

WAC Sections

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170-151-010

What definitions are important for the school-age child care center program?

The following definitions are important under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child as defined in RCW 26.44.020 and chapter 388-15 WAC.

"Department" means the state department of early learning (DEL), or its predecessor the department of social and health services (DSHS), the state agency with the legal authority to regulate and certify school-age child care centers.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for child care license.

"License" means a permit issued by the department to a person or organization to operate a school-age child care center and affirming the licensee meets requirements under licensure.

"Licensee" means the person, organization, or legal entity named on the facility license and responsible for operating the center.

"Licensor" means the person employed by the department to regulate and license a school-age child care center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"School-age child" means a child five years of age through twelve years of age enrolled in a public or private school.

"School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. The program must meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy the department's training requirements.

"We" or "our" refer to and mean the department of early learning (DEL), including DEL licensors.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-010, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-010, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.15 RCW, RCW 74.08.090. 02-16-062, § 388-151-010, filed 8/2/02, effective 10/1/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-010, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-010, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-010, filed 12/30/92, effective 1/30/93.]

170-151-020

Who needs to be licensed?

(1) The person or organization operating a school-age child care center must receive a license from the department to provide school-age child care, in accordance with chapter 43.215 RCW.

(2) The department does not need to license the person or organization operating a school-age child care center if chapter 43.215 RCW exempts the person or organization from the licensing requirements. The person or organization claiming an exemption from the licensing requirements must provide the department proof of entitlement to the exemption at the licensor's request.

(3) You may use the following matrix to determine whether or not you are exempt from licensing:

Child care	Recreational
The child care facility assumes responsibility for the child and his welfare.	Children are free to come and go as they choose.
Children are signed in and can only be released to an authorized adult.	No responsibility is assumed in lieu of parent.
A specific registration procedure and required forms must be completed.	No registration form or procedure.
Must adhere to DEL standards; has specific requirements regarding staff-child ratio and group size.	No required staff-child ratio or group size requirements.
Specific DEL requirements regarding policies and procedures are in a parent handbook.	No specific detailed policies and procedures. General "house rules" apply at each site.
There are specific program goals and activities; calendars of activities are posted and available.	Activities occur on a daily basis; no long-term goals or activities exist.

(4) The person or organization that serves state-paid children must:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in Child Care Subsidies, a brochure for providers, DEL 22-877; and

(c) Bill the department at the person's or organization's customary rate or the state rate, whichever is less.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-020, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-020, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-020, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-020, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-020, filed 12/30/92, effective 1/30/93.]

170-151-040

What local ordinances and codes apply?

The licensee or applicant for license must comply with city ordinances and county codes, including zoning and building regulations.

[06-15-075, recodified as § 170-151-040, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-040, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-040, filed 12/30/92, effective 1/30/93.]

170-151-045

What is the basis for the department's issuance or denial of a license?

The department must issue or deny a license on the basis of the applicant's compliance with school-age child care licensing requirements.

170-151-070

How do I apply or reapply for a license?

(1) You must comply with the department's application procedures and submit to the department:

(a) A completed department-supplied application for school-age child care center license, including attachments, ninety or more days before the:

- (i) Expiration of your current license;
- (ii) Opening date of your center;
- (iii) Relocation of your center; or
- (iv) Change of the licensee.

(b) A completed background check form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The annual licensing fee. The fee is forty-eight dollars per year for the first twelve children plus four dollars for each additional child over the licensed capacity of twelve children.

(2) In addition to the required application materials specified under subsection (1) of this section, you must submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and of the site coordinator;

(b) Copies of diplomas or education transcripts of the director and site coordinator; and

(c) Three professional references each for you, the director, and the site coordinator.

(3) You, as the applicant for a license under this chapter must be twenty-one years of age or older.

(4) You must conform to rules and regulations approved or adopted by the:

(a) State department of health and relating to the health care of children at school-age child care centers;

(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-12 WAC.

(5) The department must not issue a license to you until the state fire marshal's office has certified or inspected and approved the center.

(6) The department may exempt a school site possessing a fire safety certification signed by the local fire official within six months prior to licensure from the requirement to receive an additional fire safety inspection by the state fire marshal's office.

(7) You must submit a completed plan of deficiency correction, when required, to the department of health and the department licensor before the department will issue you a license.

(8) You, your director and site coordinator must attend department-provided orientation training.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-070, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-070, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-070, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-070, filed 12/30/92, effective 1/30/93.]

170-151-075

How do I get a waiver of the licensing requirements contained in this chapter?

(1) In an individual case, the department, for good cause, may waive a specific requirement and approve an alternate method for you to

achieve the specific requirement's intent if:

- (a) You submit to the department a written waiver request fully explaining the circumstances necessitating the waiver; and
 - (b) The department decides the department's approval of the waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of licensee-delivered services.
- (2) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of your license.
- (3) The department may limit or restrict a license the department issues to you in conjunction with a waiver.
 - (4) You must maintain a copy of the department's written waiver approval on the premises.
 - (5) You may not appeal the department's denial of your request for waiver under chapter 34.05 RCW or 170-03 WAC.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-075, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-075, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-075, filed 12/22/00, effective 1/22/01.]

170-151-080

How does the department determine my licensed capacity?

- (1) The department issues the applicant or licensee a license for a specific number of children depending on:
- (a) The department's evaluation of your center's premises, equipment, and physical accommodations;
 - (b) The number and skills of you, your staff, and your volunteers; and
 - (c) The ages and characteristics of the children you serve.
- (2) The department:
- (a) Must not issue you a license to care for more children than this chapter permits; and
 - (b) May issue you a license to care for fewer children than your center's maximum capacity.

[06-15-075, recodified as § 170-151-080, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-080, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-080, filed 12/30/92, effective 1/30/93.]

170-151-085

How do I get an initial license?

