



Washington State Department of

Early Learning

**Standards Alignment
Licensing Rules Drafts
Negotiated Rulemaking
Environment Webinar**

July 20, 2017



The Early Start Act mandated that DEL update the child care licensing rules so that the early learning system has a unified set of foundational health, safety and child development regulations that are easy to understand and align with other requirements by providers in the field.
(RCW 43.215.201)

DEL is taking a transparent, methodical, and inclusive approach to this legislatively-mandated process.

Approach

1. The Child Care and Development Block Grant Act of 2014 updated the federal child care law, placing an emphasis on quality child care.
2. There are new requirements related to children's health and safety. The implementing regulations specify that lead agencies (which, in Washington, mean the Department of Early Learning) can rely on Caring for Our Children Basics for any minimum standards required by the federal law and regulations.
3. The regulations go on to state, "Lead Agencies are encouraged, however, to go beyond these baseline standards to develop a comprehensive and robust set of health and safety standards that cover additional areas related to program design, caregiver safety, and child developmental needs, using the full Caring for Our Children: National Health and Safety Performance Standards guidelines." (Id.)

This is precisely what DEL has done in these proposed regulations in addition to proposing regulations that directly implement the federal requirements.

Environment

(170-300-0130 through 170-300-0296)

Overview of eight sub-categories:

1. **Space and Furnishings (170-300-0130 through 170-300-0148)**
2. Activities (170-300-0150 through 170-300-0160)
3. Safety (170-300-0165 through 170-300-0175)
4. Food and Nutrition (170-300-0180 through 170-300-0198)
5. Health Practices (170-300-0200 through 170-300-0236)
6. Cleaning and Sanitation (170-300-0240 through 170-300-0260)
7. Sleep and Rest (170-300-0265 through 170-300-0270)
8. Infant and Toddler (170-300-0275 through 170-300-0296)

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Indoor early learning program space

170-300-0130 (1) Indoor center early learning program space must comply with the Washington State Building Code (chapter 19.27 RCW) and the International Building Code (chapter 51-50 WAC) which the department adopts and incorporates by reference as now or hereafter amended.

(2) Indoor family home early learning program space must comply with the International Residential Code (chapter 51-51 WAC) which the department adopts and incorporates by reference as now or hereafter amended.

Q: Is Washington State Building Code and International Building Code the same thing? What about local building code? How do we know when codes change?

A: Washington State Building Code incorporates International Building Code (IBC) and International Residential Code (IRC). Providers are still required to comply with local building codes just as in old rules. Providers should talk with licensors about rules changes (DEL, Fire Marshal, local jurisdictions, etc. But changes typically only affect new programs.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Indoor early learning program space

170-300-0130 (3) Indoor early learning program space includes only the space intended to be used by children in care and must be accessible during program operating hours.

Q: Does this exclude furniture?

A: This depends on whether the furniture is being used by children. This information is found in the Indoor early learning program space capacity (170-300-0354) For example, if the table or desk is being used a part of the children's activities then that space would be included in the capacity count. If furniture is not used for activities with children, then this space would not count toward a capacity count.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Indoor early learning program space

170-300-0130(4) Early learning program space, ramps, and handrails must comply with, be accessible to, and accommodate children and adults with disabilities as required by the ADA, as now and hereafter amended.

Q: Does this mean that non-compliant centers must lower all handrails and add ramps? How will this impact family home childcare? How do we know about ADA changes?

A: Consult with an attorney to get legal advice on how exactly the ADA applies to your child care business. Almost all child care providers, regardless of size or number of employees, must comply with title III of the ADA. Even small, home-based providers that may not have to follow some state laws are covered by title III. According to the federal government's ADA website (<https://www.ada.gov/childqanda.htm>)

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Indoor early learning program space

170-300-0130(5) Early learning program space must include pathways for children to move between areas without disrupting another child's work or play.

Q: Does DEL have specific measurements to define "pathways"? How is "pathways" defined?

