

NEGOTIATED RULE MAKING

Dates: June 22 – 24, 2017

Location: Red Lion Hotel, Yakima, Washington

Participants: Family Home Child Care Providers
Center Child Care Providers
Families/Parents
Head Start/ECAP Providers
DEL Licensing Staff

Facilitators: Tina Chen-Xu, Hallie Wells, Zane Wyrick, Public Consulting Group
Lori Anderson, Angela Abrams, Department of Early Learning

Agenda: See Attachment A

Summary: See Attachment B

Public Comment: Rachel Acheson, Little Edisons School, Pullman, WA

Materials available online at <https://www.del.wa.gov/Negotiated-Rule-Making>

Negotiated Rule Making

Friday, June 23, 2017
10 AM – 5:00 PM

10:00 – 10:45 AM	<p>Welcome</p> <ul style="list-style-type: none"> • Agenda Review • Review Guiding Principles • Review Code of Conduct • Acceptance of Guiding Principles and Code of Conduct • Review Interest Based Negotiation Principles • Review Rules' Progression • Cultural Competency
10:45 – 11:00 AM	"Ice Breaker" Introduction Exercise
11:00 – Noon	<p>Subject Matter Presentation</p> <ul style="list-style-type: none"> • Weights • Intent & Authority draft rules • Child Outcomes draft rules
Noon – 1:00 PM	LUNCH
1:00 – 1:30 PM	<p>Prep Group Summary</p> <ul style="list-style-type: none"> • Intent & Authority • Child Outcomes
1:30 – 1:45 PM	BREAK
1:45 – 3:00 PM	<p>NEGOTIATION*</p> <ul style="list-style-type: none"> • Intent & Authority • Child Outcomes
1:45 – 3:00 PM	Technical Assistance/Resolution Groups break out, if necessary
3:00 – 3:30 PM	BREAK
3:30 – 4:00 pm	Technical Assistance/Resolution Group presentations**
4:00 – 4:45 pm	Public comments**
4:45 – 5:00 pm	Wrap up, Saturday logistics

Saturday, June 24, 2017
8:30 AM – 4:00 PM

8:30 – 9:00 AM	Brief Introduction & Recap
9:00 – 9:45 AM	<p>Subject Matter Presentation</p> <ul style="list-style-type: none"> • Professional Development
9:45 – 10:00 AM	BREAK

10:00 – 10:45 AM	Prep Group Summary <ul style="list-style-type: none"> Professional Development
10:45 AM – Noon	NEGOTIATION* <ul style="list-style-type: none"> Professional Development Remaining Intent & Authority and Child Outcomes, if necessary
10:45 AM – Noon	Technical Assistance/Resolution Groups break out, if necessary
Noon – 1:00 PM	LUNCH
1:00 – 3:00 PM	NEGOTIATION* - continued
3:00 – 3:15 PM	BREAK
3:15 – 3:45 PM	Public Comments**
3:45 – 4:00 PM	Wrap up, Sunday logistics

**Original Sunday, June 25, 2017
8:30 AM – 12 Noon**

8:30 – 9:00 AM	Brief Introduction & Recap
9:00 – 9:15 AM	Subject Matter Presentation <ul style="list-style-type: none"> Family Engagement
9:15 – 9:30 AM	Prep Group Summary <ul style="list-style-type: none"> Family Engagement
9:30 – 9:45 AM	BREAK
9:45 – 11:30 AM	NEGOTIATION* <ul style="list-style-type: none"> Family Engagement Any remaining rules from Friday and Saturday
11:30 – 11:55 AM	Public Comments
11:55 – Noon	Wrap Up
12 Noon	LUNCH / TEAM TIME

**Revised Sunday, June 25, 2017
8:00 AM – 12 Noon**

8:00-9:00 AM	Brief Introduction & Recap
8:30 – 9:30 AM	NEGOTIATION* <ul style="list-style-type: none"> Professional Development
9:30 – 9:45 AM	BREAK
9:45 – 11:30 AM	NEGOTIATION*

	<ul style="list-style-type: none">• Professional Development
11:30-12:00	Public Comments and Recap
11:30 – 11:55 AM	Prep Team Meeting
12 Noon	LUNCH AND DISMISS
12 Noon	LUNCH / TEAM TIME

* Breaks occurring every 20 or 30 minutes

** Excess time will be used for negotiation or preparing for the next day, as necessary.

June 2017 Negotiation Summary

The following table outlines the progress made during the June 2017 Negotiated Rule Making Meeting.

INTENT & AUTHORITY		
SECTION	TITLE	RESOLUTION
170-300-0001	Intent & Authority	Consensus reached
170-300-0010	License required	Consensus reached
170-300-0015	Licensee Absence	Discussed and in queue for Resolution Team
170-300-0016	Inactive status – voluntary & temporary closure	Consensus reached Weights tabled
170-300-0020	Unlicensed programs	Consensus reached
170-300-0025	Certified and exempt programs	Consensus reached
170-300-0030	Non-discrimination	Discussed and tabled Weights tabled
CHILD OUTCOMES		
SECTION	TITLE	RESOLUTION
170-300-0055	Developmental screening, communication to parents or guardians	Consensus reached
170-300-0065	School readiness and family engagement activities	Undiscussed and tabled
PROFESSIONAL DEVELOPMENT, TRAINING AND REQUIREMENTS		
SECTION	TITLE	RESOLUTION
170-300-0100	General staff qualifications	Consensus reached (1-8) Subsection (9) tabled Weights tabled for Subsection (1)
170-300-0105	Pre-service requirements	Consensus reached
170-300-0106	Training requirements	Consensus reached Subsection (1-11) Subsection (12-14) undiscussed and tabled
170-300-0107	In-service training	Undiscussed and tabled
170-300-0108	Program-based new staff orientation	Undiscussed and tabled
170-300-0110	Staff policies	Undiscussed and tabled
170-300-0111	Supervision of staff	Undiscussed and tabled
170-300-0115	Staff records	Undiscussed and tabled
170-300-0120	Providing for personal, professional, and health needs of staff	Undiscussed and tabled
FAMILY ENGAGEMENT		
SECTION	TITLE	RESOLUTION
170-300-0080	Family support self-assessment	Undiscussed and tabled
170-300-0085	Family partnerships and communication	Undiscussed and tabled

170-300-0001

Intent and authority.

(1) The Department of Early Learning was established under chapter 265, Laws of 2006. Chapter 43.215 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and ECEAP standards, including the authority to adopt rules to implement chapter 43.215 RCW. **Weight NA**

(2) Under chapter 7, Laws of 2015 (the Early Start Act), the state legislature directed the department to create a single set of licensing standards for center and family home providers. **Weight NA**

(3) This chapter reflects the department's commitment to:

- (a) Promoting the health, safety, and well-being of children;
- (b) Expanding access to high quality early learning opportunities to improve outcomes in young children;
- (c) Promoting strong school readiness; and
- (d) Recognizing parents and guardians as a child's primary teacher and advocate. **Weight NA**

(4) Pursuant to this chapter, the department will periodically monitor early learning programs to determine compliance with health, safety, and these Foundational Quality Standards as well as to assess the quality of early learning programs. **Weight NA**

170-300-0010

License required.

(1) An individual or entity that provides child care or early learning services for a group of children birth through twelve years of age must be licensed by the department, pursuant to RCW 43.215.250, unless exempt under RCW 43.215.010(2) and WAC 170-300-0025. **Weight NA**

(2) The department must not license a department employee or a member of the employee's household if the employee is involved directly, or in an administrative or supervisory capacity in the:

- (a) Licensing process;
- (b) Placement of a child in a licensed early learning program; or
- (c) Authorization of payment for the child in care. **Weight NA**

(3) A license is required when an individual provides child care or early learning services in his or her family home:

- (a) Outside the child's home on a regular and ongoing basis for one or more children not related to the licensee; or
- (b) For preschool age children for more than four hours a day.
- (c) As used in this chapter, "not related" means not any of the relatives listed in RCW 43.215.010(2)(a). **Weight NA**

Comment [AL1]: The definition of family child care should be tightened up for clarity

(4) At the request of the applicant, the department may license a center located in a private family residence when the portion of the residence accessible to children is:

- (a) Used exclusively for children during the center's operating hours or when children are in care; or
- (b) Separate from the family living quarters. **Weight NA**

170-300-0025

Certified and exempt programs.

(1) The department must not license an early learning program that is legally exempt from licensing per RCW 43.215.010(2). However, if an applicant requests it, the department will follow all licensing regulations to certify an otherwise exempt early learning program as meeting licensing and other pertinent requirements. In such a case, all licensing requirements and procedures apply equally to certification.