- (1) The department may issue an initial license to you if you are not currently licensed to provide child care when you:
- (a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but
 - (b) Cannot demonstrate compliance with the rules pertaining to:
 - (i) Staff-child interactions,
 - (ii) Group size and staff-child ratios,
 - (iii) Behavior management and discipline,
 - (iv) Activity programs,
 - (v) Child records and information, and
 - (vi) Other rules requiring department observation of the applicant's ability to comply with rules.
 - (c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to you for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department must evaluate your ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to you if you demonstrate your compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department must not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

[06-15-075, recodified as § 170-151-085, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-085, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-085, filed 10/1/96, effective 11/1/96.]

170-151-090

When can my license application be denied and when can my license be suspended or revoked?

(1) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapters 26.44 RCW and 388-15 WAC;

(b) Have a disqualifying criminal history under chapter 170-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises;
or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 43.215 RCW.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-090, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-090, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030. 02-14-085, § 388-151-090, filed 6/28/02, effective 7/29/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-090, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-10-043 (Order 3974), § 388-151-090, filed 4/26/96, effective 5/27/96. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-090, filed 12/30/92, effective 1/30/93.]

170-151-092

Under what conditions does the department impose civil penalties against me?

(1) Before imposing a civil penalty, the department must provide written notification to you by personal service, by the licensor or another person, or certified mail that includes:

- (a) A description of the violation and citation of the applicable requirement or law;
- (b) A statement of what you must do to achieve compliance;
- (c) The date by which the department requires compliance;
- (d) The maximum allowable penalty if you do not achieve timely compliance;
- (e) The means to contact any technical assistance services provided by the department or others; and
- (f) Notice of when, where, and to whom you may file a request with the department to extend the time to achieve compliance for good cause.

(2) The length of time you have to comply depends on:

- (a) The seriousness of the violation;
- (b) The potential threat to the health, safety and welfare of children in care; or
- (c) Previous opportunities to correct the deficiency.

(3) The department may impose a civil penalty based on but not limited to these reasons:

- (a) The department previously has imposed an enforcement action for the same or similar type of violation of the same statute or rule on your child care center; or
- (b) The department has previously given your child care center notice of the same or similar type of violation of the same statute or rule; or
- (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) You must pay the civil fine within twenty-eight days after receipt of the notice or later as specified by the department.

(6) The department may forgive the fine if you come into compliance during the notification period.

(7) You, as the center or person against whom the department assesses a civil fine, have a right to an adjudicative proceeding under RCW 43.215.307 and chapter 170-03 WAC.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-092, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-092, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-092, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-092, filed 10/1/96, effective 11/1/96.]

170-151-093

What is the amount of the civil penalty the department may impose?

Whenever the department imposes a civil monetary penalty, the department must impose a penalty of two hundred and fifty dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

170-151-094

Must I post the department's notice of civil penalty?

- (1) You must post the final notice of a civil penalty in a conspicuous place in the facility.
- (2) You must continue to post the notice until the department receives your payment.

[06-15-075, recodified as § 170-151-094, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-094, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-094, filed 10/1/96, effective 11/1/96.]

170-151-095

May the department assess civil penalties on unlicensed programs?

If the department receives information that a school-age program is operating without a license, the department will investigate. The department may contact the program, send a letter, or make an on-site visit to determine that the agency is operating without a license. Where the department has determined that an agency is operating without a license, the department must send written notification to the unlicensed program by certified mail or other means showing proof of service. This notification must contain the following:

- (1) Notice to the agency of the basis for the department's determination that the agency is providing child care without a license and the need for the department to license the agency;
- (2) The citation of the applicable law;
- (3) The assessment of seventy-five dollars per day penalty for each day the agency provides unlicensed care. The department makes the fine effective and payable within thirty days of the agency's receipt of the notification;
- (4) How to contact the department;
- (5) The unlicensed agency's need to submit an application to the department within thirty days of receipt of the department's notification;
- (6) That the department may forgive the penalty if the agency submits an application within thirty days of the notification; and
- (7) The unlicensed agency's right to an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-095, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-095, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-095, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-095, filed 10/1/96, effective 11/1/96.]

170-151-096

May the department impose civil penalties for separate violations?

Each violation of a law or rule constitutes a separate violation. The department may penalize each violation. The department may impose a penalty for each day the violation continues.

[06-15-075, recodified as § 170-151-096, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-096, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-096, filed 10/1/96, effective 11/1/96.]

170-151-097

What if I do not pay the civil penalty?

The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty the department has assessed within ten days after such assessment becomes final.

[06-15-075, recodified as § 170-151-097, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-097, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-097, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 96-20-095, § 388-151-097, filed 10/1/96, effective 11/1/96.]

170-151-098

Under what circumstances may the department issue a probationary license?

(1) The department must base the decision to issue a probationary license on the following factors:

- (a) Willful or negligent noncompliance by you,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing law does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, the department may issue a probationary license in addition to civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the center,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
 - (i) Children's health,
 - (ii) Proper nutrition,
 - (iii) Discipline,
 - (iv) Emergency medical plan,
 - (v) Sanitation and personal hygiene practices.

(3) You must notify parents of all children in care or who may apply for care when the department issues a probationary license to you:

(a) You must notify the parents or guardians of all children in care of the program's probationary status within five working days of receiving the department's notification that the department has issued a probationary license;

(b) You must notify parents and guardians in writing, and the department must approve the notice before you send the notification;

(c) You must provide documentation to the department that you have notified parents or guardians of all children in care within ten working days after you receive notification that the department has issued a probationary license. Documentation must consist of a copy of the letter you have sent to the parents;

(d) The department may issue a probationary license for up to six months, and at the department's discretion, the department may extend the probationary license for an additional six months.

170-151-100

What must I include in the center's activity program?