A: Any sort of means of movement should suffice so long as they:

- Allow for children to move between areas without disrupting other children's work or play; and
- Comply with all other requirements of RCW and WAC.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Indoor early learning program space

170-300-0130(6) A Family Home Licensee must provide a signed and dated declaration form, (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) if the early learning program meets any of the following requirements in unlicensed space: (a) Furnace area safety, or smoke or carbon monoxide detector requirements under WAC 170-300-0170(3); (b) Guns, weapon, or ammunition storage under WAC 170-300-0165(2)(f); (c) Medication storage under WAC 170-300-0215; (d) Refrigerator or freezer under WAC 170-300-0198; or (e) Storage areas that contain chemicals, utility sinks, or wet mops under WAC 170-300-0260.

Q: What does this mean?

A: In family home child care, providers may choose to store or have the above items in unlicensed areas. The licenser is not permitted to go into unlicensed areas without permission from the provider. The declaration is required to document that the above items are stored in a safe manner and inaccessible to children.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Routine care, play, learning, relaxation, and comfort

170-300-0135(1) An early learning provider must have accessible and child-size furniture and equipment in sufficient quantity for the number of children in care. Tables must not be bucket style.

Q: What are bucket style tables?

A: Bucket style chairs are attached to tables suspending the child in the air and the child's feet dangle in the air. These tables are typically used to feed multiple children at the same time.



1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Routine care, play, learning, relaxation, and comfort

170-300-0135(1) An early learning provider must have accessible and child-size furniture and equipment in sufficient quantity for the number of children in care. Tables must not be bucket style.

Q: Does this mean we have to have child sized furniture for every child enrolled? What about high chairs?

A: Your program will determine the amount of furniture needed. For example, during meal time, if you have all children sitting at the table at the same time, child size chairs will be needed for each child. You can find further information in Program and Activities 170-300-0150.

A: Highchairs are not mentioned here because there is a dedicated section for infant and toddlers later in this Environment category (170-300-0275 through 0296).

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Routine care, play, learning, relaxation, and comfort

170-300-0135(2) Furniture and equipment must be: (e) Installed and assembled according to manufacturer specifications. An early learning provider must keep manufacturer specifications on file for review by the department;

Q: How do we keep on file manufacturer specifications for every toy or furnishing in your childcare? What is the difference between equipment and supplies?

A: Intent of this rule is for providers to keep manufacturer specifications, directions, and product info for any equipment of furniture purchased or owned by the provider. Typically, detailed product information comes with the equipment when purchased. This requirement shall apply to new purchases and providers once this section becomes effective.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Routine care, play, learning, relaxation, and comfort

170-300-0135(3) Indoor handmade play structures must be maintained for safety or removed when no longer safe. The department must review and approve construction plans and a list of materials to be used to construct indoor handmade play structures before construction begins.

Q: How does DEL define "structures"? Specifically, are shelves "structures"?
What about previously built handmade structures?

A: No shelves are not considered "play structures". Indoor handmade play structures would be anything designed and built for the enrolled children to play on or participate in activities.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Room arrangement, child related displays, private space, and belongings

170-300-0140(6) Child useable and accessible areas must be arranged to provide sufficient space for routine care, child play, and learning activities. These areas must: (a) Be designed to allow for appropriate supervision so no obstructions to sight such as walls, tall shelving, or tall furniture are between the children in care and the staff supervising the children; (b) Allow children to move freely from one interest area to another (for example: blocks, puppets, language and literary materials, art materials, clay or play dough, music and movement, or dramatic play); and (c) Be designed to allow for different types of activities at the same time.

Q: What is “tall”? What is appropriate supervision?

A: This may depend on the ages and sizes of the children in care. The focus here is setting up the environment so that children can be appropriately supervised. Supervision requirements are found in Interactions and Curriculum-Program Structure and Organization (170-300-0345)

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145(2) Outdoor play space must contain a minimum of 75 square feet of licensed space per child accessing the play space at any given time. An early learning provider may develop an alternate plan if an early learning program does not have enough outdoor play space to accommodate all enrolled children at once (for example, rotating groups of children to play outdoors or using an off-site play area). The department must approve plans to use off-site play spaces.

Q: Does this mean that DEL must approve each place a provider takes children? Does this mean periodic field trips? Does this mean non-adjacent play areas?

