

WAC 170-297-5150

170-297-5150. Water safety and activity.

(1) When the children in care are involved in swimming or other water activities, the program staff must maintain the following water safety precautions:

(a) A minimum staff-to-child ratio of 1:10 must be maintained;

(b) A certified lifeguard, with a nationally recognized certification, must be present at all times. Lifeguards are not counted in the staff-to-child ratio;

(2) Swimming pools and natural bodies of water must be inaccessible to the children when not in use; and

(3) Program staff must not allow the children use of or access to a hot tub, spa tank, or whirlpool.

WAC 170-297-5175

170-297-5175. Wading pools-Defined-Supervision.

(1) A wading pool means an enclosed pool with water depth of two feet or less measured without children in the pool that can be emptied and moved.

(2) When a wading pool is used by the children, the licensee or program staff must:

(a) Directly supervise the children;

(b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool;

(c) Maintain staff-to-child ratios when children are in a wading pool; and

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(d) Daily, empty, clean, and sanitize the pool as provided in WAC 170-297-0010. When the pool is soiled with urine, feces, vomit, or blood, the licensee or program staff must immediately empty, clean, and sanitize.

WAC 170-297-5200

170-297-5200. Swimming pools defined-Barriers and supervision.

(1) A swimming pool is a pool that has a water depth greater than two feet.

(2) When there is a swimming pool on the premises the licensee must provide:

(a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened;

(b) A five foot high fence that blocks access to the swimming pool. When the fence has slats the openings between slats must not be wider than three and one-half inches wide;

(c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and

(d) An unlocking device that is inaccessible to children but readily available to the licensee or staff.

(3) The licensee must maintain the swimming pool according to manufacturer's specifications, including cleaning and sanitizing.

(4) When the swimming pool on the premises is used by the children:

(a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool;

(b) There must be one person present at the swimming pool at all times who is a certified lifeguard, with a nationally recognized certification; and

(c) The licensee must provide one additional staff person more than the required staff-to-child ratio provided in WAC 170-297-5700 to help supervise the children.

WAC 170-297-5225

170-297-5225. Bodies of water or water hazards on the licensed premises.

(1)(a) As used in WAC 170-297-5150 through 170-297-5250, a 'body of water' is a natural area or man-made area or device that contains or holds more than two inches of water.

(b) 'Body of water' does not include a wading pool as defined in WAC 170-297-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.

(2) When children are in care the licensee must:

(a) Make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall. When a fence has slats or open grids, openings must not be wider than three and one-half inches; and

(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water.

WAC 170-297-5250

170-297-5250. Bodies of water outside and near licensed space.

(1) The following bodies of water must be made inaccessible to children in care, and the child care program must have a written safety plan approved by the department for:

(a) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or

(b) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.

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(2) Unless attending a swimming or water play activity, when outside the licensed premises the licensee or program staff must keep children from having access to bodies of water that pose a drowning hazard.

WAC 170-297-5600

170-297-5600. Staff-to-child ratio.

(1) The licensee must provide qualified staff to meet the staffing requirements and ratios described in WAC 170-297-5700 at all times during operating hours, including off-site trips or when transporting children in care.

(2) The licensee must provide additional staff as described in WAC 170-297-5150 through 170-297-5250 when children are participating in water activities or near water.

(3) At minimum, a 1:15 staff-to-child ratio must be maintained at all times.

WAC 170-297-5625

170-297-5625. Capacity.

(1) The child care program must not exceed the total number or ages of children in attendance stated on the child care license.

(2) All children in care through twelve years of age in attendance on the premises, attending an off-site field trip or activity, or being transported by the licensee or program staff are counted in capacity.

(3) All children within the age range on the license count in ratio, including children of program staff, or visiting children who are not accompanied by an adult.

(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-297-0050 if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.

(5) If an individual child with special needs requires individualized supervision, a program staff person providing

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individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.

WAC 170-297-5725

170-297-5725. Groups.

- (1) The program must provide clearly defined licensed space for each group of children.
- (2) A 1:15 staff-to-child ratio must be maintained at all times.
- (3) Group size must not exceed thirty children.
- (4) Group size may exceed thirty only for brief periods of time not to exceed fifteen minutes, or for special events such as assemblies or performances.
- (5) Qualified staff must supervise each group.
- (6) The total number of children in all groups must not exceed the licensed capacity of the space.