Weight NA

(2) The department may certify an early learning program for subsidy payment without further inspection if the program is:

- (a) Licensed by an Indian tribe, band, nation, or other organized community of Indians, including an Alaska Native village as defined in 43 U.S.C. § 1602(c), recognized as eligible for services by the United States Secretary of the Interior;
- (b) Certified by the Federal Department of Defense.
- (c) Approved by the Office of Superintendent of Public Instruction (OSPI).

Weight NA

(3) An applicant claiming an exemption must provide to the department proof that he or she qualifies for an exemption using the department's form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>). Weight NA

(4) The early learning program seeking certification must be located on the premises over which the tribe, federal Department of Defense or OSPI has jurisdiction. Weight NA

(5) An early learning program regulated by a tribe, the federal Department of Defense or OSPI may request certification:

- (a) For subsidy payment only; or
- (b) As meeting Foundational Quality Standards of this chapter. Weight NA

(6) The department must not certify a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

- (a) Certification process;
- (b) Placement of a child in a certified program; or
- (c) Authorization of payment for the child in care. Weight NA

Comment [AL2]:

Comment [AL3]: Should be addressed but not here. Should include tribal reps in this conversation and come back to this

170-300-0016

Inactive status – voluntary and temporary closure.

Comment [CT4]: Consensus on language not weights

(1) If a center or family home licensee plans to temporarily close their early learning program for more than 30 calendar days, and this closure is a departure from the program's regular schedule, an early learning provider must submit a notification to go on inactive status to the department at least two business days prior to the planned closure. Notifications for inactive status must include:

- (a) The date the early learning program will cease operating;
- (b) A reason why the licensee is notifying an inactive status; and
- (c) A projected date the early learning program will reopen. **Weight #1**

(2) The requirements of this section do not apply to licensed early learning programs that have temporary closures beyond 30 calendar days as part of their regular schedule, such as programs based on the school year or seasonal occupation. **Weight NA**

(3) A licensee may not request inactive status during their first initial licensing period (six months). **Weight #1**

(4) An early learning provider must inform parents the licensee plans to temporarily close their program. **Weight #1**

(6) An early learning provider is responsible for notifying the department of changes to program status including voluntary closures, new household members or staff, or other program changes. Program status updates must also be completed in the department's electronic system. **Weight #1**

(7) Background check rules in chapter 170-06 WAC, including allegations of child abuse or neglect, will remain in effect during inactive status. **Weight NA**

(8) After receiving a notification of more than 30 days of closure or inactive request form, the department will:

- (a) Place the license on inactive status;
- (b) Close the SSPS provider number;
- (c) Inform the licensee that the license is inactive; and
- (d) Notify the following programs of the voluntary inactive status:
 - (i) Working Connections Child Care subsidy program;
 - (ii) USDA Child and Adult Care Food Program (CACFP); and
 - (iii) Early Achievers, ECEAP, Head Start Grantee, and Child Care Aware of Washington. **Weight NA**

(9) A licensee is still responsible for maintaining annual compliance requirements during inactive status pursuant to XYZ. **Weight #1**

Formatted: Not Highlight

Comment [AL5]: site RCW

Formatted: Not Highlight

(10) If inactive status exceeds six months within a twelve month period, the department must close the license for failing to comply with RCW 43.215.260(2). The licensee must reapply for licensing pursuant to RCW 43.215.260(3). **Weight NA**

(11) If the department attempts three monitoring visits within a three month span prior to the monitoring due date, but the early learning provider has not been available to permit the visits, the department must attempt to contact the provider by phone while on premises during the third attempt and then may pursue enforcement actions. **Weight NA**

Formatted: Not Highlight

(12) When a licensee is ready to reopen their program after a temporary closure of 30 days, they must provide to the department written notification of intent to reopen. The department shall conduct a health and safety check of the early learning program within 10 business days of the written notification to reopen. If the early learning program is in compliance with the department's rules and regulations, the department will:

- (a) Activate the license;
- (b) Reactivate the SSPS provider number; and
- (c) Notify the Working Connections Child Care subsidy program, CACFP, Early Achievers, ECEAP, Head Start Grantee, and Child Care Aware of Washington the license was reactivated. **Weight NA**

170-300-0015
Licensee absence.