A: If a provider does not have adequate or appropriate out door area, DEL will review and approve or disapprove a plan for off-site play spaces which could mean non-adjacent play areas or other community spaces appropriate for children. This can be especially seen in metropolitan areas. Refer to 170-300-0480 Transportation and off-site activity policy for further details.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145 (4) An early learning program must have shaded areas in outdoor play space provided by trees, buildings, or shade structures.

Q: Can we limit outdoor play time in hotter temperatures if we do not have shaded areas?

A: Outdoor play and active opportunities for children are critical for their healthy development. Children not only get the opportunity to learn in a different environment but also receive health benefits from the fresh air and activity. There are many options for providers to supply shade for children—for example, a canopy, trees, a play area being closer to a building that would provide natural shade connected to the time of day. Shade is necessary to protect children from damaging UV rays. Another reference is Program and daily activity schedule (170-300-0360)

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145(7) Licensed outdoor play areas must be enclosed with a fence or barrier that prevents children from exiting and discourages climbing. If the outdoor play area is enclosed by a barrier that is not a fence, the barrier may be a wall constructed with brick, stone, or a similar material.

Q: Does whole complex need to be fenced or just the play area?

A: Only the licensed outdoor play area would need to be fenced.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145(8) Licensed outdoor play areas must be enclosed to prevent people without permission from entering.

Q: What would this look like? Would a gate have to be locked and, if so, how or would this be an issue for fire safety? What does enclosed mean? What does this mean for remote rural schools?

A: The intent of this requirement is that only the designated licensed outdoor play area would be enclosed. Providers have the freedom to choose the best way for their business to enclose their outdoor play areas so long as they prevent people without permission from entering and otherwise comply with applicable RCW and WAC regulations. Gates must also meet 170-300-0145(12) requirement.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145(11) An early learning provider must not install any wooden fence, playground structure, or furniture if it contains chromated copper arsenate (CCA), creosote or pentachlorophenol. If wooden fences, structures, and furniture are suspected of having CCA they must be tested. If CCA is noted, fences, structures, and furniture must be removed or sealed with an oil-based outdoor sealant annually or as needed within six months of the date this section becomes effective.

Q: Can you help me understand what this means?

A: You can find further information about this in the definitions section: “**Chromated copper arsenate (CCA)**” is a wood preservative and insecticide that contains roughly 22% arsenic, a known carcinogen. The United States restricted the use of CCA on residential lumber in 2003, but it can still be found on older decks and playground equipment.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Outdoor early learning program space

170-300-0145(12) Gates allowing access to a licensed outdoor play area must be equipped with self-closing or self-latching mechanisms (shuts automatically when released from an individual's control) within six months of the date this section becomes effective. The latch or securing device must be high enough or of a type that children cannot open. (13)

Q: Is there a conflict with building code 'reach range'? Does this comply with ADA?

A: Center providers would use same criteria state Fire Marshal's Office specifies for egress. concerning gate and door operations. Nothing in this section conflicts with ADA requirements. Consult an attorney for guidance on how the ADA may impact your child care business.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Equipment in outdoor early learning program space

170-300-0146(3) An early learning provider must comply with the standards in the CPSC's guidelines including, but not limited to installing, arranging, designing, constructing, and maintaining outdoor play equipment.

Q: Why CPSC guidelines?

A: CPSC stands for Consumer Product Safety Commission, which is a U.S. federal agency. CPSC guidelines for playgrounds can be found at <https://www.cpsc.gov/safety-education/safety-guides/playgrounds>. Following these guideline ensures that providers are keeping up to date on product recalls and following best practices for playground equipment.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Equipment in outdoor early learning program space

170-300-0146(5) Handmade playground equipment must be maintained for safety or removed when no longer safe. The department must review and approve construction plans and a list of materials to be used to construct handmade playground equipment before construction begins.

Q: Are already approved handmade items grandfathered in or do providers need to submit new reports? What does handmade mean?

