# WSR 26-09-080
# PERMANENT RULES
# DEPARTMENT OF
# CHILDREN, YOUTH, AND FAMILIES

[Filed April 14, 2026, 4:08 p.m., effective May 15, 2026]

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

Purpose: The child welfare division and licensing division are updating the definition of "abuse or neglect" in WAC 110-30-0020 and other related rules to align with the revised definition of "abuse or neglect" in RCW 26.44.020. RCW 26.44.020 now defines "abuse or neglect" to include "sex trafficking" and "severe forms of trafficking in persons," which went into effect on July 1, 2025, per SB [2SSB] 6006, and "female genital mutilation," per SB [SSB] 5453, which went into effect on April 20, 2023. The WAC revisions will align with the recent statute changes regarding the definition of abuse or neglect of children and youth which informs how the department of children, youth, and families issues findings in abuse and neglect investigations.

Citation of Rules Affected by this Order: Amending WAC 110-30-0020, 110-30-0030, 110-300-0005, 110-300-0110, 110-300-0425, 110-300-0450, 110-300-0475, 110-301-0005, 110-301-0110, 110-301-0425, 110-301-0450, 110-301-0475, 110-302-0005, 110-302-0110, 110-302-0425, 110-302-0450, and 110-302-0475.

Statutory Authority for Adoption: SB [2SSB] 6006, SB [SSB] 5453, 22 U.S.C. § 7101 et seq., RCW 74.13.031, 74.04.050, 74.15.030, 43.215.070, 43.215.201, 43.216.055, 43.216.065, and 43.216.742.

Adopted under notice filed as WSR 25-21-118 on October 20, 2025.

Changes Other than Editing from Proposed to Adopted Version: Amendments to WAC 110-148-1305, which were previously listed in this proposed rule making under WSR 25-21-118, have been relocated to the proposed rule making under WSR 26-08-090. WAC 110-148-1305 will continue through the permanent rule-making process under WSR 26-08-090, where the full chapter 110-148 WAC is being amended.

The following nonsubstantive changes were made from the proposed version:

- WAC 110-30-0030 (3)(c) was amended to add "intentionally" in the following subsection: "Intentionally allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child or youth to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the individual touching the child or youth, or a third party."
- WAC 110-30-0030 (6)(a) and (b) removed "such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety" as this language is duplicative from RCW 26.44.020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 18, 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 18, Repealed 0.

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

Date Adopted: April 14, 2026.

Brenda Villarreal
Rules Coordinator

**RDS-6485.5**

AMENDATORY SECTION (Amending WSR 23-24-043, filed 11/30/23, effective 12/31/23)

**WAC 110-30-0020 ((~~What definitions apply to these rules?~~)) Definitions.** The following definitions apply to this chapter.

"Abuse or neglect" means the ((~~injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter~~)) same as defined in RCW 26.44.020.

"Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 110-03 WAC.

"Administrative law judge (ALJ)" ((~~is~~)) means an impartial decision-maker who is an attorney and presides ((~~at~~)) over an ((~~administrative hearing. The office of administrative hearings, which is a state agency but not part of DCYF, employs the ALJs~~)) adjudicative proceeding resulting in an initial order, or resulting in a final order if no appeal of the initial order is properly made or if no further agency appeal is available.

"Alleged perpetrators" means ((~~the person~~)) individuals identified in ((~~a~~)) CPS referrals as being responsible for the alleged ((~~child~~)) abuse or neglect of children or youth.

"Alternative response system" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

"Appellants" means ((~~a person~~)) individuals who request((~~s an~~)) administrative hearings to appeal ((~~a~~)) CPS findings.

"Behavioral health services" ((~~has the same meaning as in~~)) means the same as defined in RCW 71.24.025.

"Child protection team (CPT)" means a multidisciplinary group of ((~~persons~~)) individuals with at least four ((~~persons~~)) from professions that provide services to abused or neglected children ((~~and/or parents of such children. The CPT provides confidential case staffing and consultation to child welfare cases~~)) or youth and their parents or guardians.

"Child protective services (CPS)" means the ((~~section of the department of children, youth, and families for responding to allegations of child abuse or neglect~~)) same as defined in RCW 26.44.020.

((~~"Child welfare programs (CWP)" means the division in DCYF that provides child protective, child welfare, and support services to children and their families.~~))

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

"Findings" means the final decisions made by ((~~a CPS caseworker~~)) the department after ((~~an~~)) investigations regarding alleged ((~~child~~)) abuse or neglect of children or youth.

"Founded" means the ((~~determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur~~)) same as defined in RCW 26.44.020.

"Host homes" ((~~has~~)) means the same ((~~meaning~~)) as defined in RCW 74.15.020.

"Inconclusive" means the determination following an investigation by CPS, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, ((~~child~~)) abuse or neglect of children or youth did or did not occur. Beginning October 1, 2008, the department no longer makes inconclusive findings, but retains such findings made prior to that date as provided in these rules.

"Licensing division (LD)" means the division ((~~in DCYF responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities~~)) 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.

"Mandated reporters" means ((~~a person~~)) individuals required to report alleged ((~~child~~)) abuse or neglect of children or youth as ((~~defined~~)) outlined in RCW 26.44.030.

"Preponderance of evidence" means the evidence presented in ((~~a~~)) hearings that indicate((~~s~~)) more likely than not ((~~child~~)) the abuse or neglect of children or youth did occur.

"Residential private schools" ((~~has the same meaning as in~~)) means the same as defined in RCW 26.44.210.

"Screened-out report" means ((~~a report of alleged child abuse or neglect that the department had determined does not rise to the level of credible report of abuse or neglect and is not referred for investigation~~)) the same as defined in RCW 26.44.020.

"Substance use disorder" ((~~has the same meaning as in~~)) means the same as defined in RCW 71.24.025.

"Unfounded" means the ((~~determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur or there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur~~)) same as defined in RCW 26.44.020.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-30-0030 ((~~What is child abuse or neglect?~~)) Abuse or neglect of children and youth.** ((~~Child abuse or neglect means the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is one who has been subjected to child abuse or neglect as defined in this section.~~)) The department determines whether chil-

dren or youth have been abused or neglected based on RCW 26.44.020 and the following:

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child or youth that harms ((~~the child's~~)) their health, welfare, or safety. It ((~~may~~)) includes, but is not limited to((~~, such actions as~~)):

(a) Throwing, kicking, burning, or cutting a child or youth;

(b) Striking a child or youth with a closed fist;

(c) Shaking a child under age three;

(d) Interfering with a child's or youth's breathing;

(e) Threatening a child or youth with a deadly weapon; ((~~or~~))

(f) Performing female genital mutilation as defined in RCW 18.130.460; or

(g) Doing any other act that is likely to cause and that does cause bodily harm greater than transient pain or minor temporary marks or that is injurious to the child's or youth's health, welfare, or safety((~~.~~));

