

Washington Administrative Code Currentness \_Title 170. Early Learning, Department of \_  
Chapter 170-295. Minimum Licensing Requirements for Child Care Centers (Formerly Chapter 388-295  
WAC) \_Licensing

WAC 170-295-0001

170-295-0001. What gives the authority to the department to license child care and charge licensing fees?

(1) The rules for child care centers are governed under chapter 43.215 RCW.

(2) The rules establishing licensing fees are adopted under authority of RCW 43.215.255.

WAC 170-295-0010

Orange  
& Yellow

170-295-0010. What definitions under this chapter apply to licensed child care providers?

**‘American Indian child’** means any unmarried person under the age of eighteen who is:

(1) A member or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut, or other Alaska native and a member of an Alaskan native regional corporation or Alaska native village;

(2) Determined or eligible to be found Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

**‘Anti-bias’** is an approach that works against biases and recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, gender, sexual orientation, class, religion, creed, disability, or age.

**‘CACFP’** means child and adult care food program established by congress and funded by the United States Department of Agriculture (USDA).

**‘Capacity’** means the maximum number of children that a licensee is authorized to have on the premises of the child care at any one time.

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**‘Center’** means the same as **‘child care center.’**

**‘Certification’** means department approval of a person, home, or facility that does not legally need to be licensed, but wants evidence that they meet the minimum licensing requirements (also see **‘Tribal certification’**).

**‘Child abuse or neglect’** means the physical abuse, sexual abuse, sexual exploitation, abandonment or negligent treatment or maltreatment of a child by any person indicating the child’s health, welfare, and safety is harmed.

**‘Child-accessible’** means areas where children regularly have access such as: Entrances and exits to and from the center, classrooms or child care areas, playground area including equipment and fencing, parking areas, walkways, decks, platforms, stairs and any items available for children to use in these areas.

**‘Child care center’** means the same as a **‘child day care center’** or a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours.

**‘Clean’** 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 a surface.

**‘Commercial kitchen equipment’** means equipment designed for business purposes such as restaurants.

**‘Contagious disease’** means as provided in WAC 246-110-010.

**‘Cultural relevancy’** creates an environment that reflects home cultures, communities and lives of children enrolled in the program.

**‘Department,’ ‘we,’ ‘us,’ or ‘our’** refers to and means the state department of early learning (DEL) and its predecessor agency the department of social and health services (DSHS).

**‘Developmentally appropriate practice’:**

(1) Means that the provider should interact with each child in a way that recognizes and respects the child’s chronological and developmental age;

(2) Is based on knowledge about how children grow and learn; and

(3) Reflects the developmental level of the individual child, and interactions and activities must be planned with the needs of the individual child in mind.

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**‘Director’** means the person responsible for the overall management of the center’s facility and operation, except that ‘DEL director’ means the director of the department of early learning.

**‘Disinfect’** means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents.

**‘Domestic kitchen’** means a kitchen equipped with residential appliances.

**‘External medication’** means a medication that is not intended to be swallowed or injected but is to be applied to the external parts of the body, such as medicated ointments, lotions, or liquids applied to the skin or hair.

**‘I,’ ‘you,’ and ‘your’** refer to and mean the licensee or applicant for a child care license.

**‘Inaccessible to children’** means stored or maintained in a manner preventing children from reaching, entering, or using potentially hazardous items or areas. Examples include but are not limited to: Quantities of water, sharp objects, medications, chemicals, electricity, fire, mechanical equipment, entrapment or fall areas.

**‘Individual plan of care’** means that the center’s health policies and procedures do not cover the needs of the individual child so an individual plan is needed. Examples may include children with allergies, asthma, Down syndrome, tube feeding, diabetes care such as blood glucose monitoring, or nebulizer treatments.

**‘Infant’** means a child one-month through eleven months of age.

**‘Lead teacher’** means the person who is the lead child care staff person in charge of a child or group of children and implementing the activity program.

**‘License’** means a permit issued by the department authorizing a licensee by law to operate a child care center and certifying that the licensee meets the minimum requirements under licensure.

**‘Licensee’** or **‘you’** means the person, organization, or legal entity responsible for operating the center.

**‘Maximum potential capacity based on square footage’** is the maximum number of children a licensee can be licensed for based on the amount of usable space (square footage) in the licensee’s center. The licensee may be licensed for less than the maximum potential capacity. A licensee may not be licensed for more than the maximum potential capacity.

**‘Moisture impervious’** or **‘moisture resistant’** means a surface incapable of being penetrated by water or liquids.

**‘Nonexpiring license’** or **‘nonexpiring full license’** means a full license that is issued to a licensee following the initial licensing period as provided in WAC 170-295-0095.

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**‘Parent‘** means birth parent, custodial parent, foster parent, legal guardian, those authorized by the parent or other entity legally responsible for the welfare of the child.

**‘Pesticides‘** means chemicals that are used to kill weeds, pests, particularly insects.

**‘Potentially hazardous food‘** means any food or ingredient that requires temperature control because it supports rapid growth of infectious or toxin forming microorganisms.

**‘Potable water‘** means water suitable for drinking by the public as determined by the state department of health or local health jurisdiction.

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

**‘Preschool age child‘** means a child thirty months through five years of age not attending kindergarten or elementary school.

**‘Program supervisor‘** means the person responsible for planning and supervising the center’s learning and activity program.

**‘Sanitize‘** means a surface must be clean and the number of germs reduced to a level that disease transmissions by that surface are unlikely. This procedure is less vigorous than disinfection.

**‘Satellite kitchen‘** means a food service establishment approved by a local health jurisdiction where food is stored, prepared, portioned or packaged for service elsewhere.

**‘School-age child‘** means a child not less than five years through twelve years of age who has begun attending kindergarten or elementary school.