A: Playground equipment already in use must be maintained for safety or removed if it becomes unsafe for children to use as part of an early learning program. Handmade refers to playground equipment designed or constructed by someone who does not regularly sell, design, or build playground equipment as part of their profession.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Weather conditions and outdoor requirements

170-300-0147(1) An early learning provider must observe weather conditions and other possible hazards. The provider must not take or leave children outside if conditions exist that may pose a health or safety risk. Conditions that pose a health or safety risk include, but are not limited to the following: (a) Heat in excess of 100 degrees Fahrenheit or less for children under five years old, or pursuant to advice of the local sources; (b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local sources; (c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger to children in care; (d) Earthquake; (e) Air quality emergency ordered by a local or state authority on air quality or public health; (f) Lockdown ordered by a public safety authority; and (g) Other similar incidents.

Q: How do we know when children being outside is really safe? What happens when air quality is not good inside or out?

A: Providers need to monitor outdoor conditions and ensure there are no health and safety risk outdoors prior to taking children outside. If local authorities have issued an air quality alert indicating a health hazards then outdoor conditions are not safe.

1. Environment-Space and Furnishings

(170-300-0130 through 170-300-0148)

Questions?

Environment

(170-300-0130 through 170-300-0296)

Overview of eight sub-categories:

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2. Environment-Activities

(170-300-0150 through 170-300-0160)

Use of television, video, and computers

170-300-0155(7) For preschool children, computer use must be limited to 15 minutes per day for each child in full-day care (7 minutes per child in half-day care) unless computer use is a part of curriculum approved under this chapter;

Q: Will there be an exception to allow children under 24 months the use of media containing personal messages from relatives serving in the military abroad. Many parents use live personal messages or recorded messages while deployed or out of state for extended periods and for some time zones it may not be practical outside of typical school day hours. Is a smart board considered computer time? Is reading completed by children on kindles considered computer time?

A: Yes, the waiver process would apply to situations like this when a child may need additional time with their parent. 170-300-0435 would address this in (3)(c) “for a specific program need or child”. We are looking into more details regarding smart boards and kindles.

2. Environment-Activities

(170-300-0150 through 170-300-0160)

Promoting acceptance of diversity

170-300-0160(1) An early learning provider must provide culturally and racially diverse learning opportunities. Diverse learning opportunities must be demonstrated by the provider's curriculum, activities, and materials that represent all children, families, and staff. To promote diverse learning opportunities, a provider must use the following equipment and materials in an early learning program:(a) Diverse dolls, books, pictures, games, or materials; (b) Diverse music from many cultures in children's primary languages; and(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.

Q: Will a provider's "curriculum" need to be approved? By who? What criteria will be used? What happens when the classroom itself does not have diversity?

A: The curriculum must meet the elements found in this standard regarding diversity, ethnic experiences and cultural rich environments. There is also a connection to 170-300-0305 which specifically details the need for the provider to meet the cultural needs of a child. There are many varieties of curriculum that can be used but the elements listed in the proposed standard should be met within the curricula.

3. Environment-Safety

(170-300-0165 through 170-300-0175)

Safety requirements

170-300-0165 (1) An early learning provider must keep indoor and outdoor early learning program space, materials, and equipment free from hazards and in safe working condition. (a) An early learning program must purchase and use equipment and toys that are compliant with CPSC guidelines or ASTM standards as now or hereafter amended; and (b) Playground surfaces must have a certificate of compliance, label, or documentation stating they meet ASTM standards F1292-13 and F2223-10 as now or hereafter amended.

Q: It seems like there is duplication-what is the difference between (a) and (b). How affordable are the surfaces being recommended? How does a provider get a certificate for playground surfaces?

A: (a) is specific to all equipment and toys, whether indoors or outdoors (b) is specific to playground surfaces. Cost of materials will depend on which ground cover you choose to install and the area that you will be covering.

2. Environment-Safety

(170-300-0165 through 170-300-0175)

Fire safety

170-300-0170(2) An early learning provider must arrange for a building and fire safety inspection annually, and inspection documents must be available for department review. A provider must arrange a building or fire safety inspection with a local government agency. If a local government agency is not available to conduct a fire safety inspection, a provider must inspect for fire safety using the State Fire Marshal form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>).

