

Chapter 110-303 WAC
ORGANIZATIONAL LICENSE PILOT

NEW SECTION

WAC 110-303-0001 Authority. (1) Chapter 43.216 RCW grants to the department of children, youth, and families the responsibility and authority to establish and enforce licensing requirements and standards for licensed child care programs in Washington state, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) Pursuant to section 229(19), chapter 334, Laws of 2021, and section 229(19), chapter 297, Laws of 2022, DCYF must:

(a) Establish a pilot project to determine the feasibility of a child care license category for multisite programs operating under one owner or one entity; and

(b) Adopt rules to implement the pilot project. DCYF may waive or adapt licensing requirements when necessary to allow for the operation of a new license category.

NEW SECTION

WAC 110-303-0005 Definitions. The following definitions apply to this chapter.

"Applicant" means an individual who has made a formal request for a child care license or organizational license.

"Child care," "early learning program," or "early learning" means regularly scheduled care that is licensed by the department for a group of children birth through 12 years of age for periods of less than 24 hours.

"Department" means the Washington state department of children, youth, and families (DCYF).

"Early learning provider" or "provider" means an early learning licensee or designee who works in an early learning program during hours when children are or may be present. Designees include center directors, assistant directors, program supervisors, lead teachers, assistants, aides, and volunteers.

"Organizational pilot license" or "pilot license" means a permit issued by the department legally authorizing an applicant to operate an early learning program that is authorized under section 229(19), chapter 297, Laws of 2022.

"Pilot project" means the program authorized under section 229(19), chapter 297, Laws of 2022, that requires DCYF to determine the feasibility of a child care license category for multisite programs operating under one owner or entity.

NEW SECTION

WAC 110-303-0010 Pilot project licenses—Licensing rules. (1)

To participate in the pilot project, an early learning program must apply to and be granted an organizational pilot license from the department.

(2) To be eligible for an organizational pilot license, a governmental agency, nonprofit organization, or a for-profit private business must:

(a) Operate, oversee, or manage center or school-age child care and early learning programs;

(b) Have a current licensed or certified early learning program site authorized under chapter 43.216 RCW, or submitted an application to obtain a license or certification to provide child care at an early learning program site that is authorized under chapter 43.216 RCW; and

(c) Have the ability to operate, oversee, or manage a minimum of three and maximum of seven distinctly separate child care and early learning program sites that will be subject to the organizational pilot license.

(3) In addition to the eligibility requirements described in subsection (2) of this section, the department will select organizations to participate in the pilot project after considering:

(a) The criteria described in section 229(19), chapter 297, Laws of 2022; and

(b) The characteristics of applicants' identified sites that may contribute to a mixture of diverse statewide locations that participate in the pilot project.

(4) To protect the health and safety of children enrolled in the participating sites, early learning providers who participate in this pilot project must agree, enter into, and comply with the terms and conditions of an organizational license agreement prepared by the department. The organizational license agreement will require compliance with the following minimum terms and conditions:

(a) Applicable background check requirements contained in chapter 110-06 WAC;

(b) Applicable child care and early learning licensing requirements contained in chapter 43.216 RCW and chapter 110-300, 110-300E, or 110-301 WAC;

(c) The organizational license agreement; and

(d) Applicable federal Child Care Development Fund requirements described at Title 42 (chapter 105, subchapter II-B) of the United States Code (U.S.C.), and Title 45, Part 98, of the Code of Federal Regulations (C.F.R.).

(5) Pursuant to RCW 34.05.310 (2)(b), the department will use this pilot project to test the feasibility of complying with or administering draft new rules or draft amendments to existing rules.

(6) To establish a uniform set of requirements for an organizational license, the department may:

(a) Draft new rules or add amendments to existing rules; and

(b) Add or amend current licensed child care rules under chapters 110-300, 110-300E, and 110-301 WAC.

NEW SECTION

WAC 110-303-0015 Denial, modification, suspension, and revocation of a pilot project license—Right of review. (1) A license authorized to be issued under this chapter may be denied pursuant to chapter 43.216 RCW, this chapter, or chapters 110-06, 110-300, 110-300E, and 110-301 WAC.

(2) A license issued under this chapter may be suspended, modified, or revoked if the licensee fails to comply with the requirements contained in chapter 43.216 RCW, this chapter, or chapters 110-06, 110-300, 110-300E, and 110-301 WAC.

NEW SECTION

WAC 110-303-0020 Process of seeking review. (1) Pursuant to RCW 43.216.250 and 43.216.325, the department is authorized to take enforcement action against an applicant or licensee if the applicant or licensee fails to comply with this chapter, applicable rules in chapters 110-06, 110-300, 110-300E, 110-301 WAC, or chapter 43.216 RCW. For purposes of this chapter, enforcement actions include only the denial, summary suspension authorized by RCW 34.05.422(4), suspension, revocation, modification, or nonrenewal of a license to participate in the pilot project.

(2) The department must issue a notice of violation to an early learning provider when taking enforcement actions. A notice of violation must be sent certified mail or personal service and must include:

- (a) The reason why the department is taking the action;
- (b) The rules the provider failed to comply with;
- (c) The provider's right to appeal enforcement actions; and
- (d) How the provider may appeal and request a hearing.

(3) An applicant or licensee has the right to appeal an enforcement action by requesting an adjudicative proceeding, otherwise known as a hearing, pursuant to the hearing rules codified in chapter 110-03 WAC.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 22, 2022

TIME: 10:54 AM

WSR 22-13-183

Agency: Department of Children, Youth, and Families

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-04-018 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 110-303 WAC Organizational Pilot. WAC 110-303-0001 Authority; 110-303-0005 Definitions; 110-303-0010 Pilot project Licenses-Licensing rules; 110-303-0015 Denial, modification, suspension, and revocation of a pilot project license-Right of review; and 110-303-0020 Process of seeking review.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 26, 2022		Telephonic	Make oral comments by calling (360) 522-2826 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including July 26, 2022 will be considered

Date of intended adoption: July 27, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DCYF Rules Coordinator

Address:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax:

Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

By (date) July 26, 2022

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator

Phone:

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) July 20, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposals establish requirements for participating in a pilot project that will test the feasibility of licensing multisite programs operated by one owner or entity, explain the criteria the department will use to select pilot participants, and clarify hearing rights for pilot participants.

Reasons supporting proposal: The rules are needed to administer the pilot project, and they fully comply with the 2021 Legislature's directive to adopt rules for implementing a pilot project that explores the feasibility of licensing multi-site child care programs that operate under one owner or entity.

Statutory authority for adoption: Section 229(19), chapter 334, Laws of 2021 and section 229(19), chapter 297, Laws of 2022

Statute being implemented: Section 229(19), chapter 334, Laws of 2021 and section 229(19), chapter 297, Laws of 2022

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Children, Youth, and Families Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Tyler Farmer		(360) 628-2151
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). DCYF does not voluntarily make that section applicable to the adoption of the proposed rules.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: June 22, 2022

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature: