



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Community Trade & Economic Development

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: September 19, 1999

(2) Purpose: The purpose of this amendment is to comply with SHB 1935, and the amendment will also reflect changes in ECEAP Program Performance Standards

(3) Citation of existing rules affected by this order: WAC 365-170

Repealed:
Amended: WAC 365-170
Suspended:

(4) Statutory authority for adoption: RCW 43.63A.060

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION) July 21, 1999 *cf*

Adopted under notice filed as WSR ~~99-15-106~~ on August 4th (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Emergency Rules

**Permanent Rules
or Expedited Repeal**

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify)

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jean Ameluxen

Signature

Jean Ameluxen

Title

Dir. of Intergovernmental Relations

Date

9-22-99

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 22 1999

TIME *11:42*

WSR *99-19-176*

AM
PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	.....	Amended	.....	Repealed	.....
Federal rules or standards:	New	.....	Amended	.....	Repealed	.....
Recently enacted state statutes:	New	.....	Amended	<u>1</u>	Repealed	.....

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>7</u>	Repealed
-----	----------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	.....	Amended	.....	Repealed	.....
Pilot rule making:	New	.....	Amended	.....	Repealed	.....
Other alternative rule making:	New	.....	Amended	.....	Repealed	.....

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

WAC 365-170-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding ~~((will))~~ may be made available to assist local early childhood education and assistance programs.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-030 Definitions. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program ~~((assistance))~~ funds.

(2) "At risk" means ~~((children residing in low income families who are))~~ by virtue of ~~((their))~~ socio-economic, or developmental or environmental status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community, trade and economic development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the ~~((program))~~ early childhood education assistance program performance standards.

(6) "Director" means the director of the department of community, trade and economic development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community, trade and economic development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) ~~(("Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.~~

~~((+9))~~ "Enrolled child(ren)" means participant(s) in the early childhood education and assistance program.

(9) "Family" means all persons living in the same household who are supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(10) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community, trade and economic development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

~~((10))~~ (11) "Like educational services" means comprehensive programs providing educational, ~~((social, parent involvement))~~ family support, and health services funded by other sources.

~~((11))~~ (12) "Low-income family" means a family whose total income before taxes for the previous twelve months or full calendar year, whichever period better reflects the current income of the family, ~~((prior to the enrollment of their child in the early childhood education and assistance program))~~ is equal to, or less than, one hundred ten percent of the federally established poverty guidelines as defined by the department of health and human services. ~~((The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.~~

~~(12))~~ Recipients of cash benefits under the temporary assistance to needy families program are included in this definition.

(13) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-050 Eligibility criteria for funding applicants.

(1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(3) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

~~((5) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.~~

~~(6) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and Native American families living on or off reservation.)~~)

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-070 Use of funds. (1) Department funds (~~shall~~) must not be used to supplant other existing funding sources.

(2) Contracting agencies receiving early childhood education assistance program funds must provide comprehensive early education and family support services free of charge to enrolled families.

(3) Early childhood education assistance program funds must be used as dollars of last resort for medical, dental, nutrition and mental health services.

(4) Administrative costs under this program are limited to fifteen percent of the total award.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-080 (~~Eligibility criteria for clients.~~)
Recruitment, eligibility and enrollment of children. (1)

Nondiscrimination. Programs must neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of gender, race, color, religion, age, national origin, citizenship, ancestry, physical or mental disability, family configuration, culture, or because such person is a recipient of federal, state, or local public assistance. Services must comply with ADA and the Family Policy Initiative principles defined in RCW 74.14A.025.

(2) Recruitment.

(a) Policies and procedures must be in place to systematically recruit, document eligibility, and enroll children who reflect the low-income population in the service area of the program. Ongoing recruitment activities must be conducted to ensure that eligible families in the community are aware of services.

(b) Recruitment efforts must be made to ensure enrollment at one hundred percent of the funded enrollment level within thirty calendar days of the first date of service. Daily attendance at eighty-five percent of the funded enrollment level must be maintained. Efforts to recruit eligible children and maintain waiting lists for filling vacancies as they occur must continue until forty-five calendar days from the end of the program year.

(c) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation.

(d) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet income eligibility requirements if the child is determined to be "at-risk" due to developmental or environmental factors.

