

WSR 21-01-181
PERMANENT RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed December 21, 2020, 2:53 p.m., effective January 21, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Allow licensed early learning providers who were licensed before August 1, 2019, until August 1, 2026, to comply with child care licensing rules that require a provider to hold an early childhood education initial certificate, an early childhood education short certificate, or the equivalent.

Citation of Rules Affected by this Order: Amending WAC 110-300-0100.

Statutory Authority for Adoption: RCW 43.216.065.

Adopted under notice filed as WSR 20-22-005 on October 21, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 21, 2020.

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Rules Coordinator

OTS-2693.1

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

WAC 110-300-0100 General staff qualifications. All early learning providers must meet the following requirements prior to working:

(1) **Family home early learning program licensees** work from their private residence to provide early learning programming to a group of no more than twelve children present at one time.

(a) A family home licensee must meet the following qualifications upon application:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements pursuant to WAC 110-300-0105.

(b) A family home licensee must meet the following qualifications:

~~(i) ((Family home licensees must have an ECE initial certificate, or equivalent as approved and verified in the electronic workforce registry by the department as follows:~~

~~(A) A family home licensee licensed prior to August 1, 2019, must complete an ECE initial certificate or equivalent within five years of the date this section becomes effective;~~

~~(B) A family home licensee licensed August 1, 2019, or later must complete an ECE initial certificate or equivalent within five years of licensure; and~~

~~(ii) Upon completion of the ECE initial certificate or equivalent, family home licensees must complete an ECE short certificate or equivalent within two years, as approved and verified in the electronic workforce registry by the department.~~

~~(A) If a family home licensee already has an existing ECE initial certificate or equivalent, the licensee must complete an ECE short certificate or equivalent within five years of licensure by the department.~~

~~(B) Beginning August 1, 2024, the family home licensee must complete an ECE short certificate or equivalent within three years.~~

~~(iii) Have their continued professional development progress documented annually.~~

~~(e)) Have an ECE initial certificate or equivalent by August 1, 2026, or within five years of being licensed by the department, whichever occurs later;~~

~~(ii) Have an ECE short certificate or equivalent by August 1, 2028, or within two years of receiving an ECE initial certificate; and~~

~~(iii) Beginning August 1, 2026, a family home licensee must:~~

~~(A) Have an ECE initial certificate or equivalent within five years of being licensed by the department; and~~

~~(B) Have an ECE short certificate or equivalent within two years of receiving an ECE initial certificate.~~

~~(c) Family home licensees must have all ECE certificates or equivalent qualifications approved and verified in the department's electronic workforce registry;~~

~~(d) Family home licensees must have their professional development progress documented annually;~~

~~(e) Family home licensees must provide the following services:~~

~~(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours, or designate a person with the qualifications of a family home licensee to be on-site when not present;~~

~~(ii) Comply with these foundational quality standards;~~

~~(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to ensure the philosophy serves all children in the early learning program;~~

~~(iv) Have knowledge of community resources available to families, including resources for children with special needs and the ability to share these resources with families; and~~

~~(v) Oversee early learning program staff and support staff in creating and maintaining staff records.~~

~~(2) **Center early learning program licensees** must meet the requirements of a center director, listed in subsection (3) of this section, or hire a center director who meets the qualifications prior to being granted an initial license. Center licensees who fulfill the role of center director in their early learning program must complete all trainings and requirements for center directors.~~

(3) **Center directors or assistant directors** manage the early learning program and set appropriate program and staff expectations.

(a) A center director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) A center director (~~(working at the time this chapter becomes effective)~~) must complete an ECE state certificate or equivalent (~~(within five years of the date this section becomes effective)~~) by August 1, 2026;

(B) A center director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent within five years of the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program and at least six months of experience in administration or management or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(v) If a center director does not meet the minimum qualification requirements, the center early learning program must employ an assistant director or program supervisor who meets the minimum qualifications of these positions;

(vi) Have their continued professional development progress documented annually.