Q: Do local fire departments really want to add this to their schedules? In the past the fire marshal just shows up on occasion, unexpectedly; how is this WAC different (redundancies)? Does this mean providers perform their own inspection?

A: There are some counties in the state that provide this service currently to licensed child care environments. If the local fire department does not provide the service, the provider then can utilize the form to conduct an annual fire inspection.

3. Environment-Safety

(170-300-0165 through 170-300-0175)

Water hazards and swimming pools

170-300-0175(3) Unfiltered wading pools must be inaccessible to enrolled children. “Wading pool” means a pool that has a water depth of less than two feet (24 inches). A portable wading pool is one that is formed of molded plastic or inflatable parts, and can be removed after use.

Q: What is the difference with the wading pools?

A: Wading pools that are permissible are those that have filters attached to help with sanitary water and will reduce the transmission of infectious diseases. Wading pools must have depth of less than 2 ft.



3. Environment-Safety

(170-300-0165 through 170-300-0175)

Water hazards and swimming pools

170-300-0175(5) Five gallon buckets or other similar containers must not be used for infant or toddler water play.

Q: What is meant by "similar containers"? Is DEL talking about PVC pipe or something else?

A: As used here, "similar containers" refer to other devices that can hold similar amounts of water and pose similar risks to infants, toddlers, or children in licensed child care settings. Generally, PVC pipe does not hold water in a similar way to pose such a risk to children; however, if the size and shape of the PVC pipe is similar to a 5 gallon bucket, then this requirement would apply.

3. Environment-Safety

(170-300-0165 through 170-300-0175)

Water hazards and swimming pools

170-300-0175(6) Water tables or other similar containers must be emptied and sanitized after each activity session, or more often if necessary.

Q: Do I have to have a water table?

A: No, water tables are an optional activity you can provide for children. If you do have a water table, then cleaning and sanitizing after each session is required unless more often is needed.

2. Environment-Activities

(170-300-0150 through 170-300-0160)

3. Environment-Safety

(170-300-0165 through 170-300-0175)

Questions?

Environment

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4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Meal and snack schedule

170-300-0180 (1) An early learning provider must serve meals and snacks to children in care as follows: (a) Children in care for nine hours or less: (i) At least one meal and two snacks; or (ii) Two meals and one snack. (b) Children in care for more than nine hours (i) Two meals and two snacks; or (ii) Three snacks and one meal. (c) After school snack, dinner, evening snack, and breakfast: (i) A snack or meal must be provided to a child that arrives to the early learning program after school; (ii) Dinner must be provided to children in nighttime care if a child is at an early learning program after his or her dinnertime, or has not had dinner; (iii) An evening snack must be provided to children in nighttime care; (iv) Breakfast must be provided to children in nighttime care if a child remains in care after the child's usual breakfast time; and (v) A breakfast or morning snack must be available to children in care.

Q: Is this the nutrition program responsibility?

A: The nutrition program would be monitoring and giving technical assistance to providers. However, not all providers participate in the nutrition program and this requirement is meant to ensure those not participating know the nutritional standards for child care.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Meal and snack schedule

170-300-0180 (3) An early learning provider must offer daily opportunities after a meal or snack for developmentally appropriate tooth brushing activities that are safe, sanitary, educational and with parental permission. Toothbrushes must be stored in a manner that prevents cross contamination

Q: What do we need parental permission for?

A: The tooth brushing activity which would also include education about the importance of oral hygiene.



4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Menus, milk, and food

170-300-0185(3) An early learning provider must provide children's parents or guardians the dates each particular menu is in effect.

Q: Will having the date on the displayed menu suffice?

A: The provider can choose to meet this requirement in a variety of ways. Examples being a copy of menu given to parents, inclusion of menus as part of the parent handbook, calendar dates on menu and making this available to parents. Menus are not required to be posted but providers can choose to use this method of informing parents.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Menus, milk, and food

170-300-0185(6) An early learning provider must limit the consumption of 100% fruit juice to no more than 4-6 ounces per day for children between one and six years old, and 8-12 ounces per day for children seven through twelve years old.

