

Washington Administrative Code Currentness Title 170. Early Learning, Department of Chapter 170-296A. Licensed Family Home Child Care Standards Licensing Process

WAC 170-296A-1000

170-296A-1000. License required.

(1) An individual who provides care for children in his or her home must be licensed by the department unless exempt under RCW 43.215.010(2).

(2) The individual claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form.

WAC 170-296A-1025

170-296A-1025. Who must be licensed.

An individual must be licensed to care for children if any of the following apply:

(1) Care is provided in the individual's home and outside the child's home on a regular and ongoing basis for one or more children not related to the licensee. As used in this section, 'not related' means not any of the relatives listed in RCW 43.215.010 (2)(a); or

(2) Care is provided in the individual's home for preschool age children for more than four hours a day.

See WAC 170-296A-8350 regarding providing child care without a license.

WAC 170-296A-1050

170-296A-1050. The licensee.

(1) The licensee is the individual or individuals:

(a) Who resides in the home licensed for family home child care under this chapter;

(b) Whose name appears on the license issued by the department;

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(c) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee's home in the family living quarters;

(d) Responsible for the overall management of the licensed family child care home;

(e) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and

(f) Responsible for training staff on the licensing standards in this chapter.

(2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.

(3) The licensee may hold only one current family home child care license.

WAC 170-296A-1075

170-296A-1075. Child care subsidy.

A licensee who receives child care subsidy payments must follow the requirements of the applicable subsidy program. A licensee who receives subsidy payments under the working connections child care or seasonal child care programs must follow the requirements of chapter 170-290 WAC.

WAC 170-296A-1100

170-296A-1100. Tribal or military regulated or operated child care-Certification for payment.

(1) A family home child care that is regulated by an Indian tribe or the federal Department of Defense is exempt from licensing.

(2) A tribe or a child care regulated by the federal Department of Defense may request certification:

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(a) For subsidy payment only; or

(b) As meeting licensing standards of this chapter.

(3) A child care seeking certification under this section must be located on the premises over which the tribe or federal Department of Defense has jurisdiction.

WAC 170-296A-1125

170-296A-1125. Orientation required.

An individual applying for an initial license must complete an orientation provided by the department within twelve months prior to submitting a license application.

WAC 170-296A-1150

170-296A-1150. Preservice training.

WAC 170-296A-1175

170-296A-1175. Basic twenty-hour STARS training.

A license applicant must complete the basic twenty-hour STARS training prior to an initial license being granted by the department.

WAC 170-296A-1200

170-296A-1200. Background checks.

(1) The license applicant or licensee must submit a completed background check form and obtain an authorization (clearance) from the department consistent with the requirements of chapter 170-06 WAC for each of the following:

(a) The license applicant;

(b) The licensee;

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(c) Each new staff person or volunteer age sixteen or older;

(d) Each individual age sixteen or older residing in the home;

(e) Each individual age sixteen or older who moves into the home; and

(f) Any individual age sixteen or older who may have unsupervised access to children in care.

(2)(a) Effective through June 30, 2012, any individual who must undergo a background check under chapter 170-06 WAC and who has resided in Washington state for less than three years must complete the department fingerprint process.

(b) Effective July 1, 2012, each individual seeking a first time DEL background check must undergo a fingerprint-based FBI background check. See RCW 43.215.215.

(3) The licensee must keep background check authorization letters from the department on file for each individual listed in this section. Effective July 1, 2012, a licensee must keep a copy of the department authorization or certification for each primary staff person, assistant, or volunteer who works in the licensed home.

(4) The licensee must not allow any individual who has not been authorized by the department to have unsupervised access to the children in care at any time.

(5) The licensee must verify annually that each individual who is required to have a background check under this section has either obtained a department clearance or has applied for a department background check. The verification must be submitted with the licensee's annual license fee and declarations required under WAC 170-296A-1450.

WAC 170-296A-1225

170-296A-1225. Noncriminal background checks for individuals thirteen to sixteen years of age.

(1) Each volunteer or assistant in the licensed family home child care age fourteen to sixteen years old, and each individual residing in the licensee's home age thirteen to sixteen years old, must undergo a noncriminal background check.

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(2) The licensee must submit a signed and dated noncriminal background check application on a form approved by the department:

(a) Within seven days after the volunteer or assistant age fourteen to sixteen starts work in the licensed child care; and

(b) For each individual residing in the home age thirteen to sixteen:

(i) With the licensee's initial license application or annual nonexpiring license declaration under WAC 170-296A-1450;

(ii) Within seven days after an individual residing in the home reaches age thirteen; and

(iii) Within seven days after an individual age thirteen to sixteen moves into the home.