WAC 170-297-5750

170-297-5750. 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 program staff 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.
- (3) The licensee and program staff must consider the following when deciding how closely to supervise the children:
 - (a) Ages of the children;

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- (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) An electronic communication or surveillance device does not replace direct supervision of the children.
- (5) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space.
- (6) The licensee or program staff must be within sight or hearing range of children when in the licensed indoor and outdoor space and be available and able to respond if the need arises for the safety of the children, including when:
- (a) Moving from indoors to outdoors;
 - (b) Moving from room to room; and
 - (c) The child uses the restroom.
- (7) When only one staff person is present, a second qualified staff person must be on-site, able, and readily available to assist in an emergency.
- (8) See:
- (a) WAC 170-297-5150 for additional supervision requirements when children are engaged in an off-site water play or swimming activity;
 - (b) WAC 170-297-5175 for additional supervision requirements when children are using a wading pool; and

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(c) WAC 170-297-5200 for additional supervision requirements when children are using a swimming pool.

WAC 170-297-5800

170-297-5800. Orientation for staff.

(1) The licensee or designee must provide a program orientation to all new staff on:

- (a) Licensing standards in this chapter;
- (b) The program's policies and procedures;
- (c) Goals and philosophy of the program;
- (d) Planned daily activities and routines;
- (e) Age-appropriate child guidance and behavior management methods;
- (f) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (g) Special health and developmental needs of individual children if applicable;
- (h) Fire prevention, emergency preparedness and safety procedures; and
- (i) Personnel policies.

(2) The licensee or designee must document when the training occurred and identify the staff that received the training.

WAC 170-297-6000

170-297-6000. Interactions with children.

The licensee and program staff must:

- (1) Actively seek out meaningful conversations with children and talk about events of importance to the child;
- (2) Be available and responsive to children and interact on the child's level, encouraging them to ask questions, share experiences, ideas and feelings;
- (3) Encourage children to evaluate a problem and form a resolution rather than impose an adult solution; help children to develop mediation and negotiation skills to solve problems;
- (4) Foster creativity and independence;
- (5) Build on children's strengths while allowing for mistakes;
- (6) Treat equally all children in care regardless of race, religion, culture, sex, family structure and ability;
- (7) Demonstrate positive interactions with children and other adults when children are present;
- (8) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way;
- (9) Treat each child with consideration and respect;
- (10) Appropriately touch and smile at children;
- (11) Speak to the children at their eye level when possible and appropriate;
- (12) Respond to and investigate cries or other signs of distress immediately;

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(13) 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; and

(14) Provide each child opportunities for vocal expression; adult voices must not always dominate the overall sound of the group.

WAC 170-297-6025

170-297-6025. Prohibited interactions.

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

(1) Use profanity, obscene language, 'put downs,' cultural, or racial slurs;

(2) Have angry or hostile interactions;

(3) Use name calling or make derogatory, shaming, or humiliating remarks; or

(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;

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- (c) Pulling hair;
- (d) Pushing, shoving, or throwing a child; and
- (e) Inflicting pain or humiliation as a punishment.

WAC 170-297-6050

170-297-6050. Guidance and discipline.

The licensee and program 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 related to the child's behavior.

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

(2) The licensee or designee 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 program staff and volunteers in the standards of guidance and discipline policy; and
- (d) Any disciplinary actions by the licensee or program staff that occur during child care hours.

WAC 170-297-6075

170-297-6075. Positive options for discipline.

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

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- (1) Redirecting;
- (2) Planning ahead to prevent problems;
- (3) Encouraging appropriate behavior;
- (4) Explaining consistent, clear rules;
- (5) Allowing children to be involved in solving problems; and
- (6) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

WAC 170-297-6100

170-297-6100. Separating a child from the group.

- (1) The licensee or program staff may separate a child from other children as a form of discipline only long enough to allow the child to regain control of him or herself. The child must remain under the direct supervision of the licensee or program staff person.
- (2) The licensee and program staff must:
 - (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 himself or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or
 - (d) Not use confining space or equipment for the purpose of punishment or restricting a child's movements.

WAC 170-297-6125

170-297-6125. Preventing harmful or aggressive acts.

The licensee and program staff must:

- (1) Take steps to protect children from the harmful acts of other children;
- (2) Immediately intervene when a child becomes physically aggressive; and
- (3) Document serious behavior incidents and develop, as needed, individual written behavior plans with parent input.

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WAC 170-297-6150

170-297-6150. Prohibited actions.

The licensee and program staff must not:

- (1) Restrict a child's breathing;

(2) Deprive a child of:

(a) Sleep, food, water, clothing or shelter;

(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;

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

(5) Withhold active play as punishment.

WAC 170-297-6175

170-297-6175. Using alternate methods before using physical restraint.

(1) Program staff must be trained on alternate methods to use before using physical restraint.