Q: If we are to follow the CACFP then any juice consumption should be dictated by their food guidelines; CACFP is two times a week, so that's a conflict with this WAC given that providers need to follow CACFP

A: This regulation does not conflict with CACFP, which states that fruit or vegetable juice may not be served to infants and may only be served once per day to children 1 year old and older (may meet vegetable or fruit requirement at only one meal or snack per day). See <https://www.fns.usda.gov/sites/default/files/cacfp/CACFP25-2016os.pdf> pages 3 and 7.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Parent or guardian provided food and Written food plans

170-300-0190(4) On special occasions, such as birthdays, an early learning provider may allow parents or guardians to bring in snacks that may not satisfy the nutritional requirements for all children. The snacks provided by parents must be limited to store purchased: (a) Uncut fruits and vegetables; and (b) Foods prepackaged in original manufacturer's containers.

Q: Why do we need (4)(a)?

A: We want to encourage parents to bring in healthy snacks on special occasions, such as fruits and vegetables, even though they are not “prepackaged in original manufacturer’s containers” as (4)(b) requires. Uncut fruits helps prevent issues such as cross contamination from the knife or home kitchen. Uncut fruits and vegetables can be properly cleaned and inspected at the child care site. This is pursuant to the Washington State Department of Health Food and Beverage Workers’ Manual.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Food service, equipment, and practices

170-300-0195(1) Early learning program staff, including volunteers, must: (a) Comply with the DOH's current Washington State Food and Beverage Workers' Manual; and (b) Observe food preparation services.

Q: DOH's current Washington State Food and Beverage Workers' Manual has WAC 0195 to 0198 covered, do we need to have this in WAC?

A: Incorporating WACs from other agencies helps both child care licensors and providers familiarize themselves with all licensing requirements. While this adds some length to the written rules, it limits the amount of cross-referencing that would otherwise be required.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Food service, equipment, and practices

170-300-0195(2) Snacks and meals must be prepared and served by a program staff person who possesses a valid and current Food Worker card, unless the food is provided pursuant to WAC 170-300-0196(3).

Q: If food is served family style, do the staff & volunteers still need the card? If we have a health card do we still have to go thru this checklist?

A: If an early learning program staff is serving or preparing the food for children in care, then they must have a valid and current Food worker card unless food is not prepared on site and meets requirements for food not prepared on site under 170-300-0196 .

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Food service, equipment, and practices

170-300-0195(3) An early learning provider must: (a) Provide durable and developmentally appropriate individual eating and drinking equipment, or developmentally appropriate single use disposable items; (b) Clean and sanitize eating and drinking equipment after each use; (c) Ensure plastic eating and drinking equipment does not contain BPA (a chemical used in hard plastic bottles and as a protective lining in food and beverage cans) or have cracks or chips; (d) Use gloves, utensils, or tongs to serve food; (e) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; (f) Serve meals or snacks on plates, dishware or trays; (g) Sit with children during meals and snacks and engage in pleasant conversation, if family style dining is not possible; and (h) Be respectful of each child's cultural food practices.

Q: Can you add napkins or paper towels to (f)?

A: This standard does not allow napkins or paper towels as a suitable eating piece of equipment and does align with recommendations from Caring for our Children, 3rd Edition.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Food preparation areas

170-300-0198(3) A center early learning program must have: (a) A handwashing sink separate from dishwashing facilities; (b) A food preparation sink located in the food preparation area; and (c) A method to clean and sanitize dishes, pans, and kitchen utensils and equipment in the food preparation area using: (i) A two-compartment sink and an automatic dishwasher that reaches at least 155 degrees Fahrenheit; or (ii) A three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry).

Q: You can get a dishwasher at 140 degrees with sanitizing capability. Is DEL requiring commercial dishwashers?

A: No, DEL is not requiring the purchase of commercial dishwashers. However, the sanitizing component of the dishwasher must be met at 155 degrees Fahrenheit.

4. Environment-Food and Nutrition

(170-300-0180 through 170-300-0198)

Questions?