(3) The department conducts a noncriminal background check, and authorizes or disqualifies an individual age thirteen to sixteen as described in chapter 170-06 WAC, except that the department does not:

(a) Review convictions or pending charges for disqualifying crimes under WAC 170-06-0050(1), unless the conviction was the result of prosecution of the juvenile as an adult; and

(b) Disqualify an individual for a conviction under WAC 170-06-0070 (1) and (2), unless the conviction was the result of prosecution of the juvenile as an adult.

(4) An individual who is disqualified from providing child care or having access to children in care following a noncriminal background check as described in this section has the right to appeal the department's decision under WAC 170-06-0090.

(5) The licensee must keep authorization letters from the department on file for each individual listed in this section.

WAC 170-296A-1250

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170-296A-1250. Initial license application packet-Contents.

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(1) The individual seeking an initial license under this chapter is the license applicant.

(2) A license applicant must submit a license application packet that includes:

(a) A completed department application form and copy of the applicant's orientation certificate;

(b) Copy of license applicant's current government issued photo identification;

(c) Documentation of the license applicant's high school diploma or equivalent education under WAC 170-296A-1725;

(d) Resume for the license applicant;

(e) References from three individuals not related to the license applicant;

(f)(i) Copy of license applicant's Social Security card pursuant to 42 U.S.C. 666 (a)(13) and RCW 26.23.150 regarding child support.

(ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card.

(g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;

(h) Tuberculosis test results or required documentation for the license applicant, each staff person, and household members sixteen years old or older. See WAC 170-296A-1750;

(i) Copy of first-aid/CPR training and HIV/AIDS training certificates for the license applicant and each staff person required to complete such training as described in WAC 170-296A-1825 and 170-296A-1850;

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(j) Copy of the license applicant's state food handler permit as described in WAC 170-296A-7675;

(k) Completed background clearance forms for the license applicant and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;

(l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;

(m) Parent, staff and operation policies (handbooks). See WAC 170-296A-2350, 170-296A-2375, 170-296A-2400, and 170-296A-2425;

(n) Floor plan, including proposed:

(i) Licensed space;

(ii) Licensed space usage;

(iii) Evacuation routes and emergency exits;

(iv) Unlicensed space;

(v) Licensed space used specifically for sleeping infants, if applicable; and

(vi) Licensed space used for sleeping children for overnight care, if applicable.

(o) Septic system inspection report if applicable under WAC 170-296A-1375;

(p) Well water testing report if applicable under WAC 170-296A-1400;

(q) Lead or arsenic evaluation agreement, only if the home is located in the Tacoma smelter plume under WAC 170-296A-1360; and

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(r) The license fees and other fees under WAC 170-296A-1325.

(3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.

WAC 170-296A-1275

170-296A-1275. Initial license application processing.

(1) The department may take up to ninety days to process an initial license application. The ninety days begins when the license applicant's signed and dated license application packet, fees and background check forms have been received by the department.

(2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame for the applicant to provide the required information. If an application remains incomplete after ninety days the department may deny the license.

WAC 170-296A-1300

170-296A-1300. Withdrawing an incomplete application.

(1) If the license applicant is unable to successfully complete the licensing process within ninety days the license applicant may withdraw the application and reapply when the applicant is able to meet licensing requirements.

(2) A license applicant who has not withdrawn his or her incomplete application and is unable to meet the application requirements will be denied a license. See RCW 43.215.300.

WAC 170-296A-1325

170-296A-1325. Fees-When due.

License fees.

(1) The annual family home child care license fee is thirty dollars, or as otherwise set by the legislature;

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(2) The license fee is nonrefundable and is due:

(a) With the license applicant's initial license application packet; and

(b) Annually thereafter, thirty days prior to the anniversary date of the license.

(3) Payment must be in the form of a check or money order.

Background check fees.

(4) Effective July 1, 2012:

(a) Each individual required to obtain a department background check must pay the fee established under chapter 170-06 WAC. The fee must be submitted with the individual's completed and signed background check application form.

(b) Each individual applying for a first-time license application or each individual applying for the first time for a department background check clearance must be fingerprinted and pay the processing fee.

WAC 170-296A-1360

170-296A-1360. Lead and arsenic hazards-Tacoma smelter plume.

A license applicant who lives in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.

WAC 170-296A-1375

170-296A-1375. Private septic system-Inspection and maintenance.

(1) If the licensed premises is served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local health jurisdiction.

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(2) The licensee must follow the local health jurisdiction's requirements for periodic septic system inspection and maintenance.

(3) If there are no local health jurisdiction's requirements for periodic septic system inspections the licensee must:

(a) Have the system inspected by a septic system inspector certified by the local health jurisdiction:

(i) Within six months prior to submitting a license application under WAC 170-296A-1250; and

(ii) Every three years after an initial license is issued to the license applicant under this chapter.