(1) In a family home early learning program, the Family Home Licensee must provide written notification to the department and parents when the licensee plans to be absent but the program shall remain open for the care of children. **Weight #5**

(2) In a center early learning program, the Director or Assistant Director must provide written notification to the department and parents when the Director, Assistant Director, and Program Supervisor plan to be simultaneously absent but the program remains open for the care of children. **Weight #5**

(3) A written notification required under this section must be submitted to the department and each child's parent or guardian at least two business days prior to the planned absence from the early learning program. Absences requiring notice are:

- (a) A vacation or travel extending beyond seven calendar days;
- (b) Outside employment during child care hours;
- (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;
- (d) Schooling or educational goals; and
- (e) Planned medical procedures that will result in absence from the early learning program for more than three business days.

Weight #4

(4) A written notification must include the following information to the department:

- (a) Time period of the absence, including expected outside work schedule if performing outside work;
- (b) Emergency contact information for the absent early learning provider(s);
- (c) A written plan, which must be approved by the department, for program staff to follow that includes:
 - (i) A staffing plan that meets child-to staff ratios;
 - (ii) Identification of a Lead Teacher to be present and in charge;
 - (iii) Early learning program staff roles and responsibilities;
 - (iv) How individual children's specialized needs will be met;
 - (v) Responsibility for meeting licensing requirements; and
 - (vi) How parents will be informed of the absence and the plan to meet their child's needs.

Weight NA

(5) If a Facility Licensing Compliance Agreement (FLCA) is developed as a result of early learning program staff failing to follow licensing regulations during an absence described in this section, an early learning program must:

- (a) Retrain early learning program staff on the Foundational Quality Standards documented on the FLCA; and
- (b) Document that the retraining occurred. **Weight NA**

170-300-0020
Unlicensed programs.

(1) If the department suspects that an individual or agency is providing unlicensed child care, the department must follow the requirements of RCW 43.215.335.

Weight NA

(2) If an individual wishes to obtain a license, within 30 calendar days from the date of the department's notice in subsection (1) of this section, the individual or agency must submit a written agreement on a department form stating that he or she agrees to:

- (a) Attend and participate in the next available child care licensing orientation put on by the department; and
- (b) Submit a child care licensing application after completing orientation.

Weight #NA

(3) The department's written notice under subsection (1) must inform the individual or agency 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, under chapter 34.05 RCW (Administrative Procedure Act), chapter 43.215 RCW, and chapter 170-03 WAC (DEL hearing rules). Weight NA
- (f) Must stop providing care pursuant to RCW 43.215.335

(4) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (2) of this section within 30 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. Weight NA

(5) A person providing unlicensed child care:

- (a) Shall be guilty of a misdemeanor pursuant to RCW 43.215.340
- (b) May be subject to an injunction pursuant to RCW 43.215.330. Weight NA

170-300-0030
Non-discrimination.

(1) (a) Early learning programs are defined by state and federal law as places of public accommodation that must not discriminate in employment practices or client services based on race, creed, color, national origin, marital status, gender, sexual orientation, class, age, religion, or disability.

(b) An early program must comply with the requirements of the Washington Law Against Discrimination (chapter 49.60 RCW) and the ADA. **Weight #5**

(2) An early learning program must:

(a) Have a written non-discrimination policy addressing at least the factors listed in subsection (1) of this section; and **Weight #1**

Formatted: Highlight

****table this for post-weight discussion**

170-300-0055

Developmental screening, communication to parents or guardians.

(1) An early learning provider must inform parents or guardians about the importance of developmental screenings for each child from birth through age five. A provider must keep documentation of this communication to parents in the facility records. **Weight #4**

Formatted: Highlight

(2) If not conduct on site, an early learning provider must share information with parents or guardians about organizations that conduct developmental screenings such as a local business, school district, health care provider, specialist or resource listed on DEL web site. **Weight #4**

Formatted: Highlight

****table discussion about weights****

Formatted: Highlight

170-300-0100

General staff qualifications.

All early learning providers must meet the following requirements prior to working with children:

(1) **Family Home Early Learning Program Licensees** (or “Family Home Licensees”) work from their family home to provide early learning programming to a group of no more than 12 children present in the program at one time. **Weight NA**

(a) A Family Home Licensee must meet the following qualifications:

(i) Be at least 18 years old;

(ii) Have a high school diploma or equivalent;

(iii) Have an ECE Initial Certificate or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from becoming licensed. Prior to the effective date of this section, FH licensees have up to three years to obtain a high diploma or equivalent; Starting on the effective date and thereafter, applicants must have a high school diploma or the equivalent to be licensed.

(iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108. Proposed Weights NA, 1 or 6; Weight #44

(b) Family Home Licensees must:

(i) Be dependably dependably available for the daily operation of the early learning program 50 percent or more of weekly operating hours or designate a person with the qualifications of Licensee to be on site when not present.; **Weight #4**

(ii) Ensure the early learning program meets Foundational Quality Standards and is developmentally appropriate for the ages of children being served; **Weight #45**

(iii) Develop a curriculum philosophy and communicate the philosophy to all early learning program staff and parents. Ensure the curriculum philosophy serves all ages of children in the early learning program; **Weight #1 or NA**

(iv) Have knowledge of community resources available to families, including resources for children with special needs and the ability to share these resources with families; and **Weight #1-4**

(v) Oversee early learning program staff and provide support to staff for creating and maintaining staff records in the electronic workforce registry. **Weight #44**

(2) **Center Early Learning Program Licensees** (or “Center Licensees”) must meet the requirements of a Center Director, listed in WAC 170-300-0100(3), or hire a Center Director who meets the qualifications prior to being granted an initial license. Center Licensees who fulfill the role of Center Director in their early learning program must complete all trainings and requirements for Center Directors. **Weight #1**

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

(3) **Center Directors or Assistant Directors** manage the early learning program and set appropriate program and staff expectations.

(a) The Center Director or Assistant Director or equivalent must meet the following qualifications:

- (i) Be at least 18 years old;
- (ii) Have an ECE State Certificate or equivalent as approved and verified in the electronic workforce registry by the department, within three years of the date this section becomes effective or from being employed at any licensed early learning program or licensed;
- (iii) Have two years of experience as a teacher of children in any age group(s) enrolled in the early learning program and six months of experience in administration or management or a DEL approved training plan; ~~or waiver for experience~~ and
- (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.

(b) The Center Director or Assistant Director or equivalent must provide the following services:

(i) Be dependably available for the daily operation of the early learning program 50 percent or more of weekly operating hours, or designate a person with the qualifications of an Assistant Director or Program Supervisor or equivalent to be on site when not present. Occasionally, a Director may act as a substitute teacher as long as it is not a regular duty which may interfere with management or supervisory responsibilities.

(ii) Ensure the early learning program meets Foundational Quality Standards and is developmentally appropriate for the ages of children being served;

~~(iii)~~ Ensure there is a curriculum philosophy and the philosophy has been communicated to all early learning program staff and parents. Ensure the curriculum philosophy serves all ages of children in the early learning program or designate a Program Supervisor with this responsibility; Weight#1

~~(iv)~~ Have knowledge of community resources available to families, including resources for children with special needs and be able to share these resources with families; and

(v) Oversee early learning program staff professional development plans such as:

(A) Providing support to staff for creating and maintaining staff records in the electronic workforce registry;

(B) Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and

(C) Observing and mentoring staff.

Weight #44

(4) **Center Program Supervisors** oversee planning in the early learning program under the supervision of a Center Director or Assistant Director.

- (a) Program Supervisors must meet the following qualifications:
 - (i) Be at least 18 years old;
 - (ii) Have an ECE State Certificate or equivalent, as approved and verified in the electronic workforce registry by the department, within three years of the date this section becomes effective or from being employed at any licensed early learning program or licensed;
 - (iii) Have at least two years of experience as a teacher of children in the age group(s) enrolled in the center; and
 - (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.
- (b) Program Supervisors perform the following duties:
 - (i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program; Weight #1
 - (ii) Ensure practices in the early learning program meet Foundational Quality Standards and are developmentally appropriate for the ages of children being served;
 - (iii) Supervise programs on site at least 50 percent or more of weekly operating hours without being included in the staff-to-child ratio;
 - (iv) Manage the professional development plans and requirements for staff as needed. The Program Supervisor may also perform classroom teaching duties so long as they continue to follow the requirements of subsection (b)(iii); and **Weight #3**
 - (v) One person may be both the Center Director, Assistant Director, and the Program Supervisor when qualified for both positions, provided that all requirements of WAC 170-300-0100(3)(a) and (b) are met. **Weight NA**

(5) **Lead Teachers** are responsible for implementing the center or family home early learning program.