(3) Eligibility. A child is eligible if:

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system (Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.

(2) A child must be a member of a low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.);

(c) The child is not otherwise a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10); and

(d) The child:

(i) Is a member of a family with an income level that, as defined by the Department of Health and Human Services, is at or below one hundred ten percent of the U.S. Poverty Guidelines for family size. Verification and documentation of family income must be obtained for the previous calendar year or twelve months which precede the child's enrollment date, whichever is more reflective of current circumstances; or

(ii) Is a member of a family which receives cash benefits under the Temporary Assistance to Needy Families program; or

(iii) Occupies one of the slots of ten percent which may be filled with children who do not meet income eligibility requirements but are determined to be at-risk due to developmental or environmental factors; or

(iv) Occupies one of the slots of ten percent of slots available state-wide which shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation who are otherwise eligible.

(4) Enrollment.

(a) Enrolled children and their families must not be charged fees for any services provided.

(b) Programs must develop an enrollment process that addresses identification of age eligible and income eligible children and prioritization within that same population. Priority must be given to children from families with the lowest income or to eligible children from families with multiple needs. Criteria for prioritizing child eligibility must address the various factors in WAC 365-170-080(3) and must at minimum prioritize as follows:

(i) First priority for enrollment, consistent with the intent to prepare children for the common school system, must be given to four year olds who are not eligible for kindergarten as of August 31 of the contract year and are considered to be at-risk;

(ii) Second priority must be given to three-year-olds if local program priorities determine the child would benefit from a comprehensive early education program.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-090 Program design. ((Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

~~(1) Education component:~~

~~(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.~~

~~(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.~~

~~(c) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.~~

~~(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.~~

~~(e) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.~~

~~(f) Staff and parents participating in the program shall be~~

trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(g) Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children which will be integrated into instructional activities in home based and center based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.138 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program and shall comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria which includes, but is not limited to, parents working with children in cooperation with staff, parents

~~participating in the program, and parents planning for the operation of the program.~~

~~(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives.)) (1) Standards for program design are based on a model of comprehensive services to enrolled children and their families. These include educational and health services, including medical, dental, nutrition, mental health, and family support services. Parents must be given the opportunity to be involved in every aspect of the planning and implementation of services.~~

~~(2) Programs must support and demonstrate parent/guardian leadership and involvement throughout all levels of a comprehensive early childhood education and assistance program. This must include development of systems for feedback and program performance.~~

~~(3) A community needs assessment which involves staff, parents/guardians and other community group(s) must be conducted in accordance with early childhood education and assistance program performance standards. The results of a community needs assessment must be the basis for the development of service delivery options. Service delivery models must meet the following criteria:~~

~~(a) Thirty-two weeks of direct services per program year; and~~

~~(b) A minimum of two hundred forty hours of child direct services over thirty weeks; and~~

~~(c) A minimum of one peer experience/group session per week, no less than four hours and no more than six hours per session; multiple peer experiences in a week must be no less than two and one-half hours per session; and~~

~~(d) Three hours of educational planning meetings per year; and~~

~~(e) Three hours of adult contact per child's family per year to provide family support services; and~~

~~(f) 1:6 adult/child ratio with at least one adult being a lead teacher for classroom/group activities. Programs must develop services according to this ratio and make reasonable efforts to maintain this ratio on a regular basis. In no case shall the ratio fall below 1:9; and~~

~~(g) No more than eighteen children per group setting. Where a group size of eighteen children cannot be maintained, the design must maintain a group setting no larger than twenty-four and maintain an adult child ratio of 1:6.~~

~~(4) Educational services.~~

~~(a) Programs must provide educational services using a developmentally appropriate approach. Services must provide individual and age appropriate learning experiences, curricula, environments, guidance, direct child supervision and strategies that support all enrolled children's social-emotional, physical, and intellectual development. Environments must reflect the cultural and linguistic backgrounds of enrolled children.~~

~~(b) The program must provide methods for enhancing the knowledge and understanding of staff and parents of the educational and developmental needs and activities of enrolled children.~~