(b) Maintain the septic system as required by the inspection report.

(4) Septic system inspection and maintenance records must be kept on the premises and made available to the department upon request.

WAC 170-296A-1400

170-296A-1400. Private well and water system.

(1) If the licensed family home child care gets water from a private well on the premises, the licensee must follow the local health jurisdiction's requirements for periodic water testing.

(2) If there are no local health jurisdiction requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or private testing laboratory certified to analyze drinking water samples under chapter 173-50 WAC:

(a) Within six months prior to submitting an initial license application under WAC 170-296A-1250; and

(b) Every three years after the first initial license is issued to the license applicant under this chapter. The test results must indicate no presence of coliform bacteria, and must not exceed ten parts per million (ppm) for nitrate.

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(3) If test results indicate the presence of coliform bacteria or nitrate greater than ten ppm the licensee must:

(a) Immediately retest the water;

(b) If the retest indicates the presence of coliform bacteria or nitrate greater than ten ppm, immediately stop using the well water in the child care and inform the local health jurisdiction and the department;

(c) Take steps required by the local health jurisdiction to repair the well or water system; and

(d) Test the water as often as required by the local health jurisdiction until tests indicate no presence of coliform bacteria and nitrate levels not exceeding ten ppm.

(4)(a) If directed by the local health jurisdiction or the department, the licensee must suspend child care operations until repairs are made; or

(b) If the local health jurisdiction and the department determine that child care operations may continue with an alternate source of safe water, provide the alternate safe water as directed.

(5) Water testing and system repair records must be kept on the premises and made available to the department upon request.

WAC 170-296A-1410

170-296A-1410. Department inspection.

(1) Prior to the department issuing a license, a department licensor must inspect the proposed indoor and outdoor spaces to be used for child care to verify compliance with the requirements of this chapter.

(2) The licensee must grant reasonable access to the department licensor during the licensee's hours of operation for the purpose of announced or unannounced monitoring visits to inspect the indoor or outdoor licensed space to verify compliance with the requirements of this chapter.

WAC 170-296A-1420

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170-296A-1420. Licensee declaration.

When compliance with a requirement in this section is being met in unlicensed space in the licensee's home, the licensee must provide a signed and dated declaration, on a department approved form, for the purpose of verifying that the licensee is in compliance with the requirements of this chapter regarding:

- (1) The furnace area safety under WAC 170-296A-2600;
- (2) Guns and weapons storage under WAC 170-296A-4725;
- (3) Smoke detector locations and working condition under WAC 170-296A-2950; or
- (4) Medication storage under WAC 170-296A-3325.

WAC 170-296A-1430

170-296A-1430. Initial license.

An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.

- (1) An initial license is valid for six months from the date issued.
- (2) At the department's discretion, an initial license may be extended for up to three additional six-month periods not to exceed a total of two years.
- (3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.
- (4) The department must evaluate the licensee's ability to follow all of the rules contained in this chapter during the initial license period.

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(5) 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 other requirements of this chapter at any time; and

(c) Meets the requirements for a nonexpiring full license as provided in WAC 170-296A-1450(1).

(6) 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 the rules contained in this chapter during the period of initial licensure.

WAC 170-296A-1450

170-296A-1450. Nonexpiring full license.

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

(a) The annual nonrefundable license fee as provided in WAC 170-296A-1325(1);

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

(i) The licensee's intent to continue operating a licensed family home child care; or

(ii) The licensee's intent to cease operation on a date certain.

(c) A declaration on a department-approved form that the licensee is in compliance with all department 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). For each individual required to have a background check

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

(2) The requirements of 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 the 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 adjudicated proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring full license as a result of the licensee's failure to comply with the requirements of this section.

WAC 170-296A-1475

170-296A-1475. Moves.

If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter.

(1) The licensee must:

(a) Notify the department of a proposed move and the date the licensee plans to move;

(b) Submit an application before the move, as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving; and

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(c) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.

(2) If the licensee moves and does not notify the department, or submits an application after a move, the license becomes invalid and is closed by the department effective on the date of the move. If the license is closed, the licensee must submit a new application for licensure under WAC 170-296A-1250 to reinstate the license.

WAC 170-296A-1525

170-296A-1525. Change in circumstances.

(1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours, including:

(a) Household members, including individuals age sixteen or older moving into or out of the home;

(b) Fire or other structural damage to the licensed child care space or other parts of the premises; or

(c) Prior to making structural changes to the licensed space or changing licensed space usage. An updated floor plan must be submitted and approved by the department.

(2) Within twenty-four hours after a licensee becomes aware of a charge or conviction involving (a) the licensee; (b) a staff person; or (c) a household member, and the charge or conviction is a disqualifying crime under WAC 170-06-0120, the licensee must report to the department the fact that there is a charge or conviction involving a disqualifying crime against the licensee, staff person, or a household member.