- (a) Lead teachers must meet the following qualifications:
 - (i) Be at least 18 years old;
 - (ii) Center Lead Teachers must have a minimum of an ECE Initial Certificate or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed or promoted into this position at any licensed early learning program; Center Lead Teachers must have a minimum of an ECE Short Certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective or from being employed or promoted into this position at any licensed early learning program;
 - (iii) Family Home Lead Teachers must have a minimum of an ECE Initial Certificate or high school diploma or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed; and
 - (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.
- (b) Lead Teachers perform the following duties:

- (i) Be dependably available for the daily operation of a Family Home Early Learning Program when the Family Home Licensee is not present;
- (ii) Promote an educational and nurturing indoor and outdoor learning environment that meets enrolled children's developmental needs; and
- (iii) Lead Teachers must have the ability to respond appropriately to children's needs and communicate with parents. **Weight #3**

(6) **Assistant Teachers** work to assist a Lead Teacher or licensee in center or family home early learning programs.

(a) Assistant teachers must meet the following qualifications:

- (i) Be at least 18 years old;
- (ii) For center early learning program, have a minimum of an ECE Initial Certificate or high school diploma or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed or promoted to this position at any licensed early learning program;
- (iii) For family home early learning program, have an ECE Initial Certificate or high school diploma or equivalent as verified and approved by the department, or be currently enrolled in high school or equivalent education program;
- (iv) Assistant Teachers working in this role before this section becomes effective must obtain an ECE Initial Certificate or high school diploma or equivalent within three years of the date this section becomes effective;
- (v) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and
- (vi) ~~Assistant Teachers who have an ECE Initial Certificate or high school diploma equivalent may occasionally work alone with children for short periods of time (generally 60 minutes or less). In this section, a short period of time means the time necessary to step out of a room to do program planning, talk with parents, or go to an off-site appointment.~~

Formatted: Not Highlight

(b) Assistant Teachers perform the following duties:

- (i) Assist Lead Teachers or Family Home Licensees to provide instructional support to children and implement developmentally appropriate programs; and
- (ii) Be able to carry out job duties under the supervision of a Lead Teacher, Program Supervisor, Director, Assistant Director, or Family Home Licensee. **Weight #3**

(7) **Aides** provide classroom support to a Lead Teacher, Program Supervisor, Center Director, Assistant Director, or Family Home Licensee.

(a) Instructional Aides must meet the following qualifications:

- (i) Be at least 14 years old;
- (ii) Have a high school diploma or equivalent as verified and approved by the department, or be currently enrolled in high school or equivalent education program;

- (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and
- (b) Aides may be counted in the staff-to-child-ratio under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, Assistant Teacher, or Family Home Licensee. **Weight #35**

(9) **Volunteers** provide classroom supports to a Lead Teacher in an early learning program.

(a) **Volunteers** must meet the following qualifications:

- (i) Be at least 14 years old;
- (ii) Only work under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, **Assistant Teacher** or Family Home Licensee; and
- (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0106, and -01085; and

(b) **Volunteers** with preservice requirements, WAC 170-300-0105, may occasionally ~~not~~ be counted in the staff-to-child ratio for short periods of time, generally 60 minutes or less. **Weight #35**

Comment [WH6]: DEL Licensors: This WAC needs to be cross-referenced with the other WAC referencing background checks to be sure this doesn't conflict.

Clarify definition of Volunteer

Formatted: Highlight

		Education Standard WAC standard, meet WCCC or ECEAP standard	Age	Years of Experience
WAC 170-300-0108 Center Early Learning Provider	Center Director, Assistant Director, or Program Supervisor <small>(Licensees or Assistant Directors serving as Director must meet Director requirements)</small>	ECE State Certificate or equivalent	18	2
	Center Lead Teacher	ECE State Certificate or equivalent	18	
	Center Assistant Teacher	Initial Certificate or equivalent	18	
	Center Instructional Aide	Enrolled in high school or equivalent	16	
	Center Aide	Enrolled in high school or equivalent	16	
	Center Volunteer	Enrolled in high school or equivalent	14	
Family Home (FH) Early Learning Provider	FH Licensee	ECE Initial Certificate or equivalent	18	
	FH Lead Teacher	ECE Initial Certificate or equivalent	18	
	FH Assistant Teacher	Enrolled in high school or equivalent	18	
	FH Instructional Aide	Enrolled in high school or equivalent	16	
	FH Aide	Enrolled in high school or equivalent	16	

	FH Volunteer		14	
--	--------------	--	----	--

170-300-0105
Pre-service requirements.

