

WSR 21-06-092
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed March 2, 2021, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-24-033.

Title of Rule and Other Identifying Information: New WAC

110-301-0001 Intent and authority, 110-301-0005 Definitions, 110-301-0010 License required, 110-301-0015 Program director and site director simultaneous absence, 110-301-0106 Inactive status—Voluntary and temporary closure, 110-301-0020 Unlicensed programs, 110-301-0025 Certified and exempt programs, 110-301-0030 Nondiscrimination, 110-301-0085 Family partnerships and communication, 110-301-0100 General staff qualifications, 110-301-0105 Preservice requirements, 110-301-0106 Training requirements, 110-301-0107 In-service training, 110-301-0110 Program based staff policies and training, 110-301-0111 Staff oversight, 110-301-0115 Staff records, 110-301-0120 Providing for personal, professional, and health needs of staff, 110-301-0130 Indoor school-age program space, 110-301-0135 Routine care, play, learning, relaxation, and comfort, 110-301-0140 Room arrangement, child-related displays, private space, and belongings, 110-301-0145 Outdoor school-age program space, 110-301-0146 Equipment and surfaces in outdoor school-age program space, 110-301-0147 Weather conditions and outdoor hazards, 110-301-0148 Gardens in outdoor school-age program space, 110-301-0150 Program and activities, 110-301-0155 Use of television, video, and computers, 110-301-0160 Promoting acceptance of diversity, 110-301-0165 Safety requirements, 110-301-0166 Emergency preparation and exiting, 110-301-0170 Fire safety, 110-301-0175 Water hazards and swimming pools, 110-301-0180 Meal and snack schedule, 110-301-0185 Menus, milk, and food, 110-301-0186 Food allergies and special dietary needs, 110-301-0190 Parent or guardian provided food and written food plans, 110-301-0195 Food service, equipment, and practices, 110-301-0196 Food sources, 110-301-0197 Safe food practices, 110-301-0198 Food preparation areas, 110-301-0200 Handwashing and hand sanitizer, 110-301-0205 Child and staff illness, 110-301-0210 Immunizations and exempt children, 110-301-0215 Medication, 110-301-0220 Bathroom space, 110-301-0225 Pets and animals, 110-301-0230 First aid—CPR certification and supplies, 110-301-0235 Safe water sources, 110-301-0236 Safe drinking water, 110-301-0240 Clean and healthy environment, 110-301-0241 Cleaning schedules, 110-301-0245 Laundry and equipment, 110-301-0250 Private septic systems, 110-301-0255 Pest control, 110-301-0260 Storage of hazardous and maintenance supplies, 110-301-0300 Individual care plan, 110-301-0305 Program philosophy and planning, 110-301-0310 Concept development and feedback quality, 110-301-0315 Communication modeling and reasoning, 110-301-0320 Facilitating child interests, learning, perspective, and productivity, 110-301-0325 Creating a climate for healthy child development, 110-301-0330 Positive relationships and child guidance, 110-301-0331 Prohibited behavior, discipline, and physical removal of children, 110-301-0335 Physical restraint, 110-301-0340 Expulsion, 110-301-0345 Supervising children, 110-301-0350 Supervising children during water activities, 110-301-0354 Indoor school-age program space capacity, 110-301-0356 School-age capacity, ratio, and group size, 110-301-0360 Program and daily schedule, 110-301-0400 Application materials, 110-301-0401 License fees, 110-301-0402, Changing school-age program

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Repealing WAC 110-305-0001 Authority, 110-305-0005 Intent, 110-305-0010 Definitions, 110-305-0050 Special needs accommodations, 110-305-1000 License required, 110-305-1001 License transfers, 110-305-1035 Fire inspection/certification, 110-305-1050 The licensee, 110-305-1075 Child care subsidy, 110-305-1100 Tribal or military regulated or operated child care—Certification for payment, 110-305-1125 Orientation required, 110-305-1200 Background checks, 110-305-1250 Licensing process—Application materials and fees, 110-305-1275 Licensing process—Application processing, 110-305-1325 Background check fees, 110-305-1350 Liability insurance coverage, 110-305-1360 Lead and arsenic hazards—Tacoma smelter plume, 110-305-1370 Safe water sources, 110-305-1410 Department inspection, 110-305-1430 Initial license, 110-305-1450 Nonexpiring license, 110-305-1525 Change in circumstances, 110-305-1625 Exception to rule, 110-305-1710 Program director, 110-305-1715 Site coordinator, 110-305-1720 Lead teachers, 110-305-1730 Program assistants, 110-305-1735 Volunteers, 110-305-1745 Staff meetings, 110-305-1750 Tuberculosis, 110-305-1775 Basic STARS training, 110-305-1800 Ongoing training, 110-305-1820 Program provided training, 110-305-1825 First-aid and cardiopulmonary resuscitation (CPR) certification, 110-305-1850 HIV/AIDS training—Bloodborne pathogens plan, 110-305-1925 Assistants and volunteers—Supervision, 110-305-2000 Recordkeeping—Records available to the department, 110-305-2025 Child records—Confidentiality, 110-305-2050 Child records—Contents, 110-305-2075 Staff records, 110-305-2125 Child attendance records—Staff-to-child ratio records, 110-305-2150 Facility records, 110-305-2175 Materials that must be posted, 110-305-2200 Reporting incidents to 911 (emergency services), 110-305-2225 Reporting incidents to Washington poison center, 110-305-2250 Reporting incidents to a child's parent or guardian and the department, 110-305-2275 Other incident reporting to the department, 110-305-2300 Reporting to DSHS children's administration intake, 110-305-2325 Notifiable conditions, 110-305-2350 Policies, 110-305-2375 Parent/guardian policies (handbook), 110-305-2400 Program/operations policies, 110-305-2425 Staff policies, 110-305-2450 Off-site activity policy, 110-305-2575 Combustible and flammable materials, 110-305-2600 Furnaces, other heating devices and appliances with hot surfaces, 110-305-2625 Electrical motors, 110-305-2675 Open flame devices, candles, matches and lighters, 110-305-2700 Emergency flashlight, 110-305-2725 Portable heaters and generators, 110-305-2775 Telephone, 110-305-2825 Fire evacuation plan, 110-305-2850 Disaster plan, 110-305-2875 Fire, disas-

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Hearing Location(s): On April 6, 2021, telephonic. Oral comments may be made by calling 360-902-8084 and leaving a voicemail that includes the comment and an email or physical mailing address where department of children, youth, and families (DCYF) will send its response. Comments received through and including April 6, 2021 will be considered.

Date of Intended Adoption: April 12, 2021.

Submit Written Comments to: DCYF, Rules Coordinator, P.O. Box 40975, Olympia, WA 98504-0975, email dcyf.rulescoordinator@dcyf.wa.gov, submit comments online at <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by April 6, 2021.

Assistance for Persons with Disabilities: Contact DCYF, rules coordinator, phone 360-902-7956, email dcyf.rulescoordinator@dcyf.wa.gov, by April 2, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Licensing—Early learning standards for school-age programs:** Proposed rules move the requirements codified at chapter 110-305 WAC to new chapter 110-301 WAC for school-age child care programs that serve only children aged five through twelve who attend school when school is not in session and repeal chapter 110-305 WAC.

The proposed rules make these changes to current licensing requirements for school-age early learning programs:

- A written plan is required for the simultaneous absence of the program and site directors when the program remains open - new;
- Programs must notify DCYF and change its status to inactive during temporary closures expected to last more than thirty days that are inconsistent with their regular schedules - new;
- Nondiscrimination is prohibited - new;

- Programs must form family partnerships intended to promote care based on a child's developmental, behavioral, health, linguistic, cultural and social information and encourage enrolled children's families to introduce their language and culture to enrolled children - new;
- Program and site directors' preservice requirements are made less restrictive by lowering the minimum age from twenty-one to eighteen, eliminating high school diploma requirements, splitting current forty-five hour preservice education credit requirement into twelve credits at time of hire and completion of remaining thirty-three hours within five years of hire, allowing any one hundred-level or above college-level coursework instead of department-approved subjects, and removing requirement that staff must possess the understanding, ability, physical health, emotional stability, and good judgement to care for children;
- Lead teachers must complete twelve credits of one hundred-level or above college-level coursework - new;
- Minimum age for aides and volunteers is lowered from sixteen to fourteen;
- Program and site directors must have completed or be registered for the department's orientation at the time of hire instead of having three months from time of hire to complete;
- School-age providers must complete the following training: Medication management and administration if caring for children requiring medication, emergency preparedness, homelessness, and preventing exposure to blood and body fluids - new;
- Affirmation that programs must comply with the Americans with Disabilities Act;
- Indoor program space must be arranged so that children in care can engage in different activities, move freely, have privacy, and independently access materials and equipment - new
- Programs must provide extra clothing for children in care who need a change of clothing - new;
- Programs must ensure children in attendance have space to store and access their belongings - new;
- Frequency of outdoor play equipment inspections is increased from weekly to daily;
- DCYF no longer approves route to outside play areas that are not adjacent to licensed facility;
- Programs must ensure children in care are dressed appropriately for outdoor activities and take appropriate action to safeguard children from extreme weather conditions and outdoor hazards such as local or state ordered air quality emergencies, and public safety authority ordered lockdowns - new
- For programs that choose to garden in licensed space, safeguards are established to reduce risk of animal cross-contamination, use of contaminated soil and water, use of hazardous materials for the construction of raised garden beds, and children's exposure to herbicides and pesticides - new;
- Children's allowed screen time is increased from one to two and one-half hours per week;
- The dated menu requirement remains unchanged, but the proposed rules do not dictate what must be included and posting is no longer required;
- Enrolled children are allowed to carry and self-administer prescribed asthma, anaphylaxis, and insulin medications if parent or guardian and health care provider gives written authorization;

- Reptiles, amphibians, chickens, and ducks are allowed in licensed space with safeguards; and
- Private septic systems serving programs not on school grounds must be designed, constructed, and maintained in accordance with state and local health jurisdiction standards and undergo regular, routine inspections.

Reasons Supporting Proposal: DCYF licenses child care providers in Washington state. At the direction of the legislature, a single set of licensing standards was developed for child care and the early childhood education and assistance program. Those standards, codified at chapter 110-300 WAC, were adopted in 2018 and took effect August 1, 2019, for child cares serving children from birth to twelve years of age. Proposed chapter 110-301 WAC is the final piece aligning licensing standards; it aligns the standards for school-age child care programs with those adopted in 2018. The proposed rules address critical health and safety needs of enrolled children, ensure licensed programs meet federal requirements, and promote cultural diversity.

Recodification to a new chapter allows consistent section numbers for chapters 110-300 and 110-301 WAC, which makes navigating and comparing the two chapters easier for the regulated community and DCYF licensing staff.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Statute Being Implemented: RCW 43.216.255.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Tyler Farmer, 360-628-2151; 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.

The proposed rule does impose more-than-minor costs on businesses.

Small Business Economic Impact Statement

1. Describe the proposed rule, including:

- A brief history of the issue.
- An explanation of why the proposed rule is needed.
- A brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

DCYF licenses child care providers in Washington state. At the direction of the legislature, a single set of licensing standards was developed for child care and the early childhood education and assistance program. Those standards were adopted in 2018 and took effect August 1, 2019, for child cares serving children from birth to twelve years of age. Proposed chapter 110-301 WAC is the final piece of the [that] aligns the standards for school-age child care programs with those adopted in 2018. School-age child care programs serve only children aged five through twelve who attend school when school is not in session. The proposed rules address critical health and safety needs

of enrolled children, meet federal requirements, and promote cultural diversity.

School-age programs are currently regulated by chapter 110-305 WAC. That chapter will be repealed effective the date proposed chapter 110-301 WAC takes effect. The majority of the requirements in chapter 110-305 WAC are unchanged in chapter 110-301 WAC and result in no additional cost for programs on the date the new chapter takes effect. Regardless, the cost of compliance for all requirements, changed and unchanged, are included here since compliance with new chapter 110-301 WAC exceeds the minor cost threshold.

Professional services needed to comply with chapter 110-301 WAC are continuing and higher education, certified water testing labs, and for programs served by private wells that do not operate in school buildings, septic system inspectors.

2. Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor-cost thresholds are:

NAICS code (4, 5 or 6 digit)	NAICS business description	# of businesses in WA	Minor-cost threshold = 1% of average annual payroll	Minor-cost threshold = 0.3% of average annual receipts
624410	Child day care, before or after school, separate from schools	586	\$2,853.66	\$1,163.71

3. Analyze the probable cost of compliance: Identify the probable costs to comply with the proposed rule, including: Cost of equipment, supplies, labor, professional services and increased administrative costs. Based on input, describe how compliance with the rule may cause lost sales or revenue.

TRAINING AND PROFESSIONAL DEVELOPMENT: Per person preemployment or licensing requirements - costs are likely paid by the individual rather than a small business:

Description	Probable Cost	Notes
Preservice: Back ground check	\$44.75 fingerprinting, \$12 electronic application fee	Cost of paper application is \$24
Preservice: TB test	\$30	

Per person training requirements - costs may be paid by the individual rather than a small business employer. Costs may vary depending upon the city or county where the training is received and, for in-service training, the courses selected. Stated costs are believed to be the maximum that would be paid in high-cost areas of the state:

Description	Probable Cost	Notes
Training requirements: School-age basics	\$150	
Training requirements: CPR/First Aid/ blood borne pathogens	\$120	Renewed biennially
In-service training	\$250	Ten hours annually

Education requirements by position - costs are likely paid by the individual rather than a small business employer:

Role	Hiring Requirement	Full Education (must complete within 5 years of rules' effective date)
Program director	12 credits = \$1,320	12 + 33 additional credits (\$3,630) = 45 credits total (\$4,950)
Site director	12 credits = \$1,320	12 + 18 additional credits (\$1,980) = 30 credits total (\$3,300)
Lead teacher		12 credits = \$1,320

PHYSICAL ENVIRONMENT: DCYF assumes that before applying for a license, an applicant will find a suitable structure with floors, walls, windows, a septic system that complies with state and local health jurisdiction requirements, and is ADA compliant. The cost of such a structure, its maintenance, and utilities are not included here.

For programs operating in the same facilities used by public or private schools, DCYF does not regulate the physical facility, including outdoor playgrounds. In the following table, a '*' indicates the cost is borne only by programs not operating in school buildings.

Office Equipment	Probable Cost	Notes
Telephone	\$30	Monthly charge
Storage for program records	\$200	4-drawer file cabinet, alternatives may be used

The average enrollment for current licensed school-age programs is fifty-five children:

For enrolled children's use:	Probable Cost	Notes
Child sized furniture: 30"x60" table	\$259/table	Ten tables are needed for fifty-five children
Child sized furniture: chair	\$62/chair	Twenty-five chairs are needed for fifty-five children
Extra children's clothes	\$50	
Storage space for children's belongings	\$90/10 bins	Alternatives, such as backpacks, may be used
Outdoor play equipment	\$2,000	*

Safety	Probable Cost	Notes
Fencing for outdoor play area	\$3,000 6'H x 200 linear'	*
Playground surface	\$8.24/sq. ft.	*
Barrier to keep animals out of gardens	\$3.50/ft. chicken wire	Gardening is optional
Garden soil free from contaminants	\$8/2 cubic yds	Gardening is optional
Organic soil if gardening in raised beds	\$8/2 cubic yds	Gardening is optional
Handrails (only necessary for stairs)	\$20/8 feet	*
Window stoppers	\$15/each	*
Guardrails (only necessary for decks with a drop zone >18")	\$136/5'	*
Ground fault circuit interrupter - electrical outlets near sinks	\$20	*
Flashlight	\$20	
Smoke detector	\$25	*
Carbon monoxide detector	\$20	*
Back up alarm to alert people of fire	\$5	Whistle or alternative alarm
Fire extinguisher rated 2A:10BC	\$50	*
Physical barrier and lock for water hazards	Up to \$3,000	*
Alarm on door or gate that leads to a pool	\$25	*
Food and Food Area	Probable Cost	Notes
Meals and snacks	\$7/child per day	Two meals and two snacks or three snacks and one meal at the most
Food worker card	\$10/person	Renewed annually
Plates, bowls, forks, spoons, glasses	\$7/child	
Napkins	\$5/500	

Food and Food Area	Probable Cost	Notes
Serving utensils	\$50	
Leftover food storage containers	\$50	
Refrigerator, freezer, or combo	\$2,000	*
Range and exhaust fan (optional if food is prepared off site)	\$1,050	*
Colander	\$10	
Method to sanitize dishes, etc. in food prep area (dishwasher or other automated alternative)	\$600	*
3-compartment sink for manually sanitizing (if automated method is not available)	\$300	*
Bleach for sanitizing	\$4/gallon	
Sponges	\$10/12	
Mop and bucket	\$50	Commercial grade
Broom and dust pan	\$25	
Other	Probable Cost	Notes
Paper or single-use cloth towels	\$5/70	
Medication storage cabinet	\$40	
Exhaust fan in bathroom	\$150	Not required if the bathroom has an operable window
First-aid kit	\$50	
Water test for lead and copper	\$50	Required at time of licensing an[d] every six years thereafter
Remediation if test results exceed EPA action level	Indeterminable	
Well water testing for E. coli and nitrates	\$200	Annual

Other	Probable Cost	Notes
Alternate water source if E. coli present or excessive nitrates	Indeterminable	
24" moisture resistant, cleanable material around plumbed fixtures	\$1/sq. ft.	Vinyl flooring or similar alternative
Making dangerous substances inaccessible to children	\$0 - \$100	There are various options for compliance with drastically different costs. Some examples are storing substances in an area where enrolled children are not allowed, installing a lock on a cupboard or closet where substances are stored, or purchasing a freestanding, locking cabinet.
Annual licensing fee	\$125 for first 12 children + \$12/each add'l child	
"No smoking or vaping" sign	\$15	
Vehicle - optional	Indeterminate	If a program chooses to offer transportation, the vehicle must be in good repair and safe operating condition, licensed, equipped with emergency signals, insured, suitable for the number of occupants, and driven by a licensed driver with a safe driving record for the last five years.
Display board for postings	\$10	

Probable costs do not include sales tax, delivery, or installation charges.

Lost sales or revenue is not anticipated. Stakeholders were engaged in drafting to ensure that the requirements were manageable and sustainable.

4. Explain how you determined the rule may impose more-than-minor costs on businesses in the industry: Using the average enrollment of fifty-five children, just the ongoing cost of providing meals and snacks to children exceeds the minor cost threshold on an annual basis.

5. Determine whether the proposed rule may impose a disproportionate impact on small businesses compared to the ten percent of businesses that are the largest businesses required to comply with the proposed rule: Use one or more of the following as a basis for comparing costs:

- Cost per employee.
- Cost per hour of labor.
- Cost per \$100 of sales.

Nearly all licensed school-age child care programs are small businesses, so there is no comparison to make.

6. If the proposed rule is likely to impose a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. Include consideration of each of the following cost mitigation strategies:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements.
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements.
- (c) Reducing the frequency of inspections.
- (d) Delaying compliance timetables.
- (e) Reducing or modifying fine schedules for noncompliance.
- (f) Any other mitigation techniques suggested by small businesses or their advocates.

If the costs cannot be reduced, provide a clear explanation of why.

(a) The requirements in the proposed chapter are the minimum requirements necessary to ensure the health and safety of children in care, so reducing, modifying, or eliminating substantive regulatory requirements is not an option. DCYF is committed to reducing the cost of compliance and continually explores options for doing so. Work is underway now to record as many of the required trainings as possible to offer the regulated [regulated] community more free, convenient on-demand training options.

(b) The required recordkeeping and reporting is the minimum necessary to alleviate more frequent in-person licensing inspections, which would be more invasive to licensed programs and likely more time consuming than the recordkeeping and reporting.

(c) DCYF performs only annual inspection as required by statute, unless there is cause for more frequent inspections.

(d) The proposed rules allow five years to complete the education requirements, unlike the current rules which require program and site directors to have completed the same amount of credits at the time of hire. Unlike the current state, the proposed rules allow any concentration of study. The proposed rules impose a new, 12-credit education requirement for lead teachers, but allow five years to comply.

(e) DCYF recently revamped its approach to regulation in a comprehensive way that is intended to lessen costs for school-age and other providers and the families they serve. The new approach allows for waivers and variances as long as the program maintains a high standard of health and safety protections, extends compliance timelines so that providers have a longer period of time to correct defi-

ciencies, and emphasizes technical assistance over penalties. Only after technical assistance and only if a child's health and safety is jeopardized are appropriate penalties considered. In some cases, assessed penalties may be reduced or suspended, conditioned upon the provider correcting the deficiency.

(f) School-age child care programs may participate in the United States Department of Agriculture's food subsidy program, which reduces the cost of providing meals and snacks.

7. Describe how small businesses were involved in the development of the proposed rule: DCYF partnered with School's Out Washington (SOWA)* who coordinated a council of school-age programs from across the state. The council represented the state's licensed school-age programs and consulted with them throughout the drafting process. Over several months, the council met monthly with a DCYF representative to develop the proposed chapter. As sections of the updated WAC were developed, the council reviewed the drafts and provided feedback. DCYF responded by either making the recommended changes or explaining why information was remaining in WAC. When drafting was finished, the chapter was submitted to the council for final review - and again, responses were provided to either change the draft or explain why it was not. SOWA coordinated and continues to coordinate efforts to keep all school-age providers informed.

*SOWA is a nonprofit organization that provides services and guidance for organizations to ensure all young people have safe places to learn and grow when not in school. SOWA is dedicated to building community systems to support quality afterschool, youth development, and summer programs for Washington's children and youth ages five through young adulthood. SOWA's expertise is in strengthening the expanded learning field - the afterschool and out-of-school time programs that engage young people in high quality enrichment, academic support, and social-emotional development. (Source: www.schoolsoutwashington.org.)

8. Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule: DCYF does not anticipate the proposed rules will cause school-age program closures or otherwise create or eliminate jobs.

9. Summarize the results of the analysis, including the determination if costs are disproportionate: By reducing the education requirements for new hires and allowing any concentration of study, the proposed rules increase the pool of potential employees for school-age programs. The only new education requirement will impact lead teachers and it is unknown how many individuals currently working in these positions do not meet the new requirement. Also, it is likely that individuals will pay their own tuition costs rather than their small business employers.

Many of the other requirements are program dependent, such as costs related to optional gardening and water programs.

The proposed safety- and food preparation-related rules will have little impact on the large number of school-age programs that operate in the same buildings used by schools.

A copy of the statement may be obtained by contacting DCYF, Rules Coordinator, P.O. Box 40975, Olympia, WA 98504-0975, phone 360-902-7956, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/filings>.

March 2, 2021
Brenda Villarreal

OTS-2709.7

Chapter 110-301 WAC
FOUNDATIONAL QUALITY STANDARDS FOR SCHOOL-AGE PROGRAMS

SECTION I
INTENT AND AUTHORITY

NEW SECTION

WAC 110-301-0001 Intent and authority. (1) The department of children, youth, and families was established under chapter 6, Laws of 2017. Chapter 43.216 RCW establishes the department's responsibility and authority to set and enforce licensing requirements, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) This chapter reflects the department's commitment to:

(a) Promoting the health, safety, and well-being of children;

(b) Expanding access to high quality school-age programs to improve outcomes for children;

(c) Supporting strong school success; and

(d) Recognizing parents and guardians as a child's primary teacher and advocate.

(3) Pursuant to this chapter, the department will periodically monitor and assess school-age programs to determine compliance with these foundational quality standards.

(4) Pursuant to RCW 43.216.250 (2)(b), the provisions of this chapter governing the physical facility, including buildings and other physical structures attached to buildings and premises, do not apply to licensed school-age programs that operate in facilities used by public or private schools. The department regulates only health, safety, and quality standards that do not relate to the physical facility for programs operating in facilities used by public or private schools.

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NEW SECTION

WAC 110-301-0005 Definitions. The following definitions apply to this chapter:

"Accessible to children" means items, areas, or materials of a school-age program that a child can reasonably reach, enter, use, or get to on their own.

"Accommodations" means program activities, spaces, and materials that have been adapted to help children and adults with special needs function within their surroundings.

"Active supervision" or **"actively supervise"** means a heightened standard of care beyond supervision. This standard requires a school-age provider to see and hear the children they are responsible for during higher risk activities. The provider must be able to prevent or instantly respond to unsafe or harmful events.

"ADA" refers to the Americans with Disabilities Act.

"Aide" is a person who offers support to the school-age program staff.

"Allergy" or **"allergies"** refers to an overreaction of the immune system to a substance that is harmless to most people. During an allergic reaction, the body's immune system treats the substance or "allergen" as an invader. The body overreacts by releasing chemicals that may cause symptoms ranging from mildly annoying to life threatening. Common allergens include certain foods (milk, eggs, fish, shellfish, common tree nuts, peanuts, wheat, and soybeans), pollen, mold, or medication.

"Annual" or **"annually"** means an event that occurs each calendar year, not to exceed three hundred sixty-five days between occurrences.

"Applicant" means an individual who has made a formal request for a child care license, certification, exemption, or portable background check.