(3) Within twenty-four hours after a licensee becomes aware of an allegation or finding made against (a) the licensee; (b) a staff person; or (c) a household member involving the abuse or neglect of a child or vulnerable adult, the licensee must report to the department the fact that there is an allegation of abuse or neglect of a child or vulnerable adult made against the licensee, staff person or household member.

WAC 170-296A-1600

170-296A-1600. Multiple licenses, certifications or authorizations.

(1) The licensee must have department approval to have a department-issued child care license and another care

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giving license, certification or similar authorization.

(2) If the department determines that the health and safety needs of the children in licensed child care are not being met:

(a) The department and licensee may agree to a modification to the child care license;

(b) The licensee may give up one of the licenses, certifications or authorizations; or

(c) The department may suspend, deny or revoke the child care license.

WAC 170-296A-1625

170-296A-1625. Exception to rule.

(1) The department cannot waive a requirement in state or federal law.

(2) The department may approve an exception to a rule in this chapter.

(3) An exception to rule request must be:

(a) In writing on a department form;

(b) Submitted by the licensor; and

(c) Approved by the director or director's designee.

(4) The department may approve an exception only for a specific purpose or child.

(5) An exception is time limited and may not exceed the specific time period approved by the department.

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(6) If the exception request is approved, the licensee must post notice of the approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.

(7) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.

WAC 170-296A-1650

170-296A-1650. Exception to rule-Alternate method of meeting a requirement.

The department may approve an alternate method of achieving a specific requirement's intent as an exception to rule. The process for requesting and approving an exception is described in WAC 170-296A-1625 (3) through (5).

(1) The alternate method must not jeopardize the health, safety or welfare of the children in care.

(2) A copy of the department approved exception must be posted on the premises for parent and public view.

WAC 170-296A-1700

170-296A-1700. Licensee minimum age.

The minimum age to be a licensee is eighteen years old.

WAC 170-296A-1725

170-296A-1725. Licensee minimum education.

(1) For any initial family home child care license issued on or after March 31, 2012, the applicant must have a high school diploma.

(2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, 'equivalent education' means:

(a) Passing the general educational development (GED) tests;

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(b) Completion of twelve years of elementary and secondary education;

(c) Possessing a current child development associate (CDA) credential as approved through the council for professional recognition; or

(d) Completion of forty-five credits of post secondary education.

(3) In addition to equivalent education defined within this section, a family home child care licensee licensed prior to March 31, 2012, and continuously maintaining the license may meet the 'equivalent education' requirement by achieving a level three rating in the early achievers program, Washington state's quality rating improvement system, prior to March 31, 2017.

WAC 170-296A-1735

170-296A-1735. Minimum education-Licensees licensed prior to March 31, 2012.

Effective March 31, 2017, every family home child care licensee, including licensees licensed prior to March 31, 2012, must meet the minimum education requirements of WAC 170-296A-1725.

WAC 170-296A-1750

170-296A-1750. Tuberculosis.

The applicant, and each staff person fourteen years old and older, and each household member sixteen years old and older, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

(1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or

(2) A previous or current positive TST or positive IGRA with documentation within the previous twelve months:

(a) Of a chest X ray with negative results; or

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(b) Showing that the individual is receiving or has received therapy for active or latent TB disease and is cleared to safely work in a child care setting. As used in this section, 'latent TB' means when a person is infected with the TB germ but has not developed active TB disease.

WAC 170-296A-1800

170-296A-1800. Ongoing training.

(1) The licensee and each primary staff person must complete ten hours of department approved ongoing training each year. The training may include:

(a) Licensee's or primary staff person's choice; and

(b) Department directed training.

(2) The licensee must complete the ongoing training requirement each year prior to continuing a nonexpiring full license.

(3) A primary staff person must complete the ongoing training requirement each year beginning from the date of initial employment.

(4) A licensee who exceeds the ten-hour ongoing training requirement in any year may carry over up to five hours of ongoing training toward meeting the next year's requirement.

WAC 170-296A-1825

170-296A-1825. First aid and cardio pulmonary resuscitation (CPR) certification.

(1) The licensee and each staff person must have a current first aid and cardio pulmonary resuscitation (CPR) certification as established by the expiration date of the document.

(2) Proof of certification may be a card, certificate or instructor letter.

(3) The first aid and CPR training and certification must:

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- (a) Be certified by the American Red Cross, American Heart Association, American Safety and Health Institute or other nationally recognized certification approved by the department;
- (b) Include infant, child, and adult CPR; and
- (c) Include a hands-on component.

WAC 170-296A-1850

170-296A-1850. HIV/AIDS training-Bloodborne pathogens plan.

