

WSR 21-15-005
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed July 7, 2021, 4:25 p.m., effective July 7, 2021, 4:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Implement Proclamation of the Governor 20-05 as amended by Proclamation of the Governor 21-11, which authorizes the department to license outdoor preschools July 1 through 31, 2011.

Citation of Rules Affected by this Order: Amending WAC 110-300D-0001 and 110-300D-0015.

Statutory Authority for Adoption: RCW 43.216.740.

Other Authority: Proclamation of the Governor 20-05, as amended by Proclamation 21-11 issued July 6, 2021.

Under RCW 34.05.350 the agency for good cause finds 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.

Reasons for this Finding: Proclamation of the Governor 20-05 declared a State of Emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. On July 6, 2011, Proclamation of the Governor 21-11 amended Proclamation 20-05 to continue, through July 31, 2021, outdoor preschool licenses authorized by RCW 43.216.740. These emergency rules prevent the closure of currently licensed outdoor preschools and the severe hardship that their closure would likely create for the enrolled children and families the programs serve, namely the children going without preschool or enrollment in an indoor-based preschool with a higher risk of COVID-19 transmission or their parents' inability to work due to the lack of adequate child care.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 7, 2021.

Brenda Villarreal
Rules Coordinator

OTS-3098.1

AMENDATORY SECTION (Amending WSR 19-07-021, filed 3/12/19, effective 4/12/19)

WAC 110-300D-0001 Authority. (1) Chapter 43.216 RCW establishes the department of children, youth, and families' responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) Under RCW 43.216.740(1), the department must establish a pilot project to license outdoor, nature-based early learning and child care programs (the "pilot project") (~~to commence August 31, 2017, and conclude June 30, 2021~~).

(3) Pursuant to RCW 43.216.740(2), the department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor pre-schools in Washington state.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0001, filed 3/12/19, effective 4/12/19.]

AMENDATORY SECTION (Amending WSR 19-07-021, filed 3/12/19, effective 4/12/19)

WAC 110-300D-0015 Pilot project licenses—Licensing rules. (1) To participate in the outdoor, nature-based early learning and child care program pilot project, the applicant must apply to the department for and obtain a license to operate a pilot project.

(2) The department will select outdoor classroom sites after considering:

(a) The criteria described in RCW 43.216.740 (4) and (5);

(b) The characteristics of an applicant's outdoor classroom and whether those characteristics are a part of any existing licensed outdoor classroom; and

(c) The department's ability to monitor the applicant's outdoor classroom sites identified in the application.

(3) To protect the health and safety of children enrolled in outdoor classrooms, agency participants in this pilot project must agree, enter into, and comply with the terms and conditions of an outdoor classroom agreement prepared by the department. The outdoor classroom agreement shall require compliance with the following minimum terms and conditions:

(a) Compliance with the background check requirements contained in chapter 110-06 WAC;

(b) Compliance with the outdoor classroom agreement; and

(c) Compliance with the federal Child Care Development Fund (45 C.F.R. Part 98) requirements.

(4) Pursuant to RCW 34.05.310 (2)(b), the department will use this pilot project to test the feasibility of complying with or administering draft new rules or draft amendments to existing rules.

(5) To establish a uniform set of requirements for outdoor classrooms, the department may draft new rules or add amendments to existing rules; or add or amend current licensed child care rules under chapter ~~(s)~~ 110-300 (~~7, 110-300A, and 110-300B~~) WAC.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0015, filed 3/12/19, effective 4/12/19.]