(1) You must implement an activity program designed to meet the developmental, cultural, and individual needs of the children you serve. You must ensure the program contains a range of learning experiences for the children to:

- (a) Gain self-esteem, self-awareness, conflict resolution, self-control, and decision-making abilities;
- (b) Develop socially, emotionally, intellectually, and physically;
- (c) Learn about nutrition, health, and personal safety; and
- (d) Experiment, create, and explore.

(2) You must ensure the center's program offers variety and options including a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free choice and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(3) You must ensure that the center's program provides the child daily opportunities for small and large muscle activities and outdoor play.

(4) You must operate the center's program under a regular schedule of activities with allowances for a variety of special events. You must implement a planned program of activities by using a current, written activity schedule that includes staff classroom planning time.

(5) You must manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

- (a) Establishing familiar routines;
- (b) Contributing to learning experiences; and
- (c) Maintaining staff-to-child ratio and group size guidelines.

170-151-110

What learning and play materials must I provide?

You must provide the children in care a variety of easily accessible, developmentally appropriate equipment and materials of sufficient quantity to implement the center's program. You must ensure that materials are culturally relevant and promote:

- (1) Social development;
- (2) Communication ability;
- (3) Self-help skills;
- (4) Large and small muscle development; and
- (5) Creative expression.

170-151-120

How must my child care center staff interact with the children?

(1) You must furnish the children a nurturing, respectful, supportive, and responsive environment through frequent interactions between the children and staff:

(a) Supporting the children in developing an understanding of self and others by assisting the children to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for growth and development of the children's social and communication skills, including encouraging the children to ask questions;

(c) Helping the children solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating equally all children in care regardless of race, religion, culture, sex, and ability.

(2) You must furnish the children in care a pleasant and social atmosphere at meal and snack times. Your staff must provide good models for nutrition habits and social behavior.

170-151-130

How must I discipline the children and manage the children's behavior?

(1) You must guide the children's behavior based on an understanding of the individual child's needs and stage of development. You must support the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) You must ensure that your behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. Your staff must not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) You must be responsible for implementing the behavior management and discipline practices of the center.

(4) You must prohibit and prevent any person on the premises from:

(a) Biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking the child, or exercising other means of inflicting physical or emotional pain, or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint, locked time-out room, or closet;

(d) The use of verbal abuse; or

(e) The withholding of food as a punishment.

(5) In emergency situations, you or your staff person may use limited physical restraint not injurious to the child when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) You must document any incident involving the use of physical restraint and notify the child's parent of the use of the restraint.

170-151-150

What does the department require for evening and nighttime care?

(1) For the center offering school-age child care during evening and nighttime hours, you must, in addition to meeting daytime regulations, adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

(2) You must maintain the same staff-to-child ratio in effect during daytime care. At all times, your staff must keep the child within continuous visual or auditory range.

170-151-160

What does the department require for off-site trips?

(1) You may transport or permit the supervised off-site travel of children to participate in field trips or engage in other off-site activities only with written parental consent.

(2) The parent's consent may be:

(a) For a specific date and trip; or

(b) A blanket authorization describing the full range of trips the child may take. In such a case, you must notify the parent in advance about each trip.

(3) For group field trips, you must ensure that:

(a) Emergency information and medical treatment authorization for each child in the group accompanies the child;

(b) A first-aid kit is available;

(c) You maintain a written list of children participating; and

(d) You maintain required staff-child ratios.

170-151-165

What does the department require for transportation?

When you furnish transportation for the child in care:

(1) You must maintain the motor vehicle in a safe operating condition and ensure that the Washington state patrol has approved the vehicle, when applicable;

(2) You or the driver must carry liability and medical insurance;

(3) The driver must have a current driver's license, valid for the classification of motor vehicle the driver operates, and current first-aid and CPR certification;

(4) You must ensure that a minimum of one staff person other than the driver is present in the motor vehicle, when necessary, to comply with the staff-to-child ratio requirement; and

(5) You must ensure that the number of passengers does not exceed the seat belt capacity of the motor vehicle.

(6) You do not need seat belts for buses approved by the Washington state patrol.

[06-15-075, recodified as § 170-151-165, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-165, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-165, filed 12/30/92, effective 1/30/93.]

170-151-170

What does the department require for parent communication?

(1) You must orally:

(a) Explain the center's policies and procedures to the parent;

(b) Orient the parent to the center's philosophy, program, and facilities;

(c) Communicate to the parent issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encourage parent participation in center activities.

(2) You must give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Signing in and signing out requirements;

(f) Child abuse reporting law requirements;

(g) Behavior management and discipline;

(h) Nondiscrimination statement;

(i) Religious activities, if any;

(j) Transportation and field trip arrangements;

(k) Policy on homework, study time, and space necessary to accommodate these activities;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies;

(o) Statement that the parent has free access during hours of operation; and

(p) Written procedure for supervision of children during transitions.

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170-151-180

What staff patterns and qualifications does the department require?

(1) General qualifications. You, your staff, volunteers, and other persons associated with the operation of the center who have access to the child in care must:

(a) Be of good character;

(b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care;

(c) Not have committed or been convicted of child abuse or any crime involving harm to another person; and

(d) Be authorized by DEL to care for or have unsupervised access to children in child care or to work or reside on the premises of a child care agency or certified facility as defined in chapter 170-06 WAC.

(2) The department may, at any time, require additional information from you, any staff person, any volunteer, members of the household of any of these individuals, and other persons having access to children in care. The additional information includes, but is not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

(3) Any evaluation requested under subsection (2)(a) through (e) of this section will be at the expense of the person being evaluated.