- (1) The licensee, each staff, and each household member who is responsible for the care of children must complete one time the state department of health training under chapter 70.24 RCW on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).
- (2) The licensee must have a written bloodborne pathogens plan that includes:
 - (a) A list of the staff, volunteers and household members providing child care who may be exposed to bloodborne pathogens; and
 - (b) Procedures for cleaning up bodily fluid spills (blood, feces, nasal or eye discharge, saliva, urine or vomit), including the use of gloves, proper cleaning and disinfecting of contaminated items, disposal of waste materials, and handwashing.

WAC 170-296A-1875

170-296A-1875. Primary staff person.

Other than the licensee, only an individual meeting all the qualifications of a primary staff person is qualified to be left unsupervised with the children in the licensed family home child care.

WAC 170-296A-1900

170-296A-1900. Primary staff person minimum age.

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A primary staff person must be a minimum of eighteen years of age.

WAC 170-296A-1910

170-296A-1910. Basic twenty-hour STARS training.

A primary staff person must complete the basic twenty hours of STARS training prior to working unsupervised with the children.

WAC 170-296A-1925

170-296A-1925. Assistants and volunteers-Supervision.

(1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff person at all times.

(2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.

(3) The licensee or primary staff person must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their personal needs on the premises.

WAC 170-296A-1950

170-296A-1950. Assistants and volunteers-Minimum age.

The minimum age to be an assistant or volunteer is fourteen years of age.

WAC 170-296A-1975

170-296A-1975. Licensee/staff qualifications and requirements table.

The following table summarizes the licensee and staff qualifications and requirements found in WAC 170-296A-1700 through 170-296A-1950, and 170-296A-7675. An 'X' indicates a requirement.

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Licensee and Staff Qualifications Table

Position	Minimum age	High school diploma or equivalent	Back-ground check	TB test	DEL orientation	Basic 20-hour STARS	Ongoing training 10-hours per year	Fire safety training	First aid/ CPR	HIV/ AIDS	Food handler permit
Licensee	18	X	X	X	X	X	X	X	X	X	X
Primary staff person	18		X	X		X	X	X	X	X	See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit
Assistant/volunteer	14		X Noncriminal background check only age 14-15	X				X	X	X	See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit

WAC 170-296A-2000

170-296A-2000. Recordkeeping-Records available to the department.

The licensee must keep all records required in this chapter for a minimum of five years:

- (1) Current records, including records from the previous twelve months, must be kept in the licensed space as defined in WAC 170-296A-0010 and be available for the department’s review.
- (2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department’s written request.

WAC 170-296A-2025

170-296A-2025. Child records-Confidentiality.

- (1) The licensee must maintain records for all children in a confidential manner.
- (2) Each enrolled child’s health record must be available to staff when needed for medical administration or emergencies.

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(3) A child's parent or guardian must be allowed access to all records for their child.

WAC 170-296A-2050

170-296A-2050. Child records-Contents.

(1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:

(a) Beginning enrollment date;

(b) End of enrollment date for children no longer in the licensee's care;

(c) The child's birth date;

(d)(i) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional; or

(ii) A medical exemption form signed by a health care professional; or

(iii) A religious, philosophical, or personal exemption form or similar statement signed by the child's parent or guardian.

(e) The child's known allergies;

(f) Names of persons authorized to pick up the child;

(g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted;

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(h) Parent or guardian information including name, phone numbers, home address, and other contact information for reaching the family while the child is in care;

(i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and

(j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian.

(2) If applicable, a child's records must include:

(a) Injury/incident reports (see WAC 170-296A-3575 and 170-296A-3600);

(b) Medication authorization and administration log (see WAC 170-296A-3375);

(c) Plan for special or individual needs of the child (see WAC 170-296A-0050); or

(d) Documentation of use of physical restraint (see WAC 170-296A-6250).

(3) The child's records must include signed parent permissions (see WAC 170-296A-6400) as applicable for:

(a) Field trips;

(b) Picture taking;

(c) Transportation; and

(d) Visiting health professionals providing services to the child at the family home child care.

WAC 170-296A-2075

170-296A-2075. Licensee and staff records.

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Records on file for the licensee and each staff person must include documentation of:

- (1) Current first aid and infant, child and adult CPR training certification;
- (2) HIV/AIDS training certification;
- (3) TB test results or documentation as required under WAC 170-296A-1750;

(4) Current state food handler permit for the licensee, and for other staff if required under WAC 170-296A-7675(3);

(5) Completed background check form, or noncriminal background check form if applicable under WAC 170-296A-1225, and copy of the department-issued authorization;

(6) Copy of a current government issued picture identification;

(7) Emergency contact information;

(8) Completed application form or resume for staff when hired;

(9) Documentation for the licensee's and primary staff person only of:

(a) Basic twenty hour STARS training;

(b) Ongoing training completed; and

(c) Registration in MERIT.