(2) Before using physical restraint, the licensee and program staff must first use other methods described in WAC 170-297-6075 to redirect or de-escalate a situation.

WAC 170-297-6200

170-297-6200. Physical restraint-Prohibited uses or methods.

The licensee and program staff 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;

(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;

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- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Choking or putting arms around the throat; or
- (f) Chemical restraint such as mace or pepper spray.

WAC 170-297-6225

170-297-6225. Physical restraint-Holding method allowed.

When a child's behavior makes it necessary for his or her own or another's protection, the licensee or program staff 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 170-297-6250

170-297-6250. Notice and documenting use of physical restraint.

If physical restraint is used the licensee or program staff must:

- (1) Report use of physical restraint to the child's parent or guardian and the department as required under WAC 170-297-2250;
- (2) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;
- (3) Document the incident in the child's file; and
- (4) Develop a safety plan with the licensor if required by the department.

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WAC 170-297-6275

170-297-6275. Abuse and neglect-Protection and training.

(1) The licensee and program staff must:

(a) Protect children in 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 or designee must provide training for program staff and volunteers 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 170-297-6400

170-297-6400. Off-site activities-Parent or guardian permission.

(1) Program staff must 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.

(2) Program staff must have a separate permission for activities that occur less often than once per calendar month.

(3) 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 program staff when children are on an off-site activity.

WAC 170-297-6425

170-297-6425. Off-site activity supervision.

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

WAC 170-297-6450

170-297-6450. Off-site activity-Emergency information and supplies.

When on an off-site activity, program staff 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; and
- (d) Permission to administer medications, if applicable;

(2) Emergency supplies, including:

- (a) A first-aid kit; and
- (b) Each child's required medication or emergency medicine, if applicable.

WAC 170-297-6475

170-297-6475. Transportation.

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When transporting children in care, 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 170-297-6450 and a current copy of each child's completed enrollment form;
- (3) Maintain the vehicle in safe operating condition with vehicle maintenance record available on-site;
- (4) Have a valid driver's license to operate the type of vehicle being driven, if the licensee, staff, or volunteer is driving;
- (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.

WAC 170-297-6500

170-297-6500. Using public transportation.

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

WAC 170-297-6550

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170-297-6550. Typical daily schedule.

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(1) A typical daily schedule must be posted 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, if applicable;

(e) Menus and meal service; and

(f) Outdoor times.

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

(a) Display;

(b) Writing; or

(c) A checklist.

WAC 170-297-6575

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170-297-6575. Activities to promote child growth and development.

(1) An activity program must be implemented that is designed to meet the developmental, cultural, and individual needs of the children in care. The activity program must contain a range of learning experiences for the children to:

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(a) Gain self-esteem, self-awareness, conflict resolution, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety;

(d) Experiment, create, and explore; and

(e) Recognize and support positive cultural and individual identities.

(2) The activity program schedule must include activities that offer a variety of options including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free choice and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) The activity program schedule must include activities that provide the children daily opportunities for small and large muscle activities and outdoor play.

(4) The program schedule must include the opportunity for the children to participate in moderate to vigorous physical activity on an average of thirty minutes for every three hours of care.

(5) Program staff should encourage learning in school.

(6) The child care program must operate under a regular schedule of activities with allowances for special events when applicable.

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(7) Child movements must be managed from one planned activity or care area to another to achieve smooth, unregimented transitions by:

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

WAC 170-297-6600

170-297-6600. Equipment and play materials.

(1) Safe equipment and play materials must be provided that are:

- (a) Washable and clean; and
- (b) Nonpoisonous or free of toxins.

(2) Materials and equipment must accommodate children with special needs.

(3) Basic school supplies and program staff support must be provided for children to work on their homework.

WAC 170-297-6625

170-297-6625. Art materials.

All prepackaged art materials used in the 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.

WAC 170-297-6650

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170-297-6650. Screen time.

When the child care program provides screen time for children in care, the screen time must:

(1) Be educational, developmentally and age appropriate;

(2) Have child-appropriate content; and

(3) Not have violent or adult content.

WAC 170-297-6675

170-297-6675. Screen time-Limitations.

The licensee or staff must:

(1) Limit screen time for any child to no more than one hour per week, except when children are completing homework assignments;

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

(3) Provide alternative activities to screen time; and

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

WAC 170-297-6775

170-297-6775. Diversity.

The licensee must:

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(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 170-297-7500

170-297-7500. Food and milk must meet USDA guidelines.

(1) Meals and snack foods must be provided to children in care according to the most current edition of the U.S. Department of Agriculture (USDA) child and adult care food program (CACFP) charts for the ages of children in care.