"Appropriate" when used to refer to program or educational materials means that the materials will interest and challenge children in terms of their ages and abilities.

"Appropriately" means correct or properly suited for a particular situation.

"Assistant teacher" is a person whose work is to assist a lead teacher, site director, or program director in providing instructional supports to children and implementing a developmentally appropriate program. The assistant teacher must carry out assigned tasks under the supervision of a lead teacher, site director, or program director.

"ASTM" refers to the American Society for Testing and Materials.

"Bathroom" means a room containing a built-in, flush-type toilet.

"Bias" means a tendency to believe that some people or ideas are better than others that usually results in treating some people unfairly.

"Body of water" or **"bodies of water"** is a natural area or human-made area or device that contains or holds a depth of more than two inches of water. Examples include swimming pools, ditches, canals, fish ponds, water retention areas, excavations, and quarries.

"CACFP" means the Child and Adult Care Food Program established by Congress and funded by the United States Department of Agriculture (USDA).

"Cannabis" (also known as "marijuana") refers to all parts of the cannabis plant, whether growing or not, the seeds thereof, the resin or concentrate extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

"Capacity" means the maximum number of children a school-age program is authorized by the department to have in care at any given time. This includes any children on-site at the school-age program and

any children in transit to or from the program or other activities such as field trips while the children are signed in to the care of the program.

"Certificate of exemption (COE)" means a form that is approved by the DOH and consistent with the requirements of WAC 246-105-050, or an immunization form produced by the state immunization information system.

"Certificate of immunization status (child)" means a form that is approved by the DOH and consistent with the requirements of WAC 246-105-050, or an immunization form produced by the state immunization information system.

"Certification" means, as applied to the licensing process, department approval of a person, home, or facility that is exempt from licensing but requests evidence that the program meets these foundational licensing standards.

"Child" means an individual who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"Child abuse" or **"neglect"** means the physical abuse, sexual abuse, sexual exploitation, abandonment, negligent treatment or maltreatment of a child by any person as defined in RCW 26.44.020.

"Child care" refers to supervision of children outside the child's home for periods of less than twenty-four hours a day.

"Chromated copper arsenate" or **"CCA"** is a wood preservative and insecticide that contains roughly twenty-two percent arsenic, a known carcinogen. The United States restricted the use of CCA on residential lumber in 2003, but it can still be found on older decks and playground equipment. Information about the health hazards of arsenic can be found on the DOH's website.

"Clean" or **"cleaning"** means to remove dirt and debris from a surface by scrubbing and washing with a detergent solution and rinsing with water. This process must be accomplished before sanitizing or disinfecting a surface.

"Confidential" means the protection of personal information, such as the child's records, from individuals who are not authorized to see or hear the information.

"Consistent care" means providing steady opportunities for children to build emotionally secure relationships by primarily interacting with a limited number of school-age program staff.

"Contagious disease" means an illness caused by an infectious agent of public health concern which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission through an intermediate host or vector, food, water, or air. Contagious diseases pertinent to this chapter are described in WAC 246-110-010.

"Continuous" means without interruptions, gaps, or stopping.

"Core competencies" are standards required by the department that detail what school-age providers need to know and are able to do to provide quality care and education for children and their families.

"CPSC" means the United States Consumer Product Safety Commission.

"Cultural" or **"culturally"** means in a way that relates to the ideas, customs, and social behavior of different societies.

"Department of children, youth, and families," "DCYF," or **"the department"** refers to the Washington state department of children, youth, and families.

"Developmentally appropriate" means:

(a) A school-age provider interacts with each child in a way that recognizes and respects the child's chronological and developmental age;

(b) Knowledge about how children grow and learn;

(c) Reflects the developmental level of the individual child; and

(d) Interactions and activities are planned with the developmental needs of the individual child in mind.

"Disability" or **"disabilities"** has the same meaning in this chapter as in RCW 49.60.040(7), the Washington law against discrimination.

"Disaster" means a sudden event, such as an accident or natural catastrophe, that causes great damage or loss of life.

"Discipline" means a method used to redirect a child in order to achieve a desired behavior.

"Disinfect" means to eliminate virtually all germs from an inanimate surface by the process of cleaning and rinsing, followed by:

(a) The application of a fragrance-free chlorine bleach and water solution following the DOH's current guidelines for mixing bleach solutions for child care and similar environments; or

(b) The application of other disinfectant products registered with the EPA, if used strictly according to the manufacturer's label instructions including, but not limited to, quantity, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled "safe for food contact surfaces."

"Disinfectant" means a chemical or physical process that kills bacteria and viruses.

"DOD" means the United States Department of Defense.

"DOH" refers to the Washington state department of health.

"Drinking water" or **"potable water"** is water suitable for drinking by the public as determined by the DOH or a local health jurisdiction.

"Dual language learners" refers to children who are learning two or more languages at the same time. This term includes children who learn two or more languages from birth, and children who are still mastering their home language when they are introduced to and start learning a second language. (Source: *The Washington State Early Learning and Development Guidelines*.)

"Electronic record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attached to or logically associated with a record, and executed or adopted by a person with the intent to sign the record.

"Electronic workforce registry" refers to the Washington state department of children, youth, and families' current database of professional records of individual school-age providers.

"Emergency preparedness" means a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination in case of emergencies or during incident response.

"Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325. A

school-age provider may contest enforcement actions and seek an adjudicative proceeding pursuant to chapter 110-03 WAC.

"EPA" means the United States Environmental Protection Agency.

"Exempt" or **"exemption"** means, as applied to immunizations, a type of immunization status where a child has not been fully immunized against one or more vaccine preventable diseases required by chapter 246-105 WAC for full immunization due to medical, religious, philosophical or personal reasons. Under chapter 362, Laws of 2019, if a child plans on attending or is attending a school-age program, a philosophical or personal objection may not be used to exempt a child from the measles, mumps, and rubella vaccine.

"Expel" or **"expulsion"** means to end a child's enrollment in a school-age program. A school-age provider will end a child's enrollment if the provider is unable to meet a child's needs due to the child's challenging behavior.

"Facility Licensing Compliance Agreement (FLCA)" means an agreement issued by the department in lieu of the department taking enforcement action against a school-age provider.

"FDA" means the United States Food and Drug Administration.

"Food worker card" means a food and beverage service worker's permit as required under chapter 69.06 RCW.

"Foundational quality standards" refers to the administrative and regulatory requirements contained within this chapter. These standards are designed to promote the development, health, and safety of children enrolled in school-age programs. The department uses these standards to equitably serve children, families, and school-age providers throughout Washington state.

"Good repair" means about eighty percent of materials and components are unbroken, have all their pieces, and can be used by children as intended by the manufacturer or builder.

"Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of Washington state to provide health care in the ordinary course of business or practice of a profession.

"Immunization" is the process of administering a vaccine to make a person immune or resistant to an infectious disease.

"Inaccessible to children" means a method to prevent a child from reaching, entering, using, or getting to items, areas, or materials of a school-age program.

"Inactive" when used by the department to indicate a licensing status, means school-age providers who have requested and have been approved to temporarily cease caring for children and close their school-age program.

"Individual care plan" means a specific plan to meet the individual needs of a child with a food allergy, special dietary requirement due to a health condition, other special needs, or circumstances.

"In-service training" means professional development requirements for continuing education delivered or approved by the department to maintain staff standards and qualifications while employed as a school-age provider.

"Inspection report" refers to a written or digital record developed by the department that identifies violations of licensing standards.

"Internal review process" has the same meaning in this chapter as in RCW 43.216.395.

"Lead teacher" means a school-age provider who works as the lead staff person in charge of a child or group of children and implements activity programs.

"License" means a permit issued by the department legally authorizing an applicant to operate a school-age program.

"Licensed space" means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care in school-age programs.

"Licensee" means an individual or legal entity listed on a license issued by the department, authorized to provide child care in a school-age program.

"Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat.

"Locking mechanism" means a lock that requires a key, tumbler, dial, passcode, touchpad, or similar device or method to lock and unlock.

"Modification" when used in reference to a school-age provider's licensing status, means an enforcement action by the department to change the conditions identified on a licensee's current license.

"Nonexpiring license" means a license that is issued to a school-age provider following the initial licensing period, pursuant to chapter 43.216 RCW.

"Operating hours" means the hours listed in a school-age program parent handbook when the program is open and providing care and services to children.

"OSPI" means the Washington state office of superintendent of public instruction.

"Parent" or **"guardian"** means birth parent, custodial parent, foster parent, legal guardian or those authorized by the parent or entity legally responsible for the welfare of the child.

"Peer interaction" refers to relationships children have with one another, which includes how children play together, communicate, and whether they fight or get along.

"Personal needs" means a school-age provider's toileting or medication needs. Personal needs do not include smoking or use of tobacco products, illegal drug use or misuse or prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

"Pest" means an animal, plant, or insect that has a harmful effect on humans, food, or living conditions.

"Pesticide" refers to chemicals used to kill pests.

"Pet" means a domestic or tamed animal or bird kept for companionship or pleasure.

"Physical barrier" means a nonclimbable fence or a wall that is at least five feet tall and has no openings greater than two inches or a gate or door that allows entry to and exit from a body of water and has the following requirements in addition to those already listed: A locking mechanism, a self-closing or self-latching device, and a device used to open the locks which is inaccessible to children but readily available to staff.

"Physical restraint" means holding a child as gently as possible for the minimum amount of time necessary to control a situation where that child's safety or the safety of others is threatened.

"Poison" includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items that, even in small quantities, are

likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.

"Premises" means the licensed and unlicensed space at the licensed address including, but not limited to, buildings, land, and residences.

"Preservice training" means professional development standards or requirements for school-age program staff prior to hiring or within a department specified time frame and delivered or approved by the department.

"Private septic system" means a septic system as defined in chapter 246-272A WAC that is not connected to a public sewer system or a large on-site sewage system as defined in chapter 246-272B WAC. A private septic system includes, but is not limited to, the septic system's drain field and tanks.

"Probationary license" has the same meaning as in RCW 43.216.010(23).

"Professional development support plan" is a formal means by which an individual who is supervising staff sets out the goals, strategies, and outcomes of learning and training.

"Program director" means the person responsible for the overall management of a school-age program including the facility and operation. The program director is not responsible for being on-site at the program, unless the program director is filling in for an on-site role.

"Program philosophy" means a written statement of principles developed by a school-age provider to form the basis of the program's activities in relation to a child's development.

"RCW" means the Revised Code of Washington.

"Readily available" means able to be used or obtained quickly and easily.

"Revocation" or **"revoke"** when used in reference to a school-age provider's licensing status, means an enforcement action by the department to close a school-age program and permanently remove the license.

"Routine care" means typical or usual care provided to a child during the time the child is enrolled in the school-age program (for example: Feeding, toileting, playing, and learning).

"Safe route" means a way or course taken to get from a starting point to a destination that is protected from danger or risk.

"Safety plan" means a written plan to implement program changes to bring a school-age program into compliance with this chapter and chapter 43.216 RCW.

Safety plans are developed at meetings involving at least a school-age provider and a department licensor and supervisor. Safety plans detail changes the provider needs to make to mitigate the risk of direct and indirect harm to children enrolled in the school-age program. Program changes must be agreed to in writing and signed by all participants at the meeting.

Safety plans expire thirty calendar days after being signed by all parties. Safety plans may only be extended for an additional thirty days and extensions may only be authorized by a department supervisor.

"Sanitize" means to reduce the number of microorganisms on a surface by the process of:

(a) Cleaning and rinsing with water at a high temperature pursuant to this chapter; or

(b) Cleaning and rinsing, followed by using:

(i) A fragrance-free chlorine bleach and water solution following the DOH's current guidelines for mixing bleach solutions for child care and similar environments; or

(ii) Other sanitizer product if it is registered with the EPA and used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as "safe for food contact surfaces."

"School-age basics" means curriculum designed to meet the initial basic training requirement for school-age program staff working in licensed or certified school-age child care programs in Washington state.

"School-age child" means a child who is five years of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"School-age program" refers to regularly scheduled care for a group of children, five years of age through twelve years of age, who are attending public or private school or receiving home-based instruction under chapter 28A.200 RCW, for periods of less than twenty-four hours, licensed by the department.

"School-age program licensee" or **"school-age licensee"** means an entity licensed and authorized by the department to operate a school-age child care program.

"School-age program space" means the licensed indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care in a school-age program.

"School-age program staff" refers to all persons who work, substitute, or volunteer in a school-age program during hours when children are or may be present, excluding licensees.

"School-age provider" or **"provider"** refers to a licensee or designee who works in a school-age program during hours when children are or may be present. Designees include program directors, site directors, lead teachers, assistant teachers, aides, and volunteers.

"Screen time" means watching, using, or playing television, computer, video games, video or DVD players, mobile communication devices, or similar devices.

"Serious injury" means:

- (a) An injury resulting in an overnight hospital stay;
- (b) A severe neck or head injury;
- (c) Choking or serious unexpected breathing problems;
- (d) Severe bleeding;
- (e) Shock or an acute confused state;
- (f) Sudden unconsciousness;
- (g) Dangerous chemicals in eyes, on skin, or ingested;
- (h) Near drowning;
- (i) One or more broken bones;
- (j) A severe burn requiring professional medical care;
- (k) Poisoning; or
- (l) An overdose of a chemical substance.

"Shelter in place" means staff and children staying at the facility due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the facility.

"Sign" means an individual formally placing their name or legal mark on a document by physical signature or electronic signature.

"Site director" means the school-age provider responsible for planning and implementing the school-age program services under the oversight of the program director. The site director is responsible for being on-site during the program's operating hours and providing regular supervision of staff and volunteers.

"Special needs" is a term used for children who require assistance due to learning difficulties, physical disability, or emotional and behavioral difficulties and who have documentation in the form of an individual educational plan (IEP), individual health plan (IHP), 504 plan, or an individualized family service plan (IFSP).

"Staff" means any school-age provider providing care in the school-age program.

"Supervise" or **"supervision"** means a school-age provider must be able to see or hear the children they are responsible for at all times. School-age providers must use their knowledge of each child's development and behavior to anticipate what may occur to prevent unsafe or unhealthy events or conduct, or to intervene in such circumstances as soon as possible. School-age providers must also reposition themselves or the children to be aware of where children are and what they are doing during care. A school-age provider must reassess and adjust their supervision each time program activities change. See "active supervision" for a heightened standard of care.

"Suspend" when used in reference to a school-age provider's licensing status, means an enforcement action by the department to temporarily stop a license in order to protect the health, safety, or welfare of enrolled children or the public.

"Swimming pool" means a pool that has a water depth greater than two feet (twenty-four inches).

"Technical assistance" means a service provided to school-age providers by department staff or a contracted third party. The goal of technical assistance is to offer guidance, information, and resources to help a provider fully comply with the licensing requirements of this chapter and chapter 43.216 RCW.

"Transition" is the process or period of time to change from one activity or place to another.

"Unlicensed space" means the indoor and outdoor areas of the premises not approved by the department as licensed space that the school-age provider must make inaccessible to the children during program hours.

"Unsupervised access" as used throughout this chapter has the same meaning as in WAC 110-06-0020.

"Usable space" means the areas that are available at all times for use by children in a school-age program and meets licensing requirements.

"USDA" means the United States Department of Agriculture.

"Vapor product" means any:

(a) Device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

(b) Cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or

(c) Solution or substance intended for use in such a device including, but not limited to, concentrated nicotine, nonnicotine substances, or supplemental flavorings. This includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, hookahs, steam stones, vape pens, or similar products or devices, as well as any parts that can be

used to build such products or services. "Vapor product" does not include any drug, device, or combination product approved for sale by the FDA that is marketed and sold for such approved purpose.

"Variance" is an official approval by the department to allow a school-age program to achieve the outcome of a rule or rules in this chapter in an alternative way than described due to the needs of a unique or specific program approach or methodology. The department may grant a request for variance if the proposed alternative provides clear and convincing evidence that the health, welfare, and safety of all enrolled children is not jeopardized. A school-age provider does not have the right to appeal the department's disapproval of request for variance under chapter 110-03 WAC. The provider may challenge a variance disapproval on a department form.

"Volunteer" includes any person who provides labor or services to a school-age provider but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the parent or guardian of that child or is an authorized person pursuant to WAC 110-301-0345. "Unsupervised access" has the same meaning here as in WAC 110-06-0020.

"WAC" means the Washington Administrative Code.

"Wading pool" means a pool that has a water depth of less than two feet (twenty-four inches).

"Waiver" is an official approval by the department allowing a school-age provider not to meet or satisfy a rule in this chapter due to specific needs of the program or an enrolled child. The department may grant a request for waiver if the proposed waiver provides clear and convincing evidence that the health, welfare, and safety of all enrolled children is not jeopardized. A school-age provider does not have the right to appeal the department's disapproval of a waiver request under chapter 110-03 WAC. The provider may challenge a waiver disapproval on a department form.

"Washington state early learning and development guidelines" refers to guidelines published by the department, OSPI, and thrive Washington for children birth through third grade that outlines what children know and are able to do at different stages of their development.

"Water activities" means school-age program activities in which enrolled children swim or play in a body of water that poses a risk of drowning for children. Water activities do not include using sensory tables.

"Weapon" means an instrument or device of any kind that is used or designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun devices, or fighting implements.

"Written food plan" is a document designed to give alternative food to a child in care because of a child's medical needs or special diet, or to accommodate a religious, cultural, or family preference. A parent or guardian and the school-age provider must sign a written food plan.

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NEW SECTION

WAC 110-301-0010 License required. (1) An individual or entity that operates a school-age program must be licensed by the department as a school-age program, pursuant to RCW 43.216.295, unless exempt under RCW 43.216.010(2) and WAC 110-301-0025.

(2) The department must not license a department employee or a member of the employee's household if the employee is involved directly, or in an administrative or supervisory capacity, in the:

- (a) Licensing process;
- (b) Placement of a child in a licensed school-age program; or
- (c) Authorization of payment for the child in care.

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NEW SECTION

WAC 110-301-0015 Program director and site director simultaneous absence. (1) The licensee must have a written plan for when the program director and site director will be simultaneously absent but the program remains open for the care of children. If the program director and site director are simultaneously absent for more than ten consecutive operating days, a school-age provider must submit a written notification to the department and each child's parent or guardian at least two business days prior to the planned absence.

(2) A written notification under this section must include the following information:

- (a) The time period of the absence;
- (b) Emergency contact information for the absent school-age provider; and
- (c) A written plan for program staff to follow that includes:
 - (i) A staffing plan that meets child-to-staff ratios;
 - (ii) Identification of a lead teacher to be present and in charge;
 - (iii) School-age program staff roles and responsibilities;
 - (iv) How each child's needs will be met during the absence; and
 - (v) The responsibility for meeting licensing requirements.

(3) If a school-age program fails to comply with licensing regulations during an absence described in this section, the school-age provider must:

- (a) Retrain school-age program staff on the requirements of the rules noted on the inspection report; and
- (b) Document that the retraining occurred.

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NEW SECTION

WAC 110-301-0016 Inactive status—Voluntary and temporary closure. (1) If a school-age licensee plans to temporarily close their school-age program for more than thirty calendar days, and this closure is a departure from the program's regular schedule, a school-age

provider must submit a notification to go on inactive status to the department at least two business days prior to the planned closure. Notifications for inactive status must include:

- (a) The date the school-age program will cease operating;
 - (b) The reasons why the licensee is going on inactive status; and
 - (c) A projected date the school-age program will reopen.
- (2) The requirements of this section do not apply to licensed school-age programs that have temporary closures beyond thirty calendar days as part of their regular schedule, such as programs based on the school year or seasonal occupation.
- (3) A licensee may not request inactive status during their first initial licensing period (six months) unless for an emergency.
- (4) A school-age provider must inform parents and guardians that the program will temporarily close.
- (5) A school-age provider is responsible for notifying the department of changes to program status including voluntary closures, new staff, or other program changes. Program status updates must also be completed in the department's electronic system.
- (6) Background check rules in chapter 110-06 WAC, including allegations of child abuse or neglect, will remain in effect during inactive status.
- (7) After receiving a notice of inactive status, the department will:
- (a) Place the license on inactive status;
 - (b) Inform the licensee that the license is inactive; and
 - (c) Notify the following programs of the inactive status:
 - (i) The department's child care subsidy programs;
 - (ii) CACFP; and
 - (iii) Child care aware of Washington.
- (8) A licensee is still responsible for maintaining annual compliance requirements during inactive status pursuant to RCW 43.216.305.
- (9) If inactive status exceeds six months within a twelve-month period, the department must close the license for failing to comply with RCW 43.216.305(2). The licensee must reapply for licensing pursuant to RCW 43.216.305(3).
- (10) The department may pursue enforcement actions after three failed attempts to monitor a school-age program if the:
- (a) School-age provider has not been available to permit the monitoring visits;
 - (b) Monitoring visits were attempted within a three-month time period; and
 - (c) Department attempted to contact the provider by phone during the third attempted visit while still on the school-age program premises.
- (11) When a licensee is ready to reopen after a temporary closure, the licensee must notify the department in writing. After receiving notice of the intent to reopen, the department will:
- (a) Conduct a health and safety visit of the school-age program within ten business days to determine that the provider is in compliance with this chapter;
 - (b) Activate the license and inform the licensee that the license is active; and
 - (c) Notify the following programs of the active status:
 - (i) The department's child care subsidy programs;
 - (ii) CACFP; and
 - (iii) Child care aware of Washington.

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NEW SECTION

WAC 110-301-0020 Unlicensed programs. (1) If the department suspects that an individual or agency is operating an unlicensed school-age program, the department must follow the requirements of RCW 43.216.360.

(2) If an individual or agency decides to obtain a license, within thirty calendar days from the date of the department's notice in subsection (1) of this section, the individual or agency must submit a written agreement on a department form stating they agree to:

(a) Attend and participate in the next available department licensing orientation; and

(b) Submit a licensing application after completing orientation.

(3) The department's written notice under subsection (1) of this section must inform the individual or agency operating an unlicensed school-age program:

(a) That the individual or agency must stop operating an unlicensed school-age program, pursuant to RCW 43.216.360;

(b) How to respond to the department;

(c) How to apply for a license;

(d) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;

(e) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and

(f) How to ask for a hearing, under chapter 34.05 RCW (Administrative Procedure Act), chapter 43.216 RCW, and chapter 110-03 WAC (department hearing rules).

(4) If an individual or agency operating an unlicensed school-age program does not submit an agreement to obtain a license as provided in subsection (2) of this section within thirty calendar days from the date of the department's written notice, the department will post information on its website that the individual is operating a school-age program without a license.

(5) An individual operating an unlicensed school-age program:

(a) Will be guilty of a misdemeanor pursuant to RCW 43.216.365; and

(b) May be subject to an injunction pursuant to RCW 43.216.355.

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NEW SECTION

WAC 110-301-0025 Certified and exempt programs. (1) The department must not license a school-age program that is legally exempt from licensing pursuant to RCW 43.216.010(2). However, if a school-age program requests to become certified by the department, the department must apply all licensing rules to the otherwise exempt program. In such a case, the department must apply licensing rules equally to licensed and certified school-age programs.

(2) The department may certify an otherwise exempt school-age program for subsidy payment without further inspection if the program is:

(a) Licensed by an Indian tribe, band, nation, or other organized community of Indians, including an Alaska native village as defined in 43 U.S.C. Sec. 1602(c), recognized as eligible for services by the United States Secretary of the Interior;

(b) Certified by the DOD; or

(c) Approved by the OSPI.

(3) A school-age program exempt from licensing pursuant to RCW 43.216.010(2) must use the department's form to submit their exempt status.

(4) A school-age program requesting certification must be located on the premises over which the tribe, DOD, or OSPI has jurisdiction.

(5) A school-age program regulated by a tribe, the DOD, or OSPI may request certification:

(a) For subsidy payment only; or

(b) As meeting foundational quality standards of this chapter.

(6) The department must not certify a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Certification process;

(b) Placement of a child in a certified program; or

(c) Authorization of payment for the child in care.

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NEW SECTION

WAC 110-301-0030 Nondiscrimination. (1) School-age programs are defined by state law as places of public accommodation that must:

(a) Not discriminate in employment practices or client services based on race, creed, color, national origin, sex, honorably discharged veteran or military status, marital status, gender, sexual orientation, age, religion, or ability; and

(b) Comply with the requirements of the Washington law against discrimination (chapter 49.60 RCW) and the ADA.

(2) A school-age program must have a written nondiscrimination policy addressing at least the factors listed in subsection (1) of this section.

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NEW SECTION

WAC 110-301-0035 Department access to agency premises, records, programs, and staff. (1) Pursuant to RCW 43.216.250(8), an applicant or school-age program must grant reasonable access to the department during the program's hours of operation for the purpose of announced or unannounced inspections.

(a) Applicants, licensees, and school-age program staff must allow the department's authorized staff to inspect the indoor and outdoor licensed space and any adjacent enclosures, areas, spaces, sub-

stances, machinery, or devices that may directly impact the health, safety, or well-being of enrolled children to verify compliance with the requirements of this chapter and chapter 43.216 RCW. However, under RCW 43.216.250 (2)(b), department licensors are authorized to inspect only health, safety, and quality standards that do not relate to the physical facility for school-age programs operating in facilities used by public or private schools.

