

WAC 170-296A-5750

170-296A-5750. Supervision.

**Supervising children.**

(1) The licensee must provide required staffing levels, staff-to-child ratios and supervision for the number of children in attendance.

(2) The licensee or primary staff person must be aware of what the children are doing at all times and be available and able to promptly assist or redirect activities when necessary. If unable to see the children, the licensee or primary staff person must frequently go to the area where the children are located to check on them. For the purposes in this section frequently is defined as on many occasions with little time between them.

(3) The licensee must consider the following when deciding how closely to supervise the children:

(a) Ages of the children;

(b) Individual differences and abilities;

(c) Layout of the indoor and outdoor licensed space and play area;

(d) The risk associated with the activities children are engaged in; and

(e) Any nearby hazards including those in the licensed or unlicensed space.

(4) A baby monitor or video monitor must not be used in place of direct supervision of the children.

**Additional requirements when the children are indoors.**

(5) The licensee or primary staff person must be within sight or hearing range when children are indoors and be available and able to respond if the need arises for the safety of the children.

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(6) When children are present on more than one level (floor) of the home, the licensee or primary staff person must be supervising the children on each level and maintain required staff-to-child ratios. Each level of the home used by the children must be licensed space.

**Additional requirements when children are outdoors.**

(7) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(8) The licensee or primary staff person must be within sight or hearing range of school age children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(9) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (10) of this section.

(10) Except when children in care are using a wading pool or swimming pool, a second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children.

(11) See:

(a) WAC 170-296A-5150 for additional supervision requirements when children are engaged in an off-site waterplay or swimming activity;

(b) WAC 170-296A-5175 for additional supervision requirements when children are using a wading pool; and

(c) WAC 170-296A-5200 for additional supervision requirements when children are using a swimming pool.

**Supervising staff.**

(12) When the licensee or primary staff person is supervising staff, he or she must be:

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- (a) Aware of what staff are doing; and
- (b) Available and able to respond if the need arises to protect the health and safety of children in care.

(13) See WAC 170-296A-1925 for additional supervision requirements for assistants and volunteers.

**WAC 170-296A-5775**

**170-296A-5775. Licensee absence.**

(1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:

(a) A staffing plan to include:

(i) That a qualified primary staff person will be present and in charge at all times during the licensee's absence;

(ii) Staff roles and responsibilities;

(iii) How staff-to-child ratios will be met; and

(iv) How staff will meet the individual needs of children in care;

(b) How parents will be notified in writing of the licensee's absence described in WAC 170-296A-5810(1), closures, or staffing changes;

(c) Responsibility for meeting the requirements of this chapter and chapter 43.215 RCW;

(d) Emergency contact information for the licensee; and

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(e) Licensee's expected outside work schedule if applicable.

(2) Prior to engaging in outside employment or ongoing activities outside the child care during operating hours, the licensee must inform the department in writing.

(3) The department must approve the licensee's policy and procedure for licensee absence. The department may require modifications to the proposed policy and procedure if it does not meet licensing requirements.

**WAC 170-296A-5810**

**170-296A-5810. Licensee notice of absences.**

(1) The licensee must notify the department forty-eight hours prior to the following absences when the absence is during child care hours:

(a) Outside employment;

(b) Vacation or absence exceeding seven consecutive days when the child care will remain open; or

(c) Regular absences scheduled during child care hours. As used in this section, 'regular absence' is an absence that is planned and reoccurring, and is more than four hours duration.

(2) The licensee must inform the department of the following regarding the licensee's absence:

(a) Time period of the absence;

(b) Written plan including who will be left in charge of the child care. See WAC 170-296A-5775;

(c) Contact information for licensee; and

(d) How parents will be informed prior to the absence.

**WAC 170-296A-5825**

**170-296A-5825. Licensee absence-Retraining for staff if standards are violated.**

(1) The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.

(2) If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:

(a) Retrain the staff on the licensing standards in this chapter; and

(b) Document that the retraining occurred.

**WAC 170-296A-6000**

**170-296A-6000. Interactions with children.**

The licensee and staff members must:

(1) Demonstrate positive interactions with children and other adults when children are present;

(2) Interact with children through listening and responding to what the children have to say;

(3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain actions, even to very young babies;

(4) Treat each child with consideration and respect;

(5) Appropriately hold, touch and smile at children;

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- (6) Speak to the children at their eye level when possible and appropriate;
- (7) Be responsive to children, encouraging them to share experiences, ideas and feelings;
- (8) Respond to and investigate cries or other signs of distress immediately;
- (9) Perform age or developmentally appropriate nurturing activities that:
  - (a) Take into consideration the parent's own nurturing practices;
  - (b) Promote each child's learning self-help and social skills; and
  - (c) Stimulate the child's development.
- (10) Provide each child opportunities for vocal expression; and
- (11) Adult voices must not always dominate the overall sound of the group.

**WAC 170-296A-6025**

**170-296A-6025. Prohibited interactions.**

In the presence of the children in care the licensee and staff must not or allow others to:

- (1) Use profanity, obscene language, 'put downs,' or cultural or racial slurs;
- (2) Have angry or hostile interactions;
- (3) Use name calling or make derogatory, shaming or humiliating remarks; or

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(4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:

- (a) Spanking children;
- (b) Biting, jerking, kicking, hitting, or shaking;
- (c) Pulling hair;
- (d) Pushing, shoving or throwing a child; or
- (e) Inflicting pain or humiliation as a punishment.

**WAC 170-296A-6050**

**170-296A-6050. Guidance and discipline.**

The licensee and staff must use consistent, fair and positive guidance and discipline methods. These methods must be appropriate to the child's developmental level, abilities, culture and are related to the child's behavior.

(1) Only the licensee or primary staff person trained in the licensee's expected standards may discipline a child in care.

(2) The licensee is responsible for developing a written policy including:

- (a) Setting standards for guidance and discipline;
- (b) Communicating to parents, guardians, and children in care what the policy is;
- (c) Training staff and volunteers in the standards of guidance and discipline policy; and

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(d) Any disciplinary actions by the licensee or staff that occur during child care hours.

**WAC 170-296A-6075**

**170-296A-6075. Positive options for discipline.**

The licensee and staff must use positive guidance methods. The guidance methods may include any of the following:

(1) Distracting;

(2) Redirecting;

(3) Planning ahead to prevent problems;

(4) Encouraging appropriate behavior;

(5) Explaining consistent, clear rules;

(6) Allowing children to be involved in solving problems; and

(7) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

**WAC 170-296A-6100**

**170-296A-6100. Separating a child from the group.**

(1) The licensee or staff may separate a child three years or older from other children as a form of discipline only long enough to allow the child to regain control of himself or herself. The child must remain under the direct supervision of the licensee or primary staff person.

(2) The licensee or primary staff person must:

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- (a) Take into account the child's developmental level and ability to understand the consequences of his or her actions;
- (b) Communicate to the child the reason for being separated from the other children;
- (c) Not discipline any child by separating the child from the group and placing him or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or
- (d) Not use high chairs, car seats and other confining space or equipment for the purpose of punishment or restricting a child's movements.

**WAC 170-296A-6125**

**170-296A-6125. Harmful or aggressive acts of children.**

The licensee and staff must:

- (1) Take steps to protect children from the harmful acts of other children; and
- (2) Immediately intervene when a child becomes physically aggressive.

**WAC 170-296A-6150**

**170-296A-6150. Prohibited actions.**

**The licensee or staff must not or allow others to:**

- (1) Restrict a child's breathing;

**(2) Deprive a child of**

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(a) Sleep, food, clothing, shelter, or physical activity;

(b) Needed first aid; or

(c) Required or emergency medical or dental care;

(3) Interfere with a child's ability to take care of his or her own hygiene and toileting needs; or

(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.

**WAC 170-296A-6175**

**170-296A-6175. Using alternate methods before using physical restraint.**

(1) The licensee must train the primary staff person on alternate methods to use before using physical restraint.

(2) Before using physical restraint, the licensee and staff must first use other methods described in WAC 170-296A-6075 to redirect or deescalate a situation.

**WAC 170-296A-6200**

**170-296A-6200. Physical restraint-Prohibited uses or methods.**

The licensee, staff, or household members must not use:

(1) Physical restraint as a form of punishment or discipline;

(2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;

(3) Locked time-out or isolation space;

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(4) Bonds, ties, tape, or straps to restrain a child; or

(5) Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Pulling hair;

(e) Choking or putting arms around the throat; or

(f) Chemical restraint such as mace or pepper spray.

**WAC 170-296A-6225**

**170-296A-6225. Physical restraint-Holding method allowed.**

When a child's behavior makes it necessary for his or her own or other's protection, the licensee or primary staff person may restrain the child, by holding the child as gently as possible. A child must not be physically restrained longer than necessary to control the situation.

**WAC 170-296A-6250**

**170-296A-6250. Notice and documenting use of physical restraint.**

(1) If physical restraint is used, the licensee must within twenty-four hours:

(a) Report the use of physical restraint to the child's parent or guardian and the department as required under

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WAC 170-296A-2250;

(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and

(c) Document the incident in the child's file, including what happened before, during and after the child was restrained.

(2) The licensee must develop a safety plan with the licensor if required by the department.

**WAC 170-296A-6275**

**170-296A-6275. Abuse and neglect-Protection and training.**

(1) The licensee and staff must:

(a) Protect children in child care from all forms of child abuse or neglect as defined in RCW 26.44.020; and

(b) Report suspected or actual abuse or neglect as required under RCW 26.44.030 to DSHS children's administration intake (child protective services) or law enforcement.

(2) The licensee must provide training for staff, volunteers and household members on:

(a) Prevention of child abuse and neglect as defined in RCW 26.44.020; and

(b) Mandatory reporting requirements under RCW 26.44.030.

**WAC 170-296A-6400**

**170-296A-6400. Off-site activities-Parent or guardian permission.**

(1) The licensee must:

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(a) Have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file.

(b) Have a separate permission for activities that occur less often than once per calendar month.

(2) For scheduled or unscheduled off-site activities that may occur more than once a month, the licensee must:

(a) Have a signed parent or guardian permission on file for each child; and

(b) Inform parents and guardians about how to contact the licensee when children are on an off-site activity.

**WAC 170-296A-6425**

**170-296A-6425. Off-site activity supervision.**

When on an off-site activity, the licensee and staff responsible for the care of the children must at all times provide supervision, and be able to promptly assist or redirect the children's activities.

**WAC 170-296A-6450**

**170-296A-6450. Off-site activity-Emergency information and supplies.**

When on an off-site activity, the licensee must have available:

(1) An emergency consent form for each child that includes:

(a) Emergency contact information;

(b) Permission to obtain medical treatment for the child in the event of a medical emergency;

(c) A list of the child's allergies, if applicable;

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(d) Permission to administer medications, if applicable; and

(2) Emergency supplies, including:

(a) A first aid kit; and

(b) Each child's required medication or emergency medicine, if applicable.

**WAC 170-296A-6475**

**170-296A-6475. Transportation.**

When transporting children the licensee, staff, and volunteers must:

(1) Follow RCW 46.61.687 and other applicable law regarding child restraints and car seats;

(2) Carry in the vehicle all items required under WAC 170-296A-6450 and a current copy of each child's completed enrollment form;

(3) Maintain the vehicle in safe operating condition;

(4) Have a valid driver's license;

(5) Have a current insurance policy that covers the driver, the vehicle, and all occupants;

(6) Take attendance each time children are getting in or getting out of the vehicle;

(7) Never leave children unattended in the vehicle; and

(8) Maintain required staff-to-child ratio and capacity.

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WAC 170-296A-6500

170-296A-6500. Using public transportation.

The licensee may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee or staff must not allow or send children on public transportation unsupervised.

WAC 170-296A-6525

170-296A-6525. Transporting children-Limited periods.

The licensee must not transport or allow the transport of children in care for periods of more than two hours per day on a regular and ongoing basis.

WAC 170-296A-6550

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170-296A-6550. Developmental activities.

(1) The licensee must have and post a typical daily schedule that includes program activities.

(2) The typical daily schedule must include:

- (a) Hours of operation;
- (b) Types of activities, including screen time;
- (c) General timelines for activities;
- (d) Routine transportation times;
- (e) Meal service;

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(f) Rest periods;

(g) Outdoor times; and

(h) If applicable, overnight care.

(3) Evidence of daily activities may be shared or demonstrated through:

(a) Display;

(b) Writing; or

(c) A checklist.

WAC 170-296A-6575

**170-296A-6575. Activities to promote child growth and development.**

**The licensee must provide activities that support each child's developmental stage including:**

(1) Social, emotional and self development;

(2) Positive self concepts;

(3) Language and literacy;

**(4) Physical development, including daily opportunities to develop the child's small and large muscles;**



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(5) Spatial concepts (including, but not limited to, size or position); and

(6) Numeracy (counting and numbers).

**WAC 170-296A-6600**

**170-296A-6600. Toys and play materials.**

The licensee must provide toys, objects, and other play materials that are:

(1) Washable and clean;

(2) Nonpoisonous or free of toxins; and

(3) For infants, toddlers, or children at those developmental levels, large enough to avoid swallowing or choking.

**WAC 170-296A-6625**

**170-296A-6625. Art materials.**

(1) All prepackaged art materials used in the family home child care must be labeled 'nontoxic' and as conforming to or meeting 'ASTM D-4236.' This does not apply to food items used as art materials, bulk paper, or items from the natural environment.

(2) Infants, toddlers, and preschool age children must be closely supervised when using art materials.

**WAC 170-296A-6650**

**170-296A-6650. Screen time.**

**If the licensee or staff provide screen time for children in care, the screen time must:**

**(1) Be educational, and developmentally and age appropriate;**

(2) Have child-appropriate content; and

(3) Not have violent or adult content.

WAC 170-296A-6675

170-296A-6675. Screen time-Limitations.

The licensee or staff must:

(1) Limit screen time for any child to less than two hours per day during operating hours;

(2) Not require children to participate in screen time;

(3) Provide alternative activities to screen time; and

(4) Place children at least three feet from a television screen.

WAC 170-296A-6700

170-296A-6700. Limiting screen time for children under two.

The licensee must minimize exposure to screen time for any child under the age of two by:

(1) Providing alternative activities for the child;

(2) Moving the child away from direct view of the screen; and

(3) Positioning the child so the child is not able to view the screen.

WAC 170-296A-6775

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170-296A-6775. Diversity.

The licensee must:

(1) Provide an environment that reflects each child's daily life, family culture and language, and the diversity in society.

(2) Describe or demonstrate to the licensor, or have a written plan for how:

(a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and

(b) The child care environment reflects the diversity in society.

WAC 170-296A-6800

170-296A-6800. Rest periods.

(1) The licensee must offer a daily supervised rest period for children.

(2) The supervised rest period must be:

(a) Offered to all children five years of age and younger who remain in care more than six hours per day; and

(b) Offered to any child who shows a need for rest.

(3) The licensee must:

(a) Not force a child to sleep;

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(b) Provide quiet activities for the children who do not require rest. These activities must be offered with a minimum of disruption to sleeping children;

(c) Communicate with the parent or guardian about the child's sleep needs and patterns; and

(d) Allow infants and toddlers to follow individual sleep patterns.

(4) See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

**WAC 170-296A-6850**

**170-296A-6850. Overnight care.**

The licensee must be approved by the department to provide overnight care. If the licensee provides overnight child care:

(1) The licensee or primary staff person must be awake until all children in care are asleep;

(2) The licensee or a primary staff person must be on the same level of the home as the children in care;

(3) The licensee or primary staff person must maintain required staff-to-child ratios; and

(4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.

See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

See WAC 170-296A-4400 and 170-296A-4425 regarding door alarms, night latches, deadbolts, and security chains.

**WAC 170-296A-7000**

**170-296A-7000. Wheeled baby walkers prohibited.**

The licensee must not use or allow the use of wheeled baby walkers in the family home child care during operating hours.

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WAC 170-296A-7025

**170-296A-7025. Infant 'tummy time' positioning.**

When infants are awake, the licensee or staff must allow each infant supervised tummy time at least three times daily. As used in this section, 'tummy time' means placing the infant in a nonrestrictive prone position, lying on his or her stomach, when not in sleeping equipment.

WAC 170-296A-7075

**170-296A-7075. Infant and toddler sleeping or napping equipment.**

(1) The licensee must:

- (a) Provide and use a single level crib, toddler bed, playpen or other sleeping equipment for each infant or toddler in care that is safe and not subject to tipping. The equipment must be of a design approved for infants or toddlers by the U.S. Consumer Product Safety Commission (see WAC 170-296A-7085 regarding approved cribs);
- (b) Provide sleeping or napping equipment with clean, firm, and snug-fitting mattresses that do not have tears or holes or is repaired with tape;
- (c) Provide mattresses covered with waterproof material that is easily cleaned and sanitized as provided in WAC 170-296A-0010;
- (d) Arrange sleeping equipment to allow staff access to children;
- (e) Remove sleeping children from car seats, swings or similar equipment; and
- (f) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other approved sleeping equipment.

(2) Children able to climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.

WAC 170-296A-7085

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**170-296A-7085. Cribs.**

In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.

(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full size cribs as defined in 16 Code of Federal Regulations (C.F.R.) 1219, or nonfull size cribs as defined in 16 C.F.R. 1220.

(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.

(3) A crib labeled as made from July 1, 2010, through June 27, 2011, may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the crib is certified as meeting the CPSC regulations.

(4) Any crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.

(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.

**WAC 170-296A-7100**

**170-296A-7100. Infant care-Procedures to reduce the risk of sudden infant death syndrome (SIDS).**

To reduce the risk of sudden infant death syndrome (SIDS), the licensee or staff must:

(1) Place an infant to sleep on his or her back. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;

(2) Place an infant in sleeping equipment that has a clean, firm, and snug-fitting mattress and a tight-fitting sheet;

(3) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping

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equipment, or allow a blanket to cover or drape over the sleeping equipment;

(4) Not cover an infant's head and face during sleep;

(5) Take steps so infants do not get too warm during sleep. If a blanket is used, it must be lightweight and be placed no higher than the infant's chest with the infant's arms free; and

(6) Not place the infant in another sleeping position other than on their backs, or use a sleep positioning device unless required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.

WAC 170-296A-7125

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170-296A-7125. Infant bottles.

The licensee must:

(1) Use glass bottles or use plastic bottles labeled with '1,' '2,' '4,' or '5' on the bottle. A plastic bottle must not contain the chemical bisphenol-A or phthalates.

(2) If heating a bottle, heat the bottle in warm water that is not more than one hundred twenty degrees Fahrenheit;

(3) Not use a microwave oven to warm the contents of a bottle;

(4) Clean bottles and nipples before each use, only with warm soapy water and a bottlebrush, or in a dishwasher;

(5) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared;

(6) Not allow infants to share bottles or infant cups;

(7) Have a method to identify the individual child's bottle or cup;

(8) Keep the contents of a child's bottle inaccessible to other children; and

(9) Throw away milk, breast milk, or formula if it has been sitting at room temperature for more than one hour.

WAC 170-296A-7150

170-296A-7150. Breast milk.

When breast milk is provided for a child, the licensee must:

(1) For breast milk to be used on the day received, refrigerate and label the breast milk container;

(2) If the breast milk is to be frozen, label the container with the child's name and date the milk was brought to the child care. The licensee must:

(a) Store frozen breast milk at ten degrees Fahrenheit or less;

(b) Keep frozen breast milk not more than two weeks;

(c) Use frozen breast milk within twenty-four hours after thawing;

(d) Thaw breast milk in the refrigerator, under warm running water, or in a container with warm water that is not more than one hundred twenty degrees Fahrenheit; and

(e) Never thaw or heat breast milk in a microwave oven or on the stove.

WAC 170-296A-7175

170-296A-7175. Bottle feeding infants.

(1) When bottle feeding, the licensee or staff must:



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(a) Test the bottle contents before feeding, to avoid scalding or burning the infant's mouth;

(b) Hold infants when the infant is unable to hold his or her bottle;

(c) Not prop bottles when feeding an infant;

(d) Not give a bottle or cup to an infant who is lying down;

(e) Feed infants on demand or based on the parent or guardian's recommended feeding schedule;

(f) Stop feeding the infant when he or she shows signs of fullness; and

(g) Not add medication, cereal, supplements, or sweeteners to the contents of the bottle unless prescribed by a health care provider.

(2) When an infant can hold his or her own bottle, the licensee or staff:

(a) May hold the infant or place the infant in a semi-reclining or upright position during bottle feeding; and

(b) Must be in the same room within visual range of the infant during feeding.

(3) The licensee or staff must take the bottle from the infant when the child finishes feeding.

WAC 170-296A-7200

170-296A-7200. Feeding solid food to infants.

(1) The licensee must consult with and have approval from an infant's parent or guardian before introducing solid food to an infant.

(2) When serving infants solid food the licensee or staff must:

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- (a) Hold or sit the infant in a semi-reclining or upright position;
- (b) Not allow infants to share the same dish or utensil;
- (c) Stir and test for safe temperature after heating food and before serving;
- (d) Throw away any uneaten food from the serving container;
- (e) Serve solid food by utensil or let the child feed themselves; and
- (f) Feed the infant when hungry unless the parent or guardian gives written instructions for an alternative feeding schedule, and stop feeding when the infant shows signs of fullness.

WAC 170-296A-7225

170-296A-7225. High chairs.

- (1) If the licensee uses high chairs in the child care, each high chair must:
  - (a) Have a base that is wider than the seat;
  - (b) Have a safety device that prevents the child from climbing or sliding down the chair;
  - (c) Be free of cracks and tears; and
  - (d) Have a washable surface.
- (2) When a child is seated in a high chair, the chair's safety device must be used to secure the child.

(3) The licensee or staff must clean and sanitize high chairs as provided in WAC 170-296A-0010 after each use.

WAC 170-296A-7250

170-296A-7250. Diapering and toileting.

(1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.

(2) The diaper changing area must:

(a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;

(b) Have a sturdy surface or mat that is:

(i) Not torn or repaired with tape;

(ii) Easily cleanable;

(iii) Waterproof; and

(iv) Large enough to prevent the area underneath from being contaminated with bodily fluids.

(3) The diapering area must be cleaned and disinfected as provided in WAC 170-296A-0010 between each use.

(4) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.

(5) The diaper changing surface must be free of all other items not used in diapering the child.

WAC 170-296A-7275

170-296A-7275. Diaper disposal.

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(1) The licensee must provide a container specifically for diaper and diapering supply disposal that is not used for other household trash. The diaper disposal container must:

- (a) Have a tight cover;
- (b) Be lined with a disposable plastic trash bag; and
- (c) Be within arm's reach of the diaper changing area.

(2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.

(3) If cloth diapers are used, the diapers must:

- (a) Not be rinsed; and
- (b)(i) Be kept in the diaper disposal container until picked up by the diaper service; or
- (ii) Placed in a securely closed plastic bag and sent home with the child daily.