(4) The person being evaluated must give the department permission to speak with the evaluator(s) in subsection (2)(a) through (e) of this section prior to and after the evaluation. (5) Program director. You must serve as or employ a director responsible for the overall management of the center's facility and operation. The director must:

(a) Be twenty-one years of age or older;

(b) Serve as administrator of the center, ensuring compliance with licensing requirements;

(c) Have knowledge of development of school-age children as evidenced by professional references, education, experience, and on-the-job performance;

(d) Have the management and supervisory skills necessary for the proper administration of the center, including:

(i) Record maintenance;

(ii) Financial management; and

(iii) Maintenance of positive relationships with staff, children, parents, and the community.

(e) Employ, provide, or arrange for fulfillment of clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation and maintaining the required staff-to-child ratio;

(f) Have completed thirty or more college quarter credits or combination of one-third clock hours and two-thirds college credits, in early childhood education/child development, elementary education, social work, other child-related field, including, but not limited to, art, music, dance, recreation, physical education, education, home economics, psychology, social services, child development associate (CDA), or nutrition;

(g) Have two or more years of successful experience working with school-age children as evidenced by professional references and on-the-job performance;

(h) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and

(i) Have completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (2)(i) of this section:

(i) Twenty clock hours or two college quarter credits of basic training. The Washington state training and registry system (STARS) must approve the training; or

(ii) Current CDA or equivalent credential or twelve or more college quarter credits in a child development associate sequence; or

(iii) Forty-five or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(iv) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(6) Site coordinator. You may employ a site coordinator responsible for being on site with children, program planning and program implementation. The program director must provide regular supervision of the site coordinator.

(7) The same person may serve as the site coordinator and program director when qualified for both positions. The site coordinator must:

(a) Be twenty-one years of age or older;

(b) Have completed thirty or more college quarter credits or combination of one-third clock hours and two-thirds college credits in early childhood education/child development, elementary education social work, other child-related field including, but not limited to, art, music, dance, relevant to school age children, recreation, physical education, education, music, art, psychology, social services, home economics, CDA, or nutrition;

(c) Serve as staff supervisor;

(d) Have demonstrated knowledge in:

(i) Behavior management skills specific to school-age children;

(ii) Program management skills; and

(iii) School-age child activity planning and coordinating skills.

(e) Have a minimum of two years experience working with school-age children, or possess equivalent experience.

(f) Have completed one of the following prior to or within the first six months of licensure or employment:

(i) Twenty clock hours or two college quarter credits of initial training. STARS must approve the training; or

(ii) Current CDA or twelve or more college quarter credits in child development, associate sequence;

(iii) Forty-five or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(iv) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(8) The program director or site coordinator must normally be on the premises while children are in care. If temporarily absent from the center, the director and site coordinator must leave a competent, designated staff person in charge.

(9) The director and site coordinator may also serve as child care staff when that role does not interfere with the director's or site coordinator's management and supervisory responsibilities.

(10) Center staffing. You may employ a lead school-age child care staff person to be in charge of a child or a group of children. Lead school-age child care staff must:

(a) Be eighteen years of age or older;

(b) Possess a high school education or equivalent;

(c) Have school-age child development knowledge and experience; and

(d) Have the ability to implement the activity program.

(11) You may use a child care assistant, volunteer, or trainee. The assistant, volunteer, or trainee must support staff. The school age child care assistant, volunteer, or trainee must:

(a) Be sixteen years of age or older; and

(b) Care for children only under direct supervision.

(12) You must ensure that you and your program director or site coordinator assigns no person under eighteen years of age sole responsibility for a group of children. You, your program director, or your site coordinator may assign the assistant, eighteen years of age or older, sole responsibility for a child or group of children for a brief period of time.

(13) You may count the assistant, volunteer, or trainee in the staff-to-child ratio when that person meets staff requirements.

(14) The licensee may utilize youth volunteers fourteen to fifteen years of age. The youth volunteers:

- (a) Must not be counted as staff at any time.
 - (b) Must not count in the staff-child ratio;
 - (c) Must meet all requirements in WAC [170-151-470\(4\)](#); and
 - (d) Must be under the direct supervision of a lead staff person.
- (15) The lead staff person must not supervise more than one youth volunteer at one time.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-180, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-180, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-180, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-180, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-180, filed 12/30/92, effective 1/30/93.]

170-151-190

What group size and staff-child ratios must I maintain?

- (1) You must maintain, at minimum, a 1:15 staff-child ratio and a maximum group size of thirty or fewer children.
- (2) You must conduct activities for each group in a specific classroom or other defined space within a larger area.
- (3) You must ensure that a qualified staff person or team of staff supervises each group.
- (4) The department may approve reasonable variations to group size limitations if you maintain required staff-to-child ratios, dependent on:
 - (a) Staff qualifications;
 - (b) Program structure; and
 - (c) Usable space.
- (5) You must provide appropriate supervision and keep the child from harm. The children must be in continuous visual or auditory range, except during transitions, including:
 - (a) Moving from indoors to outdoors;
 - (b) Moving from room to room; and
 - (c) When the child uses the restroom.
- (6) You must have a written plan to ensure the children's safety during transitions.
- (7) When only one staff person is present, you must ensure that a second staff person is readily available in case of an emergency.
- (8) You must ensure that each group of children is supervised by a staff person who has completed one of the following prior to or within the first six months of employment:
 - (a) Twenty clock hours or two college quarter credits of initial training. Training must be approved by the Washington state training and registry system (STARS); or
 - (b) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or
 - (c) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

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170-151-200

What requirements must I meet for center staff development and training?

(1) You must have an orientation system making employees, volunteers, and trainees aware of program policies and practices. You must provide staff an orientation including, but not limited to:

- (a) Licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Age-appropriate child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) Fire prevention and safety procedures; and
- (h) Personnel policies.

(2) You must provide or arrange regular training opportunities for the child care staff to:

- (a) Promote ongoing employee education;
- (b) Enhance practice skills;
- (c) Increase cultural awareness; and
- (d) Accommodate special health and developmental needs of the individual child.

(3) You must conduct periodic staff meetings for planning and coordination purposes.