(b) For the purposes of this chapter "hours of operation" means the hours of the day that a licensee offers school-age program services as reported to the department on the license application or modification paperwork, or as indicated in the parent or guardian handbook.

(2) The department may deny, suspend, revoke, or not continue a license when an applicant, licensee, or program staff refuses to allow the department's authorized staff access to any of the following:

- (a) Information relevant to the school-age program;
- (b) The agency's premises pursuant to subsection (1) of this section;
- (c) Child, staff, or program records or files;
- (d) Staff members; or
- (e) Children in care.

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SECTION II FAMILY ENGAGEMENT AND PARTNERSHIPS

NEW SECTION

WAC 110-301-0085 Family partnerships and communication. (1) A school-age provider must attempt to obtain information from each child's family about that child's developmental, behavioral, health, linguistic, cultural, social, and other relevant information. The provider must make this attempt upon that child's enrollment and annually thereafter.

(2) A school-age provider must determine how the program can best accommodate each child's individual characteristics, strengths, and needs. The provider must utilize the information in subsection (1) of this section and seek input from family members and staff familiar with a child's behavior, developmental, and learning patterns.

(3) A school-age provider must:

(a) Attempt to discuss with parents or guardians information including, but not limited to:

(i) A child's strength in areas of development, health issues, special needs, and other concerns.

(ii) Family routines or events, approaches to parenting, family beliefs, culture, language, and child rearing practices;

(iii) Internal transitions within the school-age program and transitions to external services or programs, as necessary;

- (iv) Collaboration between the provider and the parent or guardian in behavior management; and
- (b) Give parents or guardians the school-age program's contact information for questions or concerns;
- (c) Give families opportunities to share their language and culture in the school-age program;
- (d) Arrange a confidential time and space for individual conversations regarding children, as needed;
- (e) Allow parents or guardians access to their child during normal hours of operation, except as excluded by a court order; and
- (f) Communicate verbally or in writing:
 - (i) Changes in drop-off and pickup arrangements as needed; and
 - (ii) Daily activities.

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SECTION III PROFESSIONAL DEVELOPMENT, TRAINING, AND REQUIREMENTS

NEW SECTION

WAC 110-301-0100 General staff qualifications. All school-age providers must meet the following requirements prior to working:

(1) **School-age program licensees** must meet the requirements of a program director listed in subsection (2) of this section or hire a program director who meets the qualifications prior to being granted an initial license. School-age program licensees who fulfill the role of program director in their school-age program must complete all trainings and requirements for program director.

(2) **Program directors** manage the overall school-age program operations and facilities and set appropriate program and staff expectations. The program director is not responsible for being on-site at the program, unless the program director is filling in for an on-site role.

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

(i) Be at least eighteen years old;

(ii) Complete forty-five college credits in any one hundred-level or above college coursework as approved and verified in the electronic workforce registry by the department as follows:

(A) A program director working at the time this chapter becomes effective must have completed at least twelve college credits in any one hundred-level or above college coursework and complete an additional thirty-three college credits in any one hundred-level or above college coursework within five years of the date this section becomes effective.

(B) A program director hired or promoted after this chapter becomes effective must have completed twelve college credits in any one hundred-level or above coursework prior to being hired or promoted, and complete an additional thirty-three college credits in any one

hundred-level or above coursework within five years of the time of hire or promotion.

(iii) Complete the applicable preservice requirements, pursuant to WAC 110-301-0105; and

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

(b) A program director must provide the following services:

(i) A program director may fill in as a site director or teacher if acting in this role does not interfere with the responsibilities of managing the school-age program;

(ii) Comply with foundational quality standards;

(iii) Develop a program philosophy, communicate the philosophy to all school-age program staff, parents, and guardians, and train staff to ensure the philosophy serves all children in the program (or designate a site director 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 (or designate a site director with this responsibility); and

(v) Oversee professional development plans for school-age 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) Mentoring the site director.

(3) **Site directors** plan and implement the school-age program services under the oversight of a program director. The site director is responsible for being on-site during the program's operating hours.

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

(i) Be at least eighteen years old;

(ii) Complete thirty college credits in any one hundred-level or above college coursework as approved and verified in the electronic workforce registry by the department as follows:

(A) A site director working at the time this chapter becomes effective must have completed at least twelve college credits in any one hundred-level or above college coursework and complete an additional eighteen college credits in any one hundred-level or above coursework within five years of the date this section becomes effective;

(B) A site director hired or promoted after this chapter becomes effective must have completed twelve college credits in any one hundred-level or above coursework prior to being hired or promoted, and complete eighteen college credits in any one hundred-level or above coursework within five years of the time of hire or promotion.

(iii) Complete the applicable preservice requirements, pursuant to WAC 110-301-0105; and

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

(b) A site director performs the following duties:

(i) Plan and implement curriculum and environmental design of the school-age program;

(ii) Be on-site providing regular supervision of staff and volunteers;

(iii) Comply with foundational quality standards;

(iv) Act as a teacher as long as it does not interfere with the site director's primary responsibilities; and

(v) Observe and mentor staff.

(c) One person may be the program director and the site director when qualified for both positions, provided that all requirements of subsection (2)(a) of this section are met.

(d) For program continuity, a lead teacher can fill in for a site director up to two weeks. If longer than two weeks, the licensee or program director must notify the department with a plan for how the site director's responsibilities will be managed during the site director's absence.

(4) **Lead teachers** are responsible for implementing the school-age program. Lead teachers develop and provide a nurturing and responsive environment that meets the needs of enrolled children. A lead teacher must meet the following qualifications:

(a) Be at least eighteen years old;

(b) Have a high school diploma or equivalent;

(c) Have completed twelve college credits in any one hundred-level or above college coursework 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 school-age program, whichever comes later;

(d) Complete the applicable preservice requirements, pursuant to WAC 110-301-0105; and

(e) Have their professional development progress documented annually.

(5) **Assistant teachers** help a lead teacher provide instructional support to children and implement developmentally appropriate programming.

(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) Complete the applicable preservice requirements, pursuant to WAC 110-301-0105.

(b) Assistant teachers may work alone with children with regular, scheduled, and documented oversight and on-the-job training from the 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 program director or site director must notify the department with a plan for how the lead teacher's responsibilities will be managed during the lead teacher's absence.

(6) **Aides** provide classroom support to an assistant teacher, lead teacher, site director, or program director. 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 110-301-0105; and

(d) Aides may be counted in the staff-to-child ratio if they are working under the continuous supervision of a lead teacher, site director, or program director.

(7) **Other personnel** who do not directly care for children and are not listed in subsections (1) through (6) 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 110-301-0105; and
 - (c) Complete program based staff policies and training, pursuant to WAC 110-301-0110.
- (8) **Volunteers** help at school-age programs. Volunteers must meet the following qualifications:
- (a) Be at least fourteen years old and have written permission to volunteer from their parent or guardian if under eighteen years old;
 - (b) Work under the continuous supervision of a lead teacher, site director, or program director;
 - (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 110-301-0105;
 - (iii) Complete the training requirements, pursuant to WAC 110-301-0106; and
 - (iv) Complete program-based staff policies and training, pursuant to WAC 110-301-0110.
 - (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.

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NEW SECTION

- WAC 110-301-0105 Preservice requirements.** (1) All applicants, co-applicants, program directors, and site directors must complete a department provided orientation for school-age programs. Prior to being in charge of the school-age program, those newly promoted or assuming a role of one of the roles listed here must complete or be registered in a department provided orientation training.
- (2) School-age providers must complete a department background check, pursuant to chapter 110-06 WAC.
- (3) School-age providers, including volunteers must provide documentation signed within the last twelve months by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:
- (a) A negative TB symptom screen and negative TB risk assessment;
 - (b) A previous positive FDA-approved TB test and a current negative chest radiograph and documentation of clearance to safely work in a school-age program; or
 - (c) A positive symptom screening or a positive risk assessment with documentation of:
 - (i) A current negative FDA-approved TB test;
 - (ii) A previous or current positive FDA-approved TB test; and
 - (iii) A current negative chest radiograph and documentation of clearance to safely work in a school-age program.
- (4) Upon notification of TB exposure, school-age providers may be required to be retested for TB as directed by the local health jurisdiction.

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NEW SECTION

WAC 110-301-0106 Training requirements. (1) School-age providers licensed, working, or volunteering in a school-age program before the date this section becomes effective must complete the applicable training requirements of this section within three months of the date this section becomes effective unless otherwise indicated. State or federal rules may require health and safety training described under this chapter to be renewed annually. School-age providers 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;

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

(6) School-age providers 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) School-age providers who directly care 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 providers counted in staff-to-child ratio, or who could potentially be counted in ratio, must be trained in first-aid and cardiopulmonary resuscitation (CPR).

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

(b) The first-aid and CPR training and certification must:

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

(ii) Include child and adult first aid and CPR.

(10) School-age providers who prepare or serve 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.

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NEW SECTION

WAC 110-301-0107 In-service training. (1) Program directors, site directors, lead teachers, and assistant teachers must complete ten hours of annual in-service training after twelve months of cumulative employment.

(a) Every thirty-six months, program directors and site directors must complete a minimum of ten hours of in-service training on "leadership practices."

(b) Leadership practices training includes the following Washington state core competencies: Program planning and development, and professional development and leadership.

(2) In-service training requirements of this chapter may be met by completing college courses that align with the Washington state core competencies. These courses must be delivered by a postsecondary institution and approved by the department.

(3) Only five in-service training hours that exceed the requirements of subsection (1) of this section may be carried over from one calendar year to the next calendar year.

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NEW SECTION

WAC 110-301-0110 Program based staff policies and training. (1) A school-age provider must have and follow written policies for school-age program staff. Staff policies must include those listed in subsections (2) and (3) of this section and must be reviewed and approved by the department prior to issuing a provider's initial license. Providers must notify the department when substantial changes are made.

(2) School-age program staff policies must include, but are not limited to:

(a) All of the information in the parent or guardian handbook except fees;

(b) Job descriptions, pay dates, and benefits;

(c) Professional development expectations and plans;

(d) Expectations for attendance and conduct;

- (e) School-age program staff responsibilities for:
 - (i) Child supervision requirements, including preventing children's access to unlicensed space;
 - (ii) Child growth and development;
 - (iii) Developmentally appropriate curriculum and activities;
 - (iv) Teacher-child interaction;
 - (v) Child protection, guidance, and discipline techniques;
 - (vi) Food service practices;
 - (vii) Off-site field trips, if applicable;
 - (viii) Transporting children, if applicable;
 - (ix) Health, safety, and sanitization procedures;
 - (x) Medication management procedures;
 - (xi) Medical emergencies, fire, disaster evacuation and emergency preparedness plans;
 - (xii) Mandatory reporting of suspected child abuse, neglect, and exploitation, pursuant to RCW 26.44.020 and 26.44.030 and all other reporting requirements;
 - (xiii) Implementation of child's individual health care or special needs plan;
 - (xiv) Following nonsmoking, vaping, alcohol and drug regulations;
 - (xv) Religious, equity, and cultural responsiveness;
 - (xvi) Nondiscrimination;
 - (xvii) Planned daily activities and routines.
- (f) Staff responsibilities if the program director or site director is absent from the school-age program;
- (g) A plan that includes how both administrative and child care-taking duties are met when a job requires such dual responsibilities; and
 - (h) Observation, evaluation, and feedback policies.
- (3) A school-age provider must have and follow written policies requiring staff working, transitioning, or covering breaks with the same classroom or group of children to share applicable information with each other on a daily basis regarding:
 - (a) A child's health needs, allergies, and medication;
 - (b) Any change in a child's daily schedule;
 - (c) Significant educational or developmental information;
 - (d) Any communications from the family; and
 - (e) Information to be shared with the family.
- (4) A school-age provider must develop, deliver, and document the delivery of school-age staff training specific to the school-age program and premises.
 - (a) Training topics must include:
 - (i) Staff policies listed in subsections (2) and (3) of this section;
 - (ii) Chapter 43.216 RCW; and
 - (iii) Chapters 110-301 and 110-06 WAC.
 - (b) Training must be updated with changes in program policies and state or federal regulations.

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NEW SECTION

WAC 110-301-0111 Staff oversight. (1) A school-age provider who oversees staff must:

- (a) Establish a work plan with clear expectations;
- (b) Be aware of what staff members are doing; and
- (c) Be available and able to respond in an emergency as needed to protect the health and safety of children in care.

(2) When the program director, site director, lead teacher, or assistant teacher is the only staff supervising an aide or volunteer, the aide or volunteer may be out of the supervisor's visual and auditory range only when the aide, volunteer, or supervisor is attending to personal needs.

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NEW SECTION

WAC 110-301-0115 Staff records. (1) A school-age provider must establish a records system for themselves, staff, and volunteers that complies with the requirements of this chapter. School-age program staff records must be:

- (a) Verified by the licensee, program director or site director;
- (b) Entered and maintained in the electronic workforce registry, if applicable. Paper records may be discarded once entered into the electronic workforce registry and confirmed by the department;
- (c) Updated to delete staff names from the electronic workforce registry when they are no longer employed at the school-age program; and
- (d) Kept on-site or in the program's administrative office in a manner that allows the department to review the records.

(2) Records for each school-age provider and staff member must include:

- (a) First and last name;
- (b) Date of birth;
- (c) Job title;
- (d) First and last day of employment, if applicable; and
- (e) Proof of professional credentials, requirements, and training for each school-age staff member, pursuant to WAC 110-301-0100 through 110-301-0110.

(3) A licensee, program director, or site director must maintain the following records for each school-age provider and program staff in a confidential manner. These records must be reviewable by the department and must include at a minimum:

- (a) A copy of current government issued photo identification;
- (b) Emergency contact information;
- (c) Completed employment application or resume;
- (d) Annual observation, evaluation, and feedback information;
- (e) The licensee's Social Security number, federal employer identification number, or a written document stating the licensee does not possess either; and
- (f) Immunization records including exemption documents.

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NEW SECTION

WAC 110-301-0120 Providing for personal, professional, and health needs of staff. (1) A licensee must provide for the personal and professional needs of staff by:

(a) Having a place to store personal belongings that is inaccessible to children;

(b) Having a readily accessible phone to use for emergency calls or to contact the parents and guardians of enrolled children; and

(c) Providing file and storage space for professional materials.

(2) A school-age provider must be excluded from the school-age premises when that provider's illness or condition poses a risk of spreading a harmful disease or compromising the health and safety of others. The illnesses and conditions that require a staff member to be excluded are pursuant to WAC 110-301-0205.

(3) If a staff person has not been vaccinated, or shown documented immunity to a vaccine preventable disease, that person may be required by the local health jurisdiction or the department to remain off-site during an outbreak of a contagious disease described in WAC 246-110-010. A school-age program staff person or volunteer who has not been vaccinated against measles, mumps, and rubella or shown proof of immunity from measles must not be allowed on the school-age premises except as provided in (a) and (b) of this subsection.

(a) A school-age program may allow a person to be employed or volunteer on the school-age premises for up to thirty calendar days if the person signs a written attestation that the employee or volunteer has received the measles, mumps, and rubella vaccine, or is immune from measles, but requires additional time to obtain and provide their immunization records. The required records must include immunization records indicating the employee or volunteer has received the measles, mumps, and rubella vaccine; or records that show proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(b) A school-age program may allow a person to be employed or volunteer on the school-age premises if the person provides the school-age program with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090(3), that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. Subdivision (b) of this subsection does not apply if a person's health care practitioner determines that the measles, mumps, and rubella vaccine is no longer contraindicated.

(4) A school-age program's health policy, pursuant to WAC 110-301-0500, must include provisions for excluding or separating staff with a contagious disease described in WAC 246-110-010.

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SECTION IV

SPACE AND FURNISHINGS

NEW SECTION

WAC 110-301-0130 Indoor school-age program space. (1) School-age program space, ramps, and handrails must comply with, be accessible to, and accommodate children and adults with disabilities as required by the Washington law against discrimination (chapter 49.60 RCW) and the ADA.

(2) School-age program space must allow children to move between areas without disrupting another child's work or play.

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NEW SECTION

WAC 110-301-0135 Routine care, play, learning, relaxation, and comfort. (1) A school-age provider must have accessible and child-size furniture and equipment in sufficient quantity.

(2) Furniture and equipment must be:

(a) Maintained in a safe working condition;

(b) Developmentally and age appropriate;

(c) Visually inspected at least weekly for hazards, broken parts, or damage. All equipment with hazardous, broken parts, or damage must be repaired as soon as possible and must be inaccessible to children until repairs are made according to the manufacturer's instructions, if available;

(d) Arranged in a way that does not interfere with other play equipment;

(e) Installed and assembled according to manufacturer's specifications;

(f) Stored in a manner to prevent injury; and

(g) Accessible to a child's height so that children can find, use, and return materials independently.

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NEW SECTION

WAC 110-301-0140 Room arrangement, child-related displays, private space, and belongings. (1) School-age materials and equipment must be visible, accessible to children in care, and arranged to promote and encourage independent access by children.

(2) A school-age provider must display age and developmentally appropriate school-age materials. Materials must be related to current activities and located so a child can find, use, and return materials independently.

(3) A school-age provider must offer, or allow a child to create, a place for privacy. This space must:

(a) Allow the provider to supervise children; and

(b) Include an area accessible to children who seek or need time alone or in small groups.

(4) A school-age provider must have extra clothing available for children who wet, soil, or have a need to change clothes.

(5) A school-age provider must ensure children have individual storage space for each child's belongings while in attendance. This may include, but is not limited to, a child's personal backpack or individual storage bins provided by the program. At a minimum, the space must be:

(a) Accessible to the child; and

(b) Large enough and spaced sufficiently apart from other storage space to:

(i) Store the child's personal articles and clothing; and

(ii) Promote or encourage children to organize their possessions.

(6) Child usable and accessible areas must be arranged to provide sufficient space for routine care, child play, and learning activities. These areas must be designed to:

(a) Allow the provider to supervise or actively supervise the children, depending on the nature of the activities;

(b) Allow children to move freely; and

(c) Allow for different types of activities at the same time, such as manipulatives, language and literary materials, art materials, table games, music, or dramatic play.

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NEW SECTION

WAC 110-301-0145 Outdoor school-age program space. (1) A school-age provider must visually inspect outdoor program space and equipment daily to ensure outdoor areas and equipment are free of hazards.

(2) Outdoor play space must contain a minimum of seventy-five square feet of licensed usable space per child accessing the play space at any given time. A school-age provider may develop an alternate plan if a school-age program does not have enough outdoor play space to accommodate all enrolled children at once (for example, rotating groups of children to play outdoors or using an off-site play area). The department must approve alternate plans to use off-site play spaces.

(3) A school-age program must have shaded areas in outdoor play space provided by trees, buildings, or shade structures.

(4) Outdoor play space must promote a variety of age and developmentally appropriate active play areas for children in care. Activities must encourage and promote both moderate and vigorous physical activity such as running, jumping, skipping, throwing, pedaling, pushing, pulling, kicking, and climbing.

Bouncing equipment including, but not limited to, trampolines, rebounders, and inflatable equipment must be inaccessible and locked. This requirement does not apply to bounce balls designed to be used by individual children.

(5) When the licensed outdoor play space is not immediately adjacent to the school-age program site, a school-age provider must use a safe route when moving to and from the licensed outdoor play space.

(6) For any program that does not operate on public or private school premises, licensed outdoor play areas must be enclosed with a fence or barrier that is intended to prevent children from exiting and discourages climbing. If the outdoor play area is enclosed by a barrier that is not a fence, the barrier may be a wall constructed with brick, stone, or a similar material.

(7) For any program that does not operate on public or private school premises, licensed outdoor play areas must be enclosed to deter people without permission from entering the area.

(8) For any program that does not operate on public or private school premises, fences, barriers, and gates must be in good condition, have no gap through which a sphere with a diameter of three and one-half inches can pass, and have a minimum height of forty-eight inches or conform in height to applicable local codes.

(9) For any program that does not operate on public or private school premises, the opening between a fence post and gate or fence post and building must have no gap through which a sphere with a diameter of three and one-half inches can pass.

(10) For any program that does not operate on public or private school premises, a school-age provider must not install any wooden fence, playground structure, or furniture if it contains chromated copper arsenate (CCA), creosote or pentachlorophenol. If wooden fences, structures, and furniture are suspected of having CCA, they must be tested. If CCA is present, fences, structures, and furniture must be removed or sealed with an oil-based outdoor sealant annually or as needed within six months of the date this section becomes effective.

(11) Within six months of the date this section becomes effective or prior to licensing, any program that does not operate on public or private school premises must have exiting mechanisms on gates from a licensed outdoor play area to unlicensed space that are equipped with a self-closing and self-latching mechanism (shuts automatically when released from an individual's control). A gate that is not an emergency exit must be locked or self-closing and self-latching.

(12) For any program that does not operate on public or private school premises, outdoor play areas must have two exits that must not be partially or entirely blocked, with at least one exit located away from the building.

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NEW SECTION

WAC 110-301-0146 Equipment and surfaces in outdoor school-age program space. This section is applicable to any program that does not operate on public or private school premises.

(1) Playground equipment and surfacing used by a school-age provider must comply with applicable CPSC guidelines including, but not limited to, installing, arranging, designing, constructing, and maintaining outdoor play equipment and surfacing.

(a) Climbing play equipment must not be placed on or above concrete, asphalt, packed soil, lumber, or similar hard surfaces; and

(b) The ground under swings and play equipment must be covered by a shock absorbing material (grass alone is not acceptable) such as:

(i) Pea gravel at least nine inches deep;

(ii) Playground wood chips at least nine inches deep;

(iii) Shredded recycled rubber at least six inches deep; or
(iv) Any material that has a certificate of compliance, label, or documentation stating it meets ASTM standards F1292-13 and F2223-10.

(2) Permanently anchored outdoor play equipment must not be placed over septic tank areas or drain fields, and must be installed according to the manufacturer's directions.

(3) Handmade playground equipment must be maintained for safety or removed when no longer safe. Prior to construction of new handmade playground equipment, the provider must notify the department and have plans and a materials list available upon request.

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NEW SECTION

WAC 110-301-0147 Weather conditions and outdoor hazards. (1) A school-age provider must observe weather conditions and other possible hazards to take appropriate action for child health and safety. Conditions that pose a health or safety risk may include, but are not limited to:

(a) Heat in excess of 100 degrees Fahrenheit or pursuant to advice of the local authority;

(b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local authority;

(c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger;

(d) Earthquake;

(e) Air quality emergency ordered by a local or state authority on air quality or public health;

(f) Lockdown notification ordered by a public safety authority; and

(g) Other similar incidents.

(2) A school-age provider must ensure children are dressed for weather conditions during outdoor play time.

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NEW SECTION

WAC 110-301-0148 Gardens in outdoor school-age program space.

(1) A garden in a school-age program space must:

(a) Have safeguards in place to minimize risk of cross-contamination by animals;

(b) Use soil free from agricultural or industrial contaminants such as lead or arsenic if gardening directly in the ground;

(c) If gardening in raised beds use:

(i) New soil that is labeled "organic" or "safe for children" and was obtained from a gardening supply store or other retail store; or

(ii) Composted soil made from material that is safe according to the Washington State University's extension master gardener composting guidelines; and

(d) Use water that comes from a private well approved by the local health jurisdiction or from a public water system. A school-age

provider must make water for gardens inaccessible to children if the provider uses irrigation water.

(2) Garden beds must be made of materials that will not leach chemicals into the soil including, but not limited to, wood treated with chromated copper arsenate, creosote or pentachlorophenol, re-claimed railroad ties, or tires.

(3) Any herbicide or pesticide must be applied pursuant to the product manufacturer's directions. The product must not be applied while children are present. Children must not apply the product or have access to the garden during the manufacturer's prescribed waiting period following application.

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SECTION V ACTIVITIES

NEW SECTION

WAC 110-301-0150 Program and activities. (1) A school-age provider must supply children in care with a variety of school-age materials that are age and developmentally appropriate and meet children's individual and cultural needs. School-age materials must be:

- (a) Clean;
- (b) Washable or disposable;
- (c) Accommodating to a range of abilities of children in care;
- (d) Available to children in care appropriate to a child's age and developmental level;
- (e) Nonpoisonous and free of toxins. If a school-age provider is using prepackaged art materials, the materials must be labeled "non-toxic" and meet ASTM standard D-4236 as described in 16 C.F.R. 1500.14 (b) (8) (i);
- (f) In good and safe working condition;
- (g) Accommodating to special needs of children in care; and
- (h) Removed from the school-age program space once an item has been recalled by CPSC.

(2) A school-age provider must ensure a sufficient quantity and variety of materials to engage children in the school-age program such as arts and crafts supplies, construction materials, manipulative materials, music and sound devices, table games, books, social living equipment, and gross motor materials such as balls and jump ropes. Materials must:

- (a) Encourage both active physical play and quiet play activities;
- (b) Promote imagination and creativity;
- (c) Promote communication and literacy skills;
- (d) Encourage social skill development;
- (e) Promote numeracy, math, and spatial ability;
- (f) Encourage discovery, exploration, and reasoning; and

(g) Promote learning skills.