(2) Physical discipline of a child or youth, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child or youth. Factors considered when determining whether bodily harm was not reasonable or moderate include, but are not limited to:

(a) The age, size, and condition of the child((~~, and~~)) or youth;

(b) The location of any inflicted injury ((~~shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include~~));

(c) The developmental level of the child ((~~and~~)) or youth;

(d) The nature of the child's or youth's misconduct((~~. A parent's belief~~)); and

(e) Whether a parent or guardian believes that it is necessary to punish a child ((~~does not justify or permit~~)) or youth with the use of excessive((~~, immoderate~~)) or unreasonable force ((~~against the child.~~));

(3) Sexual abuse means:

(a) Committing or allowing ((~~to be committed~~)) any sexual offense to be committed against a child or youth as defined in the criminal code((~~. The intentional~~));

(b) Intentionally touching, either directly or ((~~through~~)) over the clothing, of the sexual or other intimate parts of a child ((~~or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent~~)) or youth. Exceptions include the following who may touch a child or youth in the sexual or other intimate parts for the purposes of providing hygienic care or medical treatment and diagnosis:

(i) Parents or guardians of a child((~~, a person~~)) or youth;

(ii) Individuals authorized by the parents or guardians to provide ((~~childcare~~)) care for the child((~~,~~)) or youth; or ((~~a person~~))

(iii) Individuals providing medically recognized services for the child((~~, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.~~

~~(4)~~)) or youth; or

(c) Intentionally allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child or youth to engage in touching

the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the individual touching the child or youth, the child or youth, or a third party;

(4) Trafficking means the same as defined in RCW 9A.40.100 and includes the following as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. Sec. 7101 et. seq.:

(a) Sex trafficking includes harboring, transporting, provision, obtaining, patronizing, or soliciting an individual for the purpose of a commercial sex act; and

(b) Severe forms of trafficking in persons includes:

(i) Recruiting, harboring, transporting, provision, or obtaining individuals for labor or services using force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery, commonly known as labor trafficking; or

(ii) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or the individual persuaded to perform the act is under 18 years old;

(5) Sexual exploitation means the same as defined in RCW 26.44.020, which includes((~~, but is not limited to, sex trafficking and commercial sexual exploitation as those terms are defined by law and includes such actions as~~)) commercial sexual exploitation. Actions include, but are not limited to, allowing, compelling, encouraging, aiding, or otherwise causing a child or youth to participate in one or more of the following:

(a) Any sex act ((~~when anything of value is given to or received by any person~~)) that includes giving or receiving anything of value to any individual for the sex act;

(b) Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene, or pornographic activity as part of a live performance or for the benefit or sexual gratification of another ((~~person.~~

~~(5)~~)) individual; and

(6) Negligent treatment or maltreatment means ((~~an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety.~~

~~(a) When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor must be given great weight.~~

~~(b) The fact that the siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.~~

~~(c) Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not, in and of itself, constitute negligent treatment or maltreatment.~~

~~(d) A child does not have to suffer actual damage or physical or emotional harm to be in circumstances that create a clear and present danger to the child's health, welfare, or safety.~~

~~(e) Negligent treatment or maltreatment may include, but is not limited to one or more of the following:~~

~~(i)~~)) the same as defined in RCW 26.44.020. Suspected or diagnosed disabilities do not, in and of itself, constitute negligent treatment or maltreatment. A child or youth does not have to suffer actual damage or physical or emotional harm to be in circumstances that create a clear and present danger to their health, welfare, or

safety. Negligent treatment or maltreatment may include, but is not limited to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care ((~~necessary for a child's health, welfare, or safety, such that the failure shows a serious disregard of the consequence to the child and creates a clear and present danger to the child's health, welfare, or safety~~));

((~~(ii)~~)) (b) Actions, failures to act, or omissions that result in injury or risk of injury to the physical, emotional, ((~~and/~~))or cognitive development of a child((~~, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety~~)) or youth including, but is not limited to, allowing, permitting, compelling, encouraging, aiding in female genital mutilation as defined in RCW 18.130.460;

((~~(iii)~~)) (c) The cumulative effects of a pattern of conduct, behavior, or inaction by a parent or guardian in providing for the physical, emotional or developmental needs of the child((~~, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety;~~ ~~(iv)~~)) or youth; or

(d) The effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, or duties that causes injury or substantial risk of injury to the physical, emotional, or cognitive development of the child((~~, such that it shows a serious disregard of the consequences to the child and creates a clear and present danger to the child's health, welfare, or safety~~)) or youth.

**RDS-6487.1**

AMENDATORY SECTION (Amending WSR 24-19-056, filed 9/13/24, effective 10/14/24)

**WAC 110-300-0005 Definitions.** Unless the context requires otherwise, the following definitions apply to this chapter:

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

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

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

"Active supervision" or "actively supervise" means a heightened standard of care beyond supervision. This standard requires early learning providers to see and hear the children they are responsible for during higher risk activities. Providers must be able to prevent or instantly respond to unsafe or harmful events.

"ADA" refers to the Americans with Disabilities Act, 42 U.S.C. Sec. 12101, et seq.

"Aide" is a person who offers support to early learning 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 365 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 child care 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.

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

"Assistant director" is a person responsible for the overall management of the center early learning program including the facility and operations.

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

"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.

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

"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 early learning providers are authorized by the department to have in care at any given time. This includes any children on-site at the early learning 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.

"Center early learning program" is a facility providing regularly scheduled care for a group of children birth through 12 years of age for periods of less than 24 hours a day, pursuant to RCW 43.216.010 (1)(a) (child day care center).

"Center early learning program licensee" or "center licensee" means an entity licensed and authorized by the department to operate a center early learning program.

"Certificate of exemption (COE)" has the same meaning in this chapter as in WAC 246-105-020.

"Certificate of immunization status" has the same meaning in this chapter as in WAC 246-105-020.

"Certificate of occupancy" means a document issued by a local government agency or building department that certifies a building complies with applicable building codes and other laws and indicates that the building is in a condition suitable for occupancy.

"Certification" means 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 younger than age 13, including any infant, toddler, preschool-age child, or school-age child as defined in this chapter.

((~~"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 24 hours a day.

"Child care basics (CCB)" means curriculum designed to meet the initial basic training requirement for early learning program staff working in licensed or certified programs in Washington state. It serves as a broad introduction for professionals who are pursuing a career in the early care and education field.

"Chromated copper arsenate (CCA)" is a wood preservative and insecticide that contains roughly 22 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 department of health'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 early learning 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 early learning 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.

"Curriculum philosophy" means a written statement of principles developed by an early learning provider to form the basis of the learning program of activities, including age appropriate developmental learning objectives for children.

