WSR 26-03-054
PERMANENT RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed January 15, 2026, 10:18 a.m., effective February 15, 2026]

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

Purpose: The licensing division is creating a new rules chapter to meet the requirements of ESSB 5515. The department of children, youth, and families (DCYF) does not currently license residential private schools (RPSs). This new legislation requires DCYF to create new rules for licensing the residential component of RPSs and begin licensing these schools statewide. These rules include application requirements, as well as licensing and monitoring requirements, for the living accommodations in RPSs.

Citation of Rules Affected by this Order: New WAC 110-146-0010, 110-146-0020, 110-146-0030, 110-146-0040, 110-146-0050, 110-146-0060, 110-146-0070, 110-146-0080, 110-146-0090, 110-146-0100, 110-146-0110, 110-146-0120, 110-146-0130, 110-146-0140, 110-146-0150, 110-146-0160, 110-146-0170, 110-146-0180, 110-146-0190, 110-146-0200, 110-146-0210, 110-146-0220, 110-146-0230, and 110-146-0240.

Statutory Authority for Adoption: ESSB 5515, section 3, chapter 441, Laws of 2023; RCW 74.15.020; and chapter 43.216 RCW.

Adopted under notice filed as WSR 25-21-137 on October 21, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 24, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 24, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 15, 2026.

Brenda Villarreal
Rules Coordinator

RDS-6337.7

Chapter 110-146 WAC
LICENSING REQUIREMENTS FOR RESIDENTIAL PRIVATE SCHOOLS

PURPOSE, DEFINITIONS, AND NONDISCRIMINATION

NEW SECTION

WAC 110-146-0010 Legal basis for the department licensing residential private schools' (RPS) living accommodations. The legal basis for the department licensing RPSs' living accommodations is RCW 74.15.325.

NEW SECTION

WAC 110-146-0020 Purpose. (1) The licensing division (LD) is responsible for:

(a) Licensing and monitoring of the care provided to residential students at RPSs with living accommodations; and

(b) Verifying RPSs meet the minimum licensing requirements in this chapter.

(2) This chapter contains licensing requirements for the living accommodations of RPSs. These licensing regulations are designed to verify children in RPSs are safe, healthy, and protected from all forms of child abuse and neglect, as outlined in:

(a) RCW 26.44.020; and

(b) Chapter 110-30 WAC.

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

(a) Recognize the traumatic history of RPS and boarding schools that were used to follow a policy of forced assimilation on tribal individuals for over a century and half;

(b) Empathetically understand the intergenerational impact these institutions had on tribal communities across the nation that resulted in the loss of traditional language, culture, and beliefs today; and

(c) Acknowledge the hard truths of our past and present not only honors the deep wounds tribal individuals and communities carry as a direct result of being targeted and dispossessed but is necessary for healing and progress to occur.

NEW SECTION

WAC 110-146-0030 Definitions. The following definitions apply to this chapter:

"Abuse or neglect" means the same as defined in RCW 26.44.020.

"Administer medication" means the direct application of a drug to the body or an individual by injection, inhalation, ingestion, or any other means.

"Adults" means individuals 18 years old or older not in the care of the department.

"Agency" means the same as defined in RCW 74.15.020.

"Americans with Disabilities Act (ADA)" means the federal Americans with Disabilities Act of 1990.

"Asexual" means the lack of a sexual attraction or desire for other individuals.

"Bisexual" means individuals who have an emotional or physical attraction to individuals of the same and different genders.

"Cardiopulmonary resuscitation (CPR)" means an emergency lifesaving procedure performed when an individual's breathing or heartbeat has stopped.

"Department" means the Washington state department of children, youth, and families.

"Department of health (DOH)" means the Washington state department of health.

"Developmental disability" means the same as defined in RCW 71A.10.020.

"Firearms" means a weapon or any device designed to cause bodily harm or physical damage from which projectiles may be fired by an explosive such as gunpowder. These include, but are not limited to, handguns, rifles, and shotguns.

"Gay" means a sexual orientation to describe individuals who are emotionally or physically attracted to someone of the same gender. Gay is sometimes an umbrella term for the LGBTQIA+ community.

"Gender expression" means individuals' outward communication of their gender through behavior or appearance. This may or may not conform to their sex assigned at birth or socially defined behaviors and characteristics typically associated with being either masculine or feminine.

"Gender fluid" means individuals whose gender identities are flexible, not permanent.

"Gender" or **"gender identity"** means an individual's inner sense of being a female, male, a blend of both or neither, or another gender. This may or may not correspond with an individual's sex assigned at birth.

"Guardians" means the same as legal guardian defined in RCW 26.33.020.

"Health Insurance Portability and Accountability Act (HIPAA)" means the federal Health Insurance Portability and Accountability Act of 1996.

"Homicidal behaviors" means actions, threats, or patterns of conduct that reasonably indicate an imminent intent or attempt to commit homicide as defined in RCW 9A.32.010.

"Inappropriate sexual behavior" means sexual behavior that:

(a) Is not considered within the normal range of behaviors based on age and developmental level of the children involved;

(b) Takes place between children of widely different ages;

(c) Involves coercion, force, or aggression of any kind; or

(d) Causes harm or potential harm to the children.

"Instructional hours" means the same as defined in RCW 28A.150.205.

"Intersex" means an umbrella term used to describe a wide range of natural bodily variations when the body is born with a combination of chromosomes, internal organs, or external genitalia that do not develop as expected.

"Involuntary seclusion" means temporarily removing students from residential living areas to unlocked areas for the purposes of carrying out appropriate positive behavior intervention plans.

"Lesbian" means females or women who have an emotional or physical attraction for other females or women.

"LGBTQIA+" means lesbian, gay, bisexual, transgender, queer or questioning, intersex, and asexual. The "+" represents identities not specifically named in the LGBTQIA acronym, e.g., pansexual, gender nonbinary, and Two-Spirit.

"License" means a permit issued by the department when the licensee meets the licensing requirements established in this chapter.

"Licensees" means individuals or entities named on a license issued by the department that authorizes them to provide care to residential students at a RPS. Licensing requirements issued in this chapter apply to licensees and their employees, volunteers, interns, and work study students.

"Licensing division (LD)" means the division within the department that supports child safety and well-being through licensing, monitoring, compliance, investigations, and technical assistance to individuals and agencies that provide direct care for children and youth outside the care of their parents or guardians.

"Licensing provider portal" means the internet connected provider application system used by the department and agencies to securely store digital employment and licensing documents and data.

"Living accommodations" means areas on the school premises that residential students access for noninstructional purposes, including areas where they eat, sleep, bathe, recreate, or otherwise reside.

"Nonbinary" means a term of self-identification for individuals who do not identify within the limited and binary terms that have described gender identity, e.g., female and male. Nonbinary is also an umbrella term for many identities such as gender expansive, gender fluid, and genderqueer.

"Other weapons" means instruments other than firearms intentionally designed to cause bodily harm or physical damage. These include, but are not limited to, BB guns, pellet guns, air rifles, stun guns, and archery equipment.

"Over-the-counter medications" means drugs that can be obtained without a prescription and are not restricted to use by a licensed health care provider. For the purposes of this chapter this includes, but is not limited to, herbal supplements, vitamins, eye drops, ointments, and pain relievers.

"Parents" means the same as defined in RCW 26.26A.010.

"Pending status" means that the department has received and is processing a renewal application submitted by the facility and the licensee and they are considered licensed in good standing during this process even if their most current license shows as expired.

"Personnel" means every paid and nonpaid individual working directly for the residential private school's living accommodations, including interns and volunteers.

"Queer" means LGBTQIA+ identities and orientations. The term is sometimes used as an umbrella term for all LGBTQIA+ individuals.

"Questioning" means individuals who are exploring their sexual orientation, gender identity, or gender expression at any age.

"Residential private schools (RPS)" means a nonpublic K-12 school that is subject to approval by the state board of education that provides living accommodations to enrolled residential students, while primarily focusing on education.

"Serious illness or injury" means physical or mental conditions that involve either inpatient hospitalization or continuing treatment

by a health care provider and that are unexpected and not part of routine medical care.

"Sexual orientation" means an individual's emotional or physical attraction to other individuals.

"Sexual orientation, gender identity, and expression (SOGIE)" means distinct identifiers everyone has. LGBTQIA+ is a subdistinction within SOGIE self-identifiers. SOGIE includes LGBTQIA+ as well as heterosexual, cisgender, and nonquestioning individuals.

"State board of health" means the same as "state board" as defined in RCW 43.20.025.

"Transgender" means an umbrella term for individuals whose gender identity or expression is different from cultural expectations based on the sex they were assigned at birth. Gender-affirming medical care is not a prerequisite to identify as transgender. Being transgender does not imply any specific sexual orientation.

"Two-Spirit" means a modern umbrella term used by some Native Americans to describe Native American individuals in their communities who fulfill a traditional third-gender or other gender-variant, ceremonial, and social role in their cultures. Being Two-Spirit does not imply any specific sexual orientation.

"Washington My Health My Data Act" means the same as defined in chapter 19.373 RCW.

"Washington state patrol fire protection bureau (WSP/FPB)" means the Washington state fire marshal.

NEW SECTION

WAC 110-146-0040 Nondiscrimination. (1) RPSs with living accommodations and places of public accommodation must:

(a) Comply with chapter 49.60 RCW and federal laws regarding the Americans with Disabilities Act (ADA);

(b) Support and engage students in the RPSs care with dignity and respect regardless of their actual or perceived race, ethnicity, disability, religion, culture, or SOGIE; and

(c) Have policies and procedures approved by the department that:

(i) Outline their living accommodations;

(ii) Connect students with resources; and

(iii) Support the student's needs regarding disability status, religion, actual or perceived race, ethnicity, culture, sex, sexual orientation, or gender identity.

(2) RPSs that are not places of public accommodation, including education facilities operated or maintained by a bona fide religious or sectarian institution, are exempt from subsection (1)(b) and (c) of this section and must provide proof of this status to be excluded, per RCW 49.60.040.

REQUIRED LICENSE

NEW SECTION

WAC 110-146-0050 License requirements for RPSs with living accommodations. (1) RPSs must have a license for their living accommodations to provide care on a 24-hour basis to residential students, except as outlined in RCW 74.15.325.

(2) The department:

(a) Will license the living accommodations provided by the RPSs as outlined in RCW 74.15.325 when applicants, their personnel, and their living accommodations meet the licensing regulations contained in this chapter; and

(b) May allow exceptions to the licensing requirement for RPSs when:

(i) They are accredited through a body approved by the state board of education (SBE); and

(ii) The accreditation covers the living accommodations.

(3) Licenses are valid for:

(a) Three-year periods;

(b) The individual or entity named on the license; and

(c) The specific address listed on the license.

LICENSING PROCESS

NEW SECTION

WAC 110-146-0060 RPS licensing process. (1) The department will:

(a) Send RPSs written notice explaining why a license is required and the consequences for not establishing a license, per RCW 43.216.325;

(b) Verify the application materials have been received by the deadline in subsection (2)(a) of this section;

(c) Complete inspections of the RPS facilities and verify all licensing rules are being followed; and

(d) Send a copy of the approved license to the licensee.

(2) RPSs must complete the following when required to be licensed as an RPS:

(a) Submit their application and all required documents within 90 calendar days of receiving written notice from the department requiring them to be licensed;

(b) Complete the licensure process within 120 calendar days of the day the department receives all application materials, unless the department has issued an administrative review; and

(c) Notify the department at least 30 calendar days before any change to their location, including changes to their address or telephone number.

NEW SECTION

WAC 110-146-0070 License monitoring and renewal requirements. (1) RPSs must complete a monitoring review with the department midway through each three-year licensing cycle.

(2) The department will:

(a) Send renewal notices and materials to licensees prior to their license expiration date; and

(b) Put the current RPS licenses in pending status once a renewal application has been received.

(3) Licensees must:

(a) Contact the LD licensor if they do not receive the renewal notice prior to the expiration date; and

(b) Complete the renewal application and all required background authorization forms:

(i) No earlier than 90 calendar days before the license expires; and

(ii) No later than the date of expiration of the current license.

NEW SECTION

WAC 110-146-0080 Department access to RPSs, personnel, and residential students. (1) RPSs must allow the department:

(a) Access to the living accommodations; and

(b) The ability to meet privately with personnel working with residential students.

(2) The department will obtain consent from parents or guardians to interview residential students for licensing purposes.

NEW SECTION

WAC 110-146-0090 Personnel coverage requirements. RPSs must complete the following to meet personnel coverage requirements:

(1) Maintain appropriate personnel coverage;

(2) Develop and follow department-approved policies and procedures that include personnel coverage requirements for the supervision and protection of the residential students;

(3) Verify:

(a) Supervision is adequate for the:

(i) Time of day or night;

(ii) Age and developmental needs of the residential students;

(iii) Location; and

(iv) Living accommodations design; and

(b) The personnel have the availability to respond immediately. This includes when there is only one employee on duty, RPSs must have additional personnel who can be available immediately, but no later than 30 minutes, in the event of an emergency;

(4) Maintain records that document adequate supervision and coverage during noninstructional hours. Records must include:

(a) Staff names;

(b) Dates; and

(c) Times of supervision changes; and

(5) Verify RPS personnel and others in the living accommodations who will have regular, unsupervised access to students during noninstructional hours have met the following requirements before access is allowed. These requirements apply when access allows unsupervised communication or physical contact with residential students:

(a) A cleared background check provided by the department;

(b) First-aid and CPR certification and bloodborne pathogens training if caring for residential students; and

(c) Training by the RPS, if caring for residential students, that considers students':

(i) Ages and developmental levels; and

(ii) Physical and emotional safety and cultural needs.

PERSONNEL AND RESIDENTIAL STUDENT RECORDS

NEW SECTION

WAC 110-146-0100 Personnel records. RPSs must complete the following for personnel records:

(1) Allow the department access to all personnel records for personnel working in the living accommodations and, if applicable, other individuals residing in the living accommodations, to verify the safety and welfare of residential students; and

(2) Maintain the following:

(a) A file for each:

(i) Personnel working in the living accommodation areas providing care to residential students that includes the following records:

(A) Application or resume, including work and education history;

(B) Position description;

(C) Signed mandated reporter statement;

(D) Record of participation in the RPS orientation and trainings;

(E) Medication disbursement training, if applicable; and

(F) Valid copies of the following:

(I) First-aid, CPR, and bloodborne pathogens training documentation;

(II) Food worker card outlined in chapter 246-217 WAC, if applicable;

(III) Driver's license or government issued photo identification for all personnel;

(IV) Driver's license if transporting residential students; and

(V) Proof of auto insurance, if using private vehicle to transport residential students;

(ii) Personnel working in the living accommodation areas not providing care to residential students that includes the following records:

(A) Application or resume, including work and education history;

(B) Position description; and

(C) Food worker card, if applicable; and

(iii) Individuals residing in the living accommodation areas with the residential students, but are not personnel, that includes the following records, if applicable:

(A) Training documentation;

(B) First-aid, CPR, and bloodborne pathogens training documentation;

(C) Food worker card;

(D) Driver's license or government issued photo identification;

(E) Driver's license if transporting residential students; and

(F) Proof of auto insurance if using private vehicle to transport residential students;

(b) A background check log for all individuals in (a) of this subsection that documents the dates the background checks were requested and completed; and

(c) Ongoing personnel evaluations and corrective action plans for all individuals in (a) of this subsection.

NEW SECTION

WAC 110-146-0110 Sharing, securing, and retaining residential student records. RPSs must meet the following requirements for sharing, securing, and retaining residential students' records:

(1) Store and secure residential student records by:

(a) Keeping any identifying and personal information about residential students and their families:

(i) Confidential; and

(ii) In a secure place inaccessible to residential students, unauthorized personnel, and the public; and

(b) Maintaining these records on-site while residential students are enrolled;

(2) Provide the department with access to residential student records to verify records are maintained as required by licensing requirements, except for records protected by the:

(a) HIPAA; and

(b) Washington My Health My Data Act; and

(3) Keep residential student records:

(a) At a secure location either on-site or off-site when they are no longer enrolled; and

(b) According to their record retention schedule.

NEW SECTION

WAC 110-146-0120 Residential student records. RPSs must obtain the following information for residential student records:

(1) The residential student's name and birth date;

(2) The date families were given initial orientation documentation;

(3) Any documented incident reports involving the student as outlined in this chapter;

(4) The names, addresses, and telephone numbers of parents, guardians, or individuals to be contacted in case of emergency;

(5) Special instructions including supervision requirements and suggestions for behavior management, if applicable;

(6) Written approval for RPSs to monitor residential students' communication as outlined in WAC 110-146-0150.

(7) Other pertinent information related to the student's health, including:

(a) Current prescription medications;

(b) Immunizations; and

(c) Allergies; and

(8) Signed consent forms from parents or guardians authorizing:

(a) RPSs to provide routine and emergency medical care and administer medications; and

(b) Residential students to participate in potentially hazardous activities including, but not limited to:

(i) Using motorized yard equipment;

(ii) Swimming;

(iii) Horseback riding; and

(iv) Agricultural activities.

ENVIRONMENT, SPACE, AND FURNISHINGS

NEW SECTION

WAC 110-146-0130 Living accommodation requirements. RPSs must:

(1) Meet the following living accommodations requirements:

(a) Provide the department with:

(i) A certificate of occupancy or equivalent approval; and

(ii) Documentation that their residential facilities comply with the:

(A) State fire marshal or their designee;

(B) DOH or their designee; and

(C) Local and state regulations including, but not limited to:

(I) Zoning regulations;

(II) Community covenants;

(III) Local building codes; and

(IV) Fire codes;

(b) Comply with the most stringent requirement in (a) of this subsection if requirements differ between the entities;

(c) Maintain adequate sewage and garbage facilities;

(d) Maintain furnishings in a clean, durable, and safe manner;

(e) Keep the living accommodations clean and free of hazards;

(f) Appropriately store, use, and dispose of cleaning and toxic chemicals based on the developmental capabilities of the residential students;

(g) Store medications appropriately;

(h) Have adequate first-aid supplies that are readily available;

(i) Have emergency lighting devices that are readily available;

(j) Have exhaust and outdoor air ventilation in all living spaces that removes air contaminants, heat, and condensation;

(k) Have cooling and heating systems that help maintain a safe living environment;

(l) Conduct and document quarterly fire drills for the living accommodations;

(m) Inspect smoke detectors and carbon monoxide detectors quarterly to verify they are properly installed and working, and document the results of the inspections;

(n) Post evacuation floor plans;

(o) Develop and follow written emergency plans and test them quarterly;

(p) Develop policies and procedures with the department for the safety of residential students around bodies of water, based on their developmental capabilities;

(q) Comply with all city, county, state, and federal statutes and regulations regarding animals, including:

(i) All indoor and outdoor animals in residential living accommodations must be safe around students and cared for in a sanitary manner; and

(ii) Residents with allergies or other sensitivities must be accommodated;

(r) Provide safe and reliable transportation that complies with all applicable laws; and

(s) Protect residential students in living accommodations from firearms, other weapons, drugs, hazardous and biohazardous materials, and other potentially harmful items; and

(2) Develop and follow policies and procedures approved by the department that address potentially harmful items and materials on school grounds during noninstructional hours including:

(a) What is not allowed on school grounds;

(b) How dangerous items allowed on school grounds will be safely stored; and

(c) If conducting searches, include information on conducting them in the least intrusive manner possible and document searches as required.

NEW SECTION

WAC 110-146-0140 Bedrooms and sleeping areas. (1) RPSs with living accommodations must provide each residential student a single or shared bedroom with:

(a) Privacy and space that meets each student's developmental needs and ADA requirements, if applicable;

(b) Adequate ceiling height for the safety and comfort of the occupants;

(c) Direct access to outdoors that:

(i) Opens to the outside and allows for ground level access;

(ii) Allows natural light into the bedroom; and

(iii) Permits emergency access or exit; and
(d) Appropriately sized separate beds with:
(i) A mattress in good condition; and
(ii) Clean bedding for each residential student.
(2) The department may approve bedrooms that do not have direct access to the outdoors if they:
(a) Have a fire sprinkler protection system; and
(b) Were previously approved by the state fire marshal or their designee during completion of their initial license.