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NEW SECTION

WAC 110-301-0155 Use of television, video, and computers. If a school-age provider offers screen time to children in care:

(1) The screen time available for each child:

(a) Must be educational, developmentally and age appropriate, nonviolent, and culturally sensitive; and

(b) Should be interactive with staff.

(2) Children must not be required to participate in screen time activities. Alternative activities must be provided to children in care when screen time is offered.

(3) Screen time must not occur during meals or snacks.

(4) Screen time must be limited to two and one-half hours per week for each child unless computer use is required for homework or a part of curriculum.

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NEW SECTION

WAC 110-301-0160 Promoting acceptance of diversity. (1) A school-age provider must provide culturally and racially diverse learning opportunities. Diverse learning opportunities must be demonstrated by the provider's activities and materials that represent all children, families, and staff. A provider must use equipment and materials that include, but are not limited to:

(a) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;

(b) Diverse music from many cultures in children's primary languages; and

(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.

(2) A school-age provider must intervene appropriately to stop biased behavior displayed by children or adults including, but not limited to:

(a) Redirecting an inappropriate conversation or behavior;

(b) Being aware of situations that may involve bias and responding appropriately; and

(c) Refusing to ignore bias.

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SECTION VI

SAFETY

NEW SECTION

WAC 110-301-0165 Safety requirements. (1) A school-age provider must keep indoor and outdoor school-age program space, materials, and equipment free from hazards and in safe working condition. Equipment and toys purchased and used must be compliant with CPSC guidelines or ASTM standards. For any program that does not operate on public or private school premises, playground equipment and surfaces must meet the requirements of WAC 110-301-0146.

(2) A school-age provider must take steps to prevent hazards to children including, but not limited to:

(a) Ensuring firearms, guns, weapons, and ammunition are not on the premises of a school-age program; and

(b) For any program that does not operate on public or private school premises, eliminating and not using in the licensed space, pursuant to RCW 43.216.380, any window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing risk of strangulation to children.

(i) Window blinds and other window coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are allowed; and

(ii) A window covering must not be secured to the frame of a window or door used as an emergency exit in a way that would prevent the window or door from opening easily.

(3) A school-age provider must take measures intended to prevent other hazards to children in care in school-age program space including, but not limited to:

(a) **Cuts, abrasions, and punctures.** Equipment, materials, and other objects on the premises that have splintered edges, sharp edges, points, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children;

(b) **Burns.** Equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;

(c) **Sheering, crushing, or pinching.** Broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;

(d) **Entrapment.** Spare or secondary freezers and refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised;

(e) **Tripping.** Tripping hazards must be eliminated. For any program that does not operate on public or private school premises, uneven walkways and damaged flooring or carpeting, or other tripping hazards must be removed or repaired;

(f) **Falling objects.** Large objects that pose a risk of falling or tipping must be securely anchored. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and

(g) **Equipment in poor condition.** Equipment in poor condition (loose parts, rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children.

(4) To ensure a safe environment for children in care, a school-age provider must comply with the following requirements:

(a) **Safe noise levels.** Noise levels must be maintained at a level in which a normal conversation may occur, except when children are engaged in gross motor activities;

(b) **Stairway safety.**

(i) There must not be clutter or obstructions in the stairway;

(ii) For any program that does not operate on public or private school premises, all stairways (indoor and outdoor), not including play structures, must meet local building codes pursuant to RCW 43.216.340.

(A) Open stairways with no walls on either side must have handrails with slats (balusters) that prevent a child from falling off either side of the stairway.

(B) Stairways with a wall on only one side must have a handrail with slats (balusters) on the side without the wall that prevents a child from falling off the stairway.

(C) Stairways with a wall on both sides must have a handrail no higher than thirty-eight inches on at least one side of the stairway.

(c) **Indoor temperatures for the premises.** For any program that does not operate on public or private school premises, the temperature of indoor school-age licensed space must be between 68 and 82 degrees Fahrenheit. If indoor licensed space is colder than 68 or hotter than 82 degrees Fahrenheit, a school-age provider must use climate control devices that are inaccessible to children to bring the temperature within the required range;

(d) **Window openings.** For any program that does not operate on public or private school premises, windows within the reach of children must only open up to three and one-half inches or have some barrier or preventative measure to discourage children from exiting through the window;

(e) **Licensed space lighting.** For any program that does not operate on public or private school premises, school-age program space must have natural or artificial light that provides appropriate illumination for school-age program activities and supervision. A provider must comply with all light fixture manufacturers' installation and use requirements. A provider must also ensure compliance with the following requirements:

(i) Light fixtures must have shatter-resistant covers or light bulbs;

(ii) Lights or light fixtures used indoors must be designed for indoor use only;

(iii) Free standing lamps must be attached or secured to prevent tipping; and

(iv) Halogen lamps and bulbs are prohibited.

(f) **Safe water temperature.** For any program that does not operate on public or private school premises, all water accessible to enrolled children must not be hotter than 120 degrees Fahrenheit; and

(g) **Platforms and decks.** For any program that does not operate on public or private school premises, all platforms and decks used for school-age program activities must meet local building codes pursuant to RCW 43.216.340. This does not include play equipment. All platforms and decks with a drop zone of more than eighteen inches must have guardrails in sections without steps.

(5) To ensure a safe environment for children in care, a school-age provider must comply with the following electrical requirements:

(a) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires;

- (b) Electrical cords must be plugged directly into a wall outlet or a power strip with surge protector;
- (c) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring;
- (d) Electrical devices accessible to children must not be plugged into an electrical outlet near a water source such as a sink, tub, water table, or swimming pool; and
- (e) For any program that does not operate on public or private school premises, outlets near sinks, tubs, toilets, or other water sources must be inaccessible to children or be tamper-resistant and equipped with a ground fault circuit interrupter (GFCI) outlet type.

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NEW SECTION

WAC 110-301-0166 Emergency preparation and exiting. (1) To be properly prepared for an emergency, a school-age program must have an emergency preparedness plan pursuant to WAC 110-301-0470.

(2) A school-age provider must have the following in case of an emergency:

- (a) A working flashlight or other emergency lighting device must be available for use as an emergency light source. Battery powered flashlights must have an extra set of batteries easily available; and
- (b) A working telephone must be available for use with sufficient backup power to function in an emergency.

(3) To ensure a safe exit from the premises during an emergency, the school-age provider must comply with the following requirements:

- (a) Exit doors must not be partially or entirely blocked;
- (b) For any program that does not operate on public or private school premises, emergency exit doors must remain unlocked from the inside, but may be locked from the outside while the school-age program is open. The door handle must be of the type that can be opened from the inside without the use of a key, tools, or special knowledge, and must automatically unlock when the knob or handle is turned; and
- (c) Exit doors that are not designated as an emergency exit door may be locked during operating hours. For any program that does not operate on public or private school premises, locking interior doors in school-age program space must be designed to be unlocked from either side. An unlocking device must be readily available.

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NEW SECTION

WAC 110-301-0170 Fire safety. (1) A school-age provider must comply with the state building code, pursuant to RCW 19.27.031.

(2) For any program that does not operate on public or private school premises, a school-age provider must arrange for a fire safety inspection annually. A provider must arrange a fire safety inspection with a local government agency. If a local government agency is not available to conduct a fire safety inspection, a provider must inspect for fire safety using the state fire marshal form.

(3) To ensure a safe environment for children in care, a school-age provider must comply with the following fire safety requirements:

(a) **Combustible materials.** For any program that does not operate on public or private school premises, combustible materials:

(i) Must be properly discarded pursuant to local jurisdictions, removed from the premises, or properly stored in closed plastic or metal containers specifically designed to hold such combustible materials;

(ii) Stored in a closed plastic or metal container must be inaccessible to children in care; and

(iii) Include, but are not limited to, lint, gasoline, natural gas, diesel, fuel, propane, rags soaked in combustible materials, oils, chemicals, or solvents.

(b) **Furnaces and other heating devices.**

(i) An appliance or heating device that has a surface capable of burning a child or reaching 110 degrees Fahrenheit must be inaccessible to children in care unless a program activity involves such an appliance or device and children are being actively supervised;

(ii) For any program that does not operate on public or private school premises, paper, rubbish, or other combustible materials must be at least three feet from furnaces, fireplaces, or other heating devices; and

(iii) For any program that does not operate on public or private school premises, furnaces and other heating devices must be inaccessible to children in care.

(c) **Electrical motors.** For any program that does not operate on public or private school premises, electrical motor fans and appliances must be regularly cleaned to prevent accumulation of dust or lint.

(d) **Open flame devices, candles, matches, and lighters.**

(i) Except for the use of a gas kitchen range, open flame devices must not be used in school-age program space or any other space accessible to children in care during operating hours;

(ii) Candles must not be used during operating hours;

(iii) Matches and lighters must be inaccessible to children.

(e) **Portable heaters and generators.** Portable heaters or fuel powered generators must not be used inside school-age program space during operating hours.

(i) In case of an emergency, a generator may be used but must be placed at least twenty feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the premises or school-age program space; and

(ii) Appliances must be plugged directly into a generator or into a heavy duty outdoor-rated extension cord that is plugged into a generator.

(f) **Fire alarms and smoke and carbon monoxide detectors.**

(i) For any program that does not operate on public or private school premises, a school-age program must have and maintain at least one smoke detector per floor. Pursuant to the state building code, school-age providers must comply with WAC 51-50-0907; and

(ii) For any program that does not operate on public or private school premises, a school-age program must have and maintain carbon monoxide detectors. Pursuant to the state building code, school-age programs must comply with WAC 51-50-0915.

(g) **Backup method to sound an alarm.** In addition to working smoke detectors, a school-age provider must have another method to alert all staff and enrolled children of a fire, emergency situation, or drill.

(h) **Extinguishers.** For any program that does not operate on public or private school premises, a school-age provider must have and maintain working fire extinguishers that are marked with a minimum rating of 2A:10 BC.

(i) Fire extinguishers must be located pursuant to the state building code chapter 51-54A WAC, and must be readily available for use in case of an emergency;

(ii) Fire extinguishers must be located on each level of the school-age program space used by children and mounted within seventy-five feet of an exit next to the path of the exit; and

(iii) If a fire extinguisher is mounted in a closet, there must be a sign indicating the location of the extinguisher and obstructions must not block access to the closet.

(i) **Monthly inspections.** For any program that does not operate on public or private school premises, a school-age provider must involve staff responsible for different groups of children or individual classrooms during monthly inspections. At least once per month, a provider must inspect the premises to identify possible fire hazards and eliminate any hazards found including, but not limited to:

(i) Fire extinguishers;

(ii) Smoke detectors;

(iii) Alternate alarms; and

(iv) Emergency lighting.

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NEW SECTION

WAC 110-301-0175 Water hazards and swimming pools. To prevent injury or drowning and ensure the health and safety of children, a school-age provider must comply with the requirements described in this section.

(1) Filtered wading pools must be inaccessible to children when not in use. Wading pools that do not have a filtering system are not permitted in the school-age program space.

(2) Bodies of water not located in school-age program space, but that are in close proximity, must be made inaccessible to children in care, and the school-age program must have a written plan approved by the department.

(3) If a school-age provider uses water tables or similar containers, the tables or containers must be emptied and sanitized daily, or more often if necessary.

(4) For any program that does not operate on public or private school premises, the following bodies of water must be inaccessible to children in care by using a physical barrier with a locking mechanism in compliance with WAC 246-260-031(4):

(a) Swimming pools when not being used as part of the school-age program;

(b) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools, or similar bodies of water; and

(c) Uncovered wells, septic tanks, wastewater, wastewater tanks, below grade storage tanks, farm manure ponds or other similar hazards.

(5) Hot tubs, spas, jet tubs, and similar spa equipment must have locked covers when enrolled children are present.

(6) A school-age provider must comply with the supervision requirements of WAC 110-301-0350 when using a swimming pool as part of the school-age program.

(7) For any program that does not operate on public or private school premises, a school-age provider must comply with the following requirements when using a swimming pool on the premises as part of the school-age program:

(a) Audible alarms must be on all doors, screens, and gates in licensed areas that lead to a swimming pool. The alarm must be sufficient to warn staff when children enter the outdoor area and could access the swimming pool;

(b) Swimming pools must be maintained according to manufacturer specifications;

(c) Swimming pools must be cleaned and sanitized according to manufacturer instructions, chapter 246-260 WAC, and the DOH or local health jurisdiction guidelines; and

(d) A swimming pool must not be used if the main drain cover is missing.

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SECTION VII FOOD AND NUTRITION

NEW SECTION

WAC 110-301-0180 Meal and snack schedule. A school-age provider must ensure meals and snacks meet the following requirements:

(1) Meals and snacks must be served not less than two hours and not more than three hours apart;

(2) Children in care for five to nine hours:

(a) At least one meal and two snacks; or

(b) Two meals and one snack.

(3) Children in care for more than nine hours:

(a) Two meals and two snacks; or

(b) Three snacks and one meal.

(4) A snack must be provided for children in care for one to three hours after school; and

(5) A breakfast or morning snack must be made available to children in care either by the school-age program or the school.

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NEW SECTION

WAC 110-301-0185 Menus, milk, and food. To ensure proper nutrition of children in care, a school-age provider must comply with the child nutrition requirements described in this section.

(1) Meals, snack foods, and beverages provided to children in care must comply with the requirements contained in the most current edition of the CACFP standards, or the *USDA National School Lunch and School Breakfast Program* standards.

(a) A school-age provider must have dated menus.

(b) Food and beverage substitutions to a scheduled menu must be of equal nutritional value.

(c) A school-age provider must only serve water, unflavored milk, or one hundred percent fruit or vegetable juice.

(d) A school-age provider must limit the consumption of one hundred percent fruit juice to no more than four to six ounces per day for children five and six years old, and eight to twelve ounces per day for children seven through twelve years old.

(2) A school-age provider must serve a fruit or vegetable during at least one snack per day. The fruit or vegetable serving may count as one of the two required snack components or be a third snack component.

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NEW SECTION

WAC 110-301-0186 Food allergies and special dietary needs. (1) A school-age provider must obtain written instructions (the individual care plan) from the child's health care provider and parent or guardian when caring for a child with a known food allergy or special dietary requirement due to a health condition. The individual care plan pursuant to WAC 110-301-0300 must:

(a) Identify foods that must not be consumed by the child and steps to take in the case of an unintended allergic reaction;

(b) Identify foods that can substitute for allergenic foods; and

(c) Provide a specific treatment plan for the school-age provider to follow in response to an allergic reaction. The specific treatment plan must include the:

(i) Names of all medication to be administered;

(ii) Directions for how to administer the medication;

(iii) Directions related to medication dosage amounts; and

(iv) Description of allergic reactions and symptoms associated with the child's particular allergies.

(2) A school-age provider must arrange with the parents or guardians of a child in care to ensure the school-age program has the necessary medication, training, and equipment to properly manage a child's food allergies.

(3) If a child suffers from an allergic reaction, the school-age provider must immediately:

(a) Administer medication pursuant to the instructions in that child's individual care plan;

(b) Contact 911 whenever epinephrine or other lifesaving medication has been administered; and

(c) Notify the parents or guardians of a child if it is suspected or appears that any of the following occurred, or is occurring:

(i) The child is having an allergic reaction; or

(ii) The child consumed or came in contact with a food identified by the parents or guardians that must not be consumed by the child, even if the child is not having or did not have an allergic reaction.

(4) School-age providers must review each child's individual care plan information for food allergies prior to serving food to children.

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NEW SECTION

WAC 110-301-0190 Parent or guardian provided food and written food plans. (1) A written food plan must be developed by the provider and a child's parent or guardian, signed by all parties, and followed when accommodating a child's:

(a) Special feeding needs;

(b) Special diets;

(c) Religious or cultural preferences;

(d) Family preferences; or

(e) Other needs.

(2) A school-age provider may allow or require parents or guardians to bring food for their child.

(3) If a parent or guardian provides meals for their child, a school-age provider must:

(a) Notify the parent or guardian in writing of the USDA CACFP requirements for each meal; and

(b) Supplement a child's meal that does not satisfy USDA CACFP requirements if necessary.

(4) On special occasions, such as birthdays, a school-age provider may allow parents or guardians to bring in snacks that may not satisfy the nutritional requirements for all children. The snacks provided must be limited to:

(a) Store purchased fruits and vegetables (uncut);

(b) Foods prepackaged in the original manufacturer containers; or

(c) Snacks prepared, cooked, or baked at home by parents or guardians of a child in care. Prior to serving, a school-age provider must receive written permission from each child's parent or guardian stating their child may consume food prepared, cooked, or baked by another child's parent or guardian.

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NEW SECTION

WAC 110-301-0195 Food service, equipment, and practices. (1) A school-age provider preparing or serving food must comply with the current DOH *Washington State Food and Beverage Workers' Manual* and supervise services that prepare or deliver food to the school-age program.

(2) Snacks and meals must be prepared and served by a school-age provider who possesses a valid and current food worker card pursuant to WAC 110-301-0106(10).

(3) A school-age provider must:

(a) Supply durable and developmentally appropriate individual eating and drinking equipment, or developmentally appropriate single use disposable items;

(b) Clean and sanitize eating and drinking equipment after each use. Water bottles or cups designated for a single child must be cleaned and sanitized daily;

(c) Ensure plastic eating and drinking equipment does not contain BPA (a chemical used in hard plastic bottles and as a protective lining in food and beverage cans) or have cracks or chips;

(d) Use gloves, utensils, or tongs to serve food;

(e) Serve meals or snacks on plates, dishware, containers, trays, or napkins or paper towels, if appropriate. Food should not be served directly on the eating surface; and

(f) Be respectful of each child's cultural food practices.

(4) A school-age provider must:

(a) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; and

(b) Sit with children during meals, when possible.

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NEW SECTION

WAC 110-301-0196 Food sources. (1) Food prepared and served from a school-age program must not be tampered with or spoiled.

(2) Food prepared and served from a school-age program must be obtained from an approved source licensed and inspected by the local health jurisdiction, the Washington state department of agriculture (WSDA), or the USDA. Food items not approved to be served to children in care include:

(a) Meat, fish, poultry, eggs, or milk that has not been inspected by the USDA or WSDA;

(b) Home canned food;

(c) Game meat or other meat that has not been inspected by the WSDA or USDA;

(d) Leftover food that was previously served from outside of the school-age program; or

(e) Food from roadside stands selling without a permit.

(3) Food not prepared on-site by a school-age provider, pursuant to WAC 110-301-0195(2), must be provided by:

(a) A licensed food establishment, kitchen, or catering business that meets food service requirements (chapter 246-215 WAC) and is regularly inspected by a local health jurisdiction;

(b) Parents or guardians for their own children; or

(c) A manufacturer of prepackaged food.

(4) Fruits and vegetables (produce) grown on-site in a garden as part of a school-age program may be served to children as part of a meal or snack. Prior to preparing and serving:

(a) The produce must be thoroughly washed and scrubbed in running cold water to remove soil and other contaminants;

- (b) Damaged or bruised areas on the produce must be removed; and
- (c) Produce that shows signs of rotting must be discarded.

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NEW SECTION

WAC 110-301-0197 Safe food practices. (1) School-age providers must wash their hands, pursuant to WAC 110-301-0200.

(2) School-age providers must store, prepare, cook, hold food, and wash dishes, pursuant to WAC 110-301-0195.

(3) For all foods offered by the provider or given to an enrolled child by a parent or guardian, the provider must:

(a) Provide appropriate refrigeration to preserve foods from spoiling. Foods that may be subject to spoiling include, but are not limited to, meats, cooked potatoes, cooked legumes, cooked rice, sprouts, cut melons, cut cantaloupes, milk, and cheese; and

(b) Refrigerate foods requiring refrigeration at 41 degrees Fahrenheit or less and freeze foods required to be frozen at 10 degrees Fahrenheit or less.

(4) Food must be stored as follows:

(a) In original containers or in clean, labeled, dated, and air-tight food grade containers, if appropriate;

(b) Food not required to be refrigerated or frozen must not be stored directly on the floor;

(c) In a manner that prevents contamination;

(d) Food and food service items (such as utensils, napkins, and dishes) must not be stored in an area with toxic materials (such as cleaning supplies, paint, or pesticides);

(e) Food that is past the manufacturer's expiration or "best served by" date must not be served to enrolled children; and

(f) Raw meat must be stored in the refrigerator or freezer below cooked or ready to eat foods.

(5) For food requiring temperature control, a school-age program must maintain a food temperature log by using a calibrated and working metal stem-type or digital food thermometer.

(6) Prior to storing leftover food in a refrigerator or freezer, a school-age provider must label the food with the date the leftover food was opened or cooked.

(7) A school-age provider may serve leftover food that originated from the school-age program if the leftover food was not previously served and:

(a) Refrigerated leftover food must be stored and then served again within forty-eight hours of originally being prepared; or

(b) Frozen leftover food must be promptly served after thawing and being cooked.

(8) Frozen food must be thawed by one of the following methods:

(a) In a refrigerator;

(b) Under cool running water inside a pan placed in a sink with the drain plug removed; or

(c) In a microwave if the food is to be cooked as part of the continuous cooking process.

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NEW SECTION

WAC 110-301-0198 Food preparation areas. (1) School-age providers must clean and sanitize food preparation areas and eating surfaces before and after each use, pursuant to WAC 110-301-0241(1).

(2) For any program that does not operate on public or private school premises, the school-age program's food preparation area or kitchen must have:

(a) Walls, counter tops, floors, cabinets, and shelves that are:

(i) Maintained in good repair including, but not limited to, being properly sealed without chips, cracks, or tears; and

(ii) Moisture resistant.

(b) A properly maintained and vented range hood, exhaust fan, or operable window, if applicable; and

(c) A properly maintained and working refrigerator, freezer, or a combination refrigerator and freezer with sufficient space for proper storage and cooling of food.

(3) A school-age provider must:

(a) Clean and sanitize a sink immediately before using it to prepare food to be served to children in care;

(b) Use a colander or other method to prevent food and kitchen utensils from touching the sink basin; and

(c) Clean dishes, pans, and kitchen utensils as follows:

(i) Clean and sanitize with an automatic dishwasher that uses heat or chemicals to sanitize; or

(ii) Handwash, rinse, sanitize, and allow to air dry.

(4) Any program that does not operate on public or private school premises licensed after the date this chapter becomes effective must have:

(a) A handwashing sink separate from dishwashing facilities;

(b) A food preparation sink located in the food preparation area; and

(c) A method to clean and sanitize dishes, pans, kitchen utensils, and equipment in the food preparation area using:

(i) A two-compartment sink and an automatic dishwasher that sanitizes with heat or chemicals; or

(ii) A three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry).

(5) A school-age provider may use the kitchen for actively supervised cooking or food preparation activities with children in care.

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**SECTION VIII
HEALTH PRACTICES**

NEW SECTION

WAC 110-301-0200 Handwashing and hand sanitizer. (1) School-age providers must comply with the following handwashing procedures or those defined by the United States Center for Disease Control and Prevention, and children should strongly be encouraged to:

- (a) Wet hands with warm water;
- (b) Apply soap to the hands;
- (c) Rub hands together to wash for at least twenty seconds;
- (d) Thoroughly rinse hands with water;
- (e) Dry hands with a paper towel, single-use cloth towel, or air hand dryer;
- (f) Turn water faucet off using a paper towel or single-use cloth towel unless it turns off automatically; and
- (g) Properly discard paper single-use towels after each use.

(2) A school-age provider must wash and sanitize cloth towels after a single use. Soiled and used towels must be inaccessible to children.

(3) For any program that does not operate on public or private school premises, air hand dryers must have a heat guard (barrier that prevents user from touching heating element) and turn off automatically.

(4) School-age providers must wash their hands following the handwashing procedures listed above:

- (a) When arriving at work;
- (b) After assisting with toileting;
- (c) After personal toileting;
- (d) After attending to an ill child;
- (e) Before and after preparing, serving, or eating food;
- (f) After handling raw or undercooked meat, poultry, or fish;
- (g) Before and after giving medication or applying topical ointment;
- (h) After handling or feeding animals, handling an animal's toys or equipment, or cleaning up after animals;
- (i) After handling bodily fluids;
- (j) After using tobacco or vapor products;
- (k) After being outdoors;
- (l) After gardening activities;
- (m) After handling garbage and garbage receptacles; and
- (n) As needed or required by the circumstances.

(5) School-age providers must direct, assist, teach, and coach, children to wash their hands, using the steps listed above:

- (a) When arriving at the school-age premises;
- (b) After using the toilet;
- (c) After outdoor play;
- (d) After gardening activities;
- (e) After playing with animals;
- (f) After touching bodily fluids such as blood or after nose blowing or sneezing;
- (g) Before and after eating or participating in food activities including table setting; and
- (h) As needed or required by the circumstances.