(b) An assistant director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) An assistant director (~~(working at the time this chapter becomes effective)~~) must complete an ECE state certificate or equivalent (~~(within five years of the date this section becomes effective)~~) by August 1, 2026;

(B) An assistant director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent within five years of the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program or two years of experience in administration or management, or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(v) Have their continued professional development progress documented annually.

(c) A center director or assistant director or equivalent must provide the following services:

(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours up to forty hours per week, or designate a person with the qualifications of an assistant director, program supervisor, or equivalent. A center director may act as a substitute teacher if acting as a substitute does not interfere with management or supervisory responsibilities;

(ii) Comply with foundational quality standards;

(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to

ensure the philosophy serves all children in the early learning program (or designate a program supervisor with this responsibility);

(iv) Have knowledge of community resources available to families, including resources for children with special needs and be able to share these resources with families; and

(v) Oversee professional development plans for early learning program staff including, but not limited to:

(A) Providing support to staff for creating and maintaining staff records;

(B) Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and

(C) Observing and mentoring staff.

(4) **Center program supervisors** plan the early learning program services under the oversight of a center director or assistant director.

(a) A program supervisor must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent (~~(within five years of the date this section becomes effective or from the time of hire or promotion, if a director or assistant director does not have an ECE state certificate or equivalent as required by this section)~~) by August 1, 2026;

(iii) Have two years of experience as a teacher of children in any age group enrolled in any early learning program;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105; and

(v) Have their continued professional development progress documented annually.

(b) A program supervisor performs the following duties:

(i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program;

(ii) Comply with foundational quality standards;

(iii) Act as a teacher or director as long as it does not interfere with the program supervisor's primary responsibilities; and

(iv) Manage the professional development plans and requirements for staff as needed.

(c) One person may be the center director, assistant director, and the program supervisor when qualified for all positions, provided that all requirements of subsection (3)(a) and (b) of this section are met.

(5) Any individual hired or promoted into a position detailed in subsections (2), (3), and (4) of this section who does not have an ECE state certificate or equivalent as required under subsections

(3)(a)(ii), (b)(ii), and (4)(a)(ii) of this section must instead meet the following requirement as approved and verified in the electronic workforce registry by the department:

If a center is licensed for this number of children:	Then the director, assistant director, or program supervisor must have completed at least this number of college quarter credits in early childhood education core competencies:
(a) 12 or fewer	10
(b) 13 to 24	25
(c) 25 or more	45

(6) **Lead teachers** are responsible for implementing the center or family home early learning program. Lead teachers develop and provide a nurturing and responsive learning environment that meets the needs of enrolled children.

(a) A lead teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105.

(b) A center lead teacher must meet the following requirements:

(i) ~~((Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or five years from being employed or promoted into this position at any licensed early learning program;~~

~~(ii) Progress towards an ECE short certificate or equivalent. A center lead teacher hired after this chapter becomes effective must have an ECE short certificate within two years of receiving an ECE initial certificate, or seven years from being employed or promoted into this position at any licensed early learning program; and~~

~~(iii) Have their professional development progress documented annually.~~

(c) A family home lead teacher must meet the following requirements:

~~(i) Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being employed or promoted into this position at any licensed early learning program;~~

~~(ii) Prior to being in charge of their early learning program fifty percent or more of the time, a family home lead teacher must meet the qualifications of the family home licensee and complete or be registered in orientation training required in WAC 110-300-0105(1); and~~

~~(iii) Have their professional development progress documented annually.) Have an ECE initial certificate or equivalent by August 1, 2026, or within five years of being hired or promoted into the position, whichever occurs later;~~

~~(ii) Have an ECE short certificate or equivalent by August 1, 2028, or within two years of receiving an ECE initial certificate; and~~

~~(iii) Beginning August 1, 2026, a center lead teacher must:~~

~~(A) Have an ECE initial certificate or equivalent within five years of being hired or promoted into this position; and~~

~~(B) Have an ECE short certificate or equivalent within two years of receiving an ECE initial certificate.~~