(4) You must ensure that:

(a) A staff person with basic, standard, current first-aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training is present at all times while the child is in care; and

(b) Staff's CPR training includes methods appropriate for school-age children in care.

(5) You must provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) You must ensure that the person preparing full meals for the center has a valid food handler permit.

(7) You must ensure that the director, site coordinator and, where the program serves more than one group of children, at least one staff person for every group of children, complete:

(a) Ten clock hours or one college quarter credit of training annually, approved by Washington state training and registry system (STARS), beginning one year after licensure or employment in your licensed child care facility; and

(b) For the director and the site coordinator, five of the ten hours of training must be in program management and administration.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-200, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-200, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-200, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-200, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-200, filed 12/30/92, effective 1/30/93.]

170-151-210

What must my required health care plan contain?

(1) You must maintain current written health policies and procedures for staff orientation and use by staff, and for the parent.

(2) Your health care plan must include, but is not limited to, information about your center's procedures concerning:

- (a) Communicable disease prevention, reporting, and management;

- (b) Action taken for medical emergencies;
- (c) First aid;
- (d) Care of minor illnesses;
- (e) Medication management;
- (f) General hygiene practices;
- (g) Hand washing practices; and
- (h) Food and food services.

(3) You must use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and approval of the center's health care plan.

[06-15-075, recodified as § 170-151-210, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020, 01-02-031, § 388-151-210, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW, 93-02-020 (Order 3493), § 388-151-210, filed 12/30/92, effective 1/30/93.]

170-151-220

What steps must I take to address health supervision and infectious disease prevention?

- (1) Before or on the child's first day of attendance, you must have on file a record of immunization status.
- (2) Your staff must observe the child daily for signs of illness. You must care for or discharge to the child's home the ill child based on your policies concerning ill children.
- (3) If a child becomes ill while in care:
 - (a) You must furnish a separate care area with an appropriate rest surface and bedding, as needed; and
 - (b) Your staff must sanitize equipment the child uses if staff suspects the child has a communicable disease.
- (4) You may use the separate care room or area for other purposes when not needed for separation of the child.
- (5) Your staff must ensure that the child washes hands:
 - (a) Before the child eats;
 - (b) Before the child participates in food activities; and
 - (c) After the child's toileting.
- (6) Your staff must follow your center's policies for cleaning and disinfecting the environment.
- (7) You must have extra clothing available for circumstances arising during outdoor play.
- (8) Your staff must ensure that the children do not share personal hygiene or grooming items.
- (9) You must have on file, upon employment, for each center employee, volunteer, and other person having regular contact with the children in care results of a negative tuberculin (TB) skin test, by the Mantoux method, or results of a chest X ray. You need not require the TB test or chest X ray for an individual if, such a test is against medical advice. The department does not require periodic retesting.
- (10) You must not permit a person with a reportable communicable disease to be on duty in the center or have contact with the child in care unless a health care provider approves the contact in writing.
- (11) Staff must wash hands:
 - (a) After personal toileting;
 - (b) After attending to an ill child;
 - (c) After nose blowing;
 - (d) After smoking; and

(e) Before serving or preparing food.

[06-15-075, recodified as § 170-151-220, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-220, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-220, filed 12/30/92, effective 1/30/93.]

170-151-230

What requirements must I meet for medication management?

You may have a policy of not giving medication to the child in care. If your center's health care plan includes giving medication to the child in care, you:

(1) Must give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(2) Must give prescription medications:

(a) Only as specified on the prescription label; or

(b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Must give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

(g) Sun screen.

(4) Must give other nonprescription medication:

(a) Not included in the categories listed in subsection (3) of this section; or

(b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4)(a), (b), and (c) of this section:

(i) Authorized, in writing, by a physician; or

(ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) Must accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion and inaccessible to the child;

(7) Must store external medication in a compartment separate from internal medication;

(8) Must keep a record of medication disbursed;

(9) Must return to the parent or other responsible party, or must dispose of medications no longer being taken; and

(10) May, at your option, permit self-administration of medication by a child in care if:

(a) The child is physically and mentally capable of properly taking medication without assistance;

(b) You include in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

(c) You have stored the child's medications and other medical supplies so the medications and medical supplies are inaccessible to other children in care.

[06-15-075, recodified as § 170-151-230, filed 7/13/06, effective 7/13/06. Statutory Authority: Chapter 74.15 RCW and RCW 34.05.395. 02-13-073, § 388-151-230, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-230, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-230, filed 12/30/92, effective 1/30/93.]

170-151-240

What nutrition requirements must I meet?

(1) You must provide food meeting the nutritional needs of the children in care, taking into consideration each child's:

(a) Age and development level;

(b) Cultural background; and

(c) Child's special health care needs, if any.

(2) You must provide only pasteurized milk or pasteurized milk products.

(3) You may serve school-age children powdered Grade A milk, provided you complete the dry milk mixture, service, and storage in a safe and sanitary manner.

(4) You may furnish a child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with the written permission of the child's health care provider. The licensee must obtain from the parent or the child's health care provider a written list of foods the child must not consume.

(5) You must:

(a) Record food and portion sizes planned and served; and

(b) Post menus showing two weeks or more of food variety before repeating menus.

(6) You may make nutritional substitutions of comparable nutrient value to the menu.

(7) You must use the following meal pattern to furnish food in age-appropriate servings to provide the child:

(a) Access to a breakfast, if the child arrives on the premises before 7:00 a.m.;

(b) A snack if the child is in care for one to three hours before or after school; and

(c) Food at intervals not less than two hours and not more than three and one-half hours apart.

(8) You must furnish the child in care food that complies with the meal pattern of the United States Department of Agriculture Child and Adult Care Food Program or the National School Lunch Program.

