

**WSR 24-22-108**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**  
[Filed November 4, 2024, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-08-009, 24-08-101, 23-17-105.

Title of Rule and Other Identifying Information: The licensing division is amending WAC 110-300-0106 Training requirements, 110-300-0331 Prohibited behavior, discipline, and physical removal of children, 110-300-0358 Capacity waiver for family home providers, 110-301-0106 Training requirements, 110-301-0331 Prohibited behavior, discipline, and physical removal of children, and 110-302-0331 Prohibited behavior, discipline, and physical removal of children.

Hearing Location(s): December 10, 2024, telephonic. Comments can be made by calling 360-972-5385 and leaving a voicemail that includes the comment, emailing the rules coordinator, or mailing comments to the department of children, youth, and families' (DCYF) physical mailing address. All comments must be received by the date and time listed below.

Date of Intended Adoption: December 11, 2024.

Submit Written Comments to: DCYF rules coordinator, dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, beginning November 11, 2024, at 8:00 a.m., by December 10, 2024, at 11:59 p.m.

Assistance for Persons with Disabilities: DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, by December 3, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCYF is updating rules in:

WAC 110-300-0106 and 110-301-0106: To update health and safety training rules and requirements.

WAC 110-300-0358: To align with state building code WAC 51-51-0331, which limits the capacity of a family home child care to no more than 16 children.

WAC 110-300-0331, 110-301-0331, and 110-302-0331: Informing providers how to prevent harm to children.

Reasons Supporting Proposal: WAC 110-300-0106 and 110-301-0106: The language is being amended to allow a three-month time frame to obtain training requirements for child care and early learning programs, specifically including first-aid and CPR certification.

WAC 110-300-0358 will allow DCYF to: Issue capacity waivers to allow no more than 16 children in a family home child care program, and only after meeting all requirements; require better coordination between DCYF, child care providers, and local building authorities; and revise requirements for emergency preparedness.

WAC 110-300-0331, 110-301-0331, and 110-302-0331: The language of the WAC does not clearly forbid child care providers from harming children. This rule requires an immediate and permanent change to the WAC chapters to protect children from harm.

Statutory Authority for Adoption: RCW 43.216.692, chapter 42.56 RCW; RCW 43.215.070, 43.215.201, 43.216.055, 43.216.065 and 43.216.742, chapter 43.216 RCW; RCW 43.216.020, 43.216.250, chapter 42.56 RCW, 42 U.S.C. §§ 9857 - 9858r, and 45 C.F.R. Part 98.

Statute Being Implemented: RCW 43.216.692, chapter 42.56 RCW; RCW 43.215.070, 43.215.201, 43.216.055, 43.216.065 and 43.216.742, chapter 43.216 RCW; RCW 43.216.020, 43.216.250, chapter 42.56 RCW, 42 U.S.C. §§ 9857 - 9858r, and 45 C.F.R. Part 98.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Ann Radcliffe, 253-341-2325; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5)[(a)](i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

November 4, 2024  
Brenda Villarreal  
Rules Coordinator

#### OTS-5018.4

AMENDATORY SECTION (Amending WSR 20-11-026, filed 5/13/20, effective 6/13/20)

**WAC 110-300-0106 Training requirements.** (1) Early learning providers licensed, working, or volunteering in an early learning program (~~((before the date this section becomes effective))~~) must complete the applicable training requirements of subsections (4) through (11) of this section within three months of the date (~~((this section becomes effective))~~) of hire and prior to working in an unsupervised capacity with children unless otherwise indicated. State or federal rules may require health and safety training described under this chapter to be renewed annually. (~~((Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (4) through (10) of this section within three months of the date of hire and prior to working in an unsupervised capacity with children.))~~)

(2) License applicants and early learning providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity.