(10) Record of training provided by the licensee to staff and volunteers; and

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(11) Resume for the licensee only.

WAC 170-296A-2100

170-296A-2100. Required records for household members.

The licensee must keep the following records for household members:

(1) Completed background check form and the department-issued clearance under chapter 170-06 WAC for each individual sixteen years old and older;

(2) The department-issued clearance for household members age thirteen to sixteen years old under WAC 170-296A-1225; and

(3) TB test results or documentation under WAC 170-296A-1750 for:

(a) Household members sixteen years old or older; and

(b) Any household member fourteen to sixteen years old who is an assistant or volunteer.

WAC 170-296A-2125

170-296A-2125. Child attendance records-Staff to child ratio records.

The licensee must also keep records of:

(1) Daily attendance for each child counted in capacity that includes the:

(a) Child's dates of attendance;

(b) Time the child arrives or returns to the child care, including signature of the person authorized by the child's parent or guardian to sign the child in; and

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(c) Time the child leaves from the licensee's care including signature of the person authorized by the child's parent or guardian to sign the child out; and

(2) Names of staff being counted to meet the daily staff-to-child ratio requirements.

(3) Electronic attendance records if the child's attendance is recorded using an electronic system under WAC 170-296A-2126.

WAC 170-296A-2126

170-296A-2126. Electronic attendance records-Records retention.

(1) Licensees may use an electronic system to record attendance in lieu of a paper sign-in record.

(2) If an electronic system is used to record attendance, it must record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or designee when signing the child in and out of the licensee's care.

(3) The electronic system selected must ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against repudiation of the electronic records, and must be able to:

(a) Produce an authentic, verifiable written record for each transaction upon demand that complies with all legal and other requirements regarding the record's structure, content, and time of creation or receipt;

(b) Authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered;

(c) Uniquely identify each record;

(d) Capture an electronic record for each transaction conducted;

(e) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed,

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and managed as a unit;

(f) Retain electronic records in an accessible form for their legal minimum retention period;

(g) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period;

(h) Produce authentic copies of electronic records and supply them in useable formats, including hard copies, for business purposes and all public access purposes;

(i) Develop an approach to maintain the authenticity and integrity of electronically signed electronic records;

(j) Ensure that the electronic system performs in an accurate, reliable, and consistent manner in the normal course of business; and

(k) Limit system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(4) Electronic attendance records must contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits the person viewing or printing the entire electronic record to verify:

(a) The contents of the electronic record;

(b) The method used to sign the electronic record, if applicable;

(c) The person signing the electronic record; and

(d) The date when the signature was executed.

(5) As used in this section:

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‘Electronic record’ means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

‘Electronic signature’ means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

‘Sign’ includes signing by physical signature, if available, or electronic signature.

WAC 170-296A-2150

170-296A-2150. Facility records.

The licensee must keep the following facility records:

- (1) Monthly fire inspections required under WAC 170-296A-3050;
- (2) Fire extinguisher annual maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000;
- (3) Septic system inspection and maintenance, if required under WAC 170-296A-1375;
- (4) Water testing results, if required under WAC 170-296A-1400;
- (5) Installation or assembly instructions for new play equipment under WAC 170-296A-5000(3). This requirement does not apply to used or ‘hand-made’ play equipment built or installed by the licensee or homeowner, or to play equipment purchased prior to March 31, 2012;
- (6) Emergency preparedness evacuation drills under WAC 170-296A-2925;
- (7) Documents from any department visits, inspections or monitoring checklists; and
- (8) As applicable, compliance agreements or safety plans between the licensee and the department.

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WAC 170-296A-2175

170-296A-2175. Materials that must be posted.

The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:

(1) A statement of the licensee's philosophy of child development;

(2) Emergency information, including:

(a) 911 or emergency services number;

(b) Name of the licensee, telephone number(s), emergency contact information, address, and directions from the nearest major arterial street or nearest cross street to the licensed home;

(c) Washington poison center toll-free phone number; and

(d) DSHS children's administration intake (child protective services) toll-free telephone number;

(3) Emergency preparedness plan and drills with the following information:

(a) Dates and times of previous drills;

(b) Procedure for sounding alarm;

(c) Monthly smoke detector check, and carbon monoxide detector check if carbon monoxide detectors are required under WAC 170-296A-2950;

(d) Floor plan with escape routes and emergency exits identified; and

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(e) Emergency medical information or explanation of where that information can be found;

(4) Child care licensing information including:

(a) The current department-issued child care license;

(b) If applicable, a copy of current department-approved exceptions to the rules;

(5) If applicable, notice of any current or pending department enforcement action. Notice must be posted:

(a) Immediately upon receipt; and

(b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:

(a) Copies of department monitoring checklists;

(b) If applicable, any facility licensing compliance agreements (FLCA);

(c) If applicable, copy of any enforcement action taken by the department for the previous three years; and

(d) If applicable, notice that the licensee does not have liability insurance coverage, or that the coverage has lapsed or been terminated. See RCW 43.215.535;

(7) A statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support; and

(8) A typical daily schedule as described in WAC 170-296A-6550.

