

**WSR 22-13-183**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**  
[Filed June 22, 2022, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-04-018.

Title of Rule and Other Identifying Information: Chapter 110-303 WAC, Organizational pilot. WAC 110-303-0001 Authority, 110-303-0005 Definitions, 110-303-0010 Pilot project licenses—licensing rules, 110-303-0015 Denial, modification, suspension, and revocation of a pilot project license—Right of review, and 110-303-0020 Process of seeking review.

Hearing Location(s): On July 26, 2022, telephonic. Make oral comments by calling 360-522-2826 and leaving a voicemail that includes the comment and an email or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including July 26, 2022, will be considered.

Date of Intended Adoption: July 27, 2022.

Submit Written Comments to: DCYF Rules Coordinator, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by July 26, 2022.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), by July 20, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposals establish requirements for participating in a pilot project that will test the feasibility of licensing multi-site programs operated by one owner or entity, explain the criteria DCYF will use to select pilot participants, and clarify hearing rights for pilot participants.

Reasons Supporting Proposal: The rules are needed to administer the pilot project, and they fully comply with the 2021 legislature's directive to adopt rules for implementing a pilot project that explores the feasibility of licensing multi-site child care programs that operate under one owner or entity.

Statutory Authority for Adoption: Section 229(19), chapter 334, Laws of 2021, and section 229(19), chapter 297, Laws of 2022.

Statute Being Implemented: Section 229(19), chapter 334, Laws of 2021, and section 229(19), chapter 297, Laws of 2022.

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). DCYF does not voluntarily make that section applicable to the adoption of the proposed rules.

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

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rule content is explicitly

and specifically dictated by statute; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

June 22, 2022  
Brenda Villarreal  
Rules Coordinator

OTS-3866.4

**Chapter 110-303 WAC  
ORGANIZATIONAL LICENSE PILOT**

NEW SECTION

**WAC 110-303-0001 Authority.** (1) Chapter 43.216 RCW grants to the department of children, youth, and families the responsibility and authority to establish and enforce licensing requirements and standards for licensed child care programs in Washington state, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) Pursuant to section 229(19), chapter 334, Laws of 2021, and section 229(19), chapter 297, Laws of 2022, DCYF must:

(a) Establish a pilot project to determine the feasibility of a child care license category for multisite programs operating under one owner or one entity; and

(b) Adopt rules to implement the pilot project. DCYF may waive or adapt licensing requirements when necessary to allow for the operation of a new license category.

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NEW SECTION

**WAC 110-303-0005 Definitions.** The following definitions apply to this chapter.

**"Applicant"** means an individual who has made a formal request for a child care license or organizational license.

**"Child care," "early learning program,"** or **"early learning"** means regularly scheduled care that is licensed by the department for a group of children birth through 12 years of age for periods of less than 24 hours.

**"Department"** means the Washington state department of children, youth, and families (DCYF).

**"Early learning provider"** or **"provider"** means an early learning licensee or designee who works in an early learning program during hours when children are or may be present. Designees include center

directors, assistant directors, program supervisors, lead teachers, assistants, aides, and volunteers.

**"Organizational pilot license"** or **"pilot license"** means a permit issued by the department legally authorizing an applicant to operate an early learning program that is authorized under section 229(19), chapter 297, Laws of 2022.

**"Pilot project"** means the program authorized under section 229(19), chapter 297, Laws of 2022, that requires DCYF to determine the feasibility of a child care license category for multisite programs operating under one owner or entity.

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#### NEW SECTION

##### **WAC 110-303-0010 Pilot project licenses—Licensing rules. (1)**

To participate in the pilot project, an early learning program must apply to and be granted an organizational pilot license from the department.

(2) To be eligible for an organizational pilot license, a governmental agency, nonprofit organization, or a for-profit private business must:

(a) Operate, oversee, or manage center or school-age child care and early learning programs;

(b) Have a current licensed or certified early learning program site authorized under chapter 43.216 RCW, or submitted an application to obtain a license or certification to provide child care at an early learning program site that is authorized under chapter 43.216 RCW; and

(c) Have the ability to operate, oversee, or manage a minimum of three and maximum of seven distinctly separate child care and early learning program sites that will be subject to the organizational pilot license.

(3) In addition to the eligibility requirements described in subsection (2) of this section, the department will select organizations to participate in the pilot project after considering:

(a) The criteria described in section 229(19), chapter 297, Laws of 2022; and

(b) The characteristics of applicants' identified sites that may contribute to a mixture of diverse statewide locations that participate in the pilot project.

(4) To protect the health and safety of children enrolled in the participating sites, early learning providers who participate in this pilot project must agree, enter into, and comply with the terms and conditions of an organizational license agreement prepared by the department. The organizational license agreement will require compliance with the following minimum terms and conditions:

(a) Applicable background check requirements contained in chapter 110-06 WAC;

(b) Applicable child care and early learning licensing requirements contained in chapter 43.216 RCW and chapter 110-300, 110-300E, or 110-301 WAC;

(c) The organizational license agreement; and

(d) Applicable federal Child Care Development Fund requirements described at Title 42 (chapter 105, subchapter II-B) of the United

States Code (U.S.C.), and Title 45, Part 98, of the Code of Federal Regulations (C.F.R.).

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

(6) To establish a uniform set of requirements for an organizational license, the department may:

(a) Draft new rules or add amendments to existing rules; and

(b) Add or amend current licensed child care rules under chapters 110-300, 110-300E, and 110-301 WAC.

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#### NEW SECTION

**WAC 110-303-0015 Denial, modification, suspension, and revocation of a pilot project license—Right of review.** (1) A license authorized to be issued under this chapter may be denied pursuant to chapter 43.216 RCW, this chapter, or chapters 110-06, 110-300, 110-300E, and 110-301 WAC.

(2) A license issued under this chapter may be suspended, modified, or revoked if the licensee fails to comply with the requirements contained in chapter 43.216 RCW, this chapter, or chapters 110-06, 110-300, 110-300E, and 110-301 WAC.

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#### NEW SECTION

**WAC 110-303-0020 Process of seeking review.** (1) Pursuant to RCW 43.216.250 and 43.216.325, the department is authorized to take enforcement action against an applicant or licensee if the applicant or licensee fails to comply with this chapter, applicable rules in chapters 110-06, 110-300, 110-300E, 110-301 WAC, or chapter 43.216 RCW. For purposes of this chapter, enforcement actions include only the denial, summary suspension authorized by RCW 34.05.422(4), suspension, revocation, modification, or nonrenewal of a license to participate in the pilot project.

(2) The department must issue a notice of violation to an early learning provider when taking enforcement actions. A notice of violation must be sent 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.

(3) An applicant or licensee has the right to appeal an enforcement action by requesting an adjudicative proceeding, otherwise known as a hearing, pursuant to the hearing rules codified in chapter 110-03 WAC.

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