(3) License applicants, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and aides must

complete the child care basics training as approved or offered by the department:

- (a) Prior to being granted a license; or
- (b) Prior to working unsupervised with children (~~(; or~~
- ~~(c) Within three months of the date this section becomes effective if already employed or being promoted to a new role)).~~
- (4) Early learning providers must complete the recognizing and reporting suspected child abuse, neglect, and exploitation training as approved or offered by the department according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030.
- (5) Early learning providers must complete the emergency preparedness training as approved or offered by the department (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section.
- (6) Early learning providers licensed to care for infants must complete the prevention and identifying shaken baby syndrome/abuse head trauma training as approved or offered by the department according to subsection (1) of this section.
- (7) Early learning providers must complete the serving children experiencing homelessness training as approved or offered by the department according to subsection (1) of this section.
- (8) License applicants and early learning providers licensed to care for infants must complete the safe sleep training as approved or offered by the department. This training must be completed annually and:
  - (a) Prior to being licensed; or
  - (b) Prior to caring for infants (~~(; or~~
  - ~~(c) According to subsection (1) of this section)).~~
- (9) Family home licensees, center directors, assistant directors, program supervisors, and lead teachers must complete the medication management and administration training as approved or offered by the department prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section.
- (10) Early learning providers who directly care for children must complete the prevention of exposure to blood and body fluids training that meets Washington state department of labor and industries' requirements prior to being granted a license or working with children. This training must be repeated pursuant to Washington state department of labor and industries regulations.
- (11) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and any other early learning providers counted in staff-to-child ratio, or who could potentially be counted in ratio, must be trained in pediatric first-aid and age-appropriate cardiopulmonary resuscitation (CPR).
  - (a) At least one early learning provider counted in staff-to-child ratio for each group of children must have a current pediatric first-aid and age-appropriate CPR certificate.
  - (b) Proof of training can be shown with a certification card, certificate, or instructor letter.
  - ~~((b))~~ (c) The pediatric first-aid and age-appropriate CPR training and certification must:
    - (i) ~~((Be delivered in person and))~~ include a live, hands-on component for pediatric first-aid and age-appropriate CPR demonstrated in front of an instructor either in-person or remotely who is certified by the American Red Cross, American Heart Association, ((American

Safety and) Health and Safety Institute, or other nationally recognized certification program;

(ii) Include child and adult first-aid (~~and~~);

(iii) Include pediatric and adult CPR; and

~~((iii) Infant first-aid and)~~ (iv) Include infant CPR, if applicable.

(12) Early learning providers who prepare or serve food to children at an early learning program must obtain a current food worker card prior to preparing or serving food. Food worker cards must:

(a) Be obtained through the local health jurisdiction, in person or online; and

(b) Be renewed prior to expiring.

AMENDATORY SECTION (Amending WSR 18-15-001, filed 7/5/18, effective 7/5/18)

**WAC 110-300-0331 Prohibited behavior, discipline, and physical ~~((removal))~~ separation of children.** (1) An early learning provider ~~((must take steps to prevent and, once aware of, must not tolerate)),~~ staff member, or household member is prohibited from using the following behaviors and discipline of children:

(a) Profanity, obscene language, "put downs," or cultural or racial slurs;

(b) Angry or hostile interactions;

(c) Threats of physical harm or inappropriate discipline such as, but not limited to, spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment;

(d) Intimidation, gestures, or verbal abuse including sarcasm, name calling, shaming, humiliation, teasing, derogatory remarks about a child or the child's family;

(e) Emotional abuse including victimizing, bullying, rejecting, terrorizing, extensive ignoring, or corrupting a child;

(f) ~~((Prevent))~~ Sexual abuse, pursuant to RCW 26.44.020;

~~((g) Preventing a child from or ((punish))~~ punishing a child for exercising religious rights; ((or

~~((g) Anyone to:~~

~~((i) Restrict))~~ (h) Restricting a child's breathing;

~~((ii) Bind or restrict))~~ (i) Binding or restricting a child's movement unless permitted under WAC 110-300-0335;