(4) If soiled diapers are sent home they must be kept in a separate closed container used only for diapers and not placed with the child's other belongings.

**WAC 170-296A-7300**

**170-296A-7300. Diaper changing.**

(1) The licensee or staff must:

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- (a) Check diapers at least every two hours;
- (b) Change the diaper when necessary, or whenever the child indicates discomfort;
- (c) Attend to the child at all times when diapering a child;
- (d) Not rinse soiled diapers; and
- (e) Place soiled diapers directly into a diaper waste container.

(2) Diapers used must be:

- (a) Disposable; or
- (b) Cloth diapers supplied by a commercial diaper service; or
- (c) Reusable cloth diapers supplied by the child's family.

(3) When cloth diapers are used, a waterproof, washable barrier must be used between the diaper and the child's clothes.

(4) The licensee or staff must wash their hands before and after diapering, and wash the child's hands immediately after diapering the child. Baby wipes may be used to wash the child's hands.

**WAC 170-296A-7350**

**170-296A-7350. Toilet training.**

The licensee must discuss toilet training with the child's parent or guardian when a child is ready for training. The licensee or staff must use:

- (1) Positive reinforcement;

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- (2) Culturally sensitive methods;
- (3) Developmentally appropriate methods; and
- (4) A routine developed in agreement with the parent or guardian.

**WAC 170-296A-7375**

**170-296A-7375. Potty chairs or modified toilet seats.**

- (1) When potty chairs are used, the licensee or staff must immediately after each use:
  - (a) Empty the potty chair into the toilet; and
  - (b) Clean and disinfect the potty chair as provided in WAC 170-296A-0010.
- (2) The floor under the potty chairs must be made of a material that is resistant to moisture.
- (3) When a modified toilet seat is used, it must be cleaned and disinfected as provided in WAC 170-296A-0010 daily or more often when soiled.
- (4) If a sink or basin is used to clean a potty chair or modified toilet seat, the sink or basin must be cleaned and disinfected afterwards as provided in WAC 170-296A-0010.

**WAC 170-296A-7500**

**170-296A-7500. Food must meet USDA guidelines.**

The licensee must provide meals and snack foods to children in care according to the current edition of the U.S. Department of Agriculture (USDA) - Child and adult care food program (CACFP) charts for the ages of children in the licensee's care.

WAC 170-296A-7525

Green  
& Pink

170-296A-7525. Parent or guardian-provided food.

(1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee.

(2) A written food plan is not required for infant formula, breast milk or baby food supplied by the child's parent or guardian.

(3) A written food plan may include accommodations for:

(a) The child's medical needs;

(b) Special diets;

(c) Religious or cultural preference; or

(d) Family preference.

(4) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA CACFP requirements if the food provided by the parent or guardian does not meet the nutritional needs of the child.

WAC 170-296A-7550

170-296A-7550. Home canned foods.

The licensee must not serve home canned foods due to the risk of botulism poisoning.

WAC 170-296A-7575

170-296A-7575. Drinking water.

The licensee must supply safe drinking water for the children in care. Drinking water must be served in a safe and sanitary manner and be available throughout the day. See WAC 170-296A-1400 for water testing requirements for a family home child care that receives its drinking water from a private well and water system.

#### WAC 170-296A-7600

Green  
& Pink

#### 170-296A-7600. Serving milk.

(1) The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:

(a) Breast milk or formula to children from birth to twelve months old. The parent or guardian may request breast milk or formula be served to their child after the child turns twelve months of age.

(b) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk.

(c) Pasteurized milk or pasteurized milk product to children over twenty-four months old.

(2) Variations of subsection (1)(a), (b), or (c) of this section require a written statement from the child's health provider.

#### WAC 170-296A-7625

#### 170-296A-7625. Meal and snack schedule.

(1) The licensee must offer meals and snacks to the children in care at intervals of at least two hours apart and no more than three hours unless the child is asleep.

(2) The licensee must offer a snack to children arriving from school.

#### WAC 170-296A-7650

#### 170-296A-7650. Serving foods.



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(1) The licensee or staff may:

(a) Serve each child individually; or

(b) Serve family style in serving containers that allow each child the opportunity to serve themselves.

(2) The licensee or staff must:

(a) Stir and test for safe temperature any heated food before serving;

(b) Closely supervise all children when eating;

(c) Not force or shame a child to eat or try any food;

(d) Not punish a child for refusing to try or eat foods;

(e) Serve meals in a safe and sanitary manner;

(f) Be respectful of each child's cultural food practices; and

(g) Sit with children during meals when possible.

WAC 170-296A-7675

170-296A-7675. Food handler permits.

(1) New license applicants must obtain a current state food handler permit prior to being licensed.

(2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.