~~(c) Corporal punishment or other humiliating or frightening~~

discipline techniques must not be used. Staff and parents participating in the program must be trained for and must use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(5) Family support services. Programs must provide family support services using an approach that builds from parent/guardian strengths and involvement and supports parent empowerment and family advocacy. Needs must be assessed to assist families in identifying and using appropriate and available community resources. Programs must coordinate with existing community resources, including existing head start and other preschool programs. Staff and families must work together to develop reciprocal relationships. Family support practices must address family assets and needs through a variety of service strategies such as:

(a) Acknowledge parents/guardians as resources to themselves and others;

(b) Reflect family support principles in delivery of services to families;

(c) Develop family services that are responsive to economic circumstances, individual cultures, languages and child rearing techniques;

(d) Facilitate the family's access to economic, social and health resources to support family self-sufficiency;

(e) Develop communication systems with families that increase their involvement in their child's healthy development;

(f) Build environments that are culturally and linguistically relevant and that encourage self-advocacy within the community;

(g) Involve families in shared decision-making activities;

(h) Develop activities to ease transitions for enrolled children and their families between preschool and elementary schools and from home to other care settings; and

(i) Promote and support the family's role as advocates for their children.

(6) Health services and safety.

(a) Programs must provide health services using an approach that addresses individual child health issues and makes appropriate referrals for family members. Staff and families must work together to remove obstacles to the healthy and safe development of each child. Health practices must address family needs through a variety of service strategies as outlined in the early childhood education and assistance program performance standards.

(b) A health advisory committee (HAC), composed of medical, dental, nutrition, public and mental health providers, parents/guardians of enrolled and/or past enrolled young children, and staff, must be established to advise the program. Existing committees may be modified to accomplish this. The health advisory committee must:

(i) Provide input on health, nutrition, and mental health services planning and policies;

(ii) Address service delivery implementation issues, concerns and procedures; and

(iii) Provide a forum for parent empowerment and leadership skill development.

(c) Programs must obtain parent/guardian consent before any screenings, assessments or the procurement of any medical, dental, nutrition and mental health services for their child or before taking the child off premises. Staff must inform parents/guardians when health issues or developmental concerns are suspected or identified in their child. Programs must facilitate safe and timely responses to medical emergencies as outlined in the early childhood education assistance program performance standards. Programs must ensure the confidentiality of all medical, dental, nutrition, and mental health records. Records and results of diagnostic and follow-up procedures must be shared with parents/guardians, and may be released to other providers only with informed, written consent.

(d) Programs must ensure that all children receive a medical and dental exam as outlined in the early childhood education assistance program performance standards. Programs must ensure that all children are immunized in accordance with WAC 246-100-166. Children can attend group settings on a conditional basis when a schedule of immunizations is developed and near completion, or when a written medical or personal exemption is documented according to WAC 246-100-166.

(e) Programs must provide for an organized health education program for staff, parents, and children which must be integrated into instructional activities in programs.

(f) Programs must ensure that a mental health professional is available to work collaboratively with parents/guardians to address children's mental health issues and other concerns. Mental health services to screen and identify the emotional needs of children must be provided as needed in a systematic manner that addresses early identification, on-going progress, follow-up and assessment, as indicated in the early childhood education and assistance program performance standards.

(g) Programs must have access to a health professional that provides consultation regarding individual children's needs and development of health education programming for children and families.

(h) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(i) Programs must have access to a registered dietician that provides consultation regarding development of nutrition services for children and their families as defined in chapter 18.138 RCW.

(j) Food must be offered which meets one-third of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, must be approved by a certified dietician. The certified dietician must be available to provide consultation and education concerning

the nutritional needs of enrolled children.

(k) Contracting agencies must apply for and participate in federally funded food service/food reimbursement programs under the USDA child food and nutrition program and/or the child and adult care food program through the office of the superintendent of public instruction.

(l) Programs must establish policies and practices to safeguard against children's exposure to and transmission of, infectious diseases in accordance with the office of the superintendent of public instruction infectious disease control guide for school staff developed by the Washington state department of health. Programs must follow universal safety precautions and follow local requirements for reporting of communicable diseases. Sufficient toilet and handwashing facilities that are readily available and reachable by children must be maintained.

(m) Contractors must comply with state and local sanitation laws and regulations for food preparation and handling, storage, and service.

