

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

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

**"Certificate of parental improvement (CPI)"** has the same meaning as "certificate of parental improvement" in RCW 43.216.010.

**"Certificate of restoration of opportunity (CROP)"** means a certificate issued by a court under chapter 9.97 RCW that may restore an individual's eligibility for a license, certification, or background check authorization issued under chapter 43.216 RCW.

**"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.

**"Child care agency"** or **"agency"** has the same meaning as "agency" in RCW 43.216.010.

**"Conviction or other disposition adverse to the subject"** has the same meaning as "conviction or other disposition adverse to the subject" in RCW 10.97.030.

**"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.

**"Department of children, youth, and families (DCYF)"** or **"department"** means the Washington state department of children, youth, and families.

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

**"Disqualified"** or **"disqualify"** means a DCYF determination or finding was issued to a subject individual that because of their background information history, they are prohibited from:

- (a) Caring for or having unsupervised access to children receiving early learning services;
- (b) Working at a child care agency; or
- (c) Residing at the premises of a child care agency or certified facility.

**"Early learning services"** means programs and services including, but not limited to, the early childhood education and assistance program (ECEAP), head start, licensed child care, and license-exempt child care services.

**"FBI"** means the Federal Bureau of Investigation.

**"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"** has the same meaning as "negative action" in RCW 43.216.010. A negative action includes a court order or court judgment that finds the subject individual's child dependent and the basis for such finding is RCW 13.34.030(6) or other equivalent state or federal statute.

**"Nonconviction information"** has the same meaning as "nonconviction information" in RCW 43.216.010.

**"Nonexpiring license"** or **"nonexpiring full license"** means a license authorized under RCW 43.216.305 that is issued to a licensee following the initial licensing period.

**"Pending criminal charge"** means a criminal charge for a crime that has not yet resulted in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal.

**"Premises"** has the same meaning as "premises" in WAC 110-300-0005.

**"Secretary's list"** means the conduct and crimes described in WAC 110-06-0120 and the federal disqualifying crimes and conduct described in 42 U.S.C. Sec. 9858f and C.F.R. Sec. 98.43.

**"Subject individual"** means:

- (a) An individual who is 16 years of age or older and is seeking:
  - (i) A background check authorization to have unsupervised access to children receiving early learning services;
  - (ii) A background check authorization to care for children receiving early learning services;
  - (iii) A background check authorization to work at a child care agency;
  - (iv) A background check authorization to reside at the premises of a child care agency or certified facility;
  - (v) A reauthorization of a background check authorization previously issued by DCYF; or
  - (vi) A new background check authorization, having been previously issued a background check authorization.
- (b) A person who is 13 through 15 years of age who is seeking or has obtained a background check authorization under WAC 110-06-0045.
- (c) Examples of "subject individual" include, but are not limited to:
  - (i) A person who is seeking an application for a child care agency license or a DCYF certification;
  - (ii) An individual who is currently a licensed or certified child care provider who is seeking:
    - (A) A continuation of a nonexpiring license or renewal of a certificate; or
    - (B) A renewal of DCYF's authorization to care for or have unsupervised access to children receiving early learning services;
  - (iii) A person who is a relative provider, in-home provider, or is employed by an early learning provider, including assistants and other persons who are temporarily employed by an early learning provider;
  - (iv) A person who is a volunteer or intern that provides early learning services;
  - (v) A person who contracts with an early learning provider;
  - (vi) A person who is 16 years of age or older who:
    - (A) Resides at, or will be moving onto, the premises where early learning services will or are provided; or
    - (B) Will care for or have unsupervised access to children receiving early learning services;
  - (vii) All owners, operators, lessees, or directors of the agency or facility, or their designees; and
  - (viii) Licensees.

**"Unsupervised access"** means not in the presence of a subject individual who is an employee of a child care agency and is authorized by DCYF to be alone with children receiving early learning services from the same agency. For purposes of this definition, unsupervised access includes, but is not limited to, access to children receiving

early learning services who are not within constant visual or auditory range of the individual authorized by DCYF to be alone with children receiving early learning services.

**"WCCC"** means working connections child care.

**"WSP"** means the Washington state patrol.

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0020, filed 4/25/22, effective 5/26/22. 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.]