(6) Hand sanitizers or hand wipes with alcohol may be used for adults and children under the following conditions:

- (a) When proper handwashing facilities are not available; and
- (b) Hands are not visibly soiled or dirty.

(7) Children must be actively supervised when using hand sanitizers to avoid ingestion or contact with eyes, nose, or mouths.

(a) Hand sanitizer must not be used in place of proper handwashing.

(b) An alcohol-based hand sanitizer must contain sixty to ninety percent alcohol to be effective.

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NEW SECTION

WAC 110-301-0205 Child and staff illness. (1) A school-age provider must observe all children for signs of illness when they arrive at the school-age program and throughout the day. Parents or guardians of a child should be notified, as soon as possible, if the child develops signs or symptoms of illness.

(2) If a school-age provider becomes ill, a licensee, program director, or site director must determine whether that person should be required to leave the licensed school-age space.

(3) When a child becomes ill, a school-age provider (or school nurse, if applicable) must determine whether the child should be sent home or separated from others. A provider must supervise the child to reasonably prevent contact between the ill child and healthy children.

(4) An ill child must be sent home or reasonably separated from other children if:

(a) The illness or condition prevents the child from participating in normal activities;

(b) The illness or condition requires more care and attention than the school-age provider can give;

(c) The required amount of care for the ill child compromises or places at risk the health and safety of other children in care; or

(d) There is a risk that the child's illness or condition will spread to other children or individuals.

(5) Unless covered by an individual care plan or protected by the ADA, an ill child, staff member, or other individual must be sent home or isolated from children in care if the ill individual has:

(a) A fever 101 degrees Fahrenheit by any method, and behavior change or other signs and symptoms of illness (including sore throat, earache, headache, rash, vomiting, diarrhea);

(b) Vomited two or more times in the previous twenty-four hours;

(c) Diarrhea where stool frequency exceeds two stools above normal per twenty-four hours for that individual or whose stool contains more than a drop of blood or mucus;

(d) A rash not associated with heat or an allergic reaction;

(e) Open sores or wounds discharging bodily fluids that cannot be adequately covered with a waterproof dressing or mouth sores with drooling; or

(f) A child who appears severely ill, which may include lethargy, persistent crying, difficulty breathing, or a significant change in behavior or activity level indicative of illness.

(6) At the first opportunity, but in no case longer than twenty-four hours of learning that an enrolled child, staff member, or volunteer has been diagnosed by a health care professional with a contagious disease pursuant to WAC 246-110-010(3), a school-age provider

must provide written notice to the department, the local health jurisdiction, and the parents or guardians of the enrolled children.

(7) A school-age provider must not take ear or rectal temperatures to determine a child's body temperature.

(a) Oral temperatures may be taken for children if single-use covers are used to prevent cross contamination; and

(b) Glass thermometers containing mercury must not be used.

(8) A school-age provider may readmit a child, staff member, or volunteer into the school-age program area with written permission of a health care provider or health jurisdiction stating the individual may safely return after being diagnosed with a contagious disease pursuant to WAC 246-110-010(3).

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NEW SECTION

WAC 110-301-0210 Immunizations and exempt children. (1) Before attending a school-age program, a child must be vaccinated against or show proof of acquired immunity for the vaccine-preventable disease, pursuant to chapter 246-105 WAC. A school-age provider may accept children without proof of vaccinations or immunity as otherwise indicated in this section.

(2) Pursuant to WAC 246-105-050, a school-age provider must receive for each enrolled child:

(a) A current and complete DOH-approved certificate of immunization status (CIS) form or an alternative in lieu of CIS pursuant to WAC 246-105-050(3);

(b) A department-approved certificate of exemption (COE) form, if applicable; or

(c) A current immunization record from the Washington state immunization information system (WA IIS).

(3) To accept a child who is not current with their immunizations, a school-age provider must give written notice to that child's parent or guardian stating the child may be accepted if the immunizations are completed consistent with chapter 246-105 WAC and:

(a) Prior to enrollment the parent or guardian provides written proof the child is scheduled to be immunized; or

(b) The parent or guardian provides a signed and dated statement detailing when the child's immunizations will be brought up to date.

(4) A school-age provider must maintain and update each child's records relating to immunizations or exemptions, or plans to bring immunizations current. These records must be available in the licensed space or easily accessible for review by department licensors, health specialists, and health consultants.

(5) A school-age provider may accept homeless or foster children into care without the records listed in this section if the child's parent or guardian, caseworker, or health care provider offers written proof that they are in the process of obtaining the child's immunization records.

(6) A school-age provider must exclude a child from care according to the criteria listed in WAC 246-105-080.

(7) If an outbreak of a vaccine-preventable disease occurs within a school-age program, a school-age provider must notify the parents or guardians of children exempt from immunization for that disease and

children without vaccination documents. A provider may exclude the child from the school-age program premises for the duration of the outbreak of that vaccine-preventable disease.

(8) A school-age provider may have a written policy stating children exempted from immunization by their parent or guardian will not be accepted into care unless that exemption is due to an illness protected by the ADA or WLAD or by a completed and signed COE.

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NEW SECTION

WAC 110-301-0215 Medication. (1) **Managing medication.** A medication management policy must include, but is not limited to, safe medication storage, reasonable accommodations for giving medication, mandatory medication documentation, and forms pursuant to WAC 110-301-0500.

(2) **Medication training.** A school-age provider must not give medication to a child if the provider has not successfully completed:

(a) An orientation about the school-age program's medication policies and procedures;

(b) The department standardized training course in medication administration that includes a competency assessment pursuant to WAC 110-301-0106(7) or equivalent training; and

(c) If applicable, a training from a child's parent or guardian (or an appointed designee) for special medical procedures that are part of a child's individual care plan. This training must be documented and signed by the provider and the child's parent or guardian (or designee).

(3) **Medication administration.** A school-age provider must not give medication to any child without written and signed consent from that child's parent or guardian, must administer medication pursuant to directions on the medication label, and must use cleaned and sanitized medication measuring devices.

(a) A school-age provider must administer medication to children in care as follows:

(i) **Prescription medication.** Prescription medication must only be given to the child named on the prescription. Prescription medication must be prescribed by a health care professional with prescriptive authority for a specific child. Prescription medication must be accompanied with medication authorization form that has the medical need and the possible side effects of the medication. Prescription medication must be labeled with:

(A) A child's first and last name;

(B) The date the prescription was filled;

(C) The name and contact information of the prescribing health professional;

(D) The expiration date, dosage amount, and length of time to give the medication; and

(E) Instructions for administration and storage.

(ii) **Nonprescription oral medication.** Nonprescription (over-the-counter) oral medication brought to the school-age program by a parent or guardian must be in the original packaging.

(A) Nonprescription (over-the-counter) medication needs to be labeled with child's first and last name and accompanied with medication

authorization form that has the expiration date, medical need, dosage amount, age, and length of time to give the medication. School-age providers must follow the instructions on the label or the parent or guardian must provide a medical professional's note; and

(B) Nonprescription medication must only be given to the child named on the label provided by the parent or guardian.

(iii) **Other nonprescription medication.** A school-age provider must receive written authorization from a child's parent or guardian and health care provider with prescriptive authority prior to administering if the item does not include age, expiration date, dosage amount, and length of time to give the medication:

(A) Vitamins;

(B) Herbal supplements;

(C) Fluoride supplements; and

(D) Homeopathic or naturopathic medication.

(iv) **Nonmedical items.** A parent or guardian must annually authorize a school-age provider to administer the following nonmedical items:

(A) Sunscreen (aerosol sunscreen is prohibited); and

(B) Hand sanitizers or hand wipes with alcohol.

(v) A school-age provider may allow children to take their own medication (including nonmedical items) with parent or guardian authorization. A school-age staff member must observe and document that the child took the medication (excluding nonmedical items).

(A) School-age children with a valid prescription from a health care provider may be allowed to carry and self-administer asthma medication (inhaler), anaphylaxis medication (epinephrine auto-injector), or insulin (insulin pump) with signed authorization from the child's parent or guardian and health care provider. The authorization form must attest that the child has the skill level and knowledge necessary to use the medication and device as prescribed.

(B) The school-age program must have an individual care plan on-site for each child who self-carries asthma or anaphylaxis medication or insulin in the event of an asthma, anaphylaxis, or diabetes emergency.

(C) School-age program staff must intervene if they observe a child misusing asthma or anaphylaxis medication or insulin, or if a child possesses another child's medication.

(vi) A school-age provider must not give or permit another to give any medication to a child for the purpose of sedating the child unless the medication has been prescribed for a specific child for that particular purpose by a qualified health care professional.

(b) Medication documentation (excluding nonmedical items). A school-age provider must keep a current written medication log that includes:

(i) A child's first and last name;

(ii) The name of the medication that was given to the child;

(iii) The dose amount that was given to the child;

(iv) Notes about any side effects exhibited by the child;

(v) The date and time of each medication given or reasons that a particular medication was not given; and

(vi) The name and signature of the person that gave the medication.

(c) Medication must be stored and maintained as directed on the packaging or prescription label, including applicable refrigeration requirements. A school-age provider must comply with the following additional medication storage requirements:

- (i) Medication must be inaccessible to children except as provided for in this subsection (3) (a) (v) (A) of this section;
 - (ii) Controlled substances must be locked in a container or cabinet which is inaccessible to children;
 - (iii) Medication must be kept away from food in a separate, sealed container; and
 - (iv) External medication (designed to be applied to the outside of the body) must be stored to provide separation from internal medication (designed to be swallowed or injected) to prevent cross contamination.
- (d) A school-age provider must return a child's unused medication to that child's parent or guardian. If this is not possible, a provider must follow the FDA recommendations for medication disposal.
- (e) A school-age provider must not accept or give to a child homemade medication, such as sunscreen.

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NEW SECTION

WAC 110-301-0220 Bathroom space. (1) For any program that does not operate on public or private school premises, a school-age provider must provide at least one indoor bathroom in the licensed space that has the following:

- (a) A school-age program must have one working flush toilet for every thirty children and staff. One-third of the toilets may be replaced by a urinal.
Toilets for staff may be located outside of licensed space on the premises.
 - (b) A school-age program must have one working sink and faucet for every thirty children and staff.
 - (i) A faucet used for handwashing must provide warm running water.
 - (ii) Sinks and faucets must be located inside the bathroom or immediately outside the bathroom.
 - (iii) Sinks and faucets for staff may be outside of licensed space on the school-age premises.
 - (iv) Water controls on bathroom sinks must be accessible for the intended user.
 - (v) Bathroom sinks must not be used as a drinking source or for food preparation.
 - (c) A means of providing privacy for children who demonstrate the need for privacy while toileting;
 - (d) A toilet paper dispenser for each toilet that is appropriate for the height and size of children;
 - (e) An operable window or exhaust fan; and
 - (f) An easily cleanable floor.
 - (i) Floors must have a washable surface; and
 - (ii) Be resistant to moisture.
- (2) Bathroom floors must be cleaned and disinfected daily, or more often as needed.

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NEW SECTION

WAC 110-301-0225 Pets and animals. (1) A school-age provider may have pets or other animals on the school-age program premises.

(2) If a school-age provider keeps pets or animals on the school-age program premises:

(a) The provider must have and follow a pet and animal policy that describes how children will access pets and be kept safe around them, tracks pet immunizations, and gives instructions for handling of pet waste; and

(b) Provide written notice to children's parents and guardians that the program has a pet.

(3) Pets or other animals that have contact with children must:

(a) Have all required vaccinations, pursuant to local and county regulations;

(b) Show no signs of illness, disease, worms, or parasites. If these symptoms appear, the pet or animal must be removed from the licensed space until appropriately treated for the condition; and

(c) Be nonaggressive. If the pet or animal exhibits aggressive behavior, the pet or animal must be removed from the licensed space.

(4) A school-age provider must:

(a) Make reptiles and amphibians that are not part of the school-age program or activities inaccessible to enrolled children due to the risk of salmonella or other diseases;

(b) Require that chickens, ducks, turkeys, doves, pigeons, or other birds are caged, cooped, or penned outside school-age program space when children are in care, at a distance that prevents children from having direct access to the enclosures or waste;

(c) Cage indoor birds;

(d) Prevent debris from spilling out of a container or cage used for pets and animals, if applicable;

(e) Not allow pets and animals in the kitchen during food preparation and ensure pets and animals do not come into contact with food, food preparation, or serving areas while food is served;

(f) Not use a sink that is used for cleaning food or utensils to clean pet supplies; and

(g) Store pet and animal medication separate from human medication.

(5) A school-age provider must require:

(a) Animals and pets to go to the bathroom outdoors if the animals do not have a designated indoor litter area. The designated outdoor area must be inaccessible to children in care;

(b) Pet containers and cages to be cleaned and disinfected at least weekly, or more often if needed;

(c) Litter boxes to be kept inaccessible to children and cleaned daily;

(d) Animal waste and litter to be disposed of as soon as possible and the area disinfected;

(e) Indoor and outdoor play space to be cleaned and disinfected where animal or bird waste or vomit is present. This must be done as soon as possible or prior to access by children. Alternatively, animal waste must be inaccessible to children;

(f) Animal waste to be disposed of in a manner that prevents children from coming into contact with the waste material; and

(g) Animal waste, including fish tank water, must be disposed of in unlicensed space or toilets or custodial sinks. Toilets and custo-

dial sink areas must be washed, rinsed, and disinfected after disposal.

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NEW SECTION

WAC 110-301-0230 First aid—CPR certification and supplies. (1) School-age program directors, site directors, lead teachers, assistant teachers, and any other school-age providers counted in staff-to-child ratio, or who could potentially be counted in ratio, must have a current pediatric and adult first aid and CPR certificate, pursuant to WAC 110-301-0106.

(2) A school-age provider must keep a complete first-aid kit in the licensed space, on any off-site trip, and in a vehicle used to transport children in care. A first-aid kit must:

- (a) Be stored in a location that is easily accessible to staff;
- (b) Be inaccessible to children;
- (c) Be separate from food or chemicals;
- (d) Be kept clean and sanitary;
- (e) Be stored in a manner that prevents contamination; and
- (f) Have sufficient supplies for the number of enrolled children and staff consistent with the school-age program's licensed capacity, or sufficient supplies for each room in the licensed space.

(3) A first-aid kit must include:

- (a) Disposable nonporous protective nonlatex gloves;
- (b) Adhesive bandages of various sizes;
- (c) Small scissors;
- (d) Tweezers;
- (e) An elastic wrapping bandage;
- (f) Sterile gauze pads;
- (g) Ice packs;
- (h) A disposable or mercury free thermometer that uses disposable sleeves, or is cleaned and sanitized after each use;
- (i) A sling, or a large triangle bandage;
- (j) Adhesive tape;
- (k) A CPR barrier with a one-way valve or both an adult and pediatric CPR mask with a one-way valve;
- (l) A current first-aid manual; and
- (m) Hand sanitizer.

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NEW SECTION

WAC 110-301-0235 Safe water sources. (1) Hot and cold running water must be directly plumbed to the school-age premises.

(2) A licensee for a program that does not operate on public or private school premises must use a Washington state certified water laboratory accredited by the department of ecology to test the program water supply for lead and copper.

(a) All fixtures used to obtain water for preparing food, drinking, or cooking must be tested prior to licensing approval and at least once every six years;

(b) Testing must be done pursuant to the current EPA standards; and

(c) A copy of the water testing results must be kept on the licensed premises or in the program's administrative office.

(3) If the test results are at or above the current EPA lead action level, a school-age provider must do the following within twenty-four hours:

(a) Consult with the DOH for technical assistance;

(b) Close the school-age program to prevent children from using or consuming water or supply bottled or packaged water to meet the requirements of this chapter;

(c) Notify all parents and guardians of enrolled children of the test results;

(d) Notify the department of the water test results and steps taken to protect the enrolled children; and

(e) Notify the department once lead and copper levels are below the current EPA action level.

(4) If a school-age program space receives water from a private well, the well must comply with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells.

(a) Well water must be tested at least once every twelve months for *E. coli* bacteria and nitrates by a Washington state certified laboratory accredited by the department of ecology to analyze drinking water. To achieve desirable results the test must indicate:

(i) No presence of *E. coli* bacteria; and

(ii) The presence of less than ten parts per million (ppm) for nitrates. If test results for nitrates are greater than five but less than ten ppm, the water must be retested within six months.

(b) If well water tests positive for *E. coli* bacteria, or greater than ten ppm for nitrates, the provider must:

(i) Stop using the well water in the school-age program premises within twenty-four hours;

(ii) Inform the local health jurisdiction, the DOH, and the department of the positive test results; and

(iii) If directed to do so by the department, discontinue school-age program operations until repairs are made to the water system and water tests indicate desirable results pursuant to (a) of this subsection.

(c) If the department determines that school-age program operations may continue while an unsafe water system is being repaired or while the provider installs treatment, the provider must:

(i) Provide an alternate source of water, approved by the department; and

(ii) Retest until water tests indicate desirable results pursuant to (a) of this subsection.

(5) A school-age provider must notify the department within four hours of when the water connection to a school-age program space is interrupted for more than one hour or the water source becomes contaminated.

(a) The department may require the school-age provider to temporarily close until the water connection is restored or the water source is no longer contaminated; or

(b) The school-age provider must obtain an alternative source of potable water such as bottled or packaged water. The amount of the al-

ternative source of potable water must be sufficient to ensure compliance with the requirements of this chapter for safe drinking water, handwashing, sanitizing, dishwashing, and cooking.

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NEW SECTION

WAC 110-301-0236 Safe drinking water. (1) A school-age program's drinking water must:

- (a) Be offered multiple times throughout the day and be readily available to children at all times;
- (b) Be offered in outdoor play areas and in each classroom;
- (c) Be served in a manner that prevents contamination;
- (d) Not be obtained from a handwashing sink used with toileting;

and

- (e) Be served fresh daily or more often as needed.
- (2) For any program that does not operate on public or private school premises, drinking fountains at a school-age program must:
 - (a) Not be attached to handwashing sinks or disabled;
 - (b) Not be located in bathrooms;
 - (c) Not be a "bubble type" fountain (the water flow must form an arch);
 - (d) Be cleaned and sanitized daily or more often as needed; and
 - (e) Be located above water impervious flooring.

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**SECTION IX
CLEANING AND SANITATION**

NEW SECTION

WAC 110-301-0240 Clean and healthy environment. (1) School-age program premises and program equipment must be clean and sanitary.

(2) For any program that does not operate on public or private school premises, hard surfaces in school-age programs including, but not limited to, floors (excluding carpet), walls, counters, bookshelves, and tables must be smooth and easily cleanable.

- (a) A cleanable surface must be:
 - (i) Designed to be cleaned frequently and made of sealed wood, linoleum, tile, plastic, or other solid surface materials;
 - (ii) Moisture resistant; and
 - (iii) Free of chips, cracks, and tears.

(b) A school-age provider must have at least twenty-four inches of moisture resistant and cleanable material or barrier around sinks, drinking fountains, and toilets.

(3) A school-age provider must clean all surfaces before sanitizing or disinfecting.

(a) Surfaces must be cleaned with a soap and water solution or spray cleaner and rinsed. If using a spray cleaner, directions on the label must be followed.

(b) Aerosol sprays and air fresheners must not be used during school-age program hours.

(c) If a bleach solution is used for sanitizing or disinfecting, a school-age provider must use one that is fragrance-free and follow the DOH's current guidelines for mixing bleach solutions for child care and similar environments.

(d) If a school-age provider uses a product other than bleach, including wipes, to sanitize or disinfect, the product must be:

(i) Approved by the department prior to use;

(ii) Used by trained staff only;

(iii) Registered with the EPA and have safety data sheets (SDSs) available;

(iv) Used in accordance with the manufacturer's label, which must include:

(A) Directions for use;

(B) A description of the safety precautions, procedures, and equipment that must be used for mixing the substitute product concentration, if applicable;

(C) A description of the safety precautions and procedures if the substitute product contacts skin or is inhaled, if applicable; and

(D) A description of the procedures and safety precautions for rinsing cleaned areas and cleaning equipment, if applicable.

(v) Labeled as safe to use on food surfaces if the product will be used to sanitize:

(A) Food contact surfaces; or

(B) Items such as eating utensils or toys used by the child or put into the child's mouth; and

(vi) Fragrance-free.

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NEW SECTION

WAC 110-301-0241 Cleaning schedules. (1) A school-age provider must develop and follow a cleaning schedule that includes:

(a) Food preparation areas, tables and chairs, and food service counters, which must be cleaned and sanitized before and after each meal and snack with single use paper towels or one-time use wiping cloths;

(b) Eating utensils, drinking equipment, and dishes, which must be cleaned and sanitized after each use;

(c) Furniture and equipment, which must be cleaned monthly or more often as needed;

(d) Toys, which must be cleaned and sanitized as follows:

(i) Weekly or more often as needed; and

(ii) When a toy comes into contact with a child's mouth or bodily fluids it must be removed from use until it can be cleaned and sanitized prior to reuse;

(e) For any program that does not operate on public or private school premises, appliances used to prepare food, which must be cleaned after each use and sanitized daily or more often as needed;

(f) For any program that does not operate on public or private school premises, refrigerators, which must be cleaned and sanitized monthly or more often as needed; and

(g) For any program that does not operate on public or private school premises, freezers, which must be cleaned and sanitized quarterly or more often as needed.

(2) Machine washable clothes provided by the school-age program must be laundered as needed.

(3) Sinks that are not used for handwashing after toileting or food preparation must be cleaned and sanitized daily or more often as needed.

(4) Toileting areas including, but not limited to, toilets, counters, sinks, and floors must be cleaned and disinfected daily or more often as needed.

(5) Garbage cans and receptacles must be emptied on a daily basis and cleaned and disinfected as needed.

(6) Floors must be cleaned by either sweeping or vacuuming at least once per day or more often as needed. Moisture resistant flooring must be cleaned and sanitized at least once per day or more often as needed. Bathroom flooring must be cleaned, pursuant to WAC 110-301-0220.

(7) For any school-age program that does not operate on public or private school premises, large area rugs or installed carpet must be cleaned at least once every six months, or when visible dirt or stains are present, using a carpet shampoo machine, steam cleaner, or other method that minimizes the exposure of children in care to pathogens and allergens.

A school-age provider must not use dry shampoos or dry chemical sanitizers or disinfectants, unless approved by the department.

(8) Small area rugs must be shaken outdoors or vacuumed daily, and laundered as needed.

(9) Carpets or area rugs soiled with bodily fluids must be cleaned and disinfected with high heat or an EPA registered product. A school-age provider must limit exposure to blood and bodily fluids during cleanup.

(10) Children must not:

(a) Be present when carpets are cleaned or vacuumed unless the provider is spot vacuuming, the vacuum has a HEPA filter, and children are not within the immediate area; or

(b) Use or play on or near carpet areas until dry.

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NEW SECTION

WAC 110-301-0245 Laundry and equipment. (1) Laundry and laundry equipment at a school-age program must be inaccessible to children and separated from areas where food is prepared to prevent cross contamination.

(2) Dirty or soiled laundry must be:

(a) Kept separate from clean laundry;

(b) Cleaned with laundry soap or detergent;

- (c) Rinsed; and
- (d) Sanitized:
 - (i) With bleach or a similar sanitizer registered by the EPA; or
 - (ii) By using a "sanitize" setting on a washing machine or dryer that reaches at least 140 degrees Fahrenheit.
- (3) A dryer must be vented to the outside of the building or following the manufacturer's specifications.

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NEW SECTION

WAC 110-301-0250 Private septic systems. (1) For any program that does not operate on public or private school premises, and is served by a private septic system, the septic system must be designed, constructed, and maintained in accordance with state and local health jurisdiction requirements.

(a) A private septic system must be inspected by a septic system maintenance service provider approved by the local health jurisdiction and monitored on a routine basis. Any deficiencies noted in an inspection report must be corrected with the necessary permits and inspections.

(b) The most recent private septic system pumping and inspection records must be kept on the licensed premises or in the program's administrative office.

(c) If a school-age provider does not have the documentation described in (b) of this subsection, the provider must obtain from the state, local health jurisdiction, or a department approved private company such documentation within six months of the date this section becomes effective.

(d) A school-age provider must notify the department and local health jurisdiction if there is a problem, concern, or malfunction with a private septic system.

(e) If a private septic system problem, concern, or malfunction interferes with the proper care of children and an approved alternative is not available, the state, local health jurisdiction, or department may require a school-age program to close until the system is inspected, repaired, and approved by the local health jurisdiction.

(2) For any program that does not operate on public or private school premises, pursuant to WAC 110-301-0146(2), playground design must not:

(a) Interfere with access to or the operation of a private septic system, including a private septic system's drain field and tanks; or

(b) Be located or placed in a way that impacts the private septic system's drain field or tanks as determined by local officials.

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NEW SECTION

WAC 110-301-0255 Pest control. (1) A school-age provider must have a pest control policy that emphasizes prevention and natural, nonchemical, low-toxicity methods where pesticides or herbicides are

used as a last resort (i.e., integrated pest management). In areas where local pest control policies are already in place, such as a school district, a school-age program may adopt or amend such policies when developing their own policy.

