

WAC 170-296A-0001

170-296A-0001. Authority.

The department of early learning was established under chapter 265, Laws of 2006. Chapter 43.215 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.215 RCW.

WAC 170-296A-0005

170-296A-0005. Intent.

This chapter reflects the department's commitment to quality early learning experiences for children, and promotes the health, safety, and positive development of children receiving care in a licensed family home setting.

WAC 170-296A-0010

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170-296A-0010. Definitions.

The following definitions apply throughout this chapter unless the context clearly indicates otherwise. Certain definitions appear in the section the term is used if the definition applies only to a specific section or sections:

'Accessible to children' means areas of the facility and materials that the children can easily get to on their own.

'Agency' as used in this chapter, has the same meaning as in RCW 43.215.010 (1)(c).

'Available' means accessible and ready for use or service.

'Bathroom' means any room containing a built-in flush-type toilet.

'Capacity' means the maximum number of children the licensee is authorized by the department to have in care at any given time.

'Child' means an individual who is younger than age thirteen, including any infant, toddler, preschool-age child, or school-age child as defined in this chapter.

'Child abuse or neglect' has the same meaning as 'abuse or neglect' under RCW 26.44.020 and chapter 388-15

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

WAC.

‘Child care’ means the developmentally appropriate care, protection, and supervision of children that is designed to promote positive growth and educational experiences for children outside the child’s home for periods of less than twenty-four hours a day.

‘Clean’ or **‘cleaning’** means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water. Cleaning is the first step in the process of sanitizing or disinfecting a surface or item.

‘Confidential’ means the protection of personal information, such as the child’s records, from persons who are not authorized to see or hear it.

‘Denial of a license’ means an action by the department to not issue a child care license to an applicant for an initial license, or to a licensee operating under an initial license seeking a nonexpiring full license, based on the applicant’s or initial licensee’s inability or failure to meet the requirements of chapter 43.215 RCW or requirements adopted by the department pursuant to chapter 43.215 RCW.

‘Department’ or **‘DEL’** means the Washington state department of early learning.

‘Developmentally appropriate’ means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.

‘Discipline’ means a method used to redirect a child in order to achieve a desired behavior.

‘Disinfect’ or **‘disinfecting’** means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(b) Other disinfectant product if used strictly according to the manufacturer’s label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled safe for food contact surfaces.

‘DOH’ means the Washington state department of health.

‘DSHS’ means the Washington state department of social and health services.

‘Enforcement action’ means a department issued:

Current with amendments adopted through the 14-8 Washington State Register dated, April 16, 2014.

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

- (a) Denial, suspension, revocation or modification of a license;
- (b) Probationary license;
- (c) Civil monetary penalty (fine); or
- (d) Disqualification from having unsupervised access to children in care.

'Family home child care' means a facility licensed by the department where child care is provided for twelve or fewer children in the family living quarters where the licensee resides as provided in RCW 43.215.010 (1)(c).

'Family living quarters' means a licensee's or license applicant's residence and other spaces or buildings on the premises that meet the facility requirements of this chapter and are approved by the department for child care.

'Fine' has the same meaning as 'civil monetary penalty,' 'civil fines,' or 'monetary penalty' under chapter 43.215 RCW.

'Inaccessible to children' means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.

'Infant' means a child age birth through eleven months of age.

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

'Licensee' for the purposes of this chapter, means the individual listed on a family home child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.

'Licensor' means an individual employed by the department and designated by the director to inspect and monitor an agency or other child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.

'MERIT' means the managed education registry information tool used to track professional development for early learning professionals. See also 'STARS.'

'Modification of a license' means department action to change the conditions identified on a current license.

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

‘Nonexpiring full license’ or **‘nonexpiring license’** means a full license that is issued to a licensee following the initial licensing period as provided in WAC 170-296A-1450.