~~((iii) Tape))~~ (j) Taping a child's nose, mouth, or other body part;

~~((iv) Deprive))~~ (k) Depriving a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;

~~((v) Force))~~ (l) Forcing a child to ingest something as punishment such as hot sauce or soap;

~~((vi) Interfere))~~ (m) Interfering with a child's ability to take care of ((his or her)) their own hygiene and toileting needs;

~~((vii) Use))~~ (n) Using toilet learning or training methods that punish, demean, or humiliate a child;

~~((viii) Withhold))~~ (o) Withholding hygiene care, toileting care, or diaper changing from any child unable to provide such care for ((himself or herself)) themselves;

~~((ix) Expose)~~ (p) Exposing a child to extreme temperatures as punishment;

~~((x) Demand)~~ (q) Demanding excessive physical exercise or strenuous postures. Excessive physical exercise includes, but is not limited to, running laps around the yard until overly tired, an extensive number of push-ups, having a child rest more than the child's development requires, standing on one foot for an uncomfortable amount of time, or holding out one's arms until tired or painful;

~~((xi) Place)~~ (r) Placing the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; and

~~((xii) Use)~~ (s) Using high chairs, car seats, or other confining space or equipment to punish a child or restrict movement.

(2) An early learning provider must supervise to protect children from the harmful acts of other children. A provider must immediately intervene when they become aware that a child or children are teasing, fighting, bullying, intimidating, or becoming physically or sexually aggressive.

(3) An early learning provider may separate a preschool age or school age child from other children when that child needs to regain control of ~~((him or herself))~~ themselves.

(a) During separation time, the child must remain under the appropriate level of supervision of a licensee, center director, assistant director, program supervisor, lead teacher or an assistant teacher.

(b) Separation time should be minimized and appropriate to the needs of the individual child.

(4) If a child is separated from other children, an early learning provider must:

(a) Consider the child's developmental level, language skills, individual and special needs, and ability to understand the consequences of ~~((his or her))~~ their actions; and

(b) Communicate to the child the reason for being separated from the other children.

(5) If an early learning provider follows all strategies in this section, and a child continues to behave in an unsafe manner, only a licensee, center director, assistant director, program supervisor, lead teacher, or an assistant teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing or removing the child. Physical removal of a child is determined by that child's ability to walk:

(a) If the child is willing and able to walk, staff may hold the child's hand and walk ~~((him or her))~~ the child away from the situation.

(b) If the child is not willing or able to walk, staff may pick the child up and remove ~~((him or her))~~ the child to a quiet place where the child cannot hurt themselves or others.

AMENDATORY SECTION (Amending WSR 22-03-016, filed 1/7/22, effective 2/7/22)

**WAC 110-300-0358 Capacity waiver for family home providers.** (1) Pursuant to ~~((section 313, chapter 199, Laws of 2021))~~ RCW 43.216.692, the department may waive the limit established in RCW 43.216.010 (1)(c) that restricts family home providers from serving more than 12 children.

(2) ~~((Family home))~~ Providers must apply to the department in writing to request waivers to serve more than 12 but not more than 16 children. To apply in writing, family home providers must use the process prescribed by the department.

(3) The department will consider the following criteria to determine whether to grant, continue, or rescind waivers to family home providers' total capacity of 12 children:

(a) **The licensee's years' of experience providing early learning services.** A ~~((family home))~~ provider must have at least three years' of experience to be eligible for a waiver under this section. To satisfy the three years' experience requirement, the family home provider must have served for a total of three years or more in one or more of the following child care roles: Center director, program supervisor, family home licensee, or other similar role in a child care setting.

(b) **The providers licensing history.** The licensee must be operating under a full, nonexpiring family home license to be approved for a waiver under this section.

(c) **Available square footage:**

(i) There must be at least 35 square feet of licensed, accessible indoor space for each child included in the total capacity.