(2) For any school-age program that does not operate on public or private school premises, a provider must take appropriate steps to safely prevent or control pests that pose a risk to the health and safety of adults and children in and around the licensed space. Pest control steps must include:

(a) **Prevention.** A provider must take steps to prevent attracting pests including, but not limited to, identifying and removing food and water sources that attract pests.

(b) **Inspection.** Indoor and outdoor areas in and around the licensed space must be inspected for evidence of pests. A provider must document the date and location if evidence is found.

(c) **Identification.** Pests found in the licensed space must be identified and documented so the pest may be properly removed or exterminated.

(d) **Management.** A provider must document steps taken to remove or exterminate pests found in the licensed space.

(e) **Notification.** If pesticides are used, the school-age provider must notify the parents or guardians of enrolled children what pesticide will be applied and where it will be applied no less than forty-eight hours before application, unless in cases of emergency (such as a wasp nest).

(f) **Application.** Pesticide must be applied to school-age program space when children are not present. When pesticide is applied, the school-age provider must comply with chapter 17.21 RCW.

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NEW SECTION

WAC 110-301-0260 Storage of hazardous and maintenance supplies.

(1) A school-age provider must ensure all poisonous or dangerous substances including, but not limited to, fuels, solvents, oils, laundry, dishwasher, other detergents, sanitizing products, disinfectants, and items labeled "keep out of reach of children" are stored:

(a) In a location that is inaccessible to children;

(b) Separate and apart from food preparation areas, food items, and food supplies;

(c) In their original containers or clearly labeled with the name of the product and the word "poison" or "toxic" if not in the original container; and

(d) In compliance with the manufacturer's directions (including, not storing products near heat sources).

(2) Saws, power tools, lawn mowers, toilet plungers, toilet brushes, and other maintenance and janitorial equipment must be inaccessible to children.

(3) Storage areas and storage rooms must be inaccessible to children.

(4) For any program that does not operate on public or private school premises, storage areas and storage rooms must:

(a) Have moisture resistant and easily cleanable floors;

(b) Have a designated maintenance or janitorial utility sink, or another method to dispose of wastewater (kitchen sinks must not be used for disposal of wastewater); and

(c) Be kept clean and sanitary.

(5) For any program that does not operate on public or private school premises, storage areas and rooms that contain chemicals, utility sinks, or wet mops must be ventilated to the outdoors with an exterior window or mechanical ventilation to prevent the buildup of odors, fumes, or other hazards.

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SECTION X LEARNING SUPPORTS

NEW SECTION

WAC 110-301-0300 Individual care plan. (1) A school-age provider must develop an individual care plan for each child with special needs. Plans and documentation required under this section must:

(a) Meet the requirements of this section;

(b) Be available for department review;

(c) Have written permission from a child's parent or guardian stating that a visiting health professional may provide services to the child at the school-age program, if applicable;

(d) Have verification that school-age program staff involved with a particular child has been trained on implementing the individual care plan for that child, if applicable;

(e) Be updated annually or when there is a change in the child's special needs; and

(f) Be kept in the child's file.

(2) The individual care plan must be signed by the parent or guardian and may be developed using a department provided template.

(a) The individual care plan must contain:

(i) The child's diagnosis, if known;

(ii) Contact information for the primary health care provider or other relevant specialist;

(iii) A list of medications to be administered at scheduled times, or during an emergency along with descriptions of symptoms that would trigger emergency medication;

(iv) Directions on how to administer medication;

(v) Allergies;

(vi) Food allergy and dietary needs, pursuant to WAC 110-301-0186;

(vii) Activity, behavioral, or environmental modifications for the child;

(viii) Known symptoms and triggers;

(ix) Emergency response plans and what procedures to perform; and

(x) Suggested special skills training, and education for school-age program staff, including specific pediatric first aid and CPR for special health care needs.

(b) A school-age provider must have supporting documentation of the child's special needs provided by the child's licensed or certified:

- (i) Physician or physician's assistant;
 - (ii) Mental health professional;
 - (iii) Education professional;
 - (iv) Social worker with a bachelor's degree or higher with a specialization in the individual child's needs; or
 - (v) Registered nurse or advanced registered nurse practitioner.
- (3) A school-age provider's written plan and documentation for accommodations must be informed by any existing:
- (a) Individual education plan (IEP);
 - (b) Individual health plan (IHP);
 - (c) 504 Plan; or
 - (d) Individualized family service plan (IFSP).

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NEW SECTION

WAC 110-301-0305 Program philosophy and planning. (1) A school-age provider must have a written program philosophy that describes the program of planned daily activities related to child development.

(2) The program philosophy must address all age groups being served and may include:

- (a) How children develop emotionally, socially, cognitively, and physically;
 - (b) What school-age programming looks like or areas of focus within the program;
 - (c) How the provider will meet cultural, dual language learner, and special needs of children attending the school-age program;
 - (d) How to guide learning and social interactions; and
 - (e) The importance of play to a child's learning process.
- (3) Staff must be trained on the program philosophy.
- (4) Program staff responsible for program and activity planning must be given regularly scheduled time to plan and develop the program and activities.

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NEW SECTION

WAC 110-301-0310 Concept development and feedback quality. (1) A school-age provider must facilitate activities to support child learning and understanding.

(2) A school-age provider may facilitate child learning and understanding through a variety of techniques such as:

- (a) Using a variety of teaching strategies (different techniques, curricula, or styles) and materials to address different learning styles, abilities, developmental levels, and temperament;

- (b) Helping children enter into and sustain play;
- (c) Encouraging children to participate by asking questions and providing guidance;
- (d) Providing opportunities for children's creativity;
- (e) Linking concepts and activities to one another and to the children's lives and interests;
- (f) Noticing and responding to teachable moments;
- (g) Clarifying and expanding children's understanding;
- (h) Describing and discussing children's learning processes;
- (i) Encouraging children's efforts and persistence;
- (j) Showing tolerance for mistakes;
- (k) Using diverse vocabulary;
- (l) Leading discussions and activities;
- (m) Providing materials during the day, including daily routines such as meals and transitions, to encourage communication in English and children's home languages when possible; and
- (n) Use scaffolding methods to gradually move children toward stronger understanding and greater independence in the learning process.

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NEW SECTION

- WAC 110-301-0315 Communication modeling and reasoning.** (1) A school-age provider must be aware of and responsive to children's developmental, linguistic, cultural, and learning needs.
- (2) A school-age provider must be aware of and responsive to children's needs by engaging in activities such as:
- (a) Asking developmentally appropriate questions for the age group and allow children to answer without interruption from the provider;
 - (b) Circulating among the children during free choice activities and talking with children about what they are doing;
 - (c) A school-age provider must use language to develop and encourage children's reasoning skills by using techniques such as:
 - (i) Talking about logical relationships or concepts during the day including, but not limited to, the daily schedule, the differences and similarities between objects, or people in the program;
 - (ii) Introducing concepts using guiding questions that encourage children to figure out cause and effect relationships;
 - (iii) Providing opportunities for reading and writing activities; and
 - (iv) Asking open-ended questions to help children improve skills and acquire knowledge.
 - (d) A school-age provider working with non-English speaking children must encourage language development and acquisition by using techniques such as:
 - (i) Using words in various languages to talk about the program routines;
 - (ii) Reading books out loud or using audio books; and
 - (iii) Playing games in different languages.

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NEW SECTION

WAC 110-301-0320 Facilitating child interests, learning, perspective, and productivity. (1) A school-age provider must work to maximize children's interests, engagement with developmentally and culturally responsive activities, and ability to learn from play.

(2) A school-age provider must maximize children's interests, engagement, and abilities by using techniques such as:

(a) Maximizing learning time with learning materials and products, limiting disruptions during activities, and offering additional choices when activities are completed;

(b) Giving clear instructions and directions; and

(c) Making opportunities for children to learn during transitions by clearly communicating expectations and keeping transitions to a duration that is developmentally appropriate.

(3) A school-age provider must offer developmentally and culturally responsive activities that offer a range of auditory, visual, and movement opportunities by using techniques such as:

(a) Encourage child engagement;

(b) Promote each child's self-help and social skills;

(c) Organized around child interests and ideas;

(d) Allow choice, exploration, and experimentation;

(e) Promote active and play-based learning experiences;

(f) Allow children freedom to move during activities;

(g) Ensure child expression;

(h) Utilize interesting and creative materials;

(i) Offer hands-on opportunities for children;

(j) Provide opportunity for children to direct their own learning and problem solving rather than teacher-directed activities; and

(k) Orient and guide children toward learning objectives.

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**SECTION XI
EMOTIONAL SUPPORT AND CLASSROOM ORGANIZATION**

NEW SECTION

WAC 110-301-0325 Creating a climate for healthy child development. (1) When communicating or interacting with children, a school-age provider must maintain a climate for healthy, culturally responsive child development such as:

(a) Using a calm and respectful tone of voice;

(b) Using positive language to explain what children can do and give descriptive feedback;

(c) Having relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;

- (d) Greeting children upon arrival and departure at the school-age program;
 - (e) Using facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;
 - (f) Using physical proximity in a culturally responsive way to speak to children at their eye level and with warm physical contact including, but not limited to, gently touching a hand or shoulder, and sitting next to a child while communicating;
 - (g) Validating children's feelings and show tolerance for mistakes;
 - (h) Being responsive and listening to children's requests and questions, encouraging children to share experiences, ideas, and feelings;
 - (i) Observing children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;
 - (j) Modeling and teaching emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;
 - (k) Representing the diversity found in the school-age program and society, including gender, age, language, and abilities, while being respectful of cultural traditions, values, religion, and beliefs of enrolled families; and
 - (l) Interacting with staff and other adults in a positive, respectful manner.
- (2) A school-age provider must encourage positive interactions between and among children with techniques such as:
- (a) Giving children several chances a day to interact with each other while playing or completing routine tasks;
 - (b) Modeling social skills;
 - (c) Encouraging socially isolated children to find friends;
 - (d) Helping children understand feelings of others; and
 - (e) Including children with special needs to play with others.

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NEW SECTION

WAC 110-301-0330 Positive relationships and child guidance. (1)

A school-age provider must work to maintain positive relationships with children by using consistent guidance techniques to help children learn. Guidance techniques must adapt a school-age program's environment, routines, and activities to a child's strengths, age and developmental level, abilities, culture, community, and relate to the child's behavior.

- (2) Guidance techniques may include:
- (a) Coaching behavior;
 - (b) Modeling and teaching social skills such as taking turns, cooperation, waiting, self-control, respect for the rights of others, treating others kindly, and conflict resolution;
 - (c) Offering choices;
 - (d) Distracting;
 - (e) Redirecting or helping a child change their focus to something appropriate to achieve their goal;
 - (f) Planning ahead to prevent problems and letting children know what events will happen next;

- (g) Explaining consistent, clear rules and involving children in defining simple, clear limits;
- (h) Involving children in solving problems; and
- (i) Explaining to children the natural and logical consequences related to the child's behavior in a reasonable and developmentally appropriate manner.

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NEW SECTION

WAC 110-301-0331 Prohibited behavior, discipline, and physical removal 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 a child from or punish a child for exercising religious rights; or
- (g) Anyone to:
 - (i) Restrict a child's breathing;
 - (ii) Bind or restrict a child's movement unless permitted under WAC 110-301-0335;
 - (iii) Tape a child's nose, mouth, or other body part;
 - (iv) Deprive a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;
 - (v) Force a child to ingest something as punishment such as hot sauce or soap;
 - (vi) Interfere with a child's ability to take care of their own hygiene and toileting needs;
 - (vii) Withhold hygiene care, toileting care, or diaper changing from any child unable to provide such care for themselves;
 - (viii) Expose a child to extreme temperatures as punishment;
 - (ix) Demand 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 the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; and
 - (xi) Use 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 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.

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NEW SECTION

WAC 110-301-0335 Physical restraint. (1) A school-age provider must have written physical restraint protocols pursuant to WAC 110-301-0490 and implement such protocols only when appropriate and after complying with all requirements of WAC 110-301-0330 and 110-301-0331.

(2) Physical restraint must only be used if a child's safety or the safety of others is threatened and must be:

(a) Limited to holding a child as gently as possible to accomplish restraint;

(b) Limited to the minimum amount of time necessary to control the situation;

(c) Developmentally appropriate; and

(d) Only performed by school-age providers trained in the program's child restraint policy, pursuant to WAC 110-301-0490.

(3) No person may use bonds, ties, blankets, straps, or heavy weights (including an adult sitting on a child) to physically restrain children.

(4) Licensees, program directors, site directors, and lead teachers or trained staff must remove themselves from a situation if they sense a loss of their own self-control and concern for the child when using a restraint technique if another school-age provider is present. If a school-age provider observes another staff using inappropriate restraint techniques, the staff must intervene.

(5) If physical restraint is used, staff must:

(a) Report the use of physical restraint, pursuant to WAC 110-301-0475 (2) (f);

(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;

(c) Document the incident in the child's file, including the date, time, school-age program staff involved, duration, and what happened before, during, and after the child was restrained;

(d) Develop a written plan with input from the child's primary care or mental health provider, and the parents or guardians, to address underlying issues and reduce need for further physical restraint if:

(i) Physical restraint has been used more than once; and

(ii) A plan is not already a part of the child's individual care plan.

(e) Notify the department when a written plan has been developed.

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NEW SECTION

WAC 110-301-0340 Expulsion. (1) To promote consistent care and maximize opportunities for child development and learning, a school-age provider must develop and follow expulsion policies and practices, pursuant to WAC 110-301-0486.

(2) A school-age provider may expel a child only if the:

(a) Child exhibits behavior that presents a serious safety concern for that child or others; and

(b) Program is not able to reduce or eliminate the safety concern through reasonable modifications.

(3) If a child is expelled, a school-age provider must:

(a) Review the program's expulsion policy with the parent or guardian of the child;

(b) Provide a record to the parent or guardian about the expulsion and the steps that were taken to avoid expulsion. The record must include the date, time, school-age program staff involved, and details of each incident that led to expulsion; and

(c) Provide information to the parent or guardian of the child that includes, but is not limited to, community-based resources that may benefit the child.

(4) The school-age provider must report to the department when children are expelled. The information must include:

(a) Child demographic data including, but not limited to, the age, race, ethnicity, and gender of the child;

(b) The reason the child was expelled; and

(c) The resources that were provided to the parent or guardian of the child.

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SECTION XII

PROGRAM STRUCTURE AND ORGANIZATION

NEW SECTION

WAC 110-301-0345 Supervising children. (1) A school-age provider must only allow the following persons to have unsupervised access to a child in care:

- (a) That child's own parent or guardian;
- (b) Licensees or school-age program staff authorized by the department in chapter 110-06 WAC;
- (c) A government representative including an emergency responder who has specific and verifiable authority for access, supported by documentation; and
- (d) A person authorized in writing or over the phone by that child's parent or guardian such as a family member, family friend, or the child's therapist or health care provider.

(2) A school-age provider must meet capacity, group size, and staff-to-child ratios while children are in care. This includes, but is not limited to:

- (a) Indoor and outdoor play activities;
- (b) Off-site activities;
- (c) During transportation;
- (d) Meal times;
- (e) When children are on different floor levels of the school-age program.

(3) A school-age provider must supervise children in care by:

- (a) Scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;
- (b) Visibly checking children on many occasions with little time in between;
- (c) Positioning themselves to supervise all areas accessible to children;
- (d) Attending to children and being aware of what children are doing at all times;
- (e) Being available and able to promptly assist or redirect a child as necessary; and
- (f) Considering the following when deciding whether increased supervision is needed:
 - (i) Ages of children;
 - (ii) Individual differences and abilities of children;
 - (iii) Layout of the indoor and outdoor licensed space and play area;
 - (iv) The risk associated with the activities children are engaged in; and
 - (v) Any nearby hazards including those in the licensed or unlicensed space.

(4) A school-age program staff member may undertake other activities for a temporary time period when not required to be providing active supervision required under subsection (5)(c) of this section. Such activities include, but are not limited to, cleaning up after an activity or preparing items for a new activity. This school-age staff member must remain in visual or auditory range, and be available and able to respond if needed.

(5) A school-age provider must:

- (a) Not use devices such as audio monitors, video monitors, or mirrors in place of supervision;
- (b) Be able to hear when doors in the immediate area are opened to prevent children from leaving unsupervised;
- (c) Actively supervise children when the children:
 - (i) Interact with pets or animals;
 - (ii) Engage in water or sand play;
 - (iii) Play in an area in close proximity to a body of water;
 - (iv) Use a safe route to access an outdoor play area not immediately adjacent to the school-age program;
 - (v) Engage in planned activities in the kitchen;
 - (vi) Ride on public transportation;
 - (vii) Engage in outdoor play; and
 - (viii) During field trips.

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NEW SECTION

WAC 110-301-0350 Supervising children during water activities.

- (1) During water activities, a school-age provider must meet all supervision requirements of this section and WAC 110-301-0345.
- (2) During water activities, a school-age provider must hold or have continuous touch of children with special needs as required.
- (3) A school-age provider must have written permission for water activities from each child's parent or guardian.
- (4) For water activities on or off the school-age program premises, where the water is more than twenty-four inches deep, a school-age provider must ensure:
 - (a) A certified lifeguard is present and on duty; and
 - (b) At least one additional staff member than would otherwise be required is present to help actively supervise the children.
- (5) A school-age provider must have life-saving equipment readily accessible during water activities if a pool is six feet or more in any direction and two feet or more in depth. Life-saving equipment may include a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity.
- (6) If a school-age provider takes children off-site to an area with an accessible body of water more than four inches deep (for example, a park with a lake or stream) but children are not engaging in a water activity, there must be:
 - (a) At least one more staff person than required in the staff-to-child ratio; and
 - (b) At least one attending staff person must be able to swim.

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NEW SECTION

WAC 110-301-0354 Indoor school-age program space capacity. (1)

To define capacity, licensed indoor school-age program space must have a minimum of thirty-five square feet per child in attendance and further comply with the requirements of this chapter.

(a) Floor space under tables, desks, chairs, and other equipment used as part of children's activities must be included in the overall capacity.

(b) Office or kitchen space that is inaccessible to children and not intended for their use must not be included in the overall capacity.

(2) The following indoor space must not be counted in the overall capacity:

(a) Unlicensed space;

(b) Hallway space that is used for emergency evacuation or is not approved to be used for program activities;

(c) Bathrooms and handwashing sinks;

(d) Laundry areas;

(e) Closets;

(f) Stairways; and

(g) Floor space occupied by shelves, built-in cabinets, file cabinets, desks, or other office equipment not intended to be accessible to children.

(3) A large, licensed indoor gross motor activity space may be used to supplement the requirements of outdoor program space, pursuant to WAC 110-301-0145, if:

(a) The space provides seventy-five square feet per child for the maximum number of children listed on the license or the provider rotates groups of children; and

(b) The space is safe and appropriate for activities otherwise performed in an outdoor play space.

(4) A program may request additional space, such as a library or computer lab, to be licensed without counting in that program's capacity.

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NEW SECTION

WAC 110-301-0356 School-age capacity, ratio, and group size.

(1) The department issues initial or nonexpiring school-age program licenses. The department will not issue a school-age license to care for more children than permitted by the rules in this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each school-age program, licenses state the:

(a) Maximum number of children that may be in care at any one time (total capacity);

(b) Licensed capacity for each space within the school-age program licensed for use by children; and

(c) Age range of children allowed in care.

(2) The department determines capacity for a school-age program after considering:

(a) Square footage of the school-age program;

(b) A provider's education and ongoing training;

(c) The age range of children requested or approved by the department;

(d) The amount of developmentally appropriate equipment, materials, and toys a school-age program can provide children to use;

(e) A provider's licensing history with the department; and

(f) The number of qualified staff available to meet staff-to-child ratios.

(3) A licensee must not exceed the total capacity or age range stated on the school-age program license at any time except as provided in this section. All children on the premises, signed in to the school-age program, on an off-site trip from the school-age program, or being transported by the school-age program staff are counted in capacity including the children of staff.

(a) A licensee must receive department approval to care for a child with special needs, pursuant to WAC 110-301-0300, if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in capacity and staff-to-child ratio.

(b) A child with special needs who requires individualized supervision pursuant to WAC 110-301-0300 counts toward capacity but does not count in the staff-to-child ratio.

(c) A child who turns thirteen years old permitted by chapter 110-15 WAC must be counted in both capacity and staff-to-child ratio.

(4) A licensee must provide qualified staff to fulfill staffing requirements, staff-to-child ratios, and group size during operating hours, including off-site activities or when transporting children in care.

(5) In each classroom or well-defined space, the maximum group size of thirty children and ratio of 1:15 staff members to children, including children related to staff or the licensee, must be met.

Group size may exceed thirty children only for special events such as assemblies or performances.

(6) A licensee must conduct activities for each group of children in a specific room or other defined space within a larger area.

(7) A licensee must provide additional staff as described in WAC 110-301-0350 when children are participating in water activities or activities near water.

(8) When only one staff is required to care for the only group of children on-site for up to an hour at the beginning or end of the day, the licensee must ensure:

(a) The staff member provides an appropriate level of supervision at all times to the children in care;

(b) The staff member is free of all other duties while providing care to children; and

(c) A second individual with a cleared background check is on-site and readily available to respond if needed, or the department approves an alternate plan.

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NEW SECTION

WAC 110-301-0360 Program and daily schedule. (1) A school-age provider must have an established program and daily schedule that is familiar to children.

(2) A schedule must be designed to meet enrolled children's developmental, cultural, and special needs. The daily schedule must:

(a) Offer a variety of activities to meet children's needs, pursuant to WAC 110-301-0150;

- (b) Meet the following daily morning or afternoon active outdoor play time requirements:
- (i) Ten minutes for each one hour of programming for children;
- and
- (ii) Programs that operate more than six hours a day must provide ninety minutes of active play for children (thirty minutes of which may be moderate to vigorous indoor activities).
 - (c) Include scheduled and consistent times for meal service; and
 - (d) Include routine transportation times, if applicable.

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SECTION XIII LICENSING PROCESS

NEW SECTION

WAC 110-301-0400 Application materials. (1) After completing a department orientation, an applicant must submit a complete license application packet, pursuant to chapter 43.216 RCW. A complete license application packet includes:

- (a) Professional and background information about the applicant:
 - (i) A completed department application form for a school-age program;
 - (ii) A copy of the applicant's orientation certificate (orientation must be taken within twelve months of license application);
 - (iii) A Washington state business license or a tribal, county, or city business or occupation license, if applicable;
 - (iv) Liability insurance;
 - (v) Certificate of incorporation, partnership agreement, or similar business organization document, if applicable;
 - (vi) The license fee;
 - (vii) A copy of current government issued photo identification;
 - (viii) A copy of Social Security card or sworn declaration stating that the applicant does not have one;
 - (ix) Employer identification number (EIN) if applicant plans to hire staff; and
 - (x) Employment and education verification. For example: Diploma, transcripts, or a sworn declaration stating that the applicant cannot verify education requirements.
- (b) Information about the facility to be licensed:
 - (i) A floor plan, including use of proposed licensed and unlicensed space, with identified emergency exits and emergency exit pathways;
 - (ii) Certificate of occupancy for any program that is not located on public or private school premises;
 - (iii) For any program that is not located on public or private school premises, documentation, no more than three years old, from a licensed inspector, septic designer, or engineer that states the sep-

tic system and drain field are maintained and in working order, if applicable;

(iv) *E. coli* bacteria and nitrate testing results for well water that is no more than twelve months old, if applicable;

(v) A lead or arsenic evaluation agreement for any program that is not located on public or private school premises and is located in the Tacoma smelter plume (counties of King, Pierce, and Thurston); and

(vi) For any program that is not located on public or private school premises, lead and copper test results for drinking water.

(c) Program days and hours of operation, including closure dates and holiday observances; and

(d) Information about school-age program staff:

(i) List of applicant, and if applicable and known, staff persons and volunteers required to complete the background check process as outlined in chapter 110-06 WAC; and

(ii) Resume for applicant, program director, and site director, if applicable.

(2) An applicant must include the following policy documents with the application, which will be reviewed by the department and returned to the applicant:

(a) Parent and program policies;

(b) Staff policies;

(c) An emergency preparedness plan; and

(d) Health policies.

(3) An applicant must submit the completed application packet at least ninety calendar days prior to the planned opening of the school-age program. The department will inspect the school-age program space and approve all application submissions required in this chapter prior to issuing a license.

(a) The ninety calendar days begins when the department receives a complete application packet.

(b) Incomplete application packets will be returned to the applicant for completion.

(c) An applicant who is unable to successfully complete the application and licensing process within ninety days may withdraw the application and reapply when the applicant is able to meet the licensing requirements. If the applicant has completed the steps of the application process within ninety days but an external barrier out of the applicant's control exists, the reapplication fee will be waived one time.

(d) An applicant who is unable to meet the application requirements and has not withdrawn their application will be denied a license, pursuant to RCW 43.216.325.

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NEW SECTION

WAC 110-301-0401 License fees. (1) The rules establishing licensing fees within this chapter are adopted pursuant to RCW 43.216.300.