NEW SECTION

WAC 365-170-095 Staffing. (1) A system must be developed for the recruitment and selection of early childhood education and assistance program staff. The system must:

- (a) Meet state and relevant federal laws that ensure equity;
- (b) Advertise and describe position qualifications and requirements to the public;
- (c) Use a selection and hiring process which involves parents, guardians and appropriate staff;
- (d) Requires background reference check, criminal record clearance, and finger printing of any staff or volunteers who have unsupervised contact with children;
- (e) Prevents hiring of staff whose health or behavior presents a threat to children's safety.

(2) A description of how specific staff classifications will be used to deliver services in each distinct model must be maintained in program planning records. Programs must make concerted efforts to recruit and hire qualified staff that reflects the diversity of culture, ethnicity, language and physical abilities of the service population.

(3) Staff hired into lead teacher and family educator positions must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later. Staff hired into positions of assistant teacher, family advocate, family service worker and health aide after June 30, 1999, must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later.

(4) Early childhood education or special education degrees from out-of-state may be accepted on par with Washington state degrees. Out-of-state teaching certificates must be validated by an endorsement obtained through the office of the superintendent of public instruction.

(5) Clock hours accumulated through June 30, 1999, may be credited towards quarter credit requirements of positions at the rate of ten clock hours to one credit hour.

(6) Staff not meeting standard qualifications may be hired if they meet provisional qualifications and program records document planning for progression to the standard qualifications within five years.

(7) An exception to minimum qualifications may be requested of the department to retain or appoint a person who does not meet the standard or provisional qualifications but has other education and experience in the applicable field. Any necessary approvals for existing staff must be obtained by August 31, 1999.

(8) Programs unable to hire staff meeting standard qualifications must document written plans and efforts for professional development. Planning documents must show how staff will progress to the standard qualifications of their position(s) within five years of appointment, or by July 1, 2004, whichever is later.

(9) The following standard and provisional staff qualifications are required for program positions.

(a) Standard lead teacher qualifications:

(i) A two-year or four-year degree from an accredited public or private institution of higher education in the field of early childhood education or child development and two years of successful work experience with adults/parents and young children;

or

(ii) Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or equivalent semester hours in the field of early childhood education or child development; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(b) Provisional lead teacher qualifications. Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in early childhood education or early childhood special education.

(c) Standard assistant teacher qualifications. One year of successful, relevant, documented work experience in a preschool or

child care setting; **and**

(i) A one year certificate in the field of early childhood education or child development from an accredited public or private technical college or institution of higher education; **or**

(ii) A high school diploma and child development associate (CDA) certificate.

(d) Provisional assistant teacher qualifications. One year of successful, relevant, documented work or volunteer experience in a preschool or child care setting.

(e) Standard family educator qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience with adults/parents of young children; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education **and** thirty quarter units or the equivalent semester hours in adult education, human development, human services, social work, early childhood education, child development, or a related field; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(f) Provisional family educator qualifications. Three years of successful, relevant, documented work experience in a preschool, child care, kindergarten or social work setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in Early childhood education or early childhood special education.

(g) Standard family advocate, family service worker, and health aide qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, public health, health education, nursing, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and a minimum of two years of successful, relevant, documented work experience with adults/parents and young children; **or**

(ii) A two-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or the equivalent semester hours in the fields of adult education, human development, human services, social work, nursing, public health, health education, early childhood education, child development or a related field and three years of successful work experience with adults/parents of young children.

(h) Provisional family advocate, family service worker, and health aide qualifications. Two years or more of successful, relevant, documented work or volunteer experience working with families of young children in an early childhood family support program setting.

(i) Standard health professional qualifications:

(i) Four-year degree in the field of public health, nursing, or health education and two or more years experience in public health, nursing, health education, or management of a health program serving children and families; **or**

(ii) A registered nurse with a two-year degree in nursing, health education, or the management of health programs, and two or more years experience in health programs serving children and families.

(j) Standard dietician qualifications. Two years successful, relevant, documented work experience in a community nutrition program serving children and families and a four-year degree in nutrition science, public health nutrition, dietetics, or other related fields **and** current registration with the American Dietetic Association as dietician **or** be eligible, registered and scheduled for the registration exam.

