

Foundational Quality Standards for Early Learning Programs Covered in this Learning Session

WAC 110-300-0001

Intent and authority.

(1) The department of children, youth, and families was established under chapter 6, Laws of 2017. Chapter [43.216](#) 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 [43.216](#) RCW.

(2) Under chapter 7, Laws of 2015 3rd sp. sess. (Early Start Act), the state legislature directed the department to create a single set of licensing standards for center and family home providers.

(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 for young children;
- (c) Promoting strong school readiness; and
- (d) Recognizing parents and guardians as a child's primary teacher and advocate.

(4) Pursuant to this chapter, the department will periodically monitor and assess early learning programs to determine compliance with these foundational quality standards.

WAC 110-300-0440

Facility licensing compliance agreements, nonreferral status, probationary license, and provider rights.

(1) At the department's discretion, when an early learning provider is in violation of this chapter or chapter [43.216](#) RCW, a facility licensing compliance agreement (FLCA) may be issued in lieu of the department taking enforcement action. The FLCA must contain:

- (a) A description of the violation and the law or rule that was violated;
- (b) A proposed plan from the provider or a designee to comply with the law or rule;
- (c) The date the violation must be corrected, determined by:
 - (i) The seriousness of the violation;

(ii) The potential threat to the health, safety, and well-being of the children in care; and

(iii) The number of times the early learning program has violated rules in this chapter or under chapter [43.216](#) RCW.

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

(e) The signature of the department licenser and the licensee.

(2) An early learning provider must return a copy of the completed FLCA to the department after corrective action has been completed and by the date indicated.

(3) An early learning provider may request an internal review process regarding the violation of department rules pursuant to RCW [43.216.395](#).

(4) In an enforcement action against an early learning program or provider, the provider has the right to:

(a) Refuse to accept or sign a FLCA.

(b) Refuse to agree to a probationary license.

(5) If an early learning provider refuses a FLCA or probationary license, this may result in any of the following enforcement actions:

(a) Modification of the license;

(b) Noncontinuation of a nonexpiring license;

(c) Suspension of the license;

(d) Revocation of the license; or

(e) Civil penalties.

(6) The department may place an early learning provider on nonreferral status, pursuant to RCW [43.216.325](#)(4), in addition to or in lieu of an enforcement action under this chapter.

(7) A probationary license may be issued to an early learning provider or program operating under a nonexpiring license as part of a corrective action plan. Prior to issuing a probationary license, the department must refer the program or provider for technical assistance, pursuant to RCW [43.216.320](#)(2).

(8) A department decision to issue a probationary license is based on an early learning program or provider's:

(a) Negligent or intentional noncompliance with the licensing rules;

(b) History of noncompliance with licensing rules;

(c) Current noncompliance with licensing rules;

(d) Fire safety inspection or health and sanitation inspection report that failed to gain approval;

(e) Use of unauthorized space for child care;

(f) Inadequate supervision of children;

- (g) Understaffing for the number of children in care;
 - (h) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation or personal hygiene practices; and
 - (i) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter [43.216](#) RCW.
- (9) When the department issues a probationary license, the early learning provider must:
- (a) Provide notice of the probationary license and a copy of the department's probationary licensing agreement to the parents or guardians of enrolled children within five business days of receiving the probationary license;
 - (b) Provide documentation to the department that parents or guardians of enrolled children have been notified within ten business days of receiving the probationary license;
 - (c) Inform new parents or guardians of the probationary status before enrolling new children into care;
 - (d) Return the early learning program's nonexpiring license to the department; and
 - (e) Post documentation of the approved written probationary license as required by RCW [43.216.687](#).
- (10) Pursuant to RCW [43.216.689](#), an early learning provider must have inspection reports and notices of enforcement actions for the past three years readily available for review by the department, parents, and the public.

WAC 110-300-0443

Enforcement actions, notice, and appeal.

- (1) Pursuant to RCW [43.216.325](#), the department is authorized to take enforcement actions when an early learning provider fails to comply with this chapter or chapter [43.216](#) RCW. Enforcement actions are taken pursuant to RCW [43.216.020](#), [43.216.065](#), and [43.216.250](#). Enforcement actions include civil monetary penalties (fines) and the denial, suspension, revocation, modification, or nonrenewal of a license.
- (2) An early learning provider subject to an enforcement action has the right to appeal by requesting an adjudicative proceeding (or "hearing") pursuant to chapter [110-03](#) WAC, DCYF hearing rules.

(3) The department must issue a notice of violation to an early learning provider when taking enforcement actions. A notice of violation must be sent by 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.

(4) Fines shall not exceed two hundred fifty dollars per day per violation for center early learning programs or one hundred fifty dollars per day per violation for family home early learning programs, or as otherwise set by the legislature. Fines may be:

- (a) Assessed and collected with interest for each day a violation occurs;
- (b) Imposed in addition to other enforcement actions; and
- (c) Withdrawn or reduced if an early learning provider comes into compliance during the notification period.

(5) An early learning provider must pay fines within twenty-eight calendar days after receiving a notice of violation unless:

- (a) The office of financial recovery establishes a payment plan for the provider; or
- (b) The provider requests a hearing, pursuant to chapter [110-03 WAC](#), DCYF hearing rules and RCW [43.216.335\(3\)](#).

(6) The department may suspend or revoke a license if an early learning provider fails to pay a fine within twenty-eight calendar days or becomes delinquent in making payments, pursuant to RCW [43.216.327](#) and [43.216.335](#). If a provider's license is due for annual compliance, the department may elect not to continue the license for failure to pay a fine.