(2) The license fee is nonrefundable and is due:

(a) With the applicant's initial license application packet; and

(b) Annually thereafter, thirty calendar days prior to the anniversary date of the license.

(3) Payment must be in the form of a check, credit or debit card, or money order.

(4) The annual licensing fee for school-age programs is one hundred twenty-five dollars for the first twelve children plus twelve dollars for each additional child, or as otherwise set by the legislature.

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NEW SECTION

WAC 110-301-0402 Changing school-age program space or location.

(1) A school-age provider must notify the department prior to making a change to school-age program space or unlicensed space that may impact the health, safety, or welfare of enrolled children. Such changes include, but are not limited to:

(a) (i) Moving the school-age program to a new physical address;

(ii) A school-age provider must submit a complete application, pursuant to WAC 110-301-0400, as soon as the provider plans to move and has an identified new physical address, but not more than ninety calendar days before moving;

(b) Moving the school-age program to a different space or building on the same premises;

(c) A school-age program altering a planned use of space;

(d) Modifying facilities in a way that requires a permit under the Washington state building code or by a local jurisdiction, such as remodeling or renovating school-age program space; and

(e) For any program that does not operate on public or private school premises, changing outdoor play areas, such as adding or altering the type of surface or altering stationary climbing or play equipment.

(2) A school-age provider must submit to the department the new proposed floor plan prior to making changes under subsection (1)(a) through (d) of this section.

(3) A school-age provider planning a change under subsection (1)(a) and (b) of this section, must not move a school-age program until the department has first inspected the new location and determines it meets the requirements in this chapter and RCW 43.216.305.

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NEW SECTION

WAC 110-301-0410 License and program location. (1) An applicant for a license under this chapter must be at least eighteen years old.

(2) A licensee refers to the individual or organization:

(a) Whose name appears on a license issued by the department;

(b) Who is responsible for complying with the standards in this chapter, chapter 43.216 RCW, chapter 110-06 WAC, and other applicable laws and rules; and

(c) Who is responsible for training school-age program staff on the foundational quality standards in this chapter.

(3) School-age program space must be located:

- (a) On a site free from known environmental hazards;
 - (b) In an area where nonemergency services and utilities can serve the school-age program space; and
 - (c) In an area served by emergency fire, medical, and police during the hours the school-age program provides care to children.
- (4) For any program that does not operate on public or private school premises, a school-age provider must prevent enrolled children from being exposed to the following known hazards within and around the licensed premises:
- (a) Lead based paint;
 - (b) Plumbing and fixtures containing lead or lead solders;
 - (c) Asbestos;
 - (d) Arsenic, lead, or copper in the soil or drinking water;
 - (e) Toxic mold; and
 - (f) Other identified toxins or hazards.
- (5) A school-age provider must place address numbers or signage on the outside of the building that contains the school-age program space. The numbers or signage must be legible and plainly visible from the street or road serving the premises.
- (6) A license applicant planning to open a school-age program in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) and not on public or private school premises must contact the state department of ecology (DOE), and complete and sign an access agreement with DOE to evaluate the applicant's property for possible arsenic and lead soil contamination.

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NEW SECTION

- WAC 110-301-0411 License transfer.** (1) Pursuant to RCW 43.216.305(1) and subject to this chapter, a full license issued under chapter 43.216 RCW may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. A current licensee or applicant must apply to transfer a license using forms and methods determined by the department.
- (2) A full license will remain valid and may be transferred to a new licensee if the:
- (a) New licensee meets the requirements in RCW 43.216.305(2); and
 - (b) Department determines before the license transfer the new licensee's child care operation is substantially similar to or an improvement of the originally licensed child care operation.
- (3) To determine whether the new licensee's child care operation is substantially similar to or an improvement of the original child care operation, the department must assess the following factors of the new child care operation:
- (a) The physical environment and all anticipated changes or updates;
 - (b) The qualifications and number of all retained and newly hired staff members;
 - (c) The program operations and all anticipated changes or updates;
 - (d) The relation or connection, if any, between the original and new licensee; and

(e) Whether the new child care operation is able to comply with the licensing requirements described in chapter 43.216 RCW, this chapter, and chapter 110-06 WAC.

(4) The department will determine and disclose to the current licensee and new licensee whether the license is in good standing prior to transferring the license.

(5) At the request of the current licensee or the new licensee, the department will disclose the following license information from the last four years to one or both parties:

(a) A description of any valid complaints;

(b) A description of any instances that the department found non-compliance with the requirements contained in chapter 43.216 RCW, this chapter, and chapter 110-06 WAC;

(c) Safety plans (historical or in effect);

(d) Facility licensing compliance agreements (historical or in effect); and

(e) Enforcement actions levied or pending against this license.

(6) The current licensee or new licensee has the right to appeal the department's denial of a license transfer application by requesting an adjudicative proceeding (or "hearing") pursuant to the hearing rules detailed in chapter 110-03 WAC.

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NEW SECTION

WAC 110-301-0415 Zoning, codes, and ordinances. (1) The department adopts and incorporates by reference the Washington state building code (chapter 19.27 RCW).

(2) School-age program space must comply with the Washington state building code or local building code as enacted at the time of licensure. Facility modifications must comply with WAC 110-301-0402.

(3) Prior to licensing, an applicant whose school-age program does not operate on public or private school premises must contact state, city, and local agencies that regulate the school-age program. A school-age provider must obtain regulations and comply with the direction given by such agencies. These agencies may include, but are not limited to, the Washington state department of labor and industries, the Washington state fire marshal, the Washington state DOH, and local health jurisdictions.

(4) Prior to licensing, an applicant whose school-age program does not operate on public or private school premises must:

(a) Have a certificate of occupancy issued by the local building, planning, or zoning department, or a local equivalent if locality does not have the certificate of occupancy; and

(b) Be inspected and approved by the state fire marshal.

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NEW SECTION

WAC 110-301-0420 Prohibited substances. (1) Chapter 70.160 RCW prohibits smoking in public places and places of employment.

(2) Pursuant to RCW 70.160.050, a school-age provider must:

(a) Prohibit smoking, vaping, or similar activities in licensed indoor space, even during nonbusiness hours;

(b) Prohibit smoking, vaping, or similar activities in licensed outdoor space unless:

(i) Smoking, vaping, or similar activities occurs during nonbusiness hours; or

(ii) In an area for smoking or vaping tobacco products that is not a "public place" or "place of employment," as defined in RCW 70.160.020.

(c) Prohibit smoking, vaping, or similar activities in motor vehicles used to transport enrolled children;

(d) Prohibit smoking, vaping, or similar activities by any provider who is supervising children, including during field trips;

(e) Prohibit smoking, vaping, or similar activities within twenty-five feet from entrances, exits, operable windows, and vents, pursuant to RCW 70.160.075; and

(f) For school-age programs not located on public or private school premises, post "no smoking or vaping" signs. Signs must be clearly visible and located at each building entrance used as part of the school-age program.

(3) A school-age provider must:

(a) Prohibit any person from consuming or being under the influence of alcohol on licensed space during business hours;

(b) Prohibit any person within licensed space from consuming or being under the influence of illegal drugs or prescription drugs to the extent that it interferes with the care of children as required by this chapter;

(c) Store any tobacco or vapor products, or the packaging of tobacco or vapor products in a space that is inaccessible to children;

(d) Prohibit children from accessing cigarette or cigar butts or ashes;

(e) Store any cannabis or associated paraphernalia out of the licensed space and in a space that is inaccessible to children; and

(f) Store alcohol in a space that is inaccessible to children (both opened and closed containers).

(4) A school-age provider must prohibit any person from using, consuming, or being under the influence of cannabis in any form on licensed space.

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NEW SECTION

WAC 110-301-0425 Initial, nonexpiring, dual licenses, and license modification. (1) The department may issue an initial license when a school-age program applicant demonstrates compliance with health and safety requirements of this chapter but may not be in full compliance with all requirements, pursuant to RCW 43.216.315.

(a) An initial license is valid for six months from the date issued.

(b) At the department's discretion, an initial license may be extended for up to three additional six-month periods, not to exceed a total of two years.

(c) The department must evaluate the school-age provider's ability to follow requirements contained in this chapter during the initial license period.

(2) The department may issue a nonexpiring license to a licensee operating under an initial license who demonstrates compliance with the requirements of this chapter during the period of initial licensure, pursuant to RCW 43.216.305.

(3) A licensee must submit annual compliance documents, and must do so at least thirty calendar days prior to that provider's licensing anniversary date. A provider's anniversary date is the date the first initial license was issued. The required annual compliance documents are:

- (a) The annual nonrefundable license fee; and
- (b) A declaration on the department's form indicating:
 - (i) The intent to continue operating a licensed school-age program;
 - (ii) The intent to cease operation as a licensed school-age program;
 - (iii) A change in the school-age program's operational hours or dates; and
 - (iv) The intent to comply with all licensing rules.

(c) Documentation of completed background check applications as determined by the department's established schedule, pursuant to RCW 43.216.270; and

(d) For each individual required to have a background check clearance, the school-age provider must verify current background checks or require the individual to submit a background check application at least thirty calendar days prior to the anniversary date.

(4) If a licensee fails to meet the requirements for continuing a nonexpiring license by their anniversary date, the licensee's current license expires. The school-age provider must submit a new application for licensure, pursuant to RCW 43.216.305(3).

(5) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practices, pursuant to RCW 43.216.305 (4) (a).

(6) A licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring license resulting from a failure to comply with the requirements of this section.

(7) A licensee must have department approval to hold dual licenses (for example: A school-age program license and another care giving license, certification, or similar authorization).

(8) If the department determines that a licensee is not meeting all applicable requirements and regulations the:

- (a) Department and licensee may agree to modify the school-age program license;
- (b) Licensee may give up one of the licenses, certifications, or authorizations; or
- (c) Department may suspend, deny, or revoke the school-age license, pursuant to RCW 43.216.325.

(9) A school-age provider must report within twenty-four hours:

(a) To the department and local authorities: A fire or other structural damage to the school-age program space or other parts of the premises;

(b) To the department:

(i) A retirement, termination, death, incapacity, or change of the program director or site director, or change of ownership or incorporation of a provider;

(ii) When a provider becomes aware of a charge or conviction against themselves, a staff person, or applicable household member, pursuant to WAC 110-06-0043;

(iii) When a provider becomes aware of an allegation or finding of abuse, neglect, maltreatment, or exploitation of a child or vulnerable adult made against themselves or a staff person; and

(iv) Any changes in the school-age program hours of operation to include closure dates.

(10) Prior to increasing capacity of a school-age program, the licensee, program director, or site director must request and be approved to increase capacity by the department.

(11) The licensee, program director, or site director must have state fire marshal or department approval and comply with local building ordinances following a significant change under WAC 110-301-0402

(1)(a) through (d), if applicable.

(12) The licensee, program director, or site director must notify the department within thirty calendar days when liability insurance coverage under RCW 43.216.700 has lapsed or been terminated.

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NEW SECTION

WAC 110-301-0435 Waiver from department rules—WAC. (1) The department cannot waive a requirement of state law (RCW) or federal law.

(2) Pursuant to RCW 43.216.065, the department may approve a waiver from a rule in this chapter if it does not jeopardize the health, safety, or welfare of the children in care.

(3) A school-age provider's request for a waiver from a rule in this chapter must be:

(a) Submitted in writing to the department;

(b) Approved in writing by the department secretary or the secretary's designee prior to the school-age provider implementing the waiver from the rule; and

(c) For a specific program need or child.

(4) A granted waiver may be time specific or may remain in effect for as long as the school-age provider continues to comply with the conditions of the waiver. If the waiver from the rule is time limited, the provider must not exceed the time frame established by the department.

(5) The department may revoke a granted waiver if a licensing rule which was considered in granting the waiver is materially altered or amended.

[]

NEW SECTION

WAC 110-301-0436 Variance from department rules—WAC. (1) The department cannot provide variance from a requirement in state (RCW) or federal law.

(2) Upon written request of an applicant, licensee, program director, or site director the department may grant a variance from a rule in this chapter if the proposed program alternative does not jeopardize the health, safety, or welfare of the children in care.

(3) A request for variance from a rule in this chapter must be:

(a) Submitted in writing to the department;

(b) Approved in writing by the department secretary or the secretary's designee prior to the school-age provider implementing the variance from the rule; and

(c) For a specific program approach or methodology.

(4) A granted variance may be time specific or may remain in effect for as long as the school-age provider continues to comply with the conditions of the variance. If the variance from the rule is time limited, the provider must not exceed the time frame established by the department.

(5) The department may revoke a granted variance if a licensing rule which was considered in granting the variance is materially altered or amended.

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NEW SECTION

WAC 110-301-0440 Facility licensing compliance agreements, non-referral status, probationary license, and provider rights. (1) At the department's discretion, when a school-age provider is in violation of this chapter or chapter 43.216 RCW, a facility licensing compliance agreement (FLCA) may be issued in lieu of the department taking enforcement action. The FLCA must contain:

(a) A description of the violation and the law or rule that was violated;

(b) A proposed plan from the provider or a designee to comply with the law or rule;

(c) The date the violation must be corrected, determined by:

(i) The seriousness of the violation;

(ii) The potential threat to the health, safety, and well-being of the children in care; and

(iii) The number of times the school-age program has violated rules in this chapter or under chapter 43.216 RCW.

(d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and

(e) The signature of the department licensor and the licensee.

(2) A school-age provider must return a copy of the completed FLCA to the department after corrective action has been completed and by the date indicated.

(3) A school-age provider may request an internal review process regarding the violation of department rules pursuant to RCW 43.216.395.

- (4) In an enforcement action against a school-age program or provider, the provider has the right to refuse to:
- (a) Accept or sign a FLCA.
 - (b) Agree to a probationary license.
- (5) If a school-age provider refuses a FLCA or probationary license, this may result in any of the following enforcement actions:
- (a) Modification of the license;
 - (b) Noncontinuation of a nonexpiring license;
 - (c) Suspension of the license;
 - (d) Revocation of the license; or
 - (e) Civil penalties.
- (6) The department may place a school-age provider on nonreferral status, pursuant to RCW 43.216.325(4), in addition to or in lieu of an enforcement action under this chapter.
- (7) A probationary license may be issued to a school-age provider or program operating under a nonexpiring license as part of a corrective action plan. Prior to issuing a probationary license, the department must refer the program or provider for technical assistance, pursuant to RCW 43.216.320(2).
- (8) A department decision to issue a probationary license is based on a school-age program or provider's:
- (a) Negligent or intentional noncompliance with the licensing rules;
 - (b) History of noncompliance with licensing rules;
 - (c) Current noncompliance with licensing rules;
 - (d) Fire safety inspection or health and sanitation inspection report that failed to gain approval;
 - (e) Use of unauthorized space for the school-age program;
 - (f) Inadequate supervision of children;
 - (g) Understaffing for the number of children in care;
 - (h) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation or personal hygiene practices; and
 - (i) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.216 RCW.
- (9) When the department issues a probationary license, the school-age provider must:
- (a) Provide notice of the probationary license and a copy of the department's probationary licensing agreement to the parents or guardians of enrolled children within five business days of receiving the probationary license;
 - (b) Provide documentation to the department that parents or guardians of enrolled children have been notified within ten business days of receiving the probationary license;
 - (c) Inform new parents or guardians of the probationary status before enrolling their children into care;
 - (d) Return the school-age program's nonexpiring license to the department; and
 - (e) Post documentation of the approved written probationary license as required by RCW 43.216.687.
- (10) Pursuant to RCW 43.216.689, a school-age provider must have inspection reports and notices of enforcement actions for the past three years readily available for review by the department, parents, guardians, and the public.

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NEW SECTION**WAC 110-301-0443 Enforcement actions, notice, and appeal.** (1)

Pursuant to RCW 43.216.325, the department is authorized to take enforcement actions when a school-age provider fails to comply with this chapter or chapter 43.216 RCW. Enforcement actions are taken pursuant to RCW 43.216.020, 43.216.065, and 43.216.250. Enforcement actions include civil monetary penalties (fines) and the denial, suspension, revocation, modification, or nonrenewal of a license.

(2) A school-age provider subject to an enforcement action has the right to appeal by requesting an adjudicative proceeding (or "hearing") pursuant to chapter 110-03 WAC, DCYF hearing rules.

(3) The department must issue a notice of violation to a school-age provider when taking enforcement actions. A notice of violation must be sent by certified mail or personal service and must include:

- (a) The reason why the department is taking the action;
- (b) The rules the provider failed to comply with;
- (c) The provider's right to appeal enforcement actions; and
- (d) How the provider may appeal and request a hearing.

(4) Fines must not exceed two hundred fifty dollars per day per violation for school-age programs, or as otherwise set by the legislature. Fines may be:

- (a) Assessed and collected with interest for each day a violation occurs;
- (b) Imposed in addition to other enforcement actions; and
- (c) Withdrawn or reduced if a school-age provider comes into compliance during the notification period.

(5) A school-age provider must pay fines within twenty-eight calendar days after receiving a notice of violation unless:

- (a) The office of financial recovery establishes a payment plan for the provider; or
- (b) A later due date is specified on the notice of violation, pursuant to RCW 43.216.335(2); or
- (c) The provider requests a hearing, pursuant to chapter 110-03 WAC, DCYF hearing rules and RCW 43.216.335(3).

(6) The department may suspend or revoke a license if a school-age provider fails to pay a fine within twenty-eight calendar days or becomes delinquent in making payments, pursuant to RCW 43.216.327 and 43.216.335. If a provider's license is due for annual compliance, the department may elect not to continue the license for failure to pay a fine.

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**SECTION XIV
RECORDS, POLICIES, REPORTING AND POSTING**

NEW SECTION

WAC 110-301-0450 Parent or guardian handbook and related policies. (1) A school-age provider must supply to each parent or guardian written policies regarding the school-age program. Each enrolled child's record must have signed documentation stating the parent or guardian reviewed the handbook and school-age program policies.

(2) A school-age provider must have and follow formal written policies in either paper or electronic format, including:

- (a) A nondiscrimination statement;
- (b) A family engagement and partnership communication plan;
- (c) A parent or guardian's permission for photography, videotaping, or surveillance of their child;
- (d) Alcohol, tobacco, cannabis use and prohibition of illegal drugs;
- (e) Program philosophy pursuant to WAC 110-301-0305, and how this philosophy is implemented;
- (f) Child guidance plan, which includes restraint policies and forbidding corporal punishment;
- (g) Expulsion policy;
- (h) School-age program staff-to-child ratios and classroom or age grouping types offered, if applicable;
- (i) If the school-age program offers any of the following, they must include a policy for each that applies to their program:
 - (i) Care for children with specific or special needs;
 - (ii) Dual language learning;
 - (iii) Religious and cultural activities, including how holidays will be celebrated;
 - (iv) Transportation and off-site field trips; and
 - (v) Water activities.
- (j) Program days and hours of operation, including closure dates and observed holidays;
- (k) Enrollment and disenrollment requirements;
- (l) Fees and payment plans;
- (m) Sign-in and sign-out requirements;
- (n) Information required for the child's record, including:
 - (i) The importance and plan for keeping the information current;
 - (ii) A plan to keep the child's information confidential; and
 - (iii) Who may legally access the child's information.
- (o) What parents or guardians must supply for their child, if applicable (for example: Extra clothing);
- (p) Permission for a parent or guardian's access to areas of the school-age program during business hours;
- (q) Termination of services policy;
- (r) Emergency preparedness plan;
- (s) The school-age provider and program staff's duty to report incidents including reporting suspected child abuse, neglect, sexual abuse, or maltreatment;
- (t) Description of where the parent or guardian may find and review the school-age program's:
 - (i) Health policy;
 - (ii) Staff policies;
 - (iii) Consistent care policy;
 - (iv) Menus;
 - (v) Liability insurance;
 - (vi) Inspection reports and notices of enforcement actions, if applicable; and

(vii) Other relevant program policies.

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NEW SECTION

WAC 110-301-0455 Attendance records. (1) A school-age provider may keep a child in care up to a maximum of ten hours each day. If needed, the maximum time may be extended based upon the parent or guardian's work, an agreed upon alternate schedule, or travel to and from the school-age program.

(2) A school-age provider must keep daily child attendance records, either in paper or electronic format, for each child (including the children of staff in the program). These records must be easily accessible and kept on-site or in the program's administrative office for department review. These records must clearly document:

(a) The name of the child;

(b) The date of care;

(c) Child arrival and departure times from the school-age program;

(d) Signature or electronic signature of parent, guardian or other authorized person at the time of arrival and departure; and

(e) A staff signature when a child leaves the school-age program to attend school or participate in off-site activities not offered by the school-age program.

(3) A school-age provider must keep daily staff attendance records for each classroom or group of children. These attendance records must be on paper or in an electronic format and clearly document:

(a) The name of each staff member (including staff assigned to care for children with special needs and one-on-one care) and volunteers;

(b) The number of children in each classroom or with each group of children;

(c) The staff-to-child ratio;

(d) The date; and

(e) Start and end times of the assigned staff or volunteers.

(4) If the attendance records are kept electronically, the electronic system must:

(a) Record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent, guardian, or authorized person when signing the child in or out of care (or staff notation of who picked up or dropped off along with time in and out if authorized person does not have electronic signature, swipe card, PIN, biometric reader or similar action);

(b) Ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against disproof of the electronic records;

(c) Be able to produce an authentic, verifiable and uniquely identified written record for each transaction;

(d) Be able to authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered;

(e) Be able to capture an electronic record for each transaction conducted;

- (f) Be able to retain the electronic record in an accessible form for their legal minimum retention period;
 - (g) Be able to search and retrieve electronic records in the normal course of business; and
 - (h) Be able to perform in an accurate, reliable, and consistent manner in the normal course of business.
- (5) Electronic attendance records must contain information necessary to reproduce the entire electronic record and associated signatures in a form that permits a person viewing or printing the entire electronic record to verify the:
- (a) Contents of the electronic record;
 - (b) Person signing the electronic record; and
 - (c) Date signatures were executed.

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NEW SECTION

- WAC 110-301-0460 Child records.** (1) A school-age provider must keep current individualized enrollment and health records for all enrolled children, including children of staff, updated annually or more often as health records are updated.
- (a) A child's record must be kept in a confidential manner but in an area easily accessible to staff.
 - (b) A child's parent or guardian must be allowed access to all of their own child's records.
- (2) Each child's enrollment record must include the following:
- (a) The child's birth date;
 - (b) An enrolled child's parent or guardian's phone number, address, and contact information for reaching the family while the child is in care;
 - (c) Emergency contact information. If no emergency contact is available, a written and signed emergency contact plan may be accepted;
 - (d) Names and phone numbers of persons authorized to pick up enrolled children;
 - (e) A plan for special or individual needs of the child, if applicable, including parent or guardian signature, pursuant to WAC 110-301-0300;
 - (f) Signed parent or guardian permissions, pursuant to WAC 110-301-0450 as applicable for:
 - (i) Field trips;
 - (ii) Transportation;
 - (iii) Water activities including swimming pools or other bodies of water; and
 - (iv) Photo, video, or surveillance activity.
 - (g) The beginning and end enrollment date for children no longer in the school-age program's care;
 - (h) Physical restraint documentation pursuant to WAC 110-301-0335, if applicable;
 - (i) Expulsion information, documentation, and steps taken to avoid expulsion; and
 - (j) Termination of services documentation and communication.

(3) Each child's health record and the information described in subsection (2)(a) through (e) of this section must be available to staff for medical administration or emergencies.

(4) A health record is required for every child who is enrolled and counted in a school-age program's capacity. A health record must include:

- (a) An immunization record, pursuant to WAC 110-301-0210;
- (b) The child's health history including any known health conditions and the child's individual care plan, if applicable;
- (c) A medication authorization and administration log, pursuant to WAC 110-301-0215, if applicable;
- (d) Documentation of special medical procedure training by parent or guardian, if applicable;
- (e) Medical and dental care provider names and contact information or what facility the parent or guardian would prefer for treatment;
- (f) Dates of the child's last physical exam and dental exam, if available;
- (g) Consent to seek medical care and treatment of the child in the event of injury or illness, signed by the child's parent or guardian;
- (h) Signed parent or guardian permission for visiting health professionals who provide direct services to children at the school-age program;
- (i) An incident or injury report, pursuant to 110-301-0475, that includes:
 - (i) The date and description of the child's incident or injury;
 - (ii) Treatment provided to the child while in care;
 - (iii) The names of the school-age program staff providing the treatment; and
 - (iv) Evidence that a copy of the incident or injury report was given to the child's parent or guardian.
- (j) Documentation that a provider reported food poisoning or contagious diseases to the local health jurisdiction or the DOH, if applicable.

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NEW SECTION

WAC 110-301-0465 Retaining facility and program records. (1) A school-age provider must keep the records required in this chapter for a minimum of three years unless otherwise indicated.

(2) Attendance records must be kept for a minimum of five years.

(3) Facility and program records from the previous twelve months must be easily accessible and kept on-site or in the program's administrative office for department or other state agency's review.