(k) Standard mental health professionals qualifications:

(i) Certified or licensed mental health professional; **or**

(ii) School counselor; **or**

(iii) A registered mental health professional working in a licensed facility; **or**

(iv) Licensed psychologist with experience and expertise serving young children and their families.

(10) Programs must implement and maintain a system for training and development of staff and families of enrolled children. Staff and families must be involved in the system design and implementation process.

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

WAC 365-170-100 ((Administrative component-)) Administration.

(1) ((Services to children and their families will be delivered through one or more of the following options:

(a) ~~Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education-related home visits to families will be completed during the year. Class unit size will not exceed eighteen children with an adult:child ratio of 1:6. There shall be a lead teacher for every class unit.~~

(b) ~~Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits by a home~~

base educator. The case load for home base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

(c) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A locally designed option must: Contain rationale as to why the center based and home based options in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the locally designed option is acceptable on a case-by-case basis.

(2) The following staff qualifications are required for lead teachers in a center based program:

(a) For lead teachers, experience with low-income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or

(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:

(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan

shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low-income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

~~(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.~~

~~(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.~~

~~(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.~~

~~(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.~~

~~(6) Transportation: Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet all applicable local ordinances and state and federal laws, rules, and regulations.~~

~~(7) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.~~

~~(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.)~~ Facility:

(a) Facilities must provide a physical environment conducive to learning and reflective of the needs of children.

(b) Programs must conform to all applicable state, local and county laws and ordinances for fire, health, and safety.

(c) Indoor/outdoor facilities must be safe, in good repair, sanitary and barrier free for all children and adults. Appropriate provisions for safe storage of flammable, toxic and hazardous materials must be made. Facilities must include regularly updated and inspected smoke detectors and fire alarms. Flaking or deteriorating lead-based paint must be refinished with lead-free paint or other nontoxic materials. Emergency lighting must be available in each classroom. Spaces occupied by children must be accessible to adults at all times that children are present. Provisions must be made to fence or supervise outdoor play areas sufficiently to prevent children from leaving the premises and wandering into unsafe and unsupervised areas. Programs located in schools must adhere to the Washington state primary and secondary schools facility standards. All other program locations must follow DSHS child care center licensing guidelines. Programs must establish a systematic review of facilities for compliance with safety regulations.

(d) Sites must have a minimum of thirty-five square feet of indoor space and a minimum of seventy-five square feet of outdoor

space, (exclusive of bathroom, hall, kitchen, and storage) per child.

(2) Transportation. Children must be transported to and from program activities as follows:

(a) One-way scheduled transportation time must be no more than one hour except in rural/remote areas where transportation time must be kept to a minimum;

(b) Buses used for transportation of children must meet child safety standards as set forth by the office of the superintendent of public instruction;

(c) Vans or other vehicles must meet child safety standards as set forth by the Washington state patrol;

(d) Alternative transportation may be used if all other transportation services have been investigated and are not available to the program. A system must be in place to ensure documentation and completion of routine vehicle safety inspections. Drivers of vehicles must have valid required licenses and insurance coverage. Copies of licenses and insurance records must be filed in program records;

(e) Vehicles must meet insurance requirements designated by the Washington department of licensing (DOL);

(f) Programs located within school districts that are eligible for school bus transportation must adhere to school busing regulations;

(g) Parental consent forms for transportation of children in a personal vehicle must be kept on file.

(3) Policy council:

(a) The program must provide for parental involvement at a level including, but not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) A policy council, separate from an agency board of directors, must be established by every agency contracting to operate early childhood education and assistance program. The policy council is a decision-making body, which is responsible for initiating suggestions to the early childhood education and assistance program, its administration, and its parents, and for receiving reports on actions taken by the agency regarding its recommendations. Some terms should be staggered to promote continuity and stability. Program staff must attend policy council meetings to provide support and/or consultation. The council must include community representatives and parents and guardians of current and past enrolled children. At least fifty percent of council positions must be held by parents of currently enrolled children. Membership must be:

(i) Proportionate to the relative funded enrollment level of the early childhood education and assistance program in joint policy councils;

(ii) Comprised of volunteers or representatives elected to serve by parents and guardians of currently enrolled children;

(iii) Approved by parent members if holding a community representative position; and

(iv) Limited to three consecutive years for parent membership.