(ii) There must be an additional 15 square feet of licensed, accessible indoor space for each ~~((infant or toddler))~~ child under the age of 24 months included in the total capacity.

(iii) There must be at least 75 square feet of licensed, accessible outdoor space for each child included in the total capacity. Alternatively, a family home provider may develop a plan to rotate groups of children to play outdoors or a department-approved plan to use an off-site play area.

~~((e))~~ (d) **Staffing qualifications when operating with the 13 to 16 children present:**

(i) The licensee must have an ECE short certificate or equivalent, as approved and verified in the electronic workforce registry by the department.

(ii) When the licensee is not on-site, they must designate a person on-site who meets the requirements of this subsection to manage the early learning program.

(iii) Additionally, at least one staff person or volunteer working on-site must have an ECE initial certificate or equivalent.

(e) **Staff-to-child ratios and age group limits.** When operating with 13 ~~((or more children. When the licensee is not on-site, they must designate a person on-site who meets the requirements of this subsection to manage the early learning program.~~

~~(ii) In addition to the requirements in (c)(i) of this subsection, at least one staff person or volunteer working on-site must have an ECE initial certificate or equivalent when operating with 13 or more children.~~

~~(d) **Staff-to-child ratios and age group limits:**~~

~~(i) A family home provider licensed to care for children ages) )~~ to 16 children:

A provider licensed to care for children ages:

(i) Two years old and above must not exceed a maximum staff-to-child ratio of 1:8 ((when operating with 13 or more children.)) ;

(ii) ~~((A family home provider licensed to care for children))~~ Under two years of age must not exceed a maximum staff-to-child ratio of 1:6 ((when operating with 13 or more children.

~~(iii) A family home provider licensed to care for children under two years of age may have up to six children under two years of age); and~~

(iii) Under two years of age may have up to six children attend at any one time under the following conditions:

(A) Five children under two years of age may attend at any one time if at least one of those children can walk independently((†)).

(B) Six children under two years of age may attend at any one time if at least two of those children can walk independently.

~~((iv) A family home provider licensed to care for children under two years of age must not have more than six children under two years of age attend at any one time;~~

~~(e-))~~ (f) **The intended use of licensed space.** Plans to use the space must include details regarding napping, supervision, and diapering, if applicable. A waiver granted under this section does not allow a licensee to provide overnight care for more than 12 children.

~~((f-))~~ (g) **The emergency preparedness plan.** ((The emergency plan must account for the total capacity of children requested.

~~(g) **The number of working, accessible toilets and sinks.**)~~ Licenses granted a waiver under this section must follow:

(i) WAC 110-300-0470.

(ii) The emergency plan must account for the total capacity of children requested.

(iii) The early learning program space must have emergency lighting for interior stairs that automatically turns on when electrical power goes out. Such emergency lighting may include, but is not limited to, battery operated overhead lights.

(iv) Any kitchen within the early learning program space or used by and connected to the early learning program space must have:

(A) At least one fire extinguisher or one can of fire extinguisher aerosol spray; and

(B) A heat detector.

(v) The early learning program staff must be able to demonstrate, at least annually to licensing staff, the ability to evacuate all early learning staff and children from inside the home to a safe location outside the home in two minutes or less.

(h) **The number of working, accessible toilets and sinks.**

(i) There must be a ratio of at least one working flush toilet and one handwashing sink for every 15 household members, staff, and requested capacity of children.

~~((There must be a ratio of at least one working flush toilet and one handwashing sink for every 15 household members, staff, and requested capacity of children.))~~

(A) A child in diapers does not count for purposes of toilet calculations until the child begins toilet training.

(B) Staff persons and household members may use toilets and handwashing sinks located outside of licensed space on the premises.

(ii) A ((family home)) provider whose facility relies on a private septic system must provide to the department verification from the local health jurisdiction the system can accommodate the total number of household members, staff, and requested capacity of children.