RESIDENTIAL STUDENTS' PRIVACY AND BELONGINGS

NEW SECTION

WAC 110-146-0150 Privacy. (1) RPSs must:
(a) Provide each residential student with privacy regarding:
(i) Sleeping areas;
(ii) Toileting;
(iii) Bathing;
(iv) Personal mail;
(v) Electronic messages;
(vi) Online communications;
(vii) Phone calls; and
(viii) Access to:
(A) Parents;
(B) Guardians;
(C) Medical and community providers;
(D) End harm line; and
(E) Law enforcement; and
(b) Prohibit video and audio monitoring of residential students in their bathing, toileting, and sleeping areas.
(2) RPSs may monitor the following as required by residential students' parents or guardians in writing, court order, or for students' health, safety, and well-being:
(a) Personal mail;
(b) Electronic messages;
(c) Online communications; and
(d) Phone calls.

NEW SECTION

WAC 110-146-0160 Personal storage requirements. RPSs with living accommodations must provide storage for residential students' clothing and personal belongings. The storage must be:
(1) In adequate condition; and
(2) Separate from other students' clothing and personal belongings.

HEALTH REQUIREMENTS

NEW SECTION

WAC 110-146-0170 Medical policies. RPSs with living accommodations must develop and follow medical policies and procedures approved by the department that include, but are not limited to, the following:

(1) Steps for disbursing medicine, including when and by whom, per RCW 28A.210.260;

(2) How over-the-counter and prescription medications will be stored and locked;

(3) Necessary actions to take when residential students are sick or have medical emergencies, including:

(a) Who is responsible for responding to the medical need or notifying the parent or guardian;

(b) When students must be taken to seek outside medical attention; and

(c) How to decrease the spread of communicable diseases following the DOH guidelines;

(4) Making life-saving medications accessible;

(5) Keeping non-life-saving medications and medical supplies locked to unauthorized individuals when residential students are taking their own medication; and

(6) How to dispose of medication.

NEW SECTION

WAC 110-146-0180 Health and wellness accommodations during noninstructional hours. RPSs must provide:

(1) Residential students with access to culturally appropriate items needed for grooming and personal hygiene; and

(2) Opportunities for residential students' health and wellness during noninstructional hours that include:

(a) Developmentally appropriate physical activity; and

(b) Activities that integrate them into the school and community when appropriate.

NEW SECTION

WAC 110-146-0190 Mental health. RPSs must develop and follow mental health awareness and suicide prevention policies and procedures approved by the department that document the following:

(1) The mental health resources available on-site;

(2) How to access mental health resources in the community;

(3) Instructions on how RPSs will respond to residential students exhibiting mental health concerns;

(4) Emergency protocol and contacts; and

(5) Training requirements for personnel, including:
(a) Suicide prevention; and
(b) Suicide risk assessment tool training.

NEW SECTION

WAC 110-146-0200 Food storage, preparation, and nutritional requirements. RPSs must complete the following when providing meals and snacks to residential students:

(1) Properly store, prepare, and serve food that meets the nutritional needs of residential students as outlined in chapter 246-215 WAC;

(2) Confirm that all:

(a) Cultural and developmental needs of residential students are met; and

(b) Personnel are aware of each residential student's dietary restrictions;

(3) Obtain and follow written instructions from the RPSs' medical professionals, the students' health care providers, or parents or guardians when providing meals and snacks to residential students with known food allergies or special dietary restrictions. The instructions must:

(a) Be easily accessible to personnel;

(b) Identify foods that the residential student must not consume or be exposed to; and

(c) Provide a treatment plan to follow in case an allergic reaction or dietary restriction error occurs, including:

(i) Names and doses of medication to be administered;

(ii) Directions for how to administer medication; and

(iii) Names of those who should be notified;

(4) Obtain written authorization from parents or guardians if serving food collected by the school through school-based agricultural operations; and

(5) Provide the department the inspection results from DOH or designee for their food services and facilities.