**‘Staff‘** means a child care giver or group of child care givers employed by the licensee to supervise children served at the center who are authorized by DEL to care for or have unsupervised access to children under chapter 170-06 WAC.

**‘Supervised access‘** refers to those individuals at a child care center who have no responsibility for the operation of the center and do not have unsupervised access to children. These individuals are not required to submit a background check form. This includes those persons on the premises for ‘time limited‘ activities whose presence is supervised by a center employee and does not affect provider/child ratios or the normal activities or routine of the center. Examples include:

(1) A person hired to present an activity to the children in care such as a puppet show, cooking activity, and story telling;

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(2) Parent participation as part of a special theme; or

(3) A relative visiting a child on the premises.

**‘Terminal room cleaning’** means thorough cleaning of walls, ceiling, floor and all equipment, and disinfecting as necessary, in a room which has been used by a person having a contagious disease before it is occupied by another person.

**‘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 training requirement.

**‘Toddler’** means a child twelve months through twenty-nine months of age.

**‘Tribal certification’** means that the department has certified the tribe to receive state payment for children eligible to receive child care subsidies.

**‘Unsupervised access’** refers to those individuals at a child care center who can be left alone with children in the child care center. These individuals must have received a full background authorization clearance under chapter 170-06 WAC.

**‘Usable space’** means the areas that are available at all times for use by the children that do not cause a health or safety hazard.

WAC 170-295-0020

170-295-0020. Who needs to become licensed?

(1) Individuals, entities and agencies that provide care for children must be licensed unless specifically exempt under RCW 43.215.010(2).

(2) The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it.

(3) We do not license a center that is legally exempt from licensing per RCW 43.215.010(2). However, if the applicant requests it, we follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing requirements and procedures apply equally to certification.

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(4) We may certify a child care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office.

(5) The center listed in subsection (4)(a), (b), or (c) of this section must be licensed, certified, or approved in accordance with national or state standards, or standards approved by us. It must be operated on the premises where the entity operating the center has jurisdiction.

(6) We must not license a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center; or

(c) Authorization of payment for the child in care.

(7) We may license a center located in a private family residence when the portion of the residence accessible to the child is:

(a) Used exclusively for the child during the center's operating hours or while the child is in care; or

(b) Separate from the family living quarters.

**WAC 170-295-0030**

**170-295-0030. Eligibility to receive state child care subsidies.**

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To be eligible to receive state child care subsidies for children in their care, individuals, entities and agencies must:

- (1) Be licensed or certified;
- (2) Be a seasonal camp that has a contract with DEL and is certified by the American Camping Association;
- (3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers*, revised 2012;
- (4) Bill at the individual's, entity's, or agency's customary rate or the state rate, whichever is less; and
- (5) Keep attendance records as described in WAC 170-295-7030 and invoices for state-paid children on-site for at least five years as provided in WAC 170-295-7031.

WAC 170-295-0040

**170-295-0040. Do I have to follow any other regulations or have any other inspections?**

**(1) Prior to becoming licensed by us to operate a child care center, you must:**

(a) Have a certificate of occupancy issued by your local building department; and

**(b) Be inspected by the state fire marshal.**

(2) In addition to the requirements of this chapter, you are also responsible for complying with any local building ordinances. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations. You must contact your local building jurisdiction to determine if local ordinances are different than our standards. If you encounter conflicts or differing interpretations, contact us immediately.

(3) We must notify the local planning office of your intention to operate a child care center within the local jurisdiction.

(4) Other state agencies such as labor and industries, the Fire Marshal and the department of health have regulations

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that apply to child care centers. You are responsible to contact those agencies to obtain their regulations. The other agencies are responsible to monitor and enforce their regulations.

WAC 170-295-0050

170-295-0050. Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?

(1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:

(a) Submit the request in writing to us;

(b) Explain in detail the reason you need the waiver; and

(c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.

(2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.

(3) We approve a waiver request if:

(a) You have a good reason;

(b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;

(c) The request and approval is for a specific purpose or child; and

(d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.

(4) We can limit or restrict a license issued to you in combination with a waiver.

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(5) Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would:

(a) Not be in the best interest of public health and safety;

(b) Be to the financial disadvantage of the state.

(6) To request a waiver to the requirements to pay a licensing fees, you must:

(a) Submit a sworn, notarized petition requesting a waiver of fees;

(b) Mail or deliver the petition to your local child care licensing office; and

(c) Submit any additional documentation that we may consider relevant to your request for a waiver.

(7) You have no appeal rights to the denial of a waiver request under chapters 34.05 RCW and 170-03 WAC.

**WAC 170-295-0055**

**170-295-0055. Can I get a dual license?**

We may either:

(1) Issue a child care center license to you having a license involving full-time care; or

(2) Permit simultaneous care for the child and adolescent or adult on the same premises if you:

(a) Demonstrate evidence that care of one client category will not interfere with the quality of services provided to another category of clients;

(b) Maintain the most stringent maximum capacity limitation for the clients categories concerned;

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(c) Request and obtain a waiver permitting dual licensure; and

(d) Request and obtain a waiver to subsection (2)(b) of this section, if applicable.

**WAC 170-295-0060**

**170-295-0060. What are the requirements for applying for a license to operate a child care center?**

(1) To apply or reapply for a license to operate a child care center you must:

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

(b) The applicant, director and program supervisor must attend the orientation programs that we provide, arrange or approve;

(c) Submit to us a completed and signed application for a child care center license or certification using our forms (with required attachments).