Environment

(170-300-0130 through 170-300-0296)

Overview of eight sub-categories:

1. Space and Furnishings (170-300-0130 through 170-300-0148)
2. Activities (170-300-0150 through 170-300-0160)
3. Safety (170-300-0165 through 170-300-0175)
4. Food and Nutrition (170-300-0180 through 170-300-0198)
5. **Health Practices (170-300-0200 through 170-300-0236)**
6. Cleaning and Sanitation (170-300-0240 through 170-300-0260)
7. Sleep and Rest (170-300-0265 through 170-300-0270)
8. Infant and Toddler (170-300-0275 through 170-300-0296)

5. Environment-Health Practices

(170-300-0200 through 170-300-0236)

Handwashing and hand sanitizer

170-300-0200 (5) Early learning program staff must assist, teach, coach, and ensure children wash their hands: (a) When arriving at the early learning premises; (b) After using the toilet; (c) After diapering; (d) After outdoor play; (e) After gardening activities; (f) Before and after playing with animals; (g) After touching body fluids such as blood or after nose blowing or sneezing; (h) Before and after eating or participating in food activities including table setting; and (i) As needed or required by the circumstances.

Q: Can we add must “make consistent attempts to assist, teach, model, and coach children to wash their hands”?

A: This standard is to ensure all children are properly washing their hands and this reduces health risks in the environment. The teaching and coaching is an important part of this process.



5. Environment-Health Practices

(170-300-0200 through 170-300-0236)

Managing and storing medication

170-300-0215(9) An early learning provider must not give medication to a child if the provider has not successfully completed:(a)An orientation about the early learning program's medication policies and procedures; and(b)The department standardized training course in medication administration that includes a competency assessment pursuant to WAC 170-300-0106(10).

Q: Is the medication administration training course in the pre-service requirement training?

A: This medication administration training requirement is found under the Training requirements in 170-300-0106(11). This is also

5. Environment-Health Practices

(170-300-0200 through 170-300-0236)

Diaper changing areas and disposal

170-300-0221(2) If using a diaper changing station at an early learning program, it must be:(a)Within arm's length of a handwashing sink; and(b)On moisture resistant, washable material that surrounds and extends at least two feet from the diaper changing station and handwashing area; and either:(i)A table or counter large enough to accommodate the length of a child, with a protective barrier at least three and one-half inches high on all sides; or(ii)A wall mounted diaper changing station that meets manufacturer guidelines and specifications in addition to the requirements of this section.

Q: Is a protective barrier on the side of changing table in place of 2 feet of a washable surface on that side still acceptable? What does "extends at least two feet from the diaper changing station mean" mean - what about a vertical plexiglass protection?

A: This proposed rule requires changing areas to be on moisture resistant, washable material that extends at least two feet from the changing area in all directions. This requirement helps prevent the spread of bacteria, infection, or disease, and makes cleaning and sanitizing the diaper changing and handwashing areas easier for providers.

5. Environment-Health Practices

(170-300-0200 through 170-300-0236)

Safe water sources

170-300-0235(2) An early learning provider must use a Washington state certified water laboratory accredited by the department of ecology to analyze drinking water to test the program water supply for lead and copper within six months of the date this section becomes effective. All fixtures used to obtain water for preparing food or infant formula, drinking, or cooking must be tested prior to licensing and at least once every six years. Testing must be done pursuant to current environmental protection agency standards. A copy of the water testing results must be kept on the licensed premises. If the test results are at or above the current EPA action level, an early learning provider must immediately:(a)Close the early learning program to prevent children from using or consuming water, or supply bottled or packaged water to meet the requirements of this chapter;(b)Consult with the department of health for technical assistance;(c)Contact and advise the department of the water test results and steps taken to protect enrolled children; (d)Notify all parents and guardians of the test results; and(e)Notify the department once lead and copper levels are below the current EPA action level.

Q: Does this apply to providers supplied by city water also?

A: Yes. Because public water systems cannot test water pipes for lead and copper content in pipes on private property, all providers must test their water supply from taps or faucets used to obtain water for preparing food or infant formula, drinking, or cooking.

5. Environment-Health Practices

(170-300-0200 through 170-300-0236)

Questions?