or moving into, the premises where early learning services are provided;

(viii) All other individuals who are sixteen years of age or older who will care for or have unsupervised access to children receiving early learning services;

(ix) All owners, operators, lessees, or directors of the agency or facility, or their designees;

(x) Applicants;

(xi) Licensees; or

(xii) In-home/relative providers and their household members who are sixteen years of age or older.

**"Unsupervised access"** means:

(a) A subject individual will or may have the opportunity to be alone with a child receiving early learning services at any time and for any length of time; and

(b) Access to a child receiving early learning services that is not within constant visual or auditory range of the individual authorized by DCYF.

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0020, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0020, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR

12-12-040, § 170-06-0020, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0020, filed 4/30/08, effective 5/31/08.]