(2) The application package must include the following attachments:

(a) The annual licensing fee. The fee is based on your licensed capacity, and is:

(i) For new licenses issued before July 1, 2011, or for licensees whose annual license fees are due before July 1, 2011, one hundred dollars per year for the first twelve children plus eight dollars for each additional child over the licensed capacity of twelve children; or

(ii) For new licenses issued after June 30, 2011, or for licensees whose annual license fees are due after June 30, 2011, one hundred twenty-five dollars per year for the first twelve children, plus twelve dollars for each additional child over the licensed capacity of twelve children;

(b) If the center is solely owned by you, a copy of your:

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- (i) Photo identification issued by a government entity; and
  
- (ii) Social Security card that is valid for employment or verification of your employer identification number;
  
- (c) If the center is owned by a corporation, verification of the corporation's employer identification number;
  
- (d) An employment and education resume for:
  - (i) The person responsible for the active management of the center; and
  
  - (ii) The program supervisor;
  
- (e) Diploma or education transcript copies of the program supervisor;
  
- (f) Three professional references each, for yourself, the director, and the program supervisor;
  
- (g) Articles of incorporation if you choose to be incorporated;
  
- (h) List of staff (form is provided in the application);
  
- (i) Written parent communication (child care handbook);
  
- (j) Copy of transportation insurance policy (liability and medical);
  
- (k) In-service training program (for facilities employing more than five persons);
  
- (l) A floor plan of the facility drawn to scale;
  
- (m) A copy of your health care plan reviewed and signed by an advisory physician, physician's assistant, or

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registered nurse;

(n) A copy of your policies and procedures that you give to parents; and

(o) A copy of your occupancy permit.

(3) You must submit to the department a completed background check form for all persons required to be authorized by DEL to care for or have unsupervised access to the children in care under chapter 170-06 WAC; and

(4) You must submit your application and reapplication ninety or more calendar days before the date:

(a) You expect to open your new center;

(b) Your current license is scheduled to expire;

(c) You expect to relocate your center;

(d) You expect to change licensee; or

(e) You expect a change in your license category.

**WAC 170-295-0070**

**170-295-0070. What personal characteristics do my volunteers, all staff and I need to provide care to children?**

(1) You, your staff and volunteers must have the following personal characteristics in order to operate or work in a child care facility:

(a) The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional, and social needs of the children in care;

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(b) Be authorized by DEL to care for or have unsupervised access to children in child care under chapter 170-06 WAC; and

(c) Be able to furnish the child in care with a healthy, safe, nurturing, respectful, supportive, and responsive environment.

(2) If we decide it is necessary, you must provide to us any additional reports or information regarding you, any assistants, volunteers, members of your household, or any other person having access to children in care if any of those individuals may be unable to meet the requirements of chapter 170-295 WAC. This could include:

(a) Sexual deviancy evaluations;

(b) Substance 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 us permission to speak with the evaluator(s) in subsection (2)(a) through (e) of this section prior to and after the evaluation.

WAC 170-295-0080

**170-295-0080. How is my licensed capacity determined?**

(1) Maximum allowable capacity of your center is determined based on useable square footage and available toilets and sinks. The licensed capacity (the number of children you are allowed to have in your center at any one time) may be less than the maximum capacity, but not exceed it. The licensed capacity is based on our evaluation of the program, the ages and characteristics of the children, the experience of the staff, and usable floor space. You must

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have:

(a) Fifty square feet of useable floor space per infant (includes crib, playpen, infant bed and bassinets);

(b) Thirty-five square feet of useable floor space for each toddler or older child that is dedicated to the children during child care hours; and

(c) Fifteen additional square feet must be provided for each toddler using a crib or playpen when cribs are located in the sleeping and play area.

(2) The areas included in your square footage must be available at all times for the children. The following areas will not be included in determining the useable square footage for each child:

(a) Food preparation areas of the kitchen;

(b) Laundry areas;

(c) All bath, toilet rooms and hand washing areas;

(d) Hallways, diaper changing areas (includes the changing table, sink and twenty-four inches of floor space around the changing table and sink), stairways, closets, offices, staff rooms, lockers and custodial areas;

(e) Furnace rooms, hot water heater rooms, storage rooms, or mop sink rooms; and

(f) Cabinets, storage, and fixed shelving spaces unless accessible to and used by children (for example, cubbies, shelves for storing toys and puzzles, bookshelves, etc.). If the children do not have access to their cubbies or toy storage areas, it is not included in the square footage.

(3) You can use a multipurpose room and gymnasium for multiple purposes such as playing, dining, napping, and learning activities, and before and after school programs when the room:

(a) Meets the square footage requirements for the purpose and number of children to be served; and

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- (b) Is being used for one purpose and does not interfere with usage of the room for another purpose.
  
- (4) You may use and consider the napping area as child care space if staff remove mats and cots when they are not in use and the children then have free access to the area.
  
- (5) We will not issue you a license to care for more children than the rules in this chapter permit.
  
- (6) We may issue you a license to care for fewer children than the center's maximum capacity.

**WAC 170-295-0090**

**170-295-0090. Initial and nonexpiring full licenses-Licensing fees.**

The department may issue an initial license to centers that have not yet begun providing care, but are accepting applications for potential clients.

- (1) The department may issue an initial license when an applicant can show that he or she is following the rules regarding the child's health and safety.
  
- (2) The department may issue an initial license if an applicant has not yet opened for business, and so is not yet able to show that he or she is complying with the rules pertaining to:
  - (a) Staff to child interactions;
  
  - (b) Group size and staff to child ratios;
  
  - (c) Behavior management and discipline;
  
  - (d) Activity programs;
  
  - (e) Child records and information; and

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- (f) Other rules that require us to observe the facility's ability to comply with rules.
  
- (3) Applicants must provide the department with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. The department must approve of that plan.
  
- (4) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.
  
- (5) When a licensee has an initial license the department evaluates the licensee's ability to comply with all rules contained in this chapter prior to issuing a nonexpiring full license under WAC 170-295-0095.
  