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

"Developmental screening" is the use of standardized tools to identify a child at risk of a developmental delay or disorder. (Source: American Academy of Pediatrics, *Healthy Child Care America, 2009).*

"Developmentally appropriate" means:

(a) Early learning providers interact with children in a way that recognizes and respects each 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.

"Director" means the person responsible for the overall management of a center early learning program including the facility and operation.

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

"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 department of health'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.

"Drinking water" or "potable water" is water suitable for drinking by the public as determined by the Washington state department of health 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.*)

"Early achievers" is a statewide system of high-quality early learning that connects families to early learning programs with the help of an easy to understand rating system and offers coaching, professional development, and resources for early learning providers to support each child's learning and development.

"Early childhood education and assistance program (ECEAP)" is a comprehensive preschool program that provides free services and support to eligible children and their families.

"Early childhood education (ECE) initial certificate" (12 quarter credits) is Washington's initial certificate in early childhood education and serves as the point of entry for a career in early learning and covers foundational content for early learning professionals.

"Early childhood education (ECE) short certificate," an initial certificate plus eight quarter credits, is Washington state's short certificate in early childhood education and offers areas of specialization, building on the state's initial certificate.

"Early childhood education (ECE) state certificate," a short certificate plus 27 quarter credits, is Washington state's certificate in early childhood education and is the benchmark for Level 2 core competencies for early care and education professionals and prepares for the next step, an associate's degree in early childhood education.

"Early learning program" refers to regularly scheduled care for a group of children birth through 12 years of age for periods of less than 24 hours, licensed by the department.

"Early learning program space" means the licensed indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

"Early learning program staff" refers to all persons who work, substitute, or volunteer in an early learning program during hours when children are or may be present, excluding licensees.

"Early learning provider" or "provider" refers to 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.

"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 DCYF's current database of professional records of individual early learning 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(3). An early learning provider may contest enforcement actions and seek an adjudicative proceeding pursuant to chapter 110-03 WAC.

"EPA" means the United States Environmental Protection Agency.

"Equivalency" when referring to staff qualifications means an individual is allowed to meet the requirements of this chapter through a department recognized alternative credential, or demonstration of competency, that indicates similar knowledge as the named credential.

"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 center early learning pro-

gram, 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 an early learning program. An early learning 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.

"Family home early learning program" means an early learning program licensed by the department where a family home licensee provides child care or education services for 12 or fewer children in the family living quarters where the licensee resides as provided in RCW 43.216.010 (1)(c) (family day care provider).

"Family home early learning program licensee" or "family home licensee" means an individual licensee authorized by the department to operate a family home early learning program within the licensee's family living quarters.

"Family living quarters" means a family home licensee or applicant's residence and other spaces or building on the premises.

"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 center and family home early learning programs. The department uses these standards to equitably serve children, families, and early learning providers throughout Washington state.

"Gay" means physically attracted to someone of the same gender. Gay is sometimes an umbrella term for the LGBTQIA+ community.

"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.

"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.

"Good repair" means about 80 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.

"Household member" means one or more individuals who live in the same dwelling or share living arrangements, and may consist of family relatives or other groups of people.

"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 an early learning program.

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

"Infant" is a child birth through 11 months of age.

"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 an early learning provider.

"Inspection report" means a written or digital record developed by the department that identifies violations of licensing standards. An inspection report is separate from and does not include a facility licensing compliance agreement (FLCA).

"Internal review process" has the same meaning in this chapter as in RCW 43.216.395, as now or hereafter amended.

"Intersex" is 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.

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

"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 legally authorizing an applicant to operate an early learning program.

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

"Licensee" means an individual or legal entity listed on a license issued by the department, authorized to provide child care or early learning services in a center or family home setting.

"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 an early learning provider's licensing status, means an enforcement action by the department to change the conditions identified on a licensee's current license.

"Nonbinary" is 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.

"Nonexpiring license" means a license that is issued to an early learning provider following the initial licensing period, pursuant to chapter 43.216 RCW.

"Operating hours" means the hours listed in an early learning program parent handbook when the program is open and providing care and services to children.

"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 infants and toddlers play near one another and how preschoolers play together, communicate, and whether they fight or get along.

"Personal needs" means an early learning 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 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.

"Preschool-age children" means children 30 months through six years of age not attending kindergarten or elementary school.

"Preservice training" means professional development standards or requirements for early learning 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 supervisor" means the center early learning provider responsible for planning and supervising the learning and activity program.

"Queer" is a term used to express 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.

"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 an early learning provider's licensing status, means an enforcement action by the department to close an early learning 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 early learning program, for example, feeding, diapering, toileting, napping, resting, 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 an early learning program into compliance with this chapter and chapter 43.216 RCW. Safety plans are developed at meetings involving at least an early learning 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 early learning program. Program changes must be agreed to in writing and signed by all participants at the meeting. Safety plans expire 30 calendar days after being signed by all parties. Safety plans may only be extended for an additional 30 calendar 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 department of health'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 children" means a child who is five years of age through 12 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

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

"Serious injury" means an injury resulting in an overnight hospital stay; a severe neck or head injury; choking or serious unexpected breathing problems; severe bleeding; shock or an acute confused state; sudden unconsciousness; dangerous chemicals in eyes, on skin, or ingested; near drowning; one or more broken bones; a severe burn requiring professional medical care; poisoning; or an overdose of a chemical substance.

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

"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.

"Sleep equipment" or "sleeping equipment" includes a bed, cot, mattress, mat, crib, bassinet, play pen, play yard or "pack and play" but does not include a car seat or infant swing.

"SOGIE" is an acronym for sexual orientation, gender identity, and expression which are distinct identifiers everyone has. LGBTQIA+ is a subdistinction within SOGIE self-identifiers. SOGIE includes LGBTQIA+ as well as heterosexual, cisgender, and nonquestioning individuals.

"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 early learning provider providing care in the early learning program.

"Strengthening families program self-assessment" refers to a research informed approach to increase family strengths, enhanced child development, and reduce the likelihood of child abuse and neglect. It is based on engaging families, programs, and communities in building five protective factors:

(a) Parental resilience;
(b) Social connections;
(c) Knowledge of parenting and child development;
(d) Concrete support in times of need; and
(e) Social and emotional competence of children.

"Supervise" or "supervision" means an early learning provider must be able to see or hear the children they are responsible for at all times. Early learning 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. Early learning providers must also reposition themselves or the children to be aware of where children are and what they are doing during care. An early learning provider must reassess and adjust their supervision each time child care activities change. See "active supervision" for a heightened standard of care.

"Suspend" when used in reference to an early learning 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 (24 inches).

"Technical assistance" means a service provided to early learning 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.

"Toddler" means a child 12 months through 29 months of age.

"Transgender" is 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.

"Transition" is the process or period of time to change from one activity, place, grade level, or sleeping arrangement to another.

"Tummy time" means placing an infant in a nonrestrictive prone position, lying on their stomach when not in sleeping equipment.

