

Chapter 110-300D WAC
OUTDOOR PRESCHOOL PILOT PROJECT

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WAC

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WAC 110-300D-0001 Authority. (1) Chapter 43.216 RCW establishes the department of children, youth, and families' responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) Under RCW 43.216.740(1), the department must establish a pilot project to license outdoor, nature-based early learning and child care programs (the "pilot project") to commence August 31, 2017, and conclude June 30, 2021.

(3) Pursuant to RCW 43.216.740(2), the department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of outdoor preschools in Washington state.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0001, filed 3/12/19, effective 4/12/19.]

WAC 110-300D-0005 Findings and intent. (1) Under section 1, chapter 162, Laws of 2017, the legislature made the following findings:

(a) Over the past decade, more than forty outdoor, nature-based early-learning and child care programs have opened in Washington, several of which are in high demand based on existing waitlists;

(b) These programs are currently unlicensed and unable to offer full-day programs, which many working families are seeking;

(c) Unlicensed outdoor programs are also unable to serve families who are eligible to receive assistance through the department's working connections child care program;

(d) The outdoor preschool model could help expand the number of high quality early learning opportunities available to families throughout Washington, particularly in areas where preschool-appropriate indoor space is unavailable or unaffordable;

(e) When early learning programs spend less on physical facilities, they are able to spend more on recruiting and retaining teachers and other early learning professionals; and

(f) Research on outdoor preschools operating in Scandinavian countries for decades has demonstrated a positive impact on children's development, including improved cognitive and social skills when children transition to grade school.

(2) Based on the findings described in this section the legislature declared its intent to establish a pilot project to license outdoor preschools in order to expand access to affordable, high quality early learning programs, and to further investigate the benefits of

outdoor, nature-based classrooms for Washington's children and families.

(3) The data collected from the pilot project will be evaluated by the department to determine whether an outdoor preschool program in Washington can be implemented, consistent with the intent and purposes of chapter 43.216 RCW, to provide access to affordable, high quality early learning programs.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0005, filed 3/12/19, effective 4/12/19.]

WAC 110-300D-0010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Agency" shall have the same meaning as described in RCW 43.216.010.

"Department" or **"DCYF"** means the Washington state department of children, youth, and families.

"Early learning" shall have the same meaning as described in RCW 43.216.010.

"Outdoor, nature-based early learning and child care program," "outdoor classroom," or **"outdoor preschool"** means an agency-offered program operated primarily outdoors in which children are enrolled on a regular basis for three or more hours per day. For the purposes of this section "primarily" means that a participant must operate an outdoor classroom for more than fifty percent of program hours per day. Such programs may be offered as:

(a) An outdoor component of a licensed early learning program;

(b) A program operating entirely outdoors on private or public park land, with or without a permanently located outdoor classroom.

"Participants" refers to the entities operating nature-based early learning and child care programs licensed by the department to participate in the outdoor preschool pilot project.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0010, filed 3/12/19, effective 4/12/19.]

WAC 110-300D-0015 Pilot project licenses—Licensing rules. (1) To participate in the outdoor, nature-based early learning and child care program pilot project, the applicant must apply to the department for and obtain a license to operate a pilot project.

(2) The department will select outdoor classroom sites after considering:

(a) The criteria described in RCW 43.216.740 (4) and (5);

(b) The characteristics of an applicant's outdoor classroom and whether those characteristics are a part of any existing licensed outdoor classroom; and

(c) The department's ability to monitor the applicant's outdoor classroom sites identified in the application.

(3) To protect the health and safety of children enrolled in outdoor classrooms, agency participants in this pilot project must agree, enter into, and comply with the terms and conditions of an outdoor

classroom agreement prepared by the department. The outdoor classroom agreement shall require compliance with the following minimum terms and conditions:

(a) Compliance with the background check requirements contained in chapter 110-06 WAC;

(b) Compliance with the outdoor classroom agreement; and

(c) Compliance with the federal Child Care Development Fund (45 C.F.R. Part 98) requirements.

(4) 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.

(5) To establish a uniform set of requirements for outdoor classrooms, the department may draft new rules or add amendments to existing rules; or add or amend current licensed child care rules under chapters 110-300, 110-300A, and 110-300B WAC.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0015, filed 3/12/19, effective 4/12/19.]

WAC 110-300D-0020 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, and chapter 110-06 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 chapter 110-06 WAC.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0020, filed 3/12/19, effective 4/12/19.]

WAC 110-300D-0025 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 licensee fails to comply with this chapter, chapter 110-06 WAC or chapter 43.216 RCW. For purposes of this chapter enforcement actions only include the denial, suspension, revocation, modification, or nonrenewal of a license to participate in the outdoor, nature-based early learning and child care program.

(2) An applicant or licensee has the right to appeal an enforcement action by requesting an adjudicative proceeding (or "hearing") pursuant to the hearing rules codified in chapter 170-03 WAC.

(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 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.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.740 and chapter 43.216 RCW. WSR 19-07-021, § 110-300D-0025, filed 3/12/19, effective 4/12/19.]