(2) Milk must be provided to children in care according to the most current edition of the USDA CACFP charts for the ages of children in care.

WAC 170-297-7515

170-297-7515. Menus and dietary restrictions.

(1) Menus must be posted in the licensed space in a place where parents and staff can easily view them. Menus must include:

(a) Food type and portion sizes planned and served;

(b) Two weeks or more of food variety before repeating menus;

(c) Dates; and

(d) Any changes that are made posted on the menu.

(2) When a child has a food allergy or special dietary requirement due to a health condition program staff must:

(a) Obtain written instructions from the child's parent or guardian and health care provider identifying foods to avoid and appropriate alternatives; and

(b) Post the child's dietary restrictions where food is prepared and served.

WAC 170-297-7525

170-297-7525. 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 or program staff.

(2) 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.

(3) If food provided by the parent or guardian does not meet the USDA CACFP meal pattern it must be supplemented by the program.

WAC 170-297-7530

170-297-7530. Food sources.

1) Food sources that are not approved include:

(a) Leftover food that was previously served from outside the site;

(b) Home canned food due to the risk of botulism poisoning;

(c) Donated food from restaurants or caterers that was previously served;

(d) Game meat that has not been inspected by the USDA; and

(e) Meat, fish, poultry or milk that is from a source not inspected for sale.

2) All food must be prepared on-site unless it is provided by a:

(a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or

(b) Parent or guardian as provided in WAC 170-297-7525.

WAC 170-297-7575

170-297-7575. Drinking water.

(1) A safe supply of drinking water must always be available to each child and must be served in a sanitary manner.

(2) Drinking water may not be obtained from any handwashing sink.

WAC 170-297-7580

170-297-7580. Drinking fountains.

(1) Inclined jet-type drinking fountains may be used.

(2) Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain must not be used.

(3) Drinking fountains must be cleaned and sanitized, as provided in WAC 170-297-0010, on a daily basis or more often as needed.

WAC 170-297-7625

170-297-7625. Meal and snack schedule.

Meals and snacks must be served based on the following:

(1) Breakfast must be made available either by the program or the school;

(2) A snack must be provided for children in care for one to three hours after school; and

(3) When all-day care is provided, meals, including lunch, and snacks must be served at intervals not less than two hours and not more than three and one-half hours apart.

WAC 170-297-7650

170-297-7650. Serving foods.

(1) The licensee or program 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 program staff must:

(a) Closely supervise all children when eating;

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

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

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

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

(f) Sit with children during meals when possible.

WAC 170-297-7675

170-297-7675. Food worker card.

(1) Each staff person preparing or handling food must obtain and maintain a current Washington state department of health food worker card prior to handling or preparing food.

(2) At least one individual with a food worker card must be on-site during hours when food is provided.

(3) The licensee or designee must provide orientation and ongoing training as needed for all staff involved in food preparation and service.

(4) The licensee must keep a copy of each individual's food worker card on file.

WAC 170-297-7680

170-297-7680. Safe food handling.

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(1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) Previously prepared food may be served if:

(a) The food was not previously served; and

(b) It was stored at the proper temperature for less than twenty-four hours after preparation.

(3) Leftover foods or opened foods in the refrigerator must be labeled with the date that they were opened or cooked.

(4) Each staff person preparing or handling food must maintain a current Washington state department of health food worker's permit.

WAC 170-297-7700

170-297-7700. Washing dishes.

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

(1) Automatic dishwasher; or

(2) Handwashing method, by immersion in hot soapy water, rinsing, and sanitizing, as provided in WAC 170-297-0010, and air drying.

WAC 170-297-7725

170-297-7725. Food containers and utensils.

(1) Cookware containers must not 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.

WAC 170-297-7750

170-297-7750. Food preparation area.

(1) Program staff must clean and sanitize food preparation and eating surfaces before and after use. The food preparation area must:

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

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

(2) The following kitchen equipment must be available to cook and serve food:

(a) A range with a properly vented hood or exhaust fan; and

(b) A refrigerator and freezer, or a combination refrigerator/freezer.

(3) There must be a designated food preparation sink in the licensed facility. When the food preparation sink is used for other purposes during nonchild care hours, it must be thoroughly cleaned and sanitized, as provided in WAC 170-297-0010, prior to use and a colander must be used to prevent food items from coming in contact with the sink basin.

(4) There must be a handwashing sink accessible during food preparation. See WAC 170-297-4635.

(5) A calibrated and working food thermometer must be used to monitor food temperature. The thermometer must be either a metal stem-type thermometer or a digital thermometer.

WAC 170-297-7800

170-297-7800. Food storage.