"Two-spirit" means a modern, pan-indigenous umbrella term used by some indigenous North Americans to describe Native people 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.

"Unlicensed space" means the indoor and outdoor areas of the premises not approved by the department as licensed space that the early learning provider must make inaccessible to the children during child care 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 an early learning program and meets licensing requirements.

"USDA" means the U.S. 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 United States Food and Drug Administration that is marketed and sold for such approved purpose.

"Variance" is an official approval by the department to allow an early learning 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. An early learning 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 an early learning 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 110-300-0345 (1)(c). "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 (24 inches).

"Waiver" is an official approval by the department allowing an early learning 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. An early learning 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.

"Walking independently" means an individual is able to stand and move easily without the aid or assistance of holding on to an object, wall, equipment, or another individual.

"Washington state early learning and development guidelines" refers to guidelines published by the department, the Washington state office of superintendent of public instruction (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 early learning 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 inflect 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.

"WLAD" means the law against discrimination, chapter 49.60 RCW.

"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 early learning provider must sign a written food plan.

AMENDATORY SECTION (Amending WSR 18-15-001, filed 7/5/18, effective 7/5/18)

**WAC 110-300-0110 Program based staff policies and training.** (1) An early learning provider must have and follow written policies for early learning 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) Early learning 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) Early learning 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;
(iv) Teacher-child interaction;
(v) Child protection, guidance, and discipline techniques;
(vi) Safe sleep practices, if applicable;
(vii) Food service practices;
(viii) Off-site field trips, if applicable;
(ix) Transporting children, if applicable;
(x) Health, safety, and sanitization procedures;
(xi) Medication management procedures;
(xii) Medical emergencies, fire, disaster evacuation and emergency preparedness plans;
(xiii) Mandatory reporting of suspected ((~~child abuse, neglect, and exploitation~~)) abuse or neglect, per RCW 26.44.020 and 26.44.030 and all other reporting requirements;
(xiv) Implementation of child's individual health care or special needs plan;
(xv) Following nonsmoking, vaping, alcohol and drug regulations;
(xvi) Overnight care, if applicable;
(xvii) Religious, equity and cultural responsiveness;
(xviii) Nondiscrimination;
(xviv) Planned daily activities and routines.
(f) Staff responsibilities if the family home licensee, center director, assistant director, or program supervisor is absent from the early learning program;
(g) A plan that includes how both administrative and child caretaking duties are met when a job requires such dual responsibilities; and
(h) Observation, evaluation, and feedback policies.
(3) An early learning 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) An early learning provider must develop, deliver, and document the delivery of early learning staff training specific to the early learning 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 110-300 and 110-06 WAC.
(b) Training must be updated with changes in program policies and state or federal regulations.

AMENDATORY SECTION (Amending WSR 24-17-063, filed 8/15/24, effective 9/15/24)

**WAC 110-300-0425 Initial and nonexpiring licenses—Reporting—License modification.** (1) The department may issue an initial license authorized under RCW 43.216.315 to an early learning program applicant

when they demonstrate their early learning program will be able to comply with the health and safety requirements described in this chapter. They do not have to demonstrate full compliance with all requirements that are not related to health and safety for initial license eligibility.

(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; and

(c) The department must evaluate the early learning 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) Licensees must submit the following annual compliance documents at least 30 calendar days before their anniversary date, which is the date their first initial license was issued. The required annual compliance documents are:

(a) The annual nonrefundable license fee;

(b) A declaration on the department's form indicating:

(i) The intent to continue operating a licensed early learning program;

(ii) The intent to cease operation as a licensed early learning program;

(iii) A change in the early learning program's operational hours or dates; and

(iv) The intent to comply with all licensing rules.

(c) Documentation of completed background checks for required individuals as determined by the department's established schedule, pursuant to RCW 43.216.270(2). For individuals required to have a background check clearance, the early learning provider must either:

(i) Verify current background checks; or

(ii) Require individuals to submit a background check application at least 30 calendar days prior to the anniversary date.

(4) If licensees fail to meet the requirements for continuing a nonexpiring license by their anniversary date, their current license will expire and the licensee will be required to submit a new application for licensure.

(5) The nonexpiring license process in this section may not interfere with the department's established monitoring practices, as described in RCW 43.216.305.

(6) The department may let a license expire, not be renewed, or not be continued when early learning providers fail to comply with the requirements of this section. Providers cannot appeal the department's decision and have no rights to a hearing.

(7) Early learning providers must report the following information within 24 hours of becoming aware to the:

(a) Department and local authorities if there has been, or is, a fire or other structural damage to the early learning program space or other parts of the premises, including any structural damage caused by a natural disaster.

(b) Department:

(i) Allegations, a reasonable basis to believe, or findings of abuse or neglect that both:

(A) Are made against the early learning provider, an early learning provider employee or volunteer, or a household member; and

(B) Involve the abuse((~~, neglect, maltreatment, or exploitation~~)) or neglect of a child, youth, or vulnerable adult;

(ii) A retirement, termination, death, incapacity, or change of the program director, or program supervisor;

(iii) A change of ownership or incorporation of the early learning provider's business entity that is responsible for providing the early learning program;

(iv) Criminal charges or convictions against:

(A) Themselves;

(B) An early learning program employee or volunteer; or

(C) An early learning provider's household member;

(v) A change in the number of household members living within a family home early learning program space. This includes individuals:

(A) Age 14 years old or older that move in or out of the home;

(B) Who resign or are terminated, pursuant to RCW 43.216.390; and

(C) Who are born or who have died; and

(vi) Any changes in the early learning program hours of operation, including planned closure dates.

(8) Prior to increasing capacity of an early learning program, early learning providers must make a request to the department for a capacity increase. The department or tribal authority may approve or deny the early learning provider's capacity increase.

(9) The state fire marshal or department must approve any change or modification described under WAC 110-300-0402 (1)(a) through (c). All changes or modifications to the premises must comply with all building codes and ordinances.

(10) If the liability insurance described in RCW 43.216.700 is terminated, the licensee, center director, assistant director, or program supervisor must notify the department within 30 calendar days of the date the liability insurance has been terminated.

AMENDATORY SECTION (Amending WSR 24-19-056, filed 9/13/24, effective 10/14/24)

**WAC 110-300-0450 Parent or guardian handbook and related policies.** (1) An early learning provider must supply to each parent or guardian written policies regarding the early learning program. Each enrolled child's record must have signed documentation stating the parent or guardian reviewed the handbook and early learning program policies.

(2) An early learning 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) Curriculum philosophy on how children learn and develop, and how this philosophy is implemented;

(f) Child guidance plan, which includes restraint policies and forbidding corporal punishment;

(g) Expulsion policy;

(h) Early learning program staff-to-child ratios and classroom types offered, if applicable;

(i) If the early learning 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) Infant and toddler care, covering:

(A) Diapering;

(B) Feeding;

(C) Toilet training;

(D) Child sleep pattern; and

(E) Safe sleep requirements.