(4) Records older than twelve months must be provided within two weeks of a written request by the department.

(5) A school-age provider must keep the following records available for department review:

- (a) The parent or guardian handbook;
- (b) Food temperature logs pursuant to CACFP, if applicable;
- (c) Child incident and illness logs;

- (d) Vaccination records for pets or animals that are housed in the school-age program, accessible to children during program operating hours, or both;
- (e) Car insurance policy, if applicable;
- (f) Program planning schedule;
- (g) Documents from department visits (inspections, monitoring, compliance agreements, and safety plans); and
- (h) Waivers or variances from department rules, if applicable.
- (6) For any program that does not operate on public or private school premises, a school-age provider must keep the following records available for department review:
 - (a) Furniture and play equipment forms and specifications;
 - (b) Chromated copper arsenate test results, if applicable;
 - (c) Annual fire inspection by qualified fire professional, if applicable;
 - (d) Monthly inspection to identify fire hazards and elimination of such hazards;
 - (e) Monthly testing of smoke and carbon monoxide detectors;
 - (f) Monthly fire extinguisher inspection and annual maintenance;
 - (g) Lead and copper testing results;
 - (h) Private well and septic systems inspection and testing results, if applicable;
 - (i) Cleaning log for large area rugs or carpets;
 - (j) Pesticide use (seven years); and
 - (k) Tacoma smelter inspection results.

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NEW SECTION

- WAC 110-301-0470 Emergency preparedness plan.** (1) A school-age provider must have and follow a written emergency preparedness plan. The plan must be reviewed and approved by the department prior to when significant changes are made. Emergency preparedness plans must:
- (a) Be designed to respond to fire, natural disasters, and other emergencies that might affect the school-age program;
 - (b) Be specific to the school-age program and able to be implemented during hours of operation;
 - (c) Address what the provider would do if the provider has an emergency and children may be left unsupervised;
 - (d) Address what the school-age program must do if parents or guardians are not able to get to their children for up to three days;
 - (e) Must follow requirements in chapter 212-12 WAC, Fire marshal standards, and the state fire marshal's office requirements;
 - (f) Be reviewed at program orientation, annually with all school-age program staff with documented signatures, and when the plan is updated; and
 - (g) Be reviewed with parents or guardians when a child is enrolled and when the plan is updated.
- (2) The written emergency preparedness plan must cover at a minimum:
- (a) Disaster plans, including fires that may require evacuation:
 - (i) An evacuation floor plan that identifies room numbers or names of rooms, emergency exit pathways, and emergency exit doors;
 - (ii) Methods to be used for sounding an alarm and calling 911;

- (iii) Actions to be taken by a person discovering an emergency;
- (iv) How the school-age provider will evacuate children, especially those who cannot walk independently. This may include children with disabilities, functional needs requirements, or other special needs;
- (v) Where the alternate evacuation location is;
- (vi) What to take when evacuating children, including:
 - (A) First-aid kits;
 - (B) Copies of emergency contact information;
 - (C) Child medication records; and
 - (D) Individual children's medication, if applicable.
- (vii) How the provider will maintain the required staff-to-child ratio and account for all children;
- (viii) How parents or guardians will be able to contact the school-age program; and
- (ix) How children will be reunited with their parents or guardians after the event.
 - (b) Earthquake procedures including:
 - (i) What a provider will do during an earthquake;
 - (ii) How a provider will account for all children; and
 - (iii) For any program not located on public or private school premises, how a provider will coordinate with local or state officials to determine if the licensed space is safe for children after an earthquake.
 - (c) Public safety related lockdown scenarios where an individual at or near a school-age program is harming or attempting to harm others with or without a weapon. This plan must include lockdown of the school-age program or shelter-in-place steps including:
 - (i) How doors and windows will be secured to prevent access, if needed; and
 - (ii) Where children will safely stay inside the school-age program.
 - (d) How parents or guardians will be contacted after the emergency ends.
- (3) A school-age provider must keep on the premises a three-day supply of food, water, and life-sustaining medication for the licensed capacity of children and current staff for use in case of an emergency. If a program is located in a public or private school building with an existing three-day supply of food and water that would sustain the school-age program's licensed capacity of children and staff, the school-age provider may submit to the department documentation from the school verifying the school agrees to allow the school-age program to access and use the three-day supply of food and water in an emergency.
- (4) A school-age provider must practice and record emergency drills with staff and children as follows:
 - (a) Fire and evacuation drill once each calendar month;
 - (b) Earthquake, lockdown, or shelter-in-place drill once every three calendar months;
 - (c) Emergency drills must be conducted with a variety of staff and at different times of the day; and
 - (d) Drills must be recorded on a department form and include:
 - (i) The date and time of the drill;
 - (ii) The number of children and staff who participated;
 - (iii) The length of the drill; and
 - (iv) Notes about how the drill went and how it may be improved.

(5) In areas where local emergency plans are already in place, such as school districts, a school-age program may adopt or amend such procedures when developing their own plan.

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NEW SECTION

WAC 110-301-0475 Duty to protect children and report incidents.

(1) Pursuant to RCW 26.44.030, when a school-age provider has reasonable cause to believe that a child has suffered abuse or neglect, that provider must report such incident, or cause a report to be made, to the proper law enforcement agency or the department. "Abuse or neglect" has the same meaning here as in RCW 26.44.020.

(2) A school-age provider must report by telephone to the listed individuals, department, and other government agencies when the provider knows or has reason to know of an act, event, or occurrence described in (a) through (f) of this subsection.

(a) Law enforcement or the department at the first opportunity, but in no case longer than forty-eight hours:

(i) The death of a child while in the school-age program's care or the death from injury or illness that may have occurred while the child was in care;

(ii) A child's attempted suicide or talk about attempting suicide;

(iii) Any suspected physical, sexual or emotional child abuse;

(iv) Any suspected child neglect, child endangerment, or child exploitation;

(v) A child's disclosure of sexual or physical abuse; or

(vi) Inappropriate sexual contact between two or more children.

(b) Emergency services (911) immediately, and to the department within twenty-four hours:

(i) A child missing from care, triggered as soon as staff realizes the child is missing;

(ii) A medical emergency that requires immediate professional medical care;

(iii) A child who is given too much of any oral, inhaled, or injected medication;

(iv) A child who took or received another child's medication;

(v) A fire or other emergency;

(vi) Poisoning or suspected poisoning; or

(vii) Other dangers or incidents requiring emergency response.

(c) Washington poison center immediately after calling 911, and to the department within twenty-four hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication;

(iii) A child who took or received another child's medication; or

(iv) The provider must follow any directions provided by Washington poison center.

(d) The local health jurisdiction or the DOH immediately, and to the department within twenty-four hours about an occurrence of food poisoning or reportable contagious disease as defined in chapter 246-110 WAC;

(e) The department at the first opportunity, but in no case longer than twenty-four hours, upon knowledge of any person required by chapter 110-06 WAC to have a change in their background check history due to:

(i) A pending charge or conviction for a crime listed in chapter 110-06 WAC;

(ii) An allegation or finding of child abuse, neglect, maltreatment, or exploitation under chapter 26.44 RCW or chapter 110-30 WAC;

(iii) An allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or

(iv) A pending charge or conviction of a crime listed in the secretary's list in chapter 110-06 WAC from outside Washington state, or a "negative action" as defined in RCW 43.216.010.

(f) A child's parent or guardian as soon as possible, but no later than the release of the child at the end of the day, and to the department within twenty-four hours, about using physical restraint on a child as described in WAC 110-301-0335.

(3) In addition to reporting to the department by phone or email, a school-age provider must submit a written incident report of the following on a department form within twenty-four hours:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or the DOH;

(b) Situations that occur while children are in care that may put children at risk including, but not limited to, inappropriate sexual touching, neglect, physical abuse, maltreatment, or exploitation; and

(c) A serious injury to a child in care.

(4) A school-age provider must immediately report to the parent or guardian:

(a) Their child's death, serious injury, need for emergency or poison services; or

(b) An incident involving their child that was reported to the local health jurisdiction or the DOH.

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NEW SECTION

WAC 110-301-0480 Transportation and off-site activity policy.

(1) A school-age provider must have and follow a transportation and off-site activity policy for personal or public transportation service, or nonmotorized travel offered to children in care.

(a) The transportation and off-site activity policy must include routine trips, which must not exceed two hours in a vehicle per day for any individual child.

(b) Written parent or guardian authorization to transport the parent or guardian's child. The written authorization must be:

(i) A specific event, date, and anticipated travel time;

(ii) A specific type of trip (for example, transporting to and from school, or transporting to and from a field trip); or

(iii) A full range of trips a child may take while in the school-age provider's care.

(c) Written notices to parents or guardians, to be given at least twenty-four hours before field trips are taken.

(2) During travel to an off-site activity, a school-age provider must:

- (a) Have the health history, appropriate medication (if applicable), emergency information, and emergency medical authorization forms accessible for each child being transported;
 - (b) Have a phone to call for emergency help;
 - (c) Have a complete first-aid kit;
 - (d) Maintain the staff-to-child ratio and active supervision requirements;
 - (e) Have current first aid and CPR certification pursuant to WAC 110-301-0106(9);
 - (f) Take attendance using a roll call or other method that assures all children are accounted for each time children begin and end travel to an off-site activity, and every time children enter and exit a vehicle; and
 - (g) Never leave children unattended in the vehicle.
- (3) When a school-age provider supplies the vehicle to transport children in care, the program and provider must:
- (a) Follow chapter 46.61 RCW, Rules of the road, and other applicable laws regarding child restraints and car seats;
 - (b) Assure that the number of passengers does not exceed the seating capacity of the vehicle;
 - (c) Maintain the vehicle in good repair and safe operating condition;
 - (d) Maintain the vehicle temperature at a comfortable level to children;
 - (e) Assure the vehicle has a current license and registration as required by Washington state transportation laws;
 - (f) Assure the vehicle has emergency reflective triangles or other devices to alert other drivers of an emergency;
 - (g) Assure the driver has a valid driver's license for the type of vehicle being driven and a safe driving record for at least the last five years;
 - (h) Prevent any driver with a known condition that would compromise driving, supervision, or evacuation capabilities from operating program vehicles; and
 - (i) Have a current insurance policy that covers the driver, the vehicle, and all occupants.

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NEW SECTION

- WAC 110-301-0485 Termination of services policy.** (1) A school-age provider must have and follow a termination of services policy.
- (2) A school-age provider may terminate a child's services due to that child's parent or guardian's inability to meet the expectations and requirements of the school-age program. Expectations and requirements of the program may include unpaid bills, continual late arrivals, or a parent, guardian or family member's inappropriate or unsafe behavior in or near school-age program space.

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NEW SECTION

WAC 110-301-0486 Expulsion policy. (1) A school-age provider must have and follow an expulsion policy, pursuant to WAC 110-301-0340.

(2) An expulsion policy must:

(a) Provide examples of behavior that could lead to expulsion from the school-age program;

(b) Detail steps the provider takes to avoid expelling a child including, but not limited to, environmental and staffing changes;

(c) Detail how the provider communicates to the parent or guardian of a child the steps taken under (b) of this subsection; and

(d) Include information that may benefit an expelled child including, but not limited to, community based resources.

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NEW SECTION

WAC 110-301-0490 Child restraint policy. (1) A school-age provider must have and follow a child restraint policy that contains behavior management and practices, pursuant to WAC 110-301-0335.

(2) A restraint policy must be:

(a) Appropriate for children's developmental level, abilities, and language skills;

(b) Directly related to the child's behavior; and

(c) Designed to be consistent, fair, and positive.

(3) Program directors, site directors, lead teachers and other appropriate staff members must be trained annually in the program's child restraint policy.

(4) Only trained staff may restrain a child in care in accordance with WAC 110-301-0335.

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NEW SECTION

WAC 110-301-0495 Consistent care policy. A school-age program must have and follow a policy that promotes the consistent care of children with a goal of building long-term, trusting relationships.

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NEW SECTION

WAC 110-301-0500 Health policy. (1) A school-age provider must have and follow a written health policy reviewed and approved by the department that includes the topics listed in subsection (2) of this section. The health policy must be reviewed and approved by the department when changes are made, and as otherwise necessary.

- (2) A school-age program's health policy must meet the requirements of this chapter including, but not limited to:
- (a) A prevention of exposure to blood and bodily fluids plan;
 - (b) Meals, snacks, and food services including guidelines for food allergies and food brought from home;
 - (c) Handwashing and hand sanitizer use;
 - (d) Observing children for signs of illness daily;
 - (e) Exclusion and return of ill children, staff, or any other person in the program space;
 - (f) Contagious disease notification;
 - (g) Medical emergencies, injury treatment and reporting;
 - (h) Immunization tracking;
 - (i) Medication management, storage, administration and documentation;
 - (j) Care for pets and animals that have access to licensed space and the health risks of interacting with pets and animals;
 - (k) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, toileting equipment, and laundry will be cleaned, sanitized and disinfected;
 - (l) Pest control policies; and
 - (m) Caring for children with special needs or health needs, including allergies, as listed in the child's record.

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NEW SECTION

- WAC 110-301-0505 Postings.** (1) Postings listed in subsection (2) of this section that are part of a school-age program must be clearly visible to parents, guardians, and school-age program staff.
- (2) Postings on school-age premises must include:
- (a) The school-age program license, pursuant to WAC 110-301-0010;
 - (b) Floor plan with emergency routes and exits identified in each school-age program area, pursuant to WAC 110-301-0400 (1)(b)(i) and 110-301-0470 (2)(a)(i);
 - (c) Dietary restrictions, known allergies, and nutrition requirements, if applicable, in a location easily accessible for staff but not available to those who are not parents or guardians of the enrolled child, pursuant to WAC 110-301-0186(1);
 - (d) Handwashing practices at each handwashing sink, pursuant to WAC 110-301-0200(1);
 - (e) Pesticide treatment, if applicable, pursuant to RCW 43.216.280 and 17.21.410 (1)(d);
 - (f) Emergency numbers and information including, but not limited to:
 - (i) 911 or emergency services number;
 - (ii) Name, address, and directions from the nearest arterial street or nearest cross street to the facility;
 - (iii) The department's toll-free number;
 - (iv) Washington poison center toll-free number; and
 - (v) The department's child protective services.
 - (g) The location of emergency medical information for children and staff;

(h) A notice of any current or pending enforcement action, including probationary licenses pursuant to RCW 43.216.687. Notice must be posted:

(i) Immediately upon receipt; and

(ii) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.

(i) "No smoking" and "no vaping" signs, pursuant to WAC 110-301-0420 (2) (f);

(j) A copy of a department approved waiver or variance from a rule of this chapter, if applicable. Waivers or variances must be posted for parent or guardian view when related to the overall program (not related to any specific child), and as long as the waiver or variance is approved;

(k) Notice that insurance coverage has lapsed or been terminated, if applicable, pursuant to RCW 43.216.700; and

(l) Any other information listed in RCW 43.216.687.

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OTS-2894.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 110-305-0001	Authority.
WAC 110-305-0005	Intent.
WAC 110-305-0010	Definitions.
WAC 110-305-0050	Special needs accommodations.
WAC 110-305-1000	License required.
WAC 110-305-1001	License transfers.
WAC 110-305-1035	Fire inspection/certification.
WAC 110-305-1050	The licensee.
WAC 110-305-1075	Child care subsidy.
WAC 110-305-1100	Tribal or military regulated or operated child care—Certification for payment.
WAC 110-305-1125	Orientation required.
WAC 110-305-1200	Background checks.
WAC 110-305-1250	Licensing process—Application materials and fees.
WAC 110-305-1275	Licensing process—Application processing.
WAC 110-305-1325	Background check fees.
WAC 110-305-1350	Liability insurance coverage.

WAC 110-305-1360 Lead and arsenic hazards—Tacoma smelter plume.

WAC 110-305-1370 Safe water sources.

WAC 110-305-1410 Department inspection.

WAC 110-305-1430 Initial license.

WAC 110-305-1450 Nonexpiring license.

WAC 110-305-1525 Change in circumstances.

WAC 110-305-1625 Exception to rule.

WAC 110-305-1710 Program director.

WAC 110-305-1715 Site coordinator.

WAC 110-305-1720 Lead teachers.

WAC 110-305-1730 Program assistants.

WAC 110-305-1735 Volunteers.

WAC 110-305-1745 Staff meetings.

WAC 110-305-1750 Tuberculosis.

WAC 110-305-1775 Basic STARS training.

WAC 110-305-1800 Ongoing training.

WAC 110-305-1820 Program provided training.

WAC 110-305-1825 First-aid and cardiopulmonary resuscitation (CPR) certification.

WAC 110-305-1850 HIV/AIDS training—Bloodborne pathogens plan.

WAC 110-305-1925 Assistants and volunteers—Supervision.

WAC 110-305-2000 Recordkeeping—Records available to the department.

WAC 110-305-2025 Child records—Confidentiality.

WAC 110-305-2050 Child records—Contents.

WAC 110-305-2075 Staff records.

WAC 110-305-2125 Child attendance records—Staff-to-child ratio records.

WAC 110-305-2150 Facility records.

WAC 110-305-2175 Materials that must be posted.

WAC 110-305-2200 Reporting incidents to 911 (emergency services).

WAC 110-305-2225 Reporting incidents to Washington poison center.

WAC 110-305-2250 Reporting incidents to a child's parent or guardian and the department.

WAC 110-305-2275 Other incident reporting to the department.

WAC 110-305-2300 Reporting to DSHS children's administration intake.

WAC 110-305-2325 Notifiable conditions.

WAC 110-305-2350 Policies.

WAC 110-305-2375 Parent/guardian policies (handbook).
WAC 110-305-2400 Program/operations policies.
WAC 110-305-2425 Staff policies.
WAC 110-305-2450 Off-site activity policy.
WAC 110-305-2575 Combustible and flammable materials.
WAC 110-305-2600 Furnaces, other heating devices and appliances with hot surfaces.
WAC 110-305-2625 Electrical motors.
WAC 110-305-2675 Open flame devices, candles, matches and lighters.
WAC 110-305-2700 Emergency flashlight.
WAC 110-305-2725 Portable heaters and generators.
WAC 110-305-2775 Telephone.
WAC 110-305-2825 Fire evacuation plan.
WAC 110-305-2850 Disaster plan.
WAC 110-305-2875 Fire, disaster training for staff and volunteers.
WAC 110-305-2900 Emergency drills.
WAC 110-305-2925 Record of emergency drills.
WAC 110-305-2975 Additional method to sound an alarm.
WAC 110-305-3000 Fire extinguishers.
WAC 110-305-3200 Health plan.
WAC 110-305-3210 Contagious disease procedure.
WAC 110-305-3250 Immunization tracking.
WAC 110-305-3275 Accepting a child who does not have current immunizations.
WAC 110-305-3300 Immunizations—Exemption.
WAC 110-305-3315 Medication management.
WAC 110-305-3325 Medication storage.
WAC 110-305-3375 Medication permission.
WAC 110-305-3425 Medication requirements.
WAC 110-305-3450 Sedating a child prohibited.
WAC 110-305-3475 Prescription medication.
WAC 110-305-3525 Nonprescription medications.
WAC 110-305-3550 Children taking their own medication.
WAC 110-305-3575 Injuries requiring first aid only.
WAC 110-305-3600 Injuries or illness requiring professional medical treatment.
WAC 110-305-3625 Handwashing procedure.
WAC 110-305-3635 When handwashing is required.
WAC 110-305-3650 Hand sanitizers.
WAC 110-305-3700 Carpets.
WAC 110-305-3850 Cleaning laundry.

WAC 110-305-3875	Cleaning and sanitizing toys.
WAC 110-305-3925	Cleaning, sanitizing, and disinfecting table.
WAC 110-305-3950	Pest control.
WAC 110-305-4000	Lead, asbestos, arsenic and other hazards.
WAC 110-305-4025	Drugs and alcohol.
WAC 110-305-4050	No smoking.
WAC 110-305-4075	First-aid kit.
WAC 110-305-4100	Poisons, chemicals and other substances.
WAC 110-305-4200	Toys, equipment, and recalled items.
WAC 110-305-4225	Indoor licensed space—Minimum space.
WAC 110-305-4250	Indoor temperature.
WAC 110-305-4275	Fans, air conditioning or cross ventilation.
WAC 110-305-4300	Window coverings.
WAC 110-305-4350	Electrical outlets, cords and power strips.
WAC 110-305-4360	Area lighting.
WAC 110-305-4375	Lighting safety.
WAC 110-305-4475	Emergency exit pathways.
WAC 110-305-4550	Windows.
WAC 110-305-4625	Toileting facility.
WAC 110-305-4635	Handwashing sinks.
WAC 110-305-4650	Bathroom floors.
WAC 110-305-4700	Water temperature.
WAC 110-305-4725	Guns and other weapons.
WAC 110-305-4750	Storage for each child's belongings.
WAC 110-305-4800	Pet and other animal policy.
WAC 110-305-4850	Pet and other animal health and safety.
WAC 110-305-4875	Pets and other animals interacting with children.
WAC 110-305-4900	Pet and other animal wastes.
WAC 110-305-4925	Licensed outdoor space.
WAC 110-305-4950	Playground equipment—Ground cover—Fall zones.
WAC 110-305-5000	Play equipment.
WAC 110-305-5050	Bouncing equipment prohibited.
WAC 110-305-5100	Outdoor supervision.
WAC 110-305-5125	Outdoor areas and daily physical activities.
WAC 110-305-5150	Water safety and activity.
WAC 110-305-5175	Wading pools—Defined—Supervision.

WAC 110-305-5200	Swimming pools defined—Barriers and supervision.
WAC 110-305-5225	Bodies of water or water hazards on the licensed premises.
WAC 110-305-5250	Bodies of water outside and near licensed space.
WAC 110-305-5600	Staff-to-child ratio.
WAC 110-305-5625	Capacity.
WAC 110-305-5725	Groups.
WAC 110-305-5750	Supervising children.
WAC 110-305-5800	Orientation for staff.
WAC 110-305-6000	Interactions with children.
WAC 110-305-6025	Prohibited interactions.
WAC 110-305-6050	Guidance and discipline.
WAC 110-305-6075	Positive options for discipline.
WAC 110-305-6100	Separating a child from the group.
WAC 110-305-6125	Preventing harmful or aggressive acts.
WAC 110-305-6150	Prohibited actions.
WAC 110-305-6175	Using alternate methods before using physical restraint.
WAC 110-305-6200	Physical restraint—Prohibited uses or methods.
WAC 110-305-6225	Physical restraint—Holding method allowed.
WAC 110-305-6250	Notice and documenting use of physical restraint.
WAC 110-305-6275	Abuse and neglect—Protection and training.
WAC 110-305-6400	Off-site activities—Parent or guardian permission.
WAC 110-305-6425	Off-site activity supervision.
WAC 110-305-6450	Off-site activity—Emergency information and supplies.
WAC 110-305-6475	Transportation.
WAC 110-305-6500	Using public transportation.
WAC 110-305-6550	Typical daily schedule.
WAC 110-305-6575	Activities to promote child growth and development.
WAC 110-305-6600	Equipment and play materials.
WAC 110-305-6625	Art materials.
WAC 110-305-6650	Screen time.
WAC 110-305-6675	Screen time—Limitations.
WAC 110-305-6775	Diversity.
WAC 110-305-7500	Food and milk must meet USDA guidelines.

WAC 110-305-7515 Menus and dietary restrictions.
WAC 110-305-7525 Parent or guardian-provided food.
WAC 110-305-7530 Food sources.
WAC 110-305-7575 Drinking water.
WAC 110-305-7580 Drinking fountains.
WAC 110-305-7625 Meal and snack schedule.
WAC 110-305-7650 Serving foods.
WAC 110-305-7675 Food worker card.
WAC 110-305-7680 Safe food handling.
WAC 110-305-7700 Washing dishes.
WAC 110-305-7725 Food containers and utensils.
WAC 110-305-7750 Food preparation area.
WAC 110-305-7800 Food storage.
WAC 110-305-7825 Satellite kitchens.
WAC 110-305-8000 Facility licensing compliance agreements.

WAC 110-305-8010 Nonreferral status.
WAC 110-305-8025 Time period for correcting a violation.
WAC 110-305-8050 Civil monetary penalties (fines).
WAC 110-305-8060 When fines are levied.
WAC 110-305-8075 Fines—Payment period.
WAC 110-305-8100 Notice of fine—Posting.
WAC 110-305-8125 Failure to pay a fine—Department action.

WAC 110-305-8150 Denial, suspension, revocation, modification or noncontinuation of a license.

WAC 110-305-8175 Violations—Enforcement action.
WAC 110-305-8225 Notice of license denial, suspension, revocation, or modification.

WAC 110-305-8250 Probationary license.
WAC 110-305-8275 Probationary license—Cause.
WAC 110-305-8300 Issuing a probationary license.
WAC 110-305-8325 Refusing a FLCA or probationary license.

WAC 110-305-8350 Providing unlicensed care—Notice.
WAC 110-305-8375 Unlicensed care—Fines and other penalties.
WAC 110-305-8400 Hearing process.