‘Nonprescription medication’ means any of the following:

- (a) Nonaspirin fever reducers or pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Cold or flu medications;
- (d) Antihistamines or decongestants;
- (e) Vitamins;
- (f) Ointments or lotions specially intended to relieve itching;
- (g) Diaper ointments and talc free powders specially used in the diaper area of children;
- (h) Sun screen;
- (i) Hand sanitizer gels; or
- (j) Hand wipes with alcohol.

‘One year of experience’ means at least twelve months of early learning experience as demonstrated by a resume and references:

- (a) In a supervisory role in a child care setting where the individual was responsible for supervising staff and complying with licensing standards; or

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

(b) As a Washington state:

(i) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC; or

(ii) Family home child care licensee or qualified primary staff person.

‘Overnight care’ means child care provided for a child anytime between the hours of eight o’clock at night and six o’clock in the morning that includes a sleep period for the child.

‘Personal needs’ means an individual’s hygiene, toileting, medication, cleansing, eating or clothing needs. ‘Personal needs’ does not mean smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

‘Physical restraint’ means the practice of rendering a child helpless or keeping a child in captivity.

‘Poison’ for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items, that even in small quantities are likely to cause injury or illness if it is swallowed or comes into contact with a child’s skin, eyes, mouth, or mucus membranes.

‘Premises’ means the licensed or unlicensed space at the licensed address including, but not limited to, buildings, land and residences.

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

‘Primary staff person’ means a staff person other than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.

‘RCW’ means Revised Code of Washington.

‘Revocation’ or **‘revoke’** means the formal action by the department to close a child care business and take the license due to the licensee’s failure to comply with chapter 43.215 RCW or requirements adopted pursuant to chapter 43.215 RCW.

‘Sanitize’ means to reduce the number of microorganisms on a surface by the process of:

(a) Cleaning and rinsing, followed by using:

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

(i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

(ii) Another sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as safe for food contact surfaces; or

(b) For laundry and dishwasher use only, 'sanitize' means use of a bleach and water solution or temperature control.

'School age child' means a child not less than five years of age through twelve years of age who is attending kindergarten or school.

'Screen time' means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.

'Sleeping equipment' includes a bed, cot, mattress, mat, crib, bassinet, play yard or 'pack and play.' 'Sleeping equipment' does not include any car seat or infant swing.

'Staff' unless referring specifically to a 'primary staff person,' means any primary staff person, assistant, or volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.

'STARS' means the state training and registry system.

'Suspension of a license' means a formal department action to stop a license pending a department decision regarding further enforcement action.

'Toddler' means a child age twelve months through twenty-nine months of age.

'Unlicensed space' means the indoor and outdoor areas of the premises, not approved as licensed space by DEL, that the licensee must make inaccessible to the children during child care hours.

'Unsupervised access' has the same meaning as 'unsupervised access' in WAC 170-06-0020.

'WAC' means the Washington Administrative Code.

'Weapons' means an instrument or device of any kind that is used or designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

guns, air rifles, electronic or other stun devices, or fighting implements.

WAC 170-296A-0050

170-296A-0050. Special needs accommodations.

The provisions of this section apply to any requirement in this chapter.

(1) The department may approve accommodations to requirements in these standards for the special needs of an individual child when:

(a) The licensee submits to the department a written plan, signed by the parent or guardian, that describes how the child's needs will be met in the licensed child care; and

(b) The licensee has supporting documentation of the child's special needs provided by a licensed or certified:

(i) Physician or physician's assistant;

(ii) Mental health professional;

(iii) Education professional;

(iv) Social worker with a bachelor's degree or higher degree with a specialization in the individual child's needs; or

(v) Registered nurse or advanced registered nurse practitioner.

(2) The documentation described in subsection (1) of this section must be in the form of an:

(a) Individual education plan (IEP);

(b) Individual health plan (IHP); or

Washington Administrative Code Currentness _Title 170. Early Learning, Department of _Chapter 170-296A. Licensed Family Home Child Care Standards

(c) Individual family plan (IFP).

(3) The licensee's written plan and all documentation required under this section must be kept in the child's file and a copy submitted to the department.

(4) See WAC 170-296A-5625 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.