~~((h) **The provider's licensing history.**)~~

(i) **The number and variety of early learning materials.** For the total capacity requested there must be a sufficient number and variety of materials to engage children in the early learning program.

(j) **The total capacity the provider is requesting.**

(4) A waiver granted under this section may be time specific or may remain in effect for as long as the family home provider continues to comply with the waiver's conditions. If the waiver is time-limited, the provider must not exceed the time frame established by the department.

(5) Before the ~~((family home))~~ provider ~~((implements))~~ begins providing care for 13 to 16 children pursuant to a waiver under this section~~((7))~~:

(a) The waiver must be approved in writing by the department secretary or the secretary's designee; and

(b) The licensee must provide documentation to the department from the city or county within which the early learning program operates (or a third party approved by the city or county) that states the early learning program space and structures meet local building codes and the requirements of the department's Family Home Child Capacity Waiver inspection checklist.

(6) A denial of a waiver request is not an enforcement action as described in RCW 43.216.010 and is not subject to an appeal by a provider.

(7) The department may rescind a waiver granted under this section at any time including, but not limited to, the following reasons:

(a) The provider no longer meets the criteria described in this section;

(b) The department issues an enforcement action against the provider;

(c) The department and the provider enter into a facility licensing compliance agreement;

(d) The department determines that continued operation under the waiver does or may harm the health, safety, or well-being of enrolled children;

(e) A licensing rule that was considered in granting the waiver is repealed or amended; or

(f) A license is transferred pursuant to RCW 43.216.305 and WAC 110-300-0011 and the conditions of the waiver can no longer be met.

(8) A family home provider granted a waiver under this section must inform the parents and guardians of enrolled children of the approved waiver:

(a) Prior to operating with 13 ~~((or more))~~ to 16 children for the first time; and

(b) When a new child or new family is enrolled.

### OTS-5019.3

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**WAC 110-301-0106 Training requirements.** (1) A school-age provider licensed, working, or volunteering in a school-age program ~~((before the date this section becomes effective))~~ must complete the applicable training requirements of subsections (3) through (9) of this section within three months of the date ((this section becomes effective)) of hire and prior to working in an unsupervised capacity with children unless otherwise indicated. State or federal rules may re-



quire health and safety training described under this chapter to be renewed annually. (~~(A school-age provider hired after the date this section becomes effective must complete the training requirements of subsections (4) through (8) of this section within three months of the date of hire and prior to working in an unsupervised capacity with children.)~~)

(2) License applicants and school-age providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity.

(3) License applicants, program directors, site directors, lead teachers, and assistant teachers must complete the school-age basics training as approved or offered by the department:

(a) Prior to being granted a license; or

(b) Prior to working unsupervised with children (~~(or~~

~~(c) Within three months of the date this section becomes effective if already employed or being promoted to a new role).~~)

(4) A school-age provider must complete the recognizing and reporting suspected child abuse, neglect, and exploitation training as approved or offered by the department according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030.

(5) A school-age provider must complete the emergency preparedness training as approved or offered by the department according to subsection (1) of this section.

(6) A school-age provider must complete the serving children experiencing homelessness training as approved or offered by the department according to subsection (1) of this section.

(7) Program directors, site directors, and lead teachers must complete the medication management and administration training as approved or offered by the department prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section.

(8) A school-age provider who directly cares for children must complete the prevention of exposure to blood and bodily fluids training that meets Washington state department of labor and industries' requirements prior to being granted a license or working with children. This training must be repeated pursuant to Washington state department of labor and industries regulations.

(9) Program directors, site directors, lead teachers, assistant teachers and any other school-age provider counted in staff-to-child ratio, or who could potentially be counted in ratio, must be trained in pediatric first-aid and age-appropriate cardiopulmonary resuscitation (CPR).

(a) At least one school-age provider counted in staff-to-child ratio for each group of children must have a current pediatric first-aid and age-appropriate CPR certificate.