BEHAVIOR MANAGEMENT

NEW SECTION

WAC 110-146-0210 Behavioral management. RPSs must:

(1) Develop and follow behavior management policies and procedures that are approved by the department. Behavior management policies must include personnel:

(a) Using positive methods of guidance and behavior management that promote self-control, self-responsibility, self-direction, self-esteem, and cooperation; and

(b) Not doing any of the following:

(i) Corporal punishment;

(ii) Verbally abusive, neglectful, humiliating, intimidating, or frightening behavior management;

(iii) Withholding food, water, clothing, shelter, bedding, rest, sleep, or hygiene or toilet access;

(iv) Strenuous work or exercise as a form of behavior management;

(v) Restraints, except:

(A) In emergency situations, such as those that would threaten the physical safety of the students or personnel; or

(B) For personnel trained in behavior management including the use of restraints;

(vi) Involuntary seclusion including, but not limited to, time-out rooms in which residential students are locked and cannot exit;

(vii) Delegating behavior management responsibilities to students; or

(viii) Denying residential students the right to visit or communicate with parents, guardians, or siblings as a disciplinary measure; and

(2) Immediately provide the LD licensor with new or revised policies and procedures reflecting any changes to behavioral management methods.

NEW SECTION

WAC 110-146-0220 Documenting restraints. RPSs must document when restraints are used on residential students in the living accommodations and include:

(1) The date and time of the incident;

(2) Parental or guardian notification;

(3) The name and job title of the individual who administered the restraint;

(4) A description of the activity that led to the restraint;

(5) The type of restraint used;

(6) The duration of the restraint;

(7) Whether the residential student, other students, or personnel were physically injured during the incident;

(8) Any medical care provided; and

(9) Recommendations to prevent this type of incident in the future, including needed resources.

REPORTING

NEW SECTION

WAC 110-146-0230 Reporting incidents. RPSs must:

(1) Report the following incidents involving residential students to the department intake immediately and no later than 24 hours:

(a) Death or near death;

(b) Serious illness or injuries;

(c) Psychiatric care that requires hospital admission or medical treatment;

(d) Any time personnel suspect physical or sexual abuse, neglect, or exploitation of a residential student as required in chapter 26.44 RCW;

(e) Inappropriate sexual behavior by or toward a residential student;

(f) Disclosure by a residential student of sexual or physical abuse;

(g) The following suicidal situations by residential students:

(i) Expressed suicidal thoughts or behaviors; or

(ii) Suicide attempts that result in injury requiring medical treatment or hospitalization;

(h) Homicidal behaviors or attempts on the premises by residential students, personnel, or visitors;

(i) Any use of physical restraints on residential students by personnel working in the living accommodations that results in injury or is improperly applied;

(j) The following physical assault situations:

(i) Physical assault between two or more residential students that results in injury requiring off-site medical attention or hospitalization; or

(ii) Physical assault by a residential student on personnel or other adults that results in injury requiring off-site medical attention or hospitalization;

(k) Property damage that is a safety hazard and, if not immediately corrected, may affect residential students' health and safety; or

(l) Residential students missing from residence;

(2) Maintain a written record of reported incidents as outlined in subsection (1) of this section. The report must include the:

(a) Date and time the report was made; and

(b) Name of the individual making the report; and

(3) Store these records as outlined in WAC 110-146-0120.

COMPLIANCE AND ENFORCEMENT

NEW SECTION

WAC 110-146-0240 Enforcement actions, notices, and appeals. The department:

(1) May take action against a licensee's license:

(a) Including:

(i) Denial;

(ii) Suspension; or

(iii) Revocation; and

(b) When licensees:

(i) Do not meet the minimum licensing requirements in this chapter;

(ii) Have not met the background check requirements;

(iii) Have been determined by the department to have abused or neglected a residential student;

(iv) Have committed, permitted, or assisted in an illegal act on the premises of an RPS;

(v) Are unable to manage the premises and financial responsibilities of the living accommodations;

(vi) Tried to get a license by deceitful means, including making false statements or omitting critical information on their application;

(vii) Knowingly allowed personnel who made false statements or omitted critical information on their applications to work at the agency; or

(viii) Cannot provide for the health, safety, and well-being of the residential students;

(2) Will send a certified letter to licensees informing them of:

(a) The decision to take action against the license; and

(b) Their appeal rights as outlined in chapter 110-03 WAC;

(3) Has jurisdiction over:

(a) All licenses issued by the department;

(b) All applicants for licenses; and

(c) Licensees as outlined in RCW 74.15.030; and

(4) Retains jurisdiction even if:

(a) Applicants request to withdraw their application; or

(b) Licensees surrender or fail to renew their license.