0105(1) "All applicants, Co-Applicants, Family Home licensees, Center Directors, Assistant Directors, and Program Supervisors must complete a department provided orientation for the applicable early learning program type or position. Prior to being in charge of the early learning program 50 percent or more of the time, those newly promoted or assuming the role of one of the roles listed here must complete or be registered in orientation training." Weight #1

(2) Early learning providers and household members ages 14 and older must complete the department background check application, pursuant to chapter 170-06 WAC. **Weight #7**

(3) Early learning providers, including volunteers, and household members ages 14 and over, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

- (a) A negative TB symptom screen and negative TB risk assessment; or
- (b) A previous positive FDA approved TB test and a current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program; or
- (c) A positive symptom screening or a positive risk assessment with documentation of:
 - (i) A current negative FDA approved TB test;
 - (ii) A previous or current positive FDA approved TB test; and
 - (iii) A current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program. **Weight #6**

(4) Upon notification of TB exposure, early learning providers may be required to be retested for TB as directed by the local health jurisdiction. **Weight #7**

(5) Early learning providers who will care for infants, toddlers, and non-immunized children must follow requirements of WAC 170-300-0120(4) prior to starting work in an early learning program. **Weight #6**

Comment [CT7]: Tabled

170-300-0106 and 170-300-0107 Training Requirements and In-Service Training

Comment [CT8]: Revise this chart to reflect new roles agreed upon and pre-service requirements

Role		Prevention of Exposure to Blood and Body Fluids	Safe Sleep	CPR/First Aid	Food Handlers	Child Care Basics	Volunteer and Aides Safety Training (titles abbreviated)	Enhancing Quality of Early Learning	10 hours in-service	Leadership and Business Practice	Child Development
Renewal Required?		No	Yes Each Year	Yes Prior to Expiration	Yes Prior to Expiration	No	No	No	Annually	Yes 3 Years	Yes 3 Years
Family Home Early Learning Provider	Family Home Owner	Before licensed	Before licensed								
	Family Home Lead Teacher	Before working with children	Before working with Infants	Before working with children	Before serving food	Completed within 3 months of start date	Content included in Child Care Basics	Completed within 24 months of start date, counts as inservice	Completed annually	Completed every 3 years	Completed every 3 years
	Family Home Assistant Teacher										
	Family Home Instructional Aide										
	Family Home Aides	Not Required	Not Required	Not Required		Not Required	Reporting abuse/neglect, emergency preparedness, abusive head trauma, homelessness	Not Required	Not Required	Not Required	Not Required
	Family Home Volunteer										
Center Early Learning Provider	Center Director	Before licensed for infants or toddlers	Before licensed for infants or toddlers								
	Center Assistant Director										
	Center Program Supervisor	Before working with children	Before working with Infants or Toddlers	Before working with children	Before serving food	Completed within 3 months of start date	Content included in Child Care Basics	Completed within 24 months of start date, counts as inservice	Completed annually	Completed every 3 years	Completed every 3 years
	Center Lead Teacher										
	Center Assistant Teacher										
	Center Instructional Aide										
	Center Aides	Not Required	Not Required	Not Required		Not Required	Reporting abuse/neglect, emergency preparedness, abusive head trauma, homelessness	Not Required	Not Required	Not Required	Not Required
	Center Volunteer										

WAC 170-300-0106
Training requirements.

(1) Early learning providers licensed, working, or volunteering in an early learning program before the date this section becomes effective must complete the applicable training requirements of this section within three months of the date this section becomes effective unless otherwise indicated. Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (5) through (11) of this section prior to working in an unsupervised capacity with children. An early learning provider must implement training skills and knowledge as soon as possible. **Weight #1**

Comment [CT9]: Make sure to follow back up with volunteer definition

(2) License applicants and early learning providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity. **Weight #1**

(3) License applicants and early learning providers must record and update completed trainings and other applicable requirements of this chapter in the electronic workforce registry. **Weight #1**

(4) License applicants, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Aides must complete the department Child Care Basics training or DEL approved equivalent:

- (a) Prior to being granted a license;
- (b) Prior to working unsupervised with children; or
- (c) Within three months of the date this section becomes effective if already employed or being promoted to a new role. **Weight #5**

(5) Early learning providers must complete the department Recognizing and Reporting Suspected Child Abuse, Neglect, and Exploitation training or DEL approved equivalent according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030. **Weight #7**