- (6) The department may issue a nonexpiring full license to a licensee operating under an initial license who:
  - (a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;
  
  - (b) Demonstrates substantial compliance with the other requirements of this chapter at any time during the period of initial licensure; and
  
  - (c) Meets the requirements for a nonexpiring full license as provided in WAC 170-295-0095.
  
- (7) The department must deny a nonexpiring full license to a licensee operating under an initial license who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.
  
- (8) Fees are due with applications for initial licenses or continuations of a nonexpiring full license.
  
- (9) The department does not process an application or continuation until the applicant or licensee, as applicable, has paid the required fee.
  
- (10) Applicants or licensees can pay licensing fees for:
  - (a) A minimum of one year; or

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(b) Multiple years.

(11) Applicants and licensees pay their fees by mailing a check or money order for the required amount to the department.

(12) If there is a change in a facility that places the facility in a different fee category, the department prorates the additional fee amount over the remainder of the license period.

(13) If an applicant or licensee withdraws an application before the department denies or issues a license, the fee shall not be refunded.

**WAC 170-295-0095**

**170-295-0095. Nonexpiring full license.**

(1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis thirty days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license was issued:

(a) An annual nonrefundable licensing fee;

(b) A declaration to the department on a department-approved form indicating:

(i) The intent to continue operating a licensed child care program; or

(ii) The intent to cease operation on a date certain;

(c) A declaration on a department-approved form of compliance with all licensing rules; and

(d) Documentation of completed background check applications as determined by the department-established schedule. As provided in RCW 43.215.215 (2)(f), as amended by chapter 295 (2SHB 1903), Laws of 2011, the schedule for submission of a background check application shall be once every three years. For each individual

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required to have a background check clearance, the licensee must verify current background checks or submit a background check application at least thirty days prior to the anniversary date.

(2) The requirements in subsection (1) of this section must be met:

(a) Before a licensee operating under an initial license is issued a nonexpiring full license; and

(b) Every twelve months after issuance of a nonexpiring full license.

(3) If a licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.

(4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.

(5) A licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a full nonexpiring license as a result of the licensee's failure to comply with the requirements of this section.

**WAC 170-295-0100**

**170-295-0100. When can my license application be denied and when can my license be suspended or  
revoked?**

(1) If you do not meet the requirements in chapter 170-295 WAC we deny your license application or suspend or revoke your license.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility:

(a) We consider qualifications separately and together.

(b) We deny the license application, or suspend or revoke the license if one person fails to meet the minimum licensing requirements.

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

(a) Have been found to have abused, neglected, sexually exploited, abandoned a child or allowed such persons on the premises as defined in chapter 26.44 RCW;

(b) Have been convicted of, or have charges pending for, crimes on the DEL director's list under WAC 170-06-0120;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. However, if you demonstrate by clear and convincing evidence that you have taken enough corrective action and rehabilitation to justify the public trust to operate the center according to the rules of this chapter, we consider issuing you a license;

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

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

(f) Use illegal drugs;

(g) Use alcohol to the extent that it interferes with your ability to provide care for the children as required by this chapter;

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office with official identification to:

(i) Inspect the premises;

(ii) Access your records related to the centers operation; or

(iii) Interview staff or children in care.

(i) Refuse to provide us a copy of your:

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(i) Photo identification issued by a government entity; and

(ii) Social Security card that is valid for employment or verification of your employer identification number.

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

(a) Try to get or keep a license by 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 children in care;

(d) Fail to provide adequate supervision to children in care;

(e) Do not exercise fiscal responsibility and accountability while operating the center;

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

(g) Refuse to supply additional information requested by us;

(h) Fail to pay fees when due;

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

(j) Provide care on the premises for children of an age different from the ages for which the center is licensed.

**WAC 170-295-0110**

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170-295-0110. Civil fines.

(1) The department notifies licensees in writing of the department's intention to impose a civil fine. The department may use personal service, the department's licensor, or certified mail. The letter will include:

- (a) A description of the violation and a quote of the law or rule that the licensee has failed to meet;
- (b) A statement of what the licensee must do to come into compliance;
- (c) The date by which the department requires compliance;
- (d) Information about the maximum allowable penalty the department can impose if the licensee does not come into compliance by the given date;
- (e) How the licensee can get technical assistance services provided by the department or by others; and
- (f) Information about how the licensee can request an extension to the date to be in compliance, if the department decides he or she has a good reason.

(2) The length of time the department establishes for the licensee to come into compliance depends on:

- (a) The seriousness of the violation;
- (b) The potential threat to the health, safety and welfare of children in the licensee's care; or
- (c) If the licensee has had previous opportunities to correct the deficiency and has not done so.

(3) The department uses the following criteria to determine if the department imposes a civil fine based on, but not limited to, these reasons:

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- (a) The child care center has previously been subject to an enforcement action for the same or similar type of violation for the same statute or rule; or
  
  - (b) The child care center has previously been given notice of the same or similar type of violation of the same law 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 fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action.
- (5) A licensee must pay any civil fines no more than twenty-eight days after receiving the notice that he or she has a fine. The department may specify a later date.
- (6) The department may waive the fine if the licensee's center comes into compliance during the notification period.
- (7) A licensee must post the final notice of a civil fine in a noticeable place in his or her center. The notice must remain posted until the department notifies the licensee that the department has received the payment.
- (8) Each violation of a law or rule is a separate violation. The department may penalize each violation. The department may impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty.
- (9) If a licensee fails to pay a fine within ten days after the assessment becomes final, the department may suspend, revoke, or not continue his or her license.
- (10) Licensees have the right to a hearing when the department assesses a civil fine under RCW 43.215.307 and chapter 170-03 WAC.