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WAC 170-296A-2200

170-296A-2200. Reporting incidents to 911 (emergency services).

The licensee or primary staff person must call 911 and report to emergency services the following:

- (1) A child missing from care, as soon as the licensee or staff realizes the child is missing;
- (2) Medical emergency (injury or illness) that requires immediate professional medical care;
- (3) Giving a child too much of any oral, inhaled or injected medication, or a child taking or receiving another child's medication;
- (4) Fire and other emergencies;
- (5) Poisoning or suspected poisoning; or
- (6) Other incidents requiring emergency response.

WAC 170-296A-2225

170-296A-2225. Reporting incidents to Washington poison center.

The licensee or primary staff person must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:

- (1) Any poisoning or suspected poisoning;
- (2) A child receiving too much of any oral, inhaled or injected medication; or
- (3) A child taking or receiving another child's medication.

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WAC 170-296A-2250

170-296A-2250. Reporting incidents to a child's parent or guardian and the department.

The licensee must report to a child's parent or guardian and the department:

(1) Immediately:

(a) Any incident reported under WAC 170-296A-2200, after calling 911;

(b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center;

(c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or

(d) Use of physical restraint with a child.

(2) Within twenty-four hours:

(a) Their child's injury or other health concern that does not require professional medical treatment (report to parent only);

(b) Change in child care staff, including serious illness or incapacity of the licensee that may impact child care staffing;

(c) Additions to the household of persons sixteen years old or older;

(d) Change in the licensee's phone number or e-mail; or

(e) Their child's exposure to a contagious disease from the list in WAC 246-110-010; and

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(3) The licensee's plans to move, as soon as the licensee plans to move. See WAC 170-296A-1475.

WAC 170-296A-2275

170-296A-2275. Other incident reporting to the department.

(1) The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325.

(2) The licensee or another person must report to the department within twenty-four hours:

(a) The licensee's emergency absence, serious illness or incapacity of the licensee, staff or member of household, if the licensee:

(i) Has a reasonable expectation the absence, illness, or incapacity will affect the licensee's ability to provide care; and

(ii) Is going to continue to provide care.

(b) For the licensee, staff, volunteer or household member age fourteen or older, any:

(i) Pending charge or conviction for a crime listed in WAC 170-06-0120;

(ii) Allegation or finding of child abuse or neglect under chapter 26.44 RCW or chapter 388-15 WAC;

(iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or

(iv) Pending charge, conviction, or negative action from outside Washington state consistent with or the same crime listed in WAC 170-06-0120, or 'negative action' as defined in RCW 43.215.010.

WAC 170-296A-2300

170-296A-2300. Reporting to DSHS children's administration intake.

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(1) The licensee and each staff person are required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement within forty-eight hours as required under RCW 26.44.030, and to the department:

- (a) Any suspected child abuse or neglect;
- (b) A child's disclosure of sexual or physical abuse;
- (c) Inappropriate sexual contact between two or more children; or
- (d) A child's attempted suicide or talk about attempting suicide.

(2) The licensee or primary staff person must immediately report to CPS or law enforcement and the department the death of a child while in the licensee's care or from injury or illness that may have occurred while the child was in the licensee's care.

WAC 170-296A-2325

170-296A-2325. Reporting notifiable condition to health department.

(1) In the event a licensee, staff person, volunteer, household member, or child in care is diagnosed with a notifiable condition as defined in chapter 246-101 WAC, the licensee must report the diagnosis to the local health jurisdiction or the state department of health.

(2) Contact the local health jurisdiction for the list of notifiable conditions and reporting requirements.

(3) A person excluded from the family home by the health department or local health officer on the basis of such a diagnosis may not return to the family home until approved to do so by the local health officer.

WAC 170-296A-2350

170-296A-2350. Policies.

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(1) The licensee must have written policies for:

(a) Parents and guardians, also known as the parent handbook;

(b) Program and staff.

(2) The licensee must submit all policies and revisions of policies to the department.

WAC 170-296A-2375

Green &
Burgundy

170-296A-2375. Parent/guardian policies (handbook).