(iii) Dual language learning;

(iv) Religious and cultural activities, including how holidays will be celebrated;

(v) Transportation and off-site field trips;

(vi) Water activities;

(vii) Overnight care; and

(viii) How weapons on the premises are secured.

(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) A kindergarten transition plan, if applicable;

(p) What parents or guardians must supply for their child (for example: Extra clothing or diapers);

(q) Permission for a parent or guardian's access to areas of the early learning program during business hours;

(r) Termination of services policy;

(s) Emergency preparedness plan;

(t) The early learning provider and program staff's duty to report incidents including reporting suspected ((~~child abuse, neglect, sexual abuse, or maltreatment~~)) abuse or neglect of a child or youth;

(u) Policies regarding mixed age groups, if applicable (including when children may be in a mixed age group);

(v) Description of where the parent or guardian may find and review the early learning program's:

(i) Health policy;

(ii) Staff policies, if applicable;

(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.

AMENDATORY SECTION (Amending WSR 19-22-103, filed 11/6/19, effective 12/7/19)

**WAC 110-300-0475 Duty to protect children and report incidents.**

(1) Pursuant to RCW 26.44.030, when an early learning 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) An early learning 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~~)) 48 hours:

(i) The death of a child while in the early learning 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 or neglect of a child or youth; or

(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~~)) 24 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~~)) 24 hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication; or

(iii) A child who took or received another child's medication;

(iv) The provider must follow any directions provided by Washington poison center.

(d) The local health jurisdiction or the department of health immediately, and to the department within ((~~twenty-four~~)) 24 hours about an occurrence of food poisoning or reportable contagious disease as defined in chapter 246-110 WAC, as now or hereafter amended;

(e) The department at the first opportunity, but in no case longer than ((~~twenty-four~~)) 24 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~~)) abuse or neglect of a child or youth as outlined in chapter 26.44 RCW or chapter 388-15 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 director'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~~)) 24 hours, about using physical restraint on a child as described in WAC 110-300-0335.

(3) In addition to reporting to the department by phone or email, an early learning provider must submit a written incident report of the following on a department form within ((~~twenty-four~~)) 24 hours:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or department of health;

(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) An early learning 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 department of health.

**RDS-6488.1**

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

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

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

"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~~)) 365 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~~)) 12 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~~)) 24 hours a day.

"Chromated copper arsenate" or "CCA" is a wood preservative and insecticide that contains roughly ((~~twenty-two~~)) 22 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 a school-age provider needs to know and is 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.

"Equivalent" when referring to staff qualifications means an individual is allowed to meet the requirements of this chapter through a department recognized alternative credential, or demonstration of competency, that indicates similar knowledge as the named credential.

"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 a school-age program. The department uses these standards to equitably serve children, families, and school-age providers throughout Washington state.

"Good repair" means about ((~~eighty~~)) 80 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 a school-age provider who has requested and has 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 a school-age program.

"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~~)) 30 calendar days after being signed by all parties. Safety plans may only be extended for an additional ((~~thirty~~)) 30 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 a licensed or certified school-age child care program in Washington state.

"School-age child" means a child who is five years of age through ((~~twelve~~)) 12 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~~)) 12 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~~)) 24 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. A school-age provider 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. A school-age provider 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~~)) 24 inches).

"Technical assistance" means a service provided to a school-age provider 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~~)) 24 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.

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**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. The provider 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~~)) abuse or neglect, per 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; and
(xviii) Evening and overnight care, if applicable.
(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 caretaking 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.

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**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~~)) 30 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~~)) 30 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~~)) 24 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((~~,~~)) or neglect((~~, maltreatment, or exploitation~~)) of a child, youth, 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~~)) 30 calendar days when liability insurance coverage under RCW 43.216.700 has lapsed or been terminated.

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**WAC 110-301-0450 Parent or guardian handbook and related policies.** (1) A school-age provider must supply to each parent or guardian an 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;

(v) Water activities; and

(vi) Evening and overnight care, if applicable.

(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's and program staff's duty to report incidents including reporting suspected ((~~child~~)) abuse((~~,~~)) or neglect((~~, sexual abuse, or maltreatment~~)) of a child or youth;

(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.

AMENDATORY SECTION (Amending WSR 21-10-035, filed 4/27/21, effective 6/1/21)

**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~~)) 48 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 or neglect of a child or youth; or

(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~~)) 24 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~~)) 24 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~~)) 24 hours about an occurrence of food poisoning or reportable contagious disease as defined in WAC 246-110-010(3);

(e) The department at the first opportunity, but in no case longer than ((~~twenty-four~~)) 24 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((~~,~~)) or neglect((~~, maltreatment, or exploitation under~~)) of a child or youth outlined in 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~~)) 24 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~~)) 24 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.

**RDS-6489.1**

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0005 Definitions.** The following definitions apply to this chapter unless the context clearly requires otherwise.

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

"Accessible to children" means items, areas, or materials of an outdoor nature-based program (ONB) that a child can reasonably reach, enter, use, or get to on their own.

"Accommodations" means ONB program curriculum and instruction, 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 an ONB provider to see and hear the children they are responsible for during higher risk activities. The ONB provider must be able to prevent or instantly respond to unsafe or harmful events.

"Agency" has the same meaning as described in RCW 43.216.010.

"Aide" is a person who offers support to the ONB program staff.

"Allergy" or "allergies" means 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 such as milk, eggs, fish, shellfish, common tree nuts, peanuts, wheat, and soybeans, as well as pollen, mold, or medication.

"American Society for Testing and Materials (ASTM)" means the international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services.

"Americans with Disabilities Act (ADA)" means the federal "equal opportunity" law protecting people with disabilities.

"Annual" or "annually" means an event that occurs each calendar year, not to exceed 365 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 child care 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 director" is the person responsible for the overall management, including the facility and operation, of an ONB program that enrolls preschool-age and school-age children, or only preschool-age children.

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

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

"Benefit-risk assessment" means, for purposes of outdoor nature-based programs, a process used to identify and document hazards and risky play elements associated with childhood outdoor play and making plans to mitigate the risk of injury to children while maintaining developmental benefits for children. This process includes identifying the types of risk present in a location or activity, the likelihood and severity of potential injury, the potential benefits to children, methods of mitigating hazards, e.g., elimination, substitution, isolation, safeguards, and managing risk, e.g., heightened supervision, scaffolding, intervention, and identifying who is responsible for implementing the appropriate methods and when.

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

"Biological needs" means, for purposes of outdoor nature-based programming, department approved toileting, handwashing, and transitional activities for children and providers.

"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 four inches of water. Examples include swimming pools, ditches, canals, fish ponds, water retentions, excavations, quarries, streams, rivers, lakes, and ocean waters.