(9) The children's snacks must include one or more dairy or protein source provided daily and must contain a minimum of two of the following four components at each snack:

(a) A dairy product;

(b) A protein food;

(c) Bread or bread alternate; or

(d) Fruit or vegetable or juice containing a minimum of fifty percent real juice.

(10) You must have available food supplies to supplement food brought from the child's home that is deficient in meeting nutrition

requirements.

[06-15-075, recodified as § 170-151-240, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-240, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-240, filed 12/30/92, effective 1/30/93.]

170-151-250

What requirements must I meet for kitchen and food service?

- (1) You must ensure the proper storage, preparation, and service of food to meet program needs.
- (2) You must meet food service standards by ensuring that;
 - (a) The staff person preparing full meals has a valid food handler permit;
 - (b) The staff person preparing and serving meals washes hands before handling food;
 - (c) Handwashing facilities are located in or adjacent to food preparation areas;
 - (d) Your program stores food in a sanitary manner; especially milk, shell-fish, meat, poultry, eggs, and other protein food sources;
 - (e) Your program stores food requiring refrigeration at a temperature no warmer than forty-five degrees Fahrenheit;
 - (f) Your program stores frozen food at a maximum temperature of zero degrees Fahrenheit;
 - (g) You have equipped your refrigerators and freezers with thermometers and that your staff regularly cleans and defrosts your facility's refrigerators and freezers;
 - (h) Your staff cooks food to correct temperatures;
 - (i) Your staff washes raw food thoroughly with clean running water;
 - (j) Your staff rapidly cools and refrigerates cooked food to be stored after preparation;
 - (k) Your program keeps food in original containers or in clean, labeled containers and stores the food off the floor;
 - (l) Your staff discards packaged, canned, and bottled food with a past expiration date;
 - (m) Your staff discards food in dented cans or torn packages; and
 - (n) You notify parents when your program serves food containing sulfiting agents.
- (3) Children in care may participate in food preparation as an education activity when:
 - (a) You make kitchen equipment inaccessible to the children, except during planned and supervised kitchen activities; and
 - (b) Your staff supervises food preparation activities.
- (4) You must install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:
 - (a) Sanitizing reusable utensils in a dishwasher or through use of a three-compartment dishwashing procedure; and
 - (b) Using only single-use clean cloths, solely, for wiping food service, preparation, and eating surfaces.

[06-15-075, recodified as § 170-151-250, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-250, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-250, filed 12/30/92, effective 1/30/93.]

170-151-260

What requirements must I meet for drinking and eating equipment?

You must:

- (1) Provide children with single-use cups, individual drinking cups or glasses, or inclined jet-type drinking fountains;
- (2) Prohibit your child care center from using bubbler-type drinking fountains and common drinking cups or glasses; and
- (3) Provide the children with durable eating utensils appropriate in size and shape for the children in care.

[06-15-075, recodified as § 170-151-260, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-260, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-260, filed 12/30/92, effective 1/30/93.]

170-151-280

What general safety, maintenance, and site requirements must I meet?

You must:

- (1) Operate the center:
 - (a) On an environmentally safe site;
 - (b) In a neighborhood free from conditions detrimental to the children's welfare; and
 - (c) In a location accessible to health and emergency service.
- (2) Ensure that you maintain indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair;
- (3) Ensure that furniture and equipment are safe, stable, durable, and age-appropriate;
- (4) Maintain a flashlight or other emergency lighting device in working condition;
- (5) Finish or cover rough or untreated wood surfaces;
- (6) Maintain one or more telephones in working order, readily accessible to staff and children;
- (7) Supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring;
- (8) Ensure staff can gain rapid access in an emergency to a bathroom or other room children may occupy;
- (9) Shield light bulbs and tubes in child-accessible areas;
- (10) Keep the premises free from rodents, fleas, cockroaches, and other insects and pests;
- (11) Ensure no firearm or other weapon is on the premises;
- (12) Maintain adequate storage space for play and teaching equipment, supplies, records, and children's possessions and clothing;
- (13) Safely store or make inaccessible to the children cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels;
- (14) Label a container filled from a stock supply to identify contents;
- (15) Comply with fire safety regulations adopted by the state fire marshal's office.

[06-15-075, recodified as § 170-151-280, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-280, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-280, filed 12/30/92, effective 1/30/93.]

170-151-290

What must I do to ensure water safety in my facility?

- (1) You must maintain the following water safety precautions when the children in your care use an on-premises swimming pool, wading pool, or natural body of water, or enter the water on a field trip by ensuring:
 - (a) The on-premises pool or natural body of water is inaccessible to the children when not in use;

(b) During the children's use of a wading pool, an adult with current CPR training supervises the child at all times; and

(c) During the children's use of a swimming pool or natural body of water, a certified lifeguard is present at all times, in addition to required staff.

(2) You must, on a daily basis, empty and clean portable wading pools, when in use.

(3) You may permit the children to use or access a hot tub, spa tank, or whirlpool only under direct supervision and with written parental permission.

[06-15-075, recodified as § 170-151-290, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-290, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-290, filed 12/30/92, effective 1/30/93.]

170-151-310

What first-aid supplies must I have available in my child care center?

(1) You must maintain on the premises adequate first-aid supplies conforming with your center's first-aid policies and procedures.

(2) Your first-aid supplies must include unexpired syrup of ipecac. Your staff may administer syrup of ipecac only on the advice of a physician or the poison control center.

[06-15-075, recodified as § 170-151-310, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-310, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-310, filed 12/30/92, effective 1/30/93.]

170-151-320

What requirements must I meet for an outdoor play area?

You must:

(1) Provide a safe and equipped outdoor play area of sufficient size to meet the needs of the children in care. The play area must:

(a) Be reachable by a safe route and method;

(b) Promote the children's active play, physical development, and coordination;

(c) Be free of any dangerous condition and provide safe child entry and exit; and

(d) Be adaptable to the child or children with special needs.

