

WAC 110-302-0356 ONB program capacity, ratio, and group size.

(1) The department has the authority to issue initial or nonexpiring ONB program licenses. The department will not issue an ONB license to care for more children than permitted by this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each ONB program, the ONB license will describe:

(a) The maximum number of children that may be in care at any one time;

(b) The licensed capacity for each space within the natural area licensed for use by children; and

(c) The authorized age range of children who may attend the ONB program.

(2) For each child attending an ONB program, there must be a minimum of 4,000 square feet of natural space per child in attendance to support a nature-based curriculum, unless otherwise approved by a park's director and the department.

(3) For purposes of a permanently located outdoor classroom area, each child in attendance who is receiving instruction within that area must have a minimum of 75 square feet of space in that area per child in attendance, not including bathroom or diaper changing spaces or ground space occupied by shelves, features, or other equipment not intended to be accessible to children.

(4) For purposes of determining capacity, the department will consider the factors and requirements described in this subsection.

(a) The area and maximum occupancy described in the ONB program's use agreement with the landowner or public park;

(b) Unless otherwise approved by the park's director and the department, the licensed space of another ONB program or educational program that regularly operates at the same time will not be considered in the licensed space calculations for the area that is being licensed;

(c) The land's features and diversity must be sufficient to support high quality, developmentally appropriate, early childhood and child development environmental education;

(d) The land's facilities, such as emergency shelters and toilets, must be sufficient to support the health, safety, and biological needs of all enrolled children;

(e) The age range of children requested or approved by the department to attend the ONB program;

(f) If an indoor space will be used to meet the children's biological needs, those spaces:

(i) Must comply with WAC 110-302-0415 and all other applicable laws, regulations, and policies; and

(ii) May be used to provide children with transitional activities while the biological needs of other children are met in order to meet supervision requirements and keep children together;

(g) If an indoor space will be used for scheduled educational activity when the focus of the ONB program is not on meeting the biological needs of children, the program must be licensed pursuant to chapter 110-300 or 110-301 WAC;

(h) An ONB provider's education and on-going training;

(i) An ONB provider's licensing history with the department; and

(j) The number of qualified staff necessary to comply with the required staff-to-child ratios.

(5) The following spaces or areas must not be included in the capacity determination:

(a) Unlicensed space;

(b) Emergency shelter space that will only be used in case of emergency;

(c) Toileting facilities;

(d) Restricted land; and

(e) Roadways through parks.

(6) Except as described in this section, a licensee must not at any time exceed the total capacity or age range stated on the ONB program license.

(a) All children, including children of staff, must be counted in the capacity calculation if those children are:

(i) On the premises and signed in to the ONB program;

(ii) Participating in an off-site trip from the ONB program; or

(iii) Being transported to or from an ONB program activity by ONB staff.

(b) Licensees must comply with WAC 110-302-0300 Individual care plan and receive department approval to care for a child with special needs or a child who is older than the maximum age described on the license. A child with documented special needs may be in care up to age 19 and must be counted in the capacity and staff-to-child ratio.

(c) A child with special needs who requires individualized supervision pursuant to WAC 110-302-0300 will be included in the count for purposes of capacity.

(d) A child with special needs who requires individualized supervision pursuant to WAC 110-302-0300 will not be included in the staff-to-child ratio calculation.

(e) A child who, after entering the ONB program has a 13th birthday and is authorized to continue to attend the ONB program under chapter 110-15 WAC, must be counted in both the capacity calculation and the staff-to-child ratio calculation.

(7) ONB providers must provide qualified staff to comply with staffing requirements, staff-to-child ratios, and group size during operating hours, including off-site activities or when transporting children in care.

(8) The staff-to-child ratios and group size requirements described in this section apply to each ONB program class that is individually described in this subsection.

(a) For preschool-age children 30 months to six years of age that are not attending kindergarten or elementary school, the maximum group size must not exceed 16 children with a staff-to-child ratio of one staff member to six children.

(b) For school-aged children from five to 13 years of age, the maximum group size must not exceed 20 children with a staff-to-child ratio of one staff member to eight children. Group size may only exceed 20 children for special events such as assemblies or performances.

(c) For school-aged children from nine to 13 years of age, the maximum group size must not exceed 20 children with a staff-to-child ratio of one staff member to 10 children. Group size may only exceed 20 children for special events such as assemblies or performances.

(d) Each group must be staffed by at least two qualified staff members who are not aides or volunteers. Every third staff member counted in the ratio may be an aide or volunteer. Children related to the staff person or licensee must be included in the staff-to-child ratio calculation.

(9) The ONB program class must comply with specific ratio requirements for specific risky activities as described in this subsection.

(a) If children will be participating in water activities, the ONB program must:

(i) Conduct the ONB benefit-risk assessments described in WAC 110-302-0471 (1)(c) and (d) to determine whether increased staffing is necessary for the planned water activities; and

(ii) As described in WAC 110-302-0350, provide staff who are able to swim and provide a certified lifeguard.

(b) The ONB program must provide additional staff after conducting the risk assessment described in WAC 110-302-0471.

(10) As described in WAC 110-302-0436, the ONB program class must comply with any variance from this chapter that is authorized or required by the department.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0356, filed 5/1/23, effective 6/1/23.]