(b) Proof of training can be shown with a certification card, certificate, or instructor letter.

~~((b))~~ (c) The pediatric first-aid and age-appropriate CPR training and certification must:

(i) ~~((Be delivered in person and include))~~ A live hands-on component for first aid and CPR demonstrated in front of an instructor either in-person or remotely who is certified by the American Red Cross, American Heart Association, ~~((American Safety and))~~ Health and Safety Institute, or other nationally recognized certification program;  
(and)

(ii) ~~((Include child))~~ Pediatric and adult first aid; and

(iii) Pediatric and adult CPR.

(10) A school-age provider who prepares or serves food to children at a school-age program must obtain a current food worker card prior to preparing or serving food. Food worker cards must:

- (a) Be obtained through the local health jurisdiction, in-person or online; and
- (b) Be renewed prior to expiring.

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**WAC 110-301-0331 Prohibited behavior, discipline, and physical ~~((removal))~~ separation of children.** (1) A school-age provider must take steps to prevent and, once aware of, must not tolerate:

- (a) Profanity, obscene language, "put downs," or cultural or racial slurs;
- (b) Angry or hostile interactions;
- (c) Threats of physical harm or inappropriate discipline such as, but not limited to, spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment;
- (d) Intimidation, gestures, or verbal abuse including sarcasm, name calling, shaming, humiliation, teasing, derogatory remarks about a child or the child's family;
- (e) Emotional abuse including victimizing, bullying, rejecting, terrorizing, extensive ignoring, or corrupting a child;
- (f) ~~((Prevent))~~ Sexual abuse, pursuant to RCW 26.44.020;
- ~~((g) Preventing a child from or ~~((punish))~~ punishing a child for exercising religious rights; ~~((or~~~~
- ~~((g) Anyone to:~~
- ~~((i) Restrict))~~ (h) Restricting a child's breathing;
- ~~((ii) Bind or restrict))~~ (i) Binding or restricting a child's movement unless permitted under WAC 110-301-0335;
- ~~((iii) Tape))~~ (j) Taping a child's nose, mouth, or other body part;
- ~~((iv) Deprive))~~ (k) Depriving a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;
- ~~((v) Force))~~ (l) Forcing a child to ingest something as punishment such as hot sauce or soap;
- ~~((vi) Interfere))~~ (m) Interfering with a child's ability to take care of their own hygiene and toileting needs;
- ~~((vii) Withhold))~~ (n) Withholding hygiene care, toileting care, or diaper changing from any child unable to provide such care for themselves;
- ~~((viii) Expose))~~ (o) Exposing a child to extreme temperatures as punishment;
- ~~((ix) Demand))~~ (p) Demanding excessive physical exercise or strenuous postures. Excessive physical exercise includes, but is not limited to, running laps around the yard until overly tired, an extensive number of push-ups, standing on one foot for an uncomfortable amount of time, or holding out one's arms until tired or painful;
- ~~((x) Place))~~ (q) Placing the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; and

~~((xi) Use)~~ (r) Using a confining space or equipment to punish a child or restrict movement.

(2) A school-age provider must supervise to protect children from the harmful acts of other children. A provider must immediately intervene when they become aware that a child or children are teasing, fighting, bullying, intimidating, or becoming physically or sexually aggressive.

(3) A school-age provider may separate a child from other children when that child needs to regain control of themselves.

(a) During separation time, the child must remain under the appropriate level of supervision of a licensee, program director, site director, lead teacher or an assistant teacher.

(b) Separation time should be minimized and appropriate to the needs of the individual child.

(4) If a child is separated from other children, a school-age provider must:

(a) Consider the child's developmental level, language skills, individual and special needs, and ability to understand the consequences of their actions; and

(b) Communicate to the child the reason for being separated from the other children.