(2) You must ensure that the center's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensor may accept the playground that is on public school property and has been inspected by the school district or state or local health departments.

[06-15-075, recodified as § 170-151-320, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-320, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-320, filed 12/30/92, effective 1/30/93.]

170-151-330

What requirements must I meet for indoor space?

(1) Your school-age child care center must have adequate, usable space indoors to ensure that children are not crowded. You must provide a minimum of thirty-five square feet per child of usable space.

(2) Your facility must have an identifiable space of its own during hours of operation, which may include moveable furnishings and

equipment.

(3) You must arrange indoor space to encourage a variety of developmentally appropriate activities including:

- (a) Interest areas for focused activities;
- (b) Open areas for large motor activities;
- (c) Areas where children can work individually, in small groups, and in large groups; and
- (d) Private spaces where children can rest, play, and work alone or with a friend.

[06-15-075, recodified as § 170-151-330, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-330, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-330, filed 12/30/92, effective 1/30/93.]

170-151-340

What are the department's requirements for toilets and handwashing sinks?

(1) You must supply handwashing sinks and toilets for the children equal to, at minimum, the number the state or local building code requires. You must meet the following minimum ratios:

- (a) For toilets: 1:100 for boys and 1:35 for girls,
- (b) For urinals: 1:30.

(2) You must supply the children with warm, running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred twenty degrees Fahrenheit.

- (3) You must locate the children's handwashing facilities in or adjacent to rooms used for toileting.
- (4) You must provide toileting privacy for the children.
- (5) You must ensure that rooms used for toileting are ventilated to the outdoors.

(6) You must provide the children with soap and individual towels or other appropriate devices for washing and drying the children's hands and faces.

[06-15-075, recodified as § 170-151-340, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-340, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-340, filed 12/30/92, effective 1/30/93.]

170-151-380

What kind of program atmosphere must I provide?

You must:

(1) Provide a cheerful environment for the children by placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the children in care;

- (2) Maintain a safe and developmentally appropriate noise level;
- (3) Locate fixtures and provide lighting intensities promoting visibility and comfort for the children in care;
- (4) Maintain the temperature within the center at sixty-eight degrees Fahrenheit or more; and
- (5) Regulate the temperature and ventilate the center for the health and comfort of the children in care.

[06-15-075, recodified as § 170-151-380, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-380, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-380, filed 12/30/92, effective 1/30/93.]

170-151-390

What requirements must I meet regarding nondiscrimination?

(1) You must comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

(2) Consistent with state and federal laws, you must respect and facilitate all rights of the children in care.

[06-15-075, recodified as § 170-151-390, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-390, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-390, filed 12/30/92, effective 1/30/93.]

170-151-410

What special requirements regarding American Indian children must I meet?

When five percent or more of your center's child enrollment consists of Indian children, you must, in consultation with the parent, establish a plan to provide social service resources and staff training programs designed to meet the social and cultural needs of such children. You may coordinate with tribal, Indian health service, and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

[06-15-075, recodified as § 170-151-410, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-410, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-410, filed 12/30/92, effective 1/30/93.]

170-151-420

What are my responsibilities regarding child abuse, neglect, and exploitation?

You and your staff must protect the children in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW. If you or your staff have reasonable cause to believe that a child has suffered abuse or neglect, you or your staff must report the alleged incident to law enforcement or the department of social and health services child protective services (CPS) section in accordance with RCW 26.44.030.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-420, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-420, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-420, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-420, filed 12/30/92, effective 1/30/93.]

170-151-430

What requirements does the department have regarding prohibited substances and tobacco products?

(1) During operating hours or when children are in care, you, your staff, and volunteers on your center premises or caring for the children off-site must not be under the influence of, consume, or possess an:

(a) Alcoholic beverage; or

(b) Illegal drug.

(2) You must prohibit smoking in the center and in motor vehicle when you, your staff, or volunteers transport children. You may permit on-premises smoking only outdoors, away from the building, when the children are not present.

[06-15-075, recodified as § 170-151-430, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-430, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-430, filed 12/30/92, effective 1/30/93.]

170-151-440**What are the department's limitations regarding persons on premises?**

(1) During operating hours or while a child is in care, individuals allowed to have unsupervised access to children in care are:

(a) You;

(b) An employee or volunteer who has been authorized by DEL to care for or have unsupervised access to children in child care;

(c) A representative of a school district; and

(d) A representative of a governmental agency who has specific, verifiable authority supported by documentation for the access.

(2) A parent can have unsupervised access only to his or her own child. A parent may sign an authorization for an individual to have unsupervised access to the parent's own child (for example a therapist).

(3) You must not allow anyone else to have unsupervised access to a child in child care.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-440, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-440, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-440, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-440, filed 12/30/92, effective 1/30/93.]

170-151-450**What child records and information must I maintain?**

You must maintain, on the premises, organized and confidential records and information concerning each child in care. You must ensure each child's record contains, at a minimum:

(1) Registration data:

(a) Name, birth date, dates of enrollment and termination, and other identifying information;

(b) Name, address, and home and business telephone numbers of the parent and other person for you to contact in case of emergency; and

(c) A completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of any other person authorized to remove the child in care from the center;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness or injury occurring on the premises including the treatment given by your staff;

(b) Medication given by your staff indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history obtained when you or your staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Name, address, and telephone number of child's health care provider or facility; and

(v) A record of immunization status.

[06-15-075, recodified as § 170-151-450, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-450, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-450, filed 12/30/92, effective 1/30/93.]

170-151-460

What program records must I maintain?

You must maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, must sign in the child on arrival and must sign out the child at departure, using a full, legal signature;

(b) When the child leaves the center to attend school or other off-site activity as authorized by the parent, your staff person must sign out the child and sign in the child on return to the center; and

(c) Signed agreements between a program director and a parent where school-age child is allowed to leave the center on his own, must be verified by signature and dated by the director and parent. Staff may sign a child in/out whose parent has agreed in writing to let the child leave the center.