(6) Early learning providers must complete the department Emergency Preparedness training or DEL approved equivalent (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section. **Weight #5**

(7) Early learning providers licensed to care for infants must complete the department Prevention and Identifying Shaken Baby Syndrome/Abuse Head Trauma training or DEL approved equivalent according to subsection (1) of this section. **Weight #6**

(8) Early learning providers must complete the department Serving Children Experiencing Homelessness training or DEL approved equivalent according to subsection (1) of this section. **Weight #5**

(9) License applicants and early learning providers licensed to care for infants or toddlers must complete the department Safe Sleep training or DEL approved equivalent. This training must be completed annually and:

- (a) Prior to being licensed;
- (b) Prior to working with children; or
- (c) According to subsection (1) of this section. **Weight #7**

(10) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the department Child Restraint training or DEL approved equivalent prior to being authorized by the early learning program where they work to restrain an enrolled child, or as indicated in subsection (1) of this section. **Weight #6**

(11) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the department Medication Management and Administration training or DEL approved equivalent prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section. **Weight #6**

(12) License applicants and early learning providers involved in the direct care of children must complete the current Washington State Department of Labor and Industries training on the Prevention of Exposure to Blood and Body Fluids prior to being granted a license or working with children. This training must be repeated pursuant to Washington State Department Labor and Industries regulations (found at: <http://www.lni.wa.gov/Safety/TrainingPrevention/?F=M>). **Weight #7**

Formatted: Highlight

(13) Early learning providers involved in the direct care of children must have a current first-aid and cardiopulmonary resuscitation (CPR) certification as established by the expiration date of the document, prior to working with children. A provider subject to this requirement must renew first aid and CPR certification prior to expiration dates.

- (a) Proof of certification may be a card, certificate, or instructor letter.
- (b) The first-aid and CPR training and certification must:
 - (i) Be delivered in person by an instructor certified by the American Red Cross, American Heart Association, American Safety and Health Institute, or other nationally recognized certification program;
 - (ii) Include infant, child, and adult CPR; and
 - (iii) Include an in person, hands-on component for first- aid and CPR demonstrated in front of a certified instructor. **Weight #7**

(14) Early learning providers involved in serving food to children at an early learning program must obtain a current Food Worker card prior to serving food. Food Worker cards must:

- (a) Be obtained online at www.foodworkercard.wa.gov or through the local health jurisdiction; and
- (b) Be renewed prior to expiring. **Weight #6**

170-300-0107

In-service training.

Formatted: Highlight

Prior to being in charge of their early learning program 50 percent or more of the time, Family Home Lead Teachers must complete or be registered in orientation training pursuant to 170-300-0105(1).

Comment [CT10]: This needs to move to in-service training 107

(1) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Aides must complete in-service training requirements of this section. An early learning provider must implement in-service training skills and knowledge as soon as possible. **Weight #4**

(2) The department Enhancing Quality of Early Learning (EQEL) training must be completed within 24 months of being hired in a licensed facility after completing Child Care Basics pursuant to WAC 170-300-0106. During the time the EQEL is being completed, EQEL hours count towards the 10 hours of in-service training required each year. **Weight #4**

(3) In-service training (10 hours total) must be completed every 12 months based on the start date of employment after an early learning provider completes the EQEL training required in subsection (2) of this section. The department determines how many hours of the 10 hours total are required per Core Competency and how many hours are elective. In-service training:

- (a) Must include one or more of Washington State's Core Competencies for Early Care and Education;
- (b) May be met by completing credit bearing early childhood education delivered by an institution of post-secondary education as approved by the department; and
- (c) Hours cannot be carried over to the following year(s), 10 hours of in-service must be completed every 12 months based on the start date of employment. **Weight #4**

(4) Family Home Licensees, Center Directors, Assistant Directors and Program Supervisors must complete three of the 10 hours total in Core Competency Professional Development and Leadership each year. **Weight #1**

(5) Family Home Licensees, Center Directors, Assistant Directors, and Program Supervisors must complete the Strengthening Families Program Self-Assessment or an equivalent assessment as approved by the department (applicable to the early learning program where they work) within twelve months of the date this section becomes effective if already employed or twelve months of being licensed. **Weight #1**

(6) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors and Lead Teachers must complete the renewal trainings that include Business and Leadership Practices training and Child Development training. This

training must be completed every three years and within twelve months of the date this section becomes effective if already employed. **Weight #1**

|