(5) If a school-age provider follows all strategies in this section, and a child continues to behave in an unsafe manner, only a licensee, program director, site director, lead teacher, or an assistant teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing or removing the child.

## OTS-5958.1

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0331 Prohibited behavior, discipline, and physical ~~((removal))~~ separation of children.** (1) ONB providers must take steps to prevent and, once aware of, must not tolerate:

(a) Profanity, obscene language, "put downs," or cultural or racial slurs;

(b) Angry or hostile interactions;

(c) Threats of physical harm or inappropriate discipline such as, but not limited to, spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment;

(d) Intimidation, gestures, or verbal abuse including sarcasm, name calling, shaming, humiliation, teasing, derogatory remarks about a child or the child's family;

(e) Emotional abuse including victimizing, bullying, rejecting, terrorizing, extensive ignoring, or corrupting a child;

(f) ~~((Prevent))~~ Sexual abuse, pursuant to RCW 26.44.030 and 26.44.020;

(g) Preventing a child from or ~~((punish))~~ punishing a child for exercising religious rights; ~~((or~~

~~(g) Anyone to:~~

- ~~(i) Restrict~~) (h) Restricting a child's breathing;
- ~~((ii) Bind or restrict)~~) (i) Binding or restricting a child's movement unless permitted under WAC 110-302-0335;
- ~~((iii) Tape)~~) (j) Taping a child's nose, mouth, or other body part;
- ~~((iv) Deprive)~~) (k) Depriving a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;
- ~~((v) Force)~~) (l) Forcing a child to ingest something as punishment such as hot sauce or soap;
- ~~((vi) Interfere)~~) (m) Interfering with a child's ability to take care of their own hygiene and toileting needs;
- ~~((vii) Use)~~) (n) Using toilet learning or training methods that punish, demean, or humiliate a child;
- ~~((viii) Withhold)~~) (o) Withholding hygiene care, toileting care, or diaper changing from any child unable to provide such care for themselves;
- ~~((ix) Expose)~~) (p) Exposing a child to extreme temperatures as punishment;
- ~~((x) Demand)~~) (q) Demanding excessive physical exercise or strenuous postures. Excessive physical exercise includes, but is not limited to, running laps around the yard until overly tired, an extensive number of push-ups, having a child rest more than the child's development requires, standing on one foot for an uncomfortable amount of time, or holding out one's arms until tired or painful;
- ~~((xi) Place)~~) (r) Placing the separated child in a closet, bathroom, locked room, out of visual range in an approved tent, cabin, yurt or other structure; or in an unlicensed space; and
- ~~((xii) Use)~~) (s) Using confining space or equipment to punish a child or restrict movement.
- (2) ONB providers must supervise to protect children from the harmful acts of other children. ONB providers must immediately intervene when they become aware that a child or children are teasing, fighting, bullying, intimidating, or becoming physically or sexually aggressive.
- (3) ONB providers may separate a child from other children when that child needs to regain control of themselves.
- (a) During separation time, the child must remain under the appropriate level of supervision of a licensee, director, program director, assistant director, site director, program supervisor, lead teacher or an assistant teacher.
- (b) Separation time should be minimized and appropriate to the needs of the individual child.
- (4) If a child is separated from other children, ONB providers must:
- (a) Consider the child's developmental level, language skills, individual and special needs, and ability to understand the consequences of their actions; and
- (b) Communicate to the child the reason for being separated from the other children.
- (5) If ONB providers follow all strategies in this section, and a child continues to behave in an unsafe manner, only a licensee, director, program director, assistant director, site director, program supervisor, lead teacher, or an assistant teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing or removing the child. Physical

((~~removal~~)) separation of a child is determined by that child's ability to walk:

(a) If the child is willing and able to walk, staff may hold the child's hand and walk them away from the situation.

(b) If the child is not willing or able to walk, staff may pick the child up and ((~~remove~~)) separate them to a quiet place where the child cannot hurt themselves or others.