

WSR 23-07-006
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed March 1, 2023, 5:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-12-013.

Title of Rule and Other Identifying Information: Chapter 110-300E WAC, Outdoor nature-based programs: WAC 110-300E-0001 Authority, 110-300E-0005 Definitions, 110-300E-0015 Outdoor nature-based licensing agreement—Uniform rules, 110-300E-0020 Enforcement actions—Right of review—Process of seeking review, and 110-300E-0400 Outdoor nature-based licenses—Application.

Hearing Location(s): On April 25, 2023, telephonic. Oral comments may be made by calling 360-972-5385 and leaving a voicemail that includes the comment and an email or a physical address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including April 25, 2023, will be considered.

Date of Intended Adoption: April 26, 2023.

Submit Written Comments to: DCYF rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-972-5385, email dcyf.rulescoordinator@dcyf.wa.gov, by March 30, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal chapter 110-300E WAC under which outdoor nature-based child care programs were required to agree with, enter into, and comply with the terms and conditions of an outdoor, nature-based licensing agreement prepared by DCYF.

Reasons Supporting Proposal: Section 28, chapter 304, Laws of 2021, authorized the department to license outdoor nature-[based] (ONB) child care effective July 1, 2021. Prior to the authorization, DCYF had conducted a pilot to determine the feasibility of licensing ONB programs. To participate in the pilot, ONB programs were required to agree with, enter into, and comply with the terms and conditions of an outdoor, nature-based licensing agreement prepared by DCYF. To accommodate the July 1, 2021, authorization, DCYF developed a phased approach under which licensing would continue using agreements similar to those used during the pilot while foundational quality standards to include health and safety standards were developed. DCYF proposed chapter 100-302 [110-302] WAC Foundational quality standards for outdoor nature-based programs under WSR 22-23-072 on November 10, 2022. Once chapter 110-302 WAC is in effect, chapter 110-300E WAC will not be needed.

Statutory Authority for Adoption: RCW 43.216.742.

Statute Being Implemented: RCW 43.216.742.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Debbie Groff, 509-380-4247; Implementation and Enforcement: DCYF, statewide.

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

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

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

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

Scope of exemption for rule proposal:

Is fully exempt.

March 1, 2023
Brenda Villarreal
Rules Coordinator

OTS-4293.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 110-300E-0001 Authority.
- WAC 110-300E-0005 Definitions.
- WAC 110-300E-0015 Outdoor nature-based licensing agreement—Uniform rules.
- WAC 110-300E-0020 Enforcement actions—Right of review—Process of seeking review.
- WAC 110-300E-0400 Outdoor nature-based licenses—Application.