"Campfire" means an outdoor fire that is used for cooking, personal warmth, lighting, or ceremonial or esthetic purposes. For the purposes of this chapter, "campfire" does not include a fire within any building, mobile home, motor vehicle, or recreational vehicle.

"Campfire activities" means ONB program activities in which enrolled children have access to a campfire that may pose a risk of burns to children.

"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.

"Capacity" means the maximum number of children an ONB provider is authorized by the department to have in care at any given time. This includes any children on-site at the ONB program and any children in transit to or from the ONB program or other activities such as field trips while the children are signed in to the care of the ONB 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 ONB program meets these foundational licensing standards.

"Child" means an individual who is younger than age 13, including any preschool-age child or school-age child as defined in this chapter.

"Child and adult care food program (CACFP)" means the food program established by Congress and funded by the United States Department of Agriculture (USDA).

((~~"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 24 hours a day.

"Child care basics (CCB)" means curriculum designed to meet the initial basic training requirement for early learning program staff working in licensed or certified programs in Washington state. It serves as a broad introduction for professionals who are pursuing a career in the early care and education field.

"Chromated copper arsenate (CCA)" is a wood preservative and insecticide that contains roughly 22 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 ONB program staff.

"Consumer product safety commission (CPSC)" means the United States Consumer Product Safety Commission.

"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 an early learning or school-age provider needs to know and is able to do to provide quality care and education for children and their families.

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

"Curriculum philosophy" means a written statement of principles developed by an ONB provider to form the basis of the learning ONB program activities, including age appropriate developmental learning objectives for children.

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

"Department of defense (DOD)" means the United States Department of Defense.

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

"Developmental screening" is the use of standardized tools to identify a child at risk of a developmental delay or disorder. (Source: American Academy of Pediatrics, *Healthy Child Care America*, 2009)

"Developmentally appropriate" means:

(a) An ONB 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.

"Director" means the person responsible for the overall management, including the facility and operation, of an ONB program that enrolls preschool-age and school-age children, or only preschool-age children.

"Disability" or "disabilities" has the same meaning in this chapter as the meaning in RCW 49.60.040(7).

"Disaster" means a sudden event, accident, or natural catastrophe that causes great damage to property, serious bodily injury, 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.

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

"Dual language learners" means 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*, a resource 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.)

"Early achievers" is a statewide system of high-quality early learning that connects families to early learning programs with the help of an easy to understand rating system and offers coaching, pro-

fessional development, and resources for early learning providers to support each child's learning and development.

"Early childhood education (ECE) initial certificate" (12 quarter credits) is Washington's initial certificate in early childhood education and serves as the point of entry for a career in early learning and covers foundational content for early learning professionals.

"Early childhood education and assistance program (ECEAP)" is a comprehensive preschool program that provides free services and support to eligible children and their families.

"Early childhood education (ECE) short certificate" is an ECE initial certificate plus eight quarter credits and is Washington's short certificate in early childhood education that offers areas of specialization, building on the state's initial certificate. Outdoor nature-based short certificate is an initial certificate plus eight quarter credits and is Washington's short certificate in outdoor nature-based education that offers areas of specialization, building on the state's initial certificate.

"Early childhood education (ECE) state certificate" is a short certificate plus 27 quarter credits and is Washington's state certificate in early childhood education that is the benchmark for Level 2 core competencies for early care and education professionals and prepares for the next step, an associate's degree in early childhood education.

"Early learning" has the same meaning as described in RCW 43.216.010.

"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 ONB 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.

"Emergent curriculum" means a teaching philosophy and a curriculum planning method designed to create meaningful learning experiences that focus on being responsive to child interests. This philosophy prioritizes active participation, relationship building, flexible and adaptable methods, inquiry, and play-based learning. The curriculum is child-initiated, collaborative and responsive to the child's needs, and teachers come prepared with information, offer resources to support child explorations, or both.

"Enforcement action" means the denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil penalties or fines pursuant to RCW 43.216.325(3). An ONB provider may contest an enforcement action and seek an adjudicative proceeding pursuant to chapter 110-03 WAC.

"EPA" means the United States Environmental Protection Agency.

"Equivalent" or "equivalency" means, when referring to staff qualifications, an individual is allowed to meet the chapter 110-302

WAC requirements that are based on a department recognized alternative credential, or demonstration of competency, that indicates similar knowledge as the identified credential.

"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 an outdoor nature-based 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 an ONB program. An ONB provider will end a child's enrollment if the ONB provider is unable to meet a child's needs due to the child's challenging behavior.

"Facility licensing compliance agreement (FLCA)" has the same meaning as in RCW 43.216.395 (2)(a).

"Food and Drug Administration (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.

"Good repair" means about 80 percent of materials and components are unbroken, have all their pieces, and can be used by the children as intended by the manufacturer or builder.

"Hazard" means a source of harm that may or may not be obvious to the child. The source of harm is not obvious if the potential for injury is hidden or is greater than a child can manage to avoid given the individual circumstances and characteristics of the child.

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

"Immunization" means the process of administering a vaccine to make that 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 an ONB program.

"Inactive" means, when used by the department to indicate a licensing status, an ONB provider who has informed the department of their intent to temporarily cease caring for children and close their ONB program in a manner that departs from the ONB program's regular schedule.

"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, or 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 an ONB provider.

"Inspection report" has the same meaning as in RCW 43.216.010(17).

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

"Lead teacher" means an ONB provider who works as the lead staff person in charge of a child or group of children and oversees or implements ONB activities or ONB programs.

"License" means a permit issued by the department legally authorizing an applicant to operate an outdoor nature-based program.

"Licensed space" means the indoor and outdoor space on the premises approved by the department for the purpose of providing an ONB licensed program.

"Licensee" means an individual or legal entity listed on a license issued by the department, authorized to provide child care or early learning services in an ONB program.

"Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat, or other department approved lockdown plan.

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

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

"Moisture-wicking" means a fabric that draws moisture away from the body, such as polyester or wool. Cotton is not a moisture-wicking fabric.

"Natural space" means land that is natural, semi-natural, or planted and includes plants, animals, and other features and products of the earth.

"Nonexpiring license" means a license that is issued pursuant to chapter 43.216 RCW to an ONB provider following the initial licensing period.

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

"Operating hours" means the hours listed in an ONB program parent handbook when the ONB program is open and providing care and services to children.

"Outdoor nature-based (ONB) child care" or "outdoor nature-based (ONB) program" has the same meaning as described in RCW 43.216.010(1)(e).

"Outdoor nature-based child care basics" means a curriculum designed to meet the initial basic training requirement for outdoor nature-based program staff working in licensed or certified ONB programs in Washington state. It serves as a broad introduction for professionals who are pursuing a career in the outdoor nature-based child care and education field.

"Outdoor nature-based program (ONB)" means an ONB program that is authorized under RCW 43.216.742.

"Outdoor nature-based (ONB) program staff" or "staff" means all persons who work, substitute, or volunteer in an ONB program during hours when children are or may be present, excluding licensees. "Staff" include ONB child care directors, program directors, assistant directors, site directors, program supervisors, lead teachers, assistant teachers, aides, and volunteers.

"Outdoor nature-based child care (ONB) provider" or "provider" means an outdoor nature-based child care licensee or a designee who works in an ONB program during hours when children are or may be present. Designees include ONB child care directors, program directors, assistant directors, site directors, program supervisors, lead teachers, assistant teachers, aides, and volunteers.

"Outdoor nature-based tools" include, but are not limited to, peelers, whittling knives, small hammers, hand drills, pliers, child-sized saws, wrenches, and screwdrivers. Folding whittling knives must

be equipped with a locking feature to keep knives open when in use. Motorized tools must be inaccessible to children.

"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.

"Permanently located outdoor classroom" means an outdoor area that is allocated to an ONB program for daily use, and the ONB provider or public park installs permanent or semi-permanent equipment for the ONB program's use, such as storage containers, portable chemical toilets, or child-sized furniture.

"Personal needs" means an ONB provider's toileting or medication needs that removes the ONB provider from the children. Personal needs do not include smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in unattended care.

"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" or "barrier" means a nonclimbable fence or wall that is at least five feet tall and has no openings greater than two inches, nor a gate or door that allows entry to and exit from a body of water. Any gate or opening, in addition to the requirements already listed, must have 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 boundary" or "boundary" means a way of marking the limits of an area consisting of, but not limited to, fences, barriers, ropes, large boulders or logs, or visual aids such as cones, tape, or ribbons.

"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, residences, and other real property.

"Preschool-age child" means a child 30 months through six years of age not attending kindergarten or elementary school.

"Preservice training" means professional development standards or requirements for ONB 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 described in RCW 43.216.010(25).

"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, including the facility and operations, of an ONB program that enrolls only school-age children. The program director is not responsible for being on-site at the ONB program, unless the program director is filling in for an on-site role.

"Program supervisor" means the person responsible for planning and supervising the learning and activity programming of the ONB program that enrolls preschool-age and school-age children, or only preschool-age children.

"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 an ONB provider's licensing status, means an enforcement action by the department to close an ONB program and permanently remove the license.

"Risk" means, with regard to "risky play," a situation that a child can recognize and evaluate challenges to decide on a course of action, although there may be a potential for injury.

"Risk management policy" means a written policy or plan to mitigate children's risk of injury associated with risky play or learning activities.

"Risky play" means physical activity and play that is challenging and involves a risk of physical injury. Risky play for ONB programs includes, but is not limited to, play involving heights, speed, dangerous tools, close proximity to dangerous elements, such as falling into something potentially hazardous, and risk of getting lost. Risky play is also known as "adventure play."

"Routine care" means typical or usual care provided to a child during the time the child is enrolled in the ONB program, such as feeding, diapering, toileting, napping, resting, 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 ONB program changes to bring an ONB program into compliance with this chapter and chapter 43.216 RCW. Safety plans are developed at meetings involving at least an ONB provider and a department licensor and supervisor. Safety plans detail changes the ONB provider needs to make to mitigate the risk of direct and indirect harm to children enrolled in the ONB program. ONB program changes must be agreed to in writing, and signed by all participants at the meeting. Safety plans expire 30 calendar days after being signed by all parties. Safety plans may only be extended for an additional 30 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 the requirements described in 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 the manufacturer's label instructions in-

cluding, 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 child" has the same meaning as in RCW 43.216.010(27).

"Screen time" means watching, using, or playing television, computers, video games, video or DVD players, mobile communication devices, or other 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 from a chemical substance.

"Shelter in place" means staff and children staying at the licensed premises 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 premises.

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

"Site director" means the person responsible for planning and implementing the services, under the oversight of the program director, of an ONB program that enrolls only school-age children. The site director is responsible for being on-site during the ONB program's operating hours and providing regular supervision of staff and volunteers.

"Sleeping equipment" means a bed, cot, mattress, or mat.

"Special needs" is a term used for children who require a higher level of care due to learning difficulties, physical or mental disability, or emotional and behavioral difficulties and who have one or more of the following documents that describes a child's condition: A health care provider's diagnosis, an individual educational plan (IEP), individual health plan (IHP), 504 plan, or an individualized family service plan (IFSP).

"Strengthening families program self-assessment" means a research informed approach to increase family strengths, enhance child development, and reduce the likelihood of child abuse and neglect. It is based on engaging families, ONB programs, and communities in building five protective factors:

(a) Parental resilience;

(b) Social connections;

(c) Knowledge of parenting and child development;

(d) Concrete support in times of need; and

(e) Social and emotional competence of children.

"Supervise" or "supervision" means an ONB provider must:

(a) Be able to see or hear the children they are responsible for at all times;

(b) 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;

(c) Reposition themselves or the children to be aware of where children are and what they are doing during care; and

(d) Reassess and adjust their supervision each time ONB program activities change.

See "active supervision" for a heightened standard of care.

"Suspend" means, for purposes of an ONB provider's licensing status, 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 body of water that has a depth greater than two feet (24 inches).

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

"Transition" means the process or period of time to change from one activity, place, grade level, or sleeping arrangement to another.

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

"Unsupervised access" has the same meaning as WAC 110-06-0020.

"Usable space" means the areas that are available at all times for use by children in an ONB 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 device or to refill such 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 devices.

"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 an ONB program to achieve an outcome of a rule or rules in these standards in an alternative way than described due to the needs of a unique or specific ONB 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 will not be jeopardized. An ONB provider does not have the right to appeal the department's disapproval of request for variance under chapter 110-03 WAC. The ONB provider may challenge a variance disapproval on a department form.

"Volunteer" includes any person who provides labor or services to an ONB provider but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child un-

less the volunteer is the parent or guardian of that child or is an authorized person pursuant to WAC 110-302-0345.

"WAC" means the Washington Administrative Code.

"Wading pool" means a pool that has a water depth of less than two feet, or 24 inches.

"Waiver" is an official approval by the department allowing an ONB provider not to meet or satisfy a rule in this chapter due to specific needs of the ONB 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. An ONB provider does not have the right to appeal the department's disapproval of a waiver request under chapter 110-03 WAC. The ONB provider may challenge a waiver disapproval on a department form.

"Walk independently" means an individual is able to stand and move easily without the aid or assistance of holding onto an object, wall, equipment, or another individual.

"Water activities" means ONB 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, or playing in temporary puddles at an ONB program, standing near, but not entering water, or belly exploration where hands are the only body part accessing water.

"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 ONB provider must sign a written food plan.

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0110 ONB program-based staff policies and training.** (1) An ONB provider must have and follow written policies for ONB 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 an ONB provider's initial license. ONB providers must notify the department when substantial changes are made.