The licensee's written parent/guardian policies (handbook) must include:

(1) Hours of operation including closures and vacations;

(2) Information on how children's records are kept current, including immunization records;

(3) Enrollment and disenrollment process;

(4) Parent/guardian access to their child during child care hours;

(5) Program philosophy (the licensee's view of child learning and development);

(6) Typical daily schedule, including food and rest periods. See WAC 170-296A-6550;

(7) Communication plan with parents/guardians including:

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- (a) How the parent or guardian may contact the licensee with questions or concerns; and
 - (b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year;
 - (c) How the licensee will support parents regarding parenting;
- (8) Written plan for any child's specific needs if applicable. See WAC 170-296A-0050;
- (9) Fees and payment plans;
- (10) Religious activities and how the parent's or guardian's specific religious preferences are addressed;
- (11) How holidays are recognized in the program;
- (12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025;
- (13) Items that the licensee requires the parent or guardian to provide;
- (14) Guidance and discipline policy. See WAC 170-296A-6050;
- (15) If applicable, infant/toddler care including SIDS prevention, feeding, diapering and toilet training;
- (16) Reporting suspected child abuse or neglect. See WAC 170-296A-6275;
- (17) Food service practices. See WAC 170-296A-7125 through 170-296A-7200, and 170-296A-7500 through 170-296A-7650;
- (18) Off-site field trips requirements. See WAC 170-296A-2450;
- (19) Transportation requirements. See WAC 170-296A-6475;

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(20) Staffing plan. See WAC 170-296A-5600 and 170-296A-5775;

(21) Access to licensee's and staff training and professional development records;

(22) Pet policies. See WAC 170-296A-4800;

(23) Health care and emergency preparedness policies including:

(a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825;

(b) Injury or medical emergency response and reporting. See WAC 170-296A-3575, 170-296A-3600, and 170-296A-2275;

(c) Medication management including storage and giving medications. See WAC 170-296A-3325;

(d) Exclusion/removal policy of ill persons. See WAC 170-296A-3210;

(e) Reporting of notifiable conditions to public health;

(f) Immunization tracking. See WAC 170-296A-3250; and

(g) Infection control methods, including:

(i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650); and

(ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used. See WAC 170-296A-3850 through 170-296A-3925 and definitions in WAC 170-296A-0010;

(24) Napping/sleeping;

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(25) No smoking policy consistent with WAC 170-296A-4050;

(26) Drug and alcohol policy consistent with WAC 170-296A-4025;

(27) If applicable, guns and weapons storage. See WAC 170-296A-4725; and

(28) If applicable, overnight care requirements. See WAC 170-296A-6850.

WAC 170-296A-2400

170-296A-2400. Program/operations policies.

In addition to parent policies and procedures required under WAC 170-296A-2375, the licensee must have written program/operations policies that include:

(1) Plans to keep required program/staff records current;

(2) Child supervision requirements;

(3) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;

(4) Plan for off-site field trips;

(5) Plan for transporting children;

(6) Plans for preventing children's access to unlicensed space;

(7) Medical emergency, fire, disaster and evacuation responsibilities;

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(8) Guidance and discipline responsibilities;

(9) Overnight care, if applicable; and

(10) Plan for staff (when applicable) to include:

(a) Staff responsibilities;

(b) Staff training;

(c) Staff expectations; and

(d) Professional development.

WAC 170-296A-2425

170-296A-2425. Staff policies.

If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:

(1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees;

(2) Plan for keeping staff records current including:

(a) Completed background check forms and department clearances;

(b) First aid and CPR certification;

(c) TB test results;

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(d) Required training and professional development for primary staff persons; and

(e) Training that the licensee must provide to staff;

(3) Job description;

(4) Staff responsibilities for:

(a) Child supervision requirements;

(b) Guidance/discipline techniques;

(c) Food service practices;

(d) Off-site field trips;

(e) Transporting children;

(f) Preventing children's access to unlicensed space;

(g) Health, safety and sanitization procedures;

(h) Medical emergencies, fire, disaster and evacuations;

(i) Mandatory reporting of suspected child abuse and neglect;

(j) Overnight care, if applicable; and

(k) Staff responsibilities if the licensee is absent from the child care operation.

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(5) The licensee must keep documentation of all staff training on policies.

WAC 170-296A-2450

170-296A-2450. Off-site activity policy.

The licensee must have a written policy for off-site activities that includes:

(1) Parent notification and permissions. See WAC 170-296A-6400;

(2) Supervision plan;

(3) Transportation plan. See WAC 170-296A-6475;

(4) Emergency procedures including bringing each child's:

(a) Emergency contact information;

(b) Medical records;

(c) Immunization records;

(d) Individual medications for children who have them; and

(e) Medication administration log;

(5) Medication management;

(6) Maintaining a complete first-aid kit; and

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(7) Charging of fees if any.