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(3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.

(4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.

(5) The licensee must keep a copy of each individual's food handler permit on file.

WAC 170-296A-7680

170-296A-7680. Safe food handling.

(1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) The licensee and staff must:

(a) Wash their hands as required under WAC 170-296A-3675; and

(b) Not prepare food when ill with vomiting or diarrhea.

WAC 170-296A-7700

170-296A-7700. Washing dishes.

The licensee or staff must wash dishes thoroughly after each use by one of the following methods:

(1) Automatic dishwasher, using the sanitizing cycle if available; or

(2) Handwashing method, by immersion in hot soapy water, rinse, sanitize as provided in WAC 170-296A-0010 and air dry.

WAC 170-296A-7725

170-296A-7725. Food containers and utensils.

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(1) The licensee must not use or allow cookware containers to be used to cook or reheat food in a microwave oven, unless the container is labeled by the manufacturer as 'for microwave use,' 'microwave safe,' or similar labeling.

(2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.

(3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use.

(4) The licensee must not serve food to infants or toddlers using polystyrene foam (commonly known as styrofoam) cups, bowls and plates.

WAC 170-296A-7750

170-296A-7750. Food preparation area.

(1) The licensee or staff must clean and sanitize food preparation and eating surfaces as provided in WAC 170-296A-0010 before and after use. The licensee's food preparation area must:

(a) Have surfaces that are free of cracks and crevices; and

(b) Have a floor area made of a material that is resistant to moisture.

(2) The licensee must not allow pets in the food preparation area while food is being prepared or served.

(3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children.

WAC 170-296A-8000

170-296A-8000. Facility licensing compliance agreements.

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At the department's discretion, when a licensee is in violation of this chapter or chapter 43.215 RCW, a facility licensing compliance agreement may be issued in lieu of the department taking enforcement action.

(1) The facility licensing compliance agreement contains:

(a) A description of the violation and the rule or law that was violated;

(b) A statement from the licensee regarding the proposed plan to comply with the rule or law;

(c) The date the violation must be corrected;

(d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and

(e) Signature of the licensor and licensee.

(2) The licensee must return a copy of the completed facility license compliance agreement to the department by the date indicated when corrective action has been completed.

(3) The licensee may request a supervisory review regarding the violation of rules or laws identified on the facility license compliance agreement.

(4) A facility license compliance agreement is not subject to appeal under chapter 170-03 WAC.

**WAC 170-296A-8010**

**170-296A-8010. Nonreferral status.**

In addition to or in lieu of an enforcement action under this chapter, the department may place a family home child care on nonreferral status as provided in RCW 43.215.300(4).

**WAC 170-296A-8025**

**170-296A-8025. Time period for correcting a violation.**

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The length of time the licensee has to make the corrections depends on:

- (1) The seriousness of the violation;
- (2) The potential threat to the health, safety and well-being of the children in care; and
- (3) The number of times the licensee has violated rules in this chapter or requirements under chapter 43.215 RCW.

**WAC 170-296A-8050**

**170-296A-8050. Civil monetary penalties (fines).**

A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.

- (1) A fine of one hundred fifty dollars per day may be imposed for each violation.
- (2) The fine may be assessed and collected with interest for each day a violation occurs.
- (3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.
- (4) At the department's discretion, a fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.
- (5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.

**WAC 170-296A-8060**

**170-296A-8060. When fines are levied.**

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The department may base a fine for violation of a rule under this chapter or a requirement in chapter 43.215 RCW, according to whether the licensee:

- (1) Has allowed the existence of any condition that creates a serious safety and health risk;
- (2) Or any staff person or household member uses corporal punishment or humiliating methods of control or discipline;
- (3) Or any staff person fails to provide the required supervision;
- (4) Fails to provide required light, ventilation, sanitation, food, water, or heating;
- (5) Provides care for more than the highest number of children permitted by the license; or
- (6) Repeatedly fails to follow the rules in this chapter or the requirements in chapter 43.215 RCW. As used in this section, ‘repeatedly’ means a violation that has been the subject of a facility license compliance agreement that occurs more than once in a twelve-month time period.

**WAC 170-296A-8075**

**170-296A-8075. Fines-Payment period.**

A fine must be paid within twenty-eight calendar days after the licensee receives the notice unless:

- (1) The department approves a payment plan if requested by the licensee; or
- (2) The licensee requests a hearing as provided in RCW 43.215.307(3).

**WAC 170-296A-8100**

**170-296A-8100. Notice of fine-Posting.**

The licensee must post the department letter notifying the licensee of a final notice of a civil penalty:

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- (1) Immediately upon receipt;
- (2) In the licensed space where it is clearly visible to parents and guardians; and
- (3) For two weeks or until the violation causing the fine is corrected, whichever is longer.

**WAC 170-296A-8125**

**170-296A-8125. Failure to pay a fine-Department action.**

If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not continue the license.

**WAC 170-296A-8150**

**170-296A-8150. Denial, suspension, revocation, modification, or noncontinuation of a license.**

A license may be denied, suspended, modified, revoked, or not continued when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

**WAC 170-296A-8175**

**170-296A-8175. Violations-Enforcement action.**

The department may deny, suspend, revoke, or not continue a license when:

- (1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;
- (2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);
- (3) The licensee or household member has been found to have committed child abuse or child neglect;

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(4) The licensee has been found to allow staff or household members to commit child abuse or child neglect;

(5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120;

(6) There is an allegation of child abuse or neglect against the licensee, staff, or household member;

(7) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;

(8) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;

(9) The licensee commits, permits or assists in an illegal act at the child care premises;

(10) The licensee uses illegal drugs or alcohol in excess, or abuses prescription drugs;

(11) The licensee knowingly allowed a staff or household member to make false statements on employment or background check application related to their suitability or competence to provide care;

(12) The licensee fails to provide the required level of supervision for the children in care;

(13) The licensee cares for more children than the maximum number stated on the license;

(14) The licensee refuses to allow department authorized staff access during child care operating hours to:

(a) Requested information;

(b) The licensed space;

(c) Child, staff, or program files; or



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- (d) Staff or children in care.
  
- (15) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;
  
- (16) The licensee cares for children outside the ages stated on the license;
  
- (17) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);
  
- (18) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;
  
- (19) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;
  
- (20) The licensee does not provide the required number of qualified staff to care for the children in attendance; or
  
- (21) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420.

**WAC 170-296A-8225**

**170-296A-8225. Notice of license denial, suspension, revocation, or modification.**

- (1) The department notifies the licensee of the denial, suspension, revocation, or modification of the license by sending a certified letter or by personal service.
  
- (2) The letter contains information on what the licensee may do if the licensee disagrees with the decision to deny, suspend, revoke, or modify the license.
  
- (3) The licensee has a right to appeal the denial, suspension, revocation or modification of the license. The department notice will include information on hearing rights and how to request a hearing.

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**WAC 170-296A-8250**

**170-296A-8250. Probationary license.**

A probationary license may be issued to a licensee operating under a nonexpiring full license as part of a corrective action plan. The department refers the licensee for technical assistance as provided in RCW 43.215.290 prior to issuing a probationary license.

**WAC 170-296A-8275**

**170-296A-8275. Probationary license-Cause.**

A department decision to issue a probationary license must be based on the following:

- (1) Negligent or intentional noncompliance with the licensing rules;
- (2) A history of noncompliance with the licensing rules;
- (3) Current noncompliance with the licensing rules; or
- (4) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW.

**WAC 170-296A-8300**

**170-296A-8300. Issuing a probationary license.**

When the department issues a probationary license, the licensee must:

- (1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license;
- (2) Provide documentation to the department that parents or guardians of enrolled children have been notified;

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- (3) Inform new parents or guardians about the probationary status before enrolling new children;
- (4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and
- (5) Return the licensee's nonexpiring full license to the department.

**WAC 170-296A-8325**

**170-296A-8325. Refusing a FLCA or probationary license.**

- (1) The licensee has the right to:
  - (a) Refuse or refuse to sign a facility licensing compliance agreement; or
  - (b) Refuse to agree to a probationary license.
- (2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:
  - (a) Modification of the license;
  - (b) Noncontinuation of a nonexpiring full license;
  - (c) Suspension of the license; or
  - (d) Revocation of the license.

**WAC 170-296A-8350**

**170-296A-8350. Providing unlicensed care-Notice.**

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(1) If the department determines that an individual is providing unlicensed child care in his or her home, 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 wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) 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 one hundred fifty dollars per day for each day that the individual continues to provide child care without a license.

(2) The department's written notice in subsection (1) 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 if the individual applies for a license;
- (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.

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(3) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (1)(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 170-296A-8375**

**170-296A-8375. Unlicensed care-Fines and other penalties.**

A person providing unlicensed child care may be:

(1) Assessed a fine of one hundred fifty dollars a day for each day unlicensed child care is provided;

(2) Guilty of a misdemeanor; or

(3) Subject to an injunction.

**WAC 170-296A-8400**

**170-296A-8400. Hearing process.**

(1) Department notice of an enforcement action includes information about the individual's or licensee's right to request an adjudicative proceeding (hearing) and how to request a hearing.

(2) The hearing process is governed by chapter 34.05 RCW Administrative Procedure Act, applicable sections of chapter 43.215 RCW department of early learning, and chapter 170-03 WAC, DEL hearing rules.