**WAC 170-295-0120**

**170-295-0120. How much can I be fined?**

We can impose a civil fine for the following:

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(1) If we determine that an agency or child care center is operating without a license we may assess a fine of two hundred fifty dollars per day for each day you provide unlicensed child care. A fine is effective and payable within thirty days of receipt of the notification.

(2) We may impose a civil monetary fine of two hundred fifty dollars per violation per day for violation of any rules in chapter 170-295 WAC. We can assess and collect the fine with interest for each day that you fail to come into compliance.

**WAC 170-295-0130**

**170-295-0130. When can an individual be fined for operating an unlicensed program?**

(1) If the department receives information that an individual is operating a child care center without a license, the department investigates the allegation.

(2) If the department suspects that an individual is providing unlicensed child care, the department will send the individual written notice within ten calendar days to explain:

(a) Why the department suspects that the individual is providing child care without a license;

(b) That a license is required and why;

(c) That the individual must immediately stop providing child care;

(d) That if the individual seeks to obtain a license, within thirty calendar days from the date of the department's notice in this subsection, the individual must submit a written agreement on a department form stating that he or she agrees to:

(i) Attend the next available department child care licensing orientation; and

(ii) Submit a child care licensing application after completing orientation; and

(e) That the department has the authority to issue a fine of two hundred fifty dollars per day for each day that the individual continues to provide child care without a license.

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(3) The department's written notice in subsection (2) of this section must inform the individual providing unlicensed child care:

- (a) How to respond to the department;
- (b) How to apply for a license;
- (c) How a fine, if issued, may be suspended or withdrawn;
- (d) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and
- (e) How to ask for a hearing.

(4) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (2)(d) of this section within thirty calendar days from the date of the department's written notice, the department will post information on its web site that the individual is providing child care without a license.

**WAC 170-295-0140**

**170-295-0140. Probationary licenses.**

(1) The department may issue a probationary license to a licensee in accordance with the process provided in RCW 43.215.290, based on the following factors:

- (a) The licensee's willful or negligent failure to comply with the regulations;
- (b) The licensee's history of noncompliance with the regulations;
- (c) How far the licensee deviates from the regulations;

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(d) Evidence of the licensee's good faith effort to comply with the regulations; and

(e) Any other factors relevant to the licensee's unique situation.

(2) The department may issue a probationary license to a licensee when the willful or negligent violation of the licensing requirements 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 also issue civil fines or other sanctions in this case. Such situations can include:

(a) Substantiation that a child was abused or neglected while in the care of the center;

(b) A fire safety inspection or health/sanitation inspection report that has been disapproved;

(c) Use of unauthorized space for child care;

(d) Inadequate supervision of children;

(e) Under staffing for the number of children in care; and

(f) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation and personal hygiene practices.

(3) Licensees are required to notify parents when a probationary license is issued. The licensee must:

(a) Notify in writing the parents or guardians of all children in care that the center is in probationary status. This notification must be within five working days of receiving notification of being placed on probationary status or being issued a probationary license. The department must approve the notification before the licensee sends it; and

(b) Provide documentation to the department that parents or guardians of all children in care have been notified. The licensee must provide this documentation within ten working days of being notified that he or she has been issued a probationary license.

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(4) A probationary license may be issued for up to six months and may be extended at the department's discretion for an additional six months.

**WAC 170-295-0150**

**170-295-0150. Where can I locate my child care center or facility?**

(1) You must locate your child care center:

(a) On an environmentally safe site;

(b) In a neighborhood free of a condition detrimental to the child's welfare; and

(c) In a location accessible to other services to carry out the program.

(2) Your child care must be located in an area that is serviced by emergency fire, medical and police during the hours the children are in care.

(3) The location of your site must be approved by the local planning department, your state fire marshal, and us.

**WAC 170-295-1010**

**170-295-1010. Who can be the director of a child care center?**

If you apply for a license to operate a child care center, you may be the director yourself, or you can hire a director. The director is responsible for the overall management of the center's facility and operation and ensures that the center follows the minimum licensing requirements. The director must:

(1) Be at least twenty-one years of age or older;

(2) Have knowledge of child development as evidenced by professional reference, education, experience, and on-the-job performance;

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(3) Have written proof of education including:

(a) A current child development associate certificate (CDA); or

(b) The following minimum number of college quarter\* credits or combination of college quarter credits and department-approved clock hours (ten clock hours equals one college credit) in early childhood education or child development:

If your center is licensed for this number of children:	Then the director must have completed at least this number of college quarter credits in early childhood education:	Of the total credits required, the minimum number that must be college quarter credits is:	And of the total credits required, the maximum number that can be department-approved clock hours is:
(i) Twelve or less	10	7	30 (replacing 3 college quarter hours)
(ii) Thirteen through 24	25	17	80 (replacing 8 college quarter hours)
(iii) Twenty-five or more	45	30	150 (replacing 15 college quarter hours)

\*Note: One college semester credit equals one and one half (1.5) college quarter hours

(4) Have at least two years experience working with children the same age level as the center serves;

(5) Not let the provision of child care interfere with management or supervisory responsibilities;

(6) Be on the premises for the majority of the hours that care is provided and designate a person to be in charge that meets the qualifications of a lead teacher when not present; and

(7) Meet the STARS requirement and be listed in the state training and registry system (STARS).

**WAC 170-295-1020**

**170-295-1020. What if the director does not meet the minimum qualifications?**

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(1) If the director does not meet the requirements in WAC 170-295-1010, you must have a program supervisor who:

(a) Meets all the qualifications of WAC 170-295-1010;

(b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and

(c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio. If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor.

(2) If the director does not meet the minimum requirements in WAC 170-295-1010 the director must have had at least one three credit college class in early childhood education or development.