~~(c) Have all ECE certificates or equivalent qualifications approved and verified in the department's electronic workforce registry;~~

~~(d) Have their professional development progress documented annually; and~~

~~(e) A family home lead teacher must meet the following requirements:~~

~~(i) Have an ECE initial certificate or equivalent by August 1, 2026, or within five years of being hired or promoted into the position, whichever occurs later;~~

~~(ii) Beginning August 1, 2026, a family home lead teacher must have an ECE initial certificate or equivalent within five years of being hired or promoted into the position;~~

(iii) Have all ECE certificates or equivalent qualifications approved and verified in the department's electronic workforce registry; and

(iv) Have their professional development progress documented annually.

(7) **Assistant teachers** help a lead teacher or licensee provide instructional support to children and implement developmentally appropriate programs in center or family home early learning programs.

(a) An assistant teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; ((and))

~~(iii) Have ((a minimum of an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being employed or promoted to this position at any licensed early learning program;~~

~~(iv))~~ an ECE initial certificate or equivalent by August 1, 2026, or within five years of being hired or promoted into this position, whichever occurs later;

(iv) Beginning August 1, 2026, an assistant teacher must have an ECE initial certificate or equivalent within five years of being hired or promoted into the position;

(v) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105; and

~~((v))~~ (vi) Have their professional development progress documented annually.

(b) Assistant teachers may work alone with children with regular, scheduled, and documented oversight and on-the-job classroom training from the classroom's assigned lead teacher who is primarily responsible for the care of the same group of children for the majority of their day.

(c) For continuity of care, assistant teachers can act as a substitute lead teacher up to two weeks. If longer than two weeks, the provider must notify the department with a plan to manage the classroom.

(8) **Aides** provide classroom support to an assistant teacher, lead teacher, program supervisor, center director, assistant director, or family home licensee. Aides must meet the following qualifications:

(a) Be at least fourteen years old;

(b) Have a high school diploma or equivalent, or be currently enrolled in high school or an equivalent education program;

(c) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(d) Have their professional development progress documented annually; and

(e) Aides may be counted in the staff-to-child ratio if they are working under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee.

(i) Aides working nineteen or fewer hours per month can be counted towards staff-to-child ratio with applicable preservice requirements pursuant to WAC 110-300-0105 but without in-service training requirements pursuant to WAC 110-300-0107 (1)(a).

(ii) Aides who work more than nineteen hours per month and who have a cumulative twelve months of employment must complete applicable preservice requirements detailed in WAC 110-300-0105 and the in-service training detailed in WAC 110-300-0107 (1)(a).

(9) **Other personnel** who do not directly care for children and are not listed in subsections (1) through (8) of this section must meet the following qualifications:

(a) Complete and pass a background check, pursuant to chapter 110-06 WAC;

(b) Have a negative TB test, pursuant to WAC 110-300-0105; and

(c) Complete program based staff policies and training, pursuant to WAC 110-300-0110.

(10) **Volunteers** help at early learning programs. Volunteers must meet the following qualifications:

(a) Be at least fourteen years old (volunteers must have written permission to volunteer from their parent or guardian if they are under eighteen years old);

(b) Work under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee;

(c) Regular, ongoing volunteers may count in staff-to-child ratio if they:

(i) Complete and pass a background check, pursuant to chapter 110-06 WAC;

(ii) Complete a TB test, pursuant to WAC 110-300-0105;

(iii) Complete the training requirements, pursuant to WAC 110-300-0106;

(iv) Complete program based staff policies and training, pursuant to WAC 110-300-0110; and

(v) Have their professional development progress documented annually.

(d) Occasional volunteers must comply with (a) and (b) of this subsection and cannot count in staff-to-child ratio. Occasional volunteers may include, but are not limited to, a parent or guardian helping on a field trip, special guest presenters, or a parent or guardian, family member, or community member helping with a cultural celebration.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-026, § 110-300-0100, filed 5/13/20, effective 6/13/20. Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0100, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0100, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0100, filed 6/30/18, effective 8/1/19.]