(2) A copy of the report sent to the department about any illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time you conducted the required monthly fire evacuation drills;

(4) A written plan for staff development specifying the content, frequency, and manner of planned training;

(5) Activity program plan records;

(6) A list of each child's allergies and dietary restrictions, if any;

(7) Any incident involving the use of physical restraint;

(8) A record of medication your staff gives to any child; and

(9) A record of accidents and injuries.

(10) Personnel records as described in WAC [170-151-470\(4\)](#).

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-460, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-460, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-460, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-460, filed 12/30/92, effective 1/30/93.]

170-151-470

What personnel policies and records must I develop and maintain?

(1) Each employee and volunteer having unsupervised or regular access to the child in care must complete and submit to you or your director by the date of hire:

(a) An application for employment on a department-prescribed form or its equivalent; and

(b) A background check form:

(i) You must submit this form to the department for each employee and volunteer, within seven calendar days of the employee's first day of employment so that the department may complete a background check; and

(ii) The department must discuss the inquiry information with you or your director, when applicable.

(c) A Federal Bureau of Investigation (FBI) check, for you or any employee, or volunteer, if you, the employee, or volunteer has resided

in the state for less than three years.

(2) Each employee serving as a program director, site coordinator, or staff person required to complete training under WAC [170-151-190\(8\)](#) must complete and submit a Washington state training and registry system (STARS) profile form to you or your director by the date of hire. You must submit this form to STARS within seven calendar days of the employee's first day of employment, so that the department may track the employee's compliance with training requirements.

(3) You must have written personnel policies describing staff benefits, if any, duties, qualifications, grievance procedures, pay dates, and nondiscrimination policies.

(4) You must maintain on the premises a personnel record keeping system, including a file for you and each staff person and volunteer containing:

- (a) An employment application including work and education history;
- (b) Documentation of background check form submission, or FBI fingerprint check, if applicable;
- (c) A copy of the department notification of background clearance authorization;
- (d) A record of Mantoux method tuberculin skin test results, X ray, or an exemption to the skin test or X ray;
- (e) Documentation on HIV/AIDS education and training;
- (f) A record of participation in staff development training;
- (g) Documentation of orientation program completion;
- (h) Documentation of a valid food handler permit, when applicable;
- (i) Documentation of current first-aid and CPR training, when applicable; and
- (j) Documentation of basic and annual training required under WAC [170-151-180](#) (2)(i) and (4)(f), [170-151-190\(8\)](#) and [170-151-200\(7\)](#).

[Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. 08-10-041, § 170-151-470, filed 4/30/08, effective 5/31/08. 06-15-075, recodified as § 170-151-470, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-470, filed 12/22/00, effective 1/22/01. Statutory Authority: RCW 74.15.030. 98-24-052, § 388-151-470, filed 11/25/98, effective 12/26/98. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-470, filed 12/30/92, effective 1/30/93.]

170-151-480

What requirements must I meet for reporting of death, injury, illness, epidemic, or child abuse?

You or your staff must report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the child's parent and the department;

(2) An instance when you or your staff has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; and

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

[06-15-075, recodified as § 170-151-480, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-480, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-480, filed 12/30/92, effective 1/30/93.]

170-151-490

Under what circumstances must I report circumstantial changes to the department?

A school-age child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the department a major change affecting your center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (1) Center's address, location, space, or phone number;
- (2) Maximum number and ages of children served as compared to current license specifications;
- (3) Change of ownership, chief executive officer, licensee, director, or site coordinator;
- (4) Name of the licensed corporation or name by which the center is commonly known or changes in the center's articles of incorporation and bylaws;
- (5) Occurrence of a fire, major structural change, or damage to the premises; and
- (6) Plans for major remodeling of the center including planned use of space not previously department-approved.

[06-15-075, recodified as § 170-151-490, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-490, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-490, filed 12/30/92, effective 1/30/93.]

170-151-500

What informational items must I post in my center?

- (1) You must post the following items, clearly visible to the parents of children in care and your staff:
 - (a) The center's child care license issued under this chapter;
 - (b) A list of all staff names;
 - (c) A typical activity schedule including operating hours;
 - (d) Food menus;
 - (e) Evacuation plans and procedures including a diagram of exiting routes; and
 - (f) Emergency telephone numbers, including 911 and local law enforcement, highlighted and posted by the telephone with the center's address.
- (2) For your staff, you must post:
 - (a) Dietary restrictions for particular children; and
 - (b) Handwashing practices.

[06-15-075, recodified as § 170-151-500, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.15.020. 01-02-031, § 388-151-500, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 74.15 RCW. 93-02-020 (Order 3493), § 388-151-500, filed 12/30/92, effective 1/30/93.]

170-151-991

Waiver of fees.

Any person or agency subject to license fees under chapter 43.215 RCW and this chapter, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the DEL director. Following receipt of the petition, the director may require submission of additional information considered relevant.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-991, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-991, filed 7/13/06, effective 7/13/06. 00-23-088, recodified as § 388-151-991, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-002, filed 6/4/82.]

170-151-992

Fee payment and refunds.

(1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order.

[Statutory Authority: Chapter 43.215 RCW and 2006 c 265. 08-08-012, § 170-151-992, filed 3/19/08, effective 4/19/08. 06-15-075, recodified as § 170-151-992, filed 7/13/06, effective 7/13/06. 00-23-088, recodified as § 388-151-992, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-010, filed 6/4/82.]

170-151-993

Denial, revocation, suspension, and reinstatement.

(1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

[06-15-075, recodified as § 170-151-993, filed 7/13/06, effective 7/13/06. 00-23-089, recodified as § 388-151-993, filed 11/20/00, effective 11/20/00. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-015, filed 6/4/82.]