(3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(4) The director or program supervisor may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

**WAC 170-295-1030**

**170-295-1030. Who can be a lead teacher in a child care center?**

The lead teacher is a child care staff person who is in charge of a child or group of children and implements the activity program. The lead teacher must:

(1) Be at least eighteen years of age or older;

(2) Have completed a high school education or the equivalent; and

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(3) Have documented child development education or work experience; **or**

(4) Complete STARS training within six months of becoming a lead teacher.

**WAC 170-295-1040**

**170-295-1040. Who can be an assistant or aide in a child care center?**

You may assign a child care assistant or aide to support the lead child care staff.

(1) The assistant or aide must be:

(a) At least sixteen years of age; and

(b) Under the direct supervision of a lead child care staff person.

(2) You may assign an assistant who is age eighteen or older to care for a child or a group of children under direct supervision of a lead staff person. This person may have sole responsibility for a group of children without direct supervision by a superior for a brief period of time.

(3) You must not assign a person under the age of eighteen years sole responsibility for a group of children.

**WAC 170-295-1050**

**170-295-1050. Who can be a volunteer in a child care center?**

(1) You may arrange for a volunteer to support lead child care staff. The volunteer must:

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

(b) Care for children under the direct supervision of a lead child care staff person at all times.

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(2) You may count the volunteer in the staff-child ratio when the volunteer meets staff qualification requirements and is sixteen years of age or older.

**WAC 170-295-1060**

**170-295-1060. What initial and ongoing state training and registry system (STARS) training is required for child care center staff?**

The director, program supervisor and lead teachers must register with the STARS registry and complete one of the following trainings within the first six months of employment or of being granted an initial license:

(1) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training registry system (STARS);

(2) Current child development associate certificate (CDA) or equivalent credential, or twelve or more college credits in early childhood education or child development; or

(3) Associate of arts (AA), associate of arts and sciences or higher college degree in early childhood education or child development.

**WAC 170-295-1070**

**170-295-1070. What continuing state training and registry system (STARS) training is required for child care center staff?**

(1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing the initial training required in WAC 170-295-1010.

(2) The director and program supervisor must have five of the ten hours in program management and administration for the first two years in their respective positions. Each additional year, three of the ten hours required must be in program management and administration.

(3) The continuing education must be delivered by a state-approved trainer, or consist of training that has been department-approved through MERIT.

**WAC 170-295-1080**

**170-295-1080. What topics must my new staff orientation include?**

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You must have an orientation system in place to train each new employee and volunteer about program policies, practices, philosophies and goals. This training must include, but is not limited to, the program policies and practices listed in this chapter such as:

- (1) Minimum licensing requirements;
- (2) Planned daily activities and routines;
- (3) Child guidance and behavior management methods;
- (4) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (5) Health policies and procedures;
- (6) Contagious disease recognition and prevention;
- (7) Bloodborne pathogens;
- (8) Fire prevention, disaster plan and safety procedures;
- (9) Special health and developmental needs of the individual child;
- (10) Personnel policies, when applicable;
- (11) Limited restraint techniques;
- (12) Cultural relevancy; and
- (13) Age and developmentally appropriate practices and expectations for the age group the staff will work with.

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WAC 170-295-1090

170-295-1090. What kind of meetings or ongoing training must I provide my staff?

(1) You must provide or arrange for staff meetings and training opportunities for the child care staff at least quarterly; and

(2) At a minimum, your staff and volunteers must have ongoing training when there are changes:

- (a) In your policies and procedures;
- (b) In the equipment that you use;
- (c) In the types of services you provide; or
- (d) To health care plans for specific children.

WAC 170-295-1100

170-295-1100. What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training?

(1) You must ensure that at least one person of your staff with a current basic standard first aid and age appropriate CPR certificate is present with each group of children in your center at all times. For example, if you have six different classrooms with different groups of children, you must have a staff person in each room trained in first aid and CPR.

(2) The person providing the first aid and CPR training must be knowledgeable about current national first aid and CPR standards. The trainer must:

- (a) Be in the medical field;

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(b) Be in the emergency field such as an emergency medical technician or firefighter;

(c) Complete a 'train the trainer' course from a reputable program such as the American Red Cross, American Heart Association, National Safety Council or labor and industries; or

(d) Work for a company that specializes in first aid and CPR training.

(3) First aid and CPR training must be updated as required on the card or certificate received by you or your staff person. The first aid and CPR cards or certificates must have a date of expiration.

**WAC 170-295-1110**

**170-295-1110. Who must have human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS) and bloodborne pathogen training?**

(1) Every employee who is included in the staff to child ratio must have written proof of HIV/AIDS and bloodborne pathogen training that includes prevention, transmission, treatment and confidentiality issues.

(2) You must comply with applicable Washington Industrial Safety and Health Act (WISHA)/labor and industries safety and health regulations under chapter 296-823 WAC that apply to you.

**WAC 170-295-1120**

**170-295-1120. What are the tuberculosis (TB) testing requirements for the staff?**

(1) Each employee and volunteer must have the results of a one step Mantoux TB skin test prior to starting work.

(2) New employees and volunteers do not need a TB skin test if they have written proof of:

(a) A negative Mantoux TB test in the twelve months prior to you hiring them;

(b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or

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(c) Medication therapy to treat TB.

(3) Your staff and volunteers must be retested for TB when you are notified that any of the staff or volunteers have been exposed to TB. They must comply with the direction of the local health jurisdictions.

WAC 170-295-2010

Green  
& Blue

170-295-2010. What types of play materials, equipment and activities must I provide for the children?

You must:

(1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care.

(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be:

(a) Specific for each age group of children; and

(b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):

(i) Child initiated activity (free play);

(ii) Staff initiated activity (organized play);

(iii) Individual choices for play;

(iv) Creative expression;

(v) Group activity;

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(vi) Quiet activity;

(vii) Active activity;

(viii) Large and small muscle activities; and

(ix) Indoor and outdoor play.