(1) Food must be stored:

(a) In the original containers or in clean, labeled containers that are airtight and off the floor;

(b) In a manner that prevents contamination from other sources;

(c) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;

(d) With a date that is not past the manufacturer's expiration or freshness date; and

(e) In a refrigerator, cooler, or freezer if cold holding is required.

(2) Raw meat, poultry, or fish in the refrigerator must be stored below cooked or ready to eat foods.

(3) Foods not requiring refrigeration must be stored at least six inches above the floor in a clean dry storeroom, or in a closed cupboard or pantry.

(4) Dry bulk foods not in their original containers must be stored in containers with tight fitting covers. Containers must be labeled and dated.

WAC 170-297-7825

170-297-7825. Satellite kitchens.

(1) When a satellite kitchen or catering service is used to provide food to the child care program, the child care program must have on file a copy of the permit issued by the local health jurisdiction to the satellite kitchen or catering service.

(2) When the satellite kitchen or catering service does not remain on-site during the food service the child care program must develop a system to record the temperature of perishable food once it arrives from a satellite kitchen or a catering service. The system must include:

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(a) The name and the temperature of the food;

(b) The date and time the temperature was checked; and

(c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) The child care program must have a written policy that describes:

(a) How food will be handled once it is on-site;

(b) What back-up system the program will use if the food does not arrive, not enough food arrives, or the food cannot be served; and

(c) How records will be stored on-site for six months.

WAC 170-297-8000

170-297-8000. Facility licensing compliance agreements.

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;

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(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 170-297-8010

170-297-8010. Nonreferral status.

In addition to or in lieu of an enforcement action under this chapter, the department may place a child care facility on no referral status as provided in RCW 43.215.300(4).

WAC 170-297-8025

170-297-8025. Time period for correcting a violation.

The length of time the program 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 program has violated rules in this chapter or requirements under chapter 43.215 RCW.

WAC 170-297-8050

170-297-8050. Civil monetary penalties (fines).

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

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

- (1) A fine of two 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 denial, modification, probation, suspension, revocation, or discontinuation.
- (4) At the department's discretion, the fine may be withdrawn or reduced if the child care program comes into compliance during the notification period in WAC 170-297-8075.
- (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 170-297-8060

170-297-8060. When fines are levied.

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 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;

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(5) Provides care for more than the highest number of children permitted by the license at one time; 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 170-297-8075

170-297-8075. 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 requested by the licensee; or

(2) The licensee requests a hearing as provided in RCW 43.215.307(3).

WAC 170-297-8100

170-297-8100. Notice of fine-Posting.

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

(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 170-297-8125

170-297-8125. 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.

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

WAC 170-297-8150

170-297-8150. Denial, suspension, revocation, modification or noncontinuation of a license.

(1) 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.

(2) A license may be denied, suspended, modified or revoked when the licensee knowingly allows others to fail to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

WAC 170-297-8175

170-297-8175. Violations-Enforcement action.

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

(1) The licensee or program staff are unable to provide the required care for the children in a way that promotes their health, safety and well-being;

(2) The licensee or program staff person is disqualified under chapter 170-06 WAC (DEL background check rules);

(3) The licensee or program staff person has been found to have committed child abuse or child neglect;

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

(5) The licensee or program staff person 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 volunteer;

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

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(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 or a program staff person commits, permits or assists in an illegal act at the child care premises;

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

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

(12) The licensee does not provide the required number of qualified program staff to care for the children in attendance;

(13) The licensee or program staff fails to provide the required level of supervision for the children in care;

(14) When there are more children than the maximum number stated on the license at any one time;

(15) The licensee or program staff 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

(d) Staff or children in care;

(16) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility; or

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(17) The licensee or program staff cares for children outside the ages stated on the license.

WAC 170-297-8225

170-297-8225. 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.

(4) The department notice will include information on hearing rights and how to request a hearing.

WAC 170-297-8250

170-297-8250. 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 170-297-8275

170-297-8275. 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;

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(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 170-297-8300

170-297-8300. 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;

(3) Inform new parents or guardians of 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 170-297-8325

170-297-8325. 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.

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(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 170-297-8350

170-297-8350. Providing unlicensed care-Notice.

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

- (a) Why the department suspects that the individual is providing child care without a license;
- (b) That a license is required and why;
- (c) That the individual must immediately stop providing unlicensed 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

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

(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.

(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 170-297-8375

170-297-8375. Unlicensed care-Fines and other penalties.

A person providing unlicensed child care may be:

(1) Assessed a fine of two 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 170-297-8400

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

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170-297-8400. Hearing process.

(1) Department notice of an enforcement action against the license includes information about the 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.