(2) 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) ONB 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~~)) abuse or neglect, per 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) Partnering with the local Native American tribe(s);
(xvii) Nondiscrimination;
(xviii) Planned daily activities and routines;
(xix) ONB benefit-risk assessment, policies, and procedures, if applicable; and
(xx) ONB program toileting options, as applicable;
(f) Staff responsibilities if the director, assistant director, program director, site director, or program supervisor is absent from the ONB program;
(g) A plan that includes how both administrative and child caretaking duties are met when a job requires such dual responsibilities; and
(h) Observation, evaluation, and feedback policies.
(3) An ONB 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) An ONB provider must develop, deliver, and document the delivery of staff training specific to the ONB 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;
(iii) Chapter 110-302 WAC; and
(iv) Chapter 110-06 WAC.
(b) Training must be updated with changes in ONB program policies and state or federal regulations.

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0425 Initial, nonexpiring, dual licenses, and license modifications.** (1) The department may issue an initial license when ONB program applicants demonstrate compliance with health and

safety requirements described in this chapter, but may not be in full compliance with all other 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 ONB 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 described in this chapter during the period of initial license, pursuant to RCW 43.216.305.

(3) Licensees must submit annual compliance documents at least 30 calendar days prior to their anniversary dates. The 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 ONB program;

(ii) The intent to cease operation as a licensed ONB program;

(iii) A change in the ONB 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, ONB providers must verify current background checks or require the individual to submit a background check application at least 30 calendar days prior to the anniversary date.

(4) If a licensee fails to comply with the requirements for continuing a nonexpiring license by their anniversary date, the licensee's current license expires. ONB providers whose licenses have expired must submit new applications 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 does not have a right to an adjudicative proceeding to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring license if the expiration, nonrenewal, or noncontinuation was caused by the licensee's failure to comply with the requirements of this section.

(7) Licensees must have department approval to hold dual licenses, such as an ONB license and another care giving license, certification, or similar authorization.

(8) If the department determines that a licensee is not in compliance with all the requirements described in this chapter and chapter 43.216 RCW, the licensee may relinquish any license, certification, or authorization they hold. Despite the licensee's agreement to relinquish one of the licensee's certifications, authorizations, or licenses:

(a) The department and licensee may agree to modify the ONB program license; or

(b) The department may suspend, deny, or revoke the ONB program license.

(9) ONB providers must report the information described in this subsection within 24 hours of when they are aware or should be aware of such information.

(a) To the department and local authorities: A fire or other structural damage to the ONB program space or other parts of the premises, including a natural disaster affecting an ONB program space;

(b) To the department:

(i) A retirement, termination, death, incapacity, or change of the director, program director, assistant director, site director, or program supervisor, or change of ownership or incorporation of an ONB provider;

(ii) When ONB providers become aware of a charge or conviction against themselves or a staff person, pursuant to WAC 110-06-0043;

(iii) When ONB providers become aware of an allegation or finding of abuse((~~,~~)) or neglect((~~, maltreatment, or exploitation~~)) of a child, youth, or vulnerable adult made against themselves or a staff person; and

(iv) Any changes in the ONB program hours of operation to include closure dates.

(10) Prior to increasing the capacity of an ONB program, the licensee, director, program director, assistant director, site director, or program supervisor must request and be approved to increase capacity by the department.

(11) The licensee, director, program director, assistant director, site director, or program supervisor must have state fire marshal or department approval, and comply with local building ordinances following a significant change under WAC 110-302-0402 (1)(a) through (c), if applicable.

(12) The licensee, director, program director, assistant director, site director, or program supervisor must notify the department within 30 calendar days when liability insurance coverage under RCW 43.216.700 has lapsed or been terminated.

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0450 Parent or guardian handbook and related policies.** (1) ONB providers must supply to each parent or guardian written policies regarding the ONB program. Each enrolled child's record must have signed documentation stating the parent or guardian reviewed the handbook and ONB program policies.

(2) ONB providers 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) Curriculum philosophy pursuant to WAC 110-302-0305, and how this philosophy is implemented;

(f) Child guidance plan, which includes restraint policies and forbidding corporal punishment;

(g) Expulsion policy;

(h) ONB program staff-to-child ratios and classroom or age grouping types offered, if applicable;

(i) For ONB programs that offer any of the following, they must include a policy for each that applies to their ONB 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;

(v) Water activities;

(vi) Campfire activities; and

(vii) How weapons on the premises are secured, if applicable;

(j) ONB program risk management policies and waiver(s) for activities that are covered under WAC 110-302-0471;

(k) ONB program days and hours of operation, including closure dates and observed holidays;

(l) Enrollment and disenrollment requirements;

(m) Fees and payment plans;

(n) Sign-in and sign-out requirements;

(o) 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;

(p) A kindergarten transition plan, if applicable;

(q) What parents or guardians must supply for their child, if applicable (for example, extra clothing or diapers);

(r) Permission for a parent or guardian's access to areas of the ONB program during business hours;

(s) Termination of services policy;

(t) Emergency preparedness plan;

(u) ONB provider's and staff's duty to report incidents including reporting suspected ((~~child~~)) abuse((~~,~~)) or neglect((~~, sexual abuse, or maltreatment~~)) of a child or youth;

(v) Policies regarding mixed age groups, if applicable, including when children may be in a mixed age group;

(w) Description of where the parent or guardian may find and review the ONB 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 ONB program policies;

(x) Any food preparation practices done by staff at their private residence, pursuant to WAC 110-302-0198;

(y) Any laundering practices done by staff or families at their private residence, pursuant to WAC 110-302-0245;

(z) Policies for postings for an ONB program without an appropriate facility for posting.

AMENDATORY SECTION (Amending WSR 23-10-059, filed 5/1/23, effective 6/1/23)

**WAC 110-302-0475 Duty to protect children and report incidents.** (1) Pursuant to RCW 26.44.030, when ONB providers have reasonable cause to believe a child has suffered abuse or neglect, that ONB provider must report such incident, or cause a report to be made, to the proper law enforcement agency or the department. "Abuse and neglect" has the same meaning here as in RCW 26.44.020.

(2) ONB providers must report by telephone to the listed individuals, department, and other government agencies when the ONB 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 48 hours:

(i) The death of a child while in the ONB 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 or neglect of a child or youth; or

(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 24 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 24 hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication; or

(iii) A child who took or received another child's medication. The ONB provider must follow any directions provided by Washington poison center;

(d) The local health jurisdiction or the DOH immediately, and to the department within 24 hours about an occurrence of food poisoning or reportable contagious disease as defined in WAC 246-110-010(3);

(e) To the department at the first opportunity, but in no case no longer than 24 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~~)) abuse or neglect of a child or youth outlined in 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 24 hours, about using physical restraint on a child as described in WAC 110-302-0335.

(3) In addition to reporting to the department by phone or email, ONB providers must submit a written incident report of the following on a department form within 24 hours of:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or 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) ONB providers 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.