(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

(a) Gain self-esteem, self-awareness, 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.

(4) Post the daily schedule and lesson plan in each room for easy reference by parents and by caregivers;

(5) Keep the daily schedule of events and lesson plans for the past six months on site for inspection;

(6) Maintain staff-to-child ratios and group size during transitions from one activity to another during the day;

(7) Plan for smooth transitions by:

(a) Establishing familiar routines; and

(b) Using transitions as a learning experience.

(8) Ensure the center's program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books; and

(9) Afford staff classroom planning time.

**WAC 170-295-2020**

**170-295-2020. How long can a child be at the center?**

The child may remain in care a maximum of ten hours or less each day. If needed, you may extend the time based upon the parent's typical work schedule and travel from and to the center.

**WAC 170-295-2030**

**170-295-2030. How should staff interact with children?**

To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

(1) Ensure staff interact with children using positive communication (for example, giving children options of what to do rather than being told what not to do);

(2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;

(3) Provide age-appropriate opportunities for the child to grow and develop intellectually. Examples include:

(a) Reading readiness skills;

(b) Language skills development;

(c) Encouraging the child to ask questions;

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(d) Counting;

(e) Matching objects;

(f) Differentiating between large and small; and

(g) Sorting.

(4) Help each child solve problems with intervention as necessary;

(5) Encourage children to be creative in their projects;

(6) Allow independence in selecting routine activities and projects;

(7) Show tolerance for mistakes;

(8) Encourage children to try new activities; and

(9) Honor all children's race, religion, culture, gender, physical ability and family structure.

**WAC 170-295-2040**

**170-295-2040. What behavior management and guidance practices must I have in place?**

**You must:**

(1) Develop and implement written behavior management and guidance practices for the center;

(2) Guide the child's behavior based on an understanding of the individual child's needs and stage of development;

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(3) Promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others;

(4) Ensure behavior management and guidance practices that are fair, reasonable, consistent, and related to the child's behavior;

(5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:

(a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child;

(b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child's family, or using language that threatens, humiliates or frightens a child;

(c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and

(d) The using or withholding of food or liquids as punishment.

(6) In emergency situations, a staff person may use limited physical restraint when:

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

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

(c) Protecting property from serious damage.

(7) Staff who use limited restraint must complete an incident report. A copy of the incident report must be:

(a) Placed in the child's individual record; and

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(b) Given to the parent.

**WAC 170-295-2050**

**170-295-2050. Must we provide rest periods?**

You must:

(1) Offer a supervised rest period to the child who is:

(a) Five years of age or younger and in care for more than six hours; or

(b) Showing a need for rest.

(2) Allow a child twenty-nine months of age or younger to follow an individual sleep schedule, and plan alternative quiet activities for the child who does not need rest.

**WAC 170-295-2060**

**170-295-2060. What are the requirements for evening and nighttime care?**

In addition to meeting the other requirements of chapter 170-295 WAC, if you offer child care during evening and nighttime hours, you must:

(1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as:

(a) In centers operating past midnight, you must provide for each child a crib, mat or cot, or mattress pad, that is easily sanitized;

(b) Make arrangements for bathing as needed;

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- (c) Make arrangements for personal hygiene including tooth brushing;
  - (d) Have individual bedding appropriate for overnight sleeping; and
  - (e) Have separate dressing and sleeping areas for boys and girls ages six years and older or younger children demonstrating a need for privacy.
- (2) Maintain the same staff-to-child ratio that is in effect during daytime care;
  - (3) Keep the child within continuous visual and auditory range at all times;
  - (4) Ensure that the staff in charge during evening and nighttime hours meets the requirements of a lead teacher; and
  - (5) Ensure all staff attending to children in care are awake.

**WAC 170-295-2070**

**170-295-2070. What do I need to transport the children on offsite trips?**

- (1) You may transport a child or permit the child to travel offsite only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised offsite activities.
- (2) The parent's consent may be:
  - (a) For a specific date or trip; or
  - (b) A blanket authorization describing the full range of trips the child may take. If you use a blanket authorization, you must notify the parent in writing at least twenty-four hours in advance about any specific trip.
- (3) When transportation is provided by the center for children in care:

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- (a) The driver must have a valid Washington state driver's license to operate the type of vehicle being driven;
  - (b) The number of passengers cannot exceed the seating capacity of the vehicle;
  - (c) Either the center owner or the driver must have liability and medical insurance; and
  - (d) The driver, parent volunteer, or staff supervising the children being transported in each vehicle must have written documentation on file of current CPR and first-aid training.
- (4) When you transport children, the vehicle used must:
- (a) Have a current license and registration according to Washington state transportation laws;
  - (b) Be maintained in good repair and safe operating condition; and
  - (c) Be equipped with:
    - (i) At least one first-aid kit that meets the requirements of WAC 170-295-5010;
    - (ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;
    - (iii) The health history and emergency information for each child in the vehicle; and
    - (iv) A method to call for emergency help.
- (5) You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information.
- (6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and

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(7) Staff or driver must not leave the children unattended in the motor vehicle.

WAC 170-295-2080

**170-295-2080. What must I communicate to parents?**

(1) You must have written documentation signed by the parent in each child's file that you have:

- (a) Explained to the parent the centers policies and procedures;
- (b) Discussed the centers philosophy, program and facilities;
- (c) Advised the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and
- (d) Encouraged parent participation in center activities.

**(2) You must also 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) Permission for free access by the child's parent to all center areas used by the child;
- (f) Signing in and signing out requirements;

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(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious and cultural activities, if any;

(k) Transportation and field trip arrangements;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies;

(o) Disaster preparedness plans; and

(p) If licensed for the care of an infant or toddler:

(i) Diapering;

(ii) Toilet training; and

(iii) Feeding

**WAC 170-295-2090**

**170-295-2090. What are the required staff to child ratios and maximum group sizes for my center?**

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(1) You must ensure the required staff to child ratios are met at all times when children are in your care. In centers licensed for thirteen or more children, the licensee must conduct group activities within the group size and staff to child ratio requirements, according to the age of the children:

If the age of the children is:	Then the staff to child ratio is:	And the maximum group size is:
(a) One month, through 11 months (infant)	1:4	8
(b) Twelve months through 29 months (toddler)	1:7	14
(c) Thirty months through 5 years (preschooler)	1:10	20
(d) Five years through 12 years (school-age child)	1:15	30

(2) In centers licensed for twelve or fewer children, you may combine children of different age groups, provided you:

(a) Maintain the staff-to-child ratio designated for the youngest child in the mixed group; and

(b) Provide a separate care area when four or more infants are in care. In such case the maximum group size is eight infants.

(3) You must conduct activities for each group in a specific room or other defined space within a larger area.

(4) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

(5) We may approve reasonable variations to group size limitations if you maintain required staff-to-child ratios, dependent on:

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(a) Staff qualifications;

(b) Program structure; and

(c) Useable square footage.

(6) After consulting with the child's parent, you may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:

(a) Developmental level; and

(b) Individual needs.

(7) You may combine children of different age groups for no more than one hour, provided you maintain the staff-to-child ratio and group size designated for the youngest child in the mixed group.

(8) In centers licensed for thirteen or more children, you may group ambulatory children between one year and two years of age with older children, provided:

(a) The total number of children in the group does not exceed twelve; and

(b) Two staff are assigned to the group.

(9) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(10) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if:

(a) Staff remain on the premises; and

(b) Each child is within continuous visual and auditory range of a staff person.

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(11) You must ensure staff:

(a) Attend to the group of children at all times; and

(b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must be within auditory range of a center staff member.

(12) When only one staff person is present, you must ensure a second staff person is readily available in case of emergency.

(13) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either:

(a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or

(b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is not needed for the staff to child ratio, but is available to provide emergency relief.

(14) Service staff, such as cooks, janitors, or bus drivers, may be counted in the required staff to child ratio if they meet all child care worker qualifications.

**WAC 170-295-2100**

**170-295-2100. What are the exceptions to group sizes and staff to child ratios?**

(1) If the center is licensed for twelve or fewer children, you may combine children (excluding infants) of different age groups if you:

(a) Maintain the staff to child ratio for the youngest child in the mixed group; and

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(b) Provide a separate area when infants are in care.

(2) You must conduct activities for each group in a specific room or other specifically defined space within a larger area;

(3) Excluding infants, you may place an individual child in a different age group and serve the child within the different age group's required staff to child ratio, based on the child's individual needs and developmental level. You must consult with the child's parent prior to making the change;

(4) You may combine children of different age groups for periods of no more than one hour at the beginning and end of the day provided you maintain the staff to child ratio and group size designated for the youngest child in the mixed group;

(5) You may have nine infants in a classroom with appropriate square footage if you maintain a ratio of one staff to three infants; and

(6) You can request a waiver to group size limitations. If we approve variations to group size limitations, you must maintain the required staff-to-child ratios. Our approval will depend on but is not limited to:

(a) Staff qualifications;

(b) Program structure;

(c) Square footage; and

(d) Lower staff to child ratios.

WAC 170-295-2110

170-295-2110. Are children allowed in the kitchen when they are doing supervised activities?

(1) You must be sure that children are not in the kitchen except during supervised activities.

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② When children are in the kitchen, you must:

(a) Supervise food preparation activities involving children; and

(b) Make the kitchen environmentally safe for children to participate in planned kitchen activities.

WAC 170-295-2120

170-295-2120. Are there special program requirements for infants and toddlers?

(1) When you care for infants and toddlers you must:

(a) Encourage them to handle and manipulate a variety of objects;

(b) Provide a safe environment for climbing, moving and exploring;

(c) Provide materials and opportunities for large and small muscle development;

(d) Read and talk to them daily;

(e) Provide daily indoor opportunities for freedom of movement outside their cribs, in an open, uncluttered space;

(f) Place them in a prone (lying on the tummy) position part of the time when they are awake and staff are observing them;

(g) Not leave them in car seats once they arrive at the center even if they are asleep; and

(h) Not be left in playpens for extended periods of time excluding sleep time.

(i) Talk to and interact with each infant and toddler often and encourage them to respond. Naming objects and

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describing care encourages language development;

(j) Hold and cuddle infants and toddlers to encourage strong relationships; and

(k) Respond to and investigate cries or other signs of distress immediately.

(2) You must provide toys, objects and other play materials that:

(a) Are cleanable;

(b) Are nontoxic; and

(c) Cannot cause a choking hazard for infants or toddlers.

(3) You must not use baby walkers.

WAC 170-295-2130

Blue &

Pale Yellow

170-295-2130. Do I need an outdoor play area?

(1) You must provide an outdoor program that promotes the child's coordination, active play, and physical, mental, emotional, and social development based on their age. The play area must:

(a) Adjoin the indoor premises directly or be reachable by a safe route or method;

(b) Have adequate drainage and be free from health and safety hazards;

(c) Contain a minimum of seventy-five usable square feet per child using the play area at any one time. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size.

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(2) If you provide full-time care, the activity schedule must provide the child daily morning and afternoon outdoor play;

(3) If you provide drop-in care only, at our discretion we may approve equivalent, separate, indoor space for the child's large muscle play;

(4) You must ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and maintain group size;

(5) Staff must be outdoors with the children in continuous visual and auditory range;

(6) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding and balancing activities; and

(7) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.