

Department of Early Learning

10.1.3

Compliance Agreement Procedure

Completing the Facility Licensing Compliance Agreement (FLCA)

1. The licensor must use 10.9.1.1 Compliance Agreement form in ELF to record noncompliance issues. If the technology equipment is not working, then the licensor will use the hardcopy 10.9.1.1 Compliance Agreement form.
2. The licensor must ensure that all basic information of the licensed facility and the details of the inspection are recorded on the form.
3. The licensor must document the full WAC code number including the subsection and provide a description of each specific WAC noncompliance issue.
 - a. If a compliance agreement is being developed, as a result of a valid complaint, no other licensing noncompliance issues may be present on the compliance agreement form.
 - b. If additional noncompliance issues exist at the facility (other than the original valid complaint), the licensor must use additional compliance agreement forms.
4. Licensors must ensure children's names are not recorded on the compliance agreement form.
5. Observations must clearly describe the violation in detail. Examples should be similar to "there was only 5 inches of pea gravel ground cover under the swings, when 9 inches is required" rather than "the ground cover needs to be maintained".
6. The licensee must write specific action plans in the Plan of Correction column to correct the RCW and/or WAC noncompliance issues.
 - a. The licensee may request an interpreter free of charge at any time to assist in writing the plan of correction (see Administrative Policy 1.8 Translation/Interpretation Use).
 - b. The licensee may choose an on-site designee to complete the compliance agreement form on his/her behalf. This may include, but is not limited to, the licensor and must be noted on the compliance agreement form and provider notes.
7. The licensor and licensee must agree upon a date each noncompliance issue will be corrected, with a maximum of 30 days from the date of the compliance agreement and not to exceed the initial license expiration date.
8. If there is an immediate health and safety issue, the noncompliance issue will be corrected immediately or as soon as possible. Verification of compliance should be completed within 10 business days and follow the process under Compliance Agreement Follow-up section below.
9. If a licensee requests more than 30 days to correct a noncompliance issue, the licensor must immediately contact the supervisor for immediate approval or denial of the request. If the licensor is unable to communicate with the supervisor only 30 days to correct the noncompliance shall be offered. The supervisor will document approval or denial in FamLink in a provider note.

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10. The licensor shall assign a date for the FLCA to be returned by the licensee that is 5 business days from the final “Completed By” date assigned.
11. The compliance agreement should be filled out on site, discussed, and distributed immediately to the licensee. Exceptions may include:
 - a. If the licensee is unable to enter a written description of the plan of correction due to limited English proficiency or literacy and there is not an on-site designee.
 - b. Unsafe conditions for the licensor.
 - c. Director/owner is not present to sign the compliance agreement form.
 - d. The compliance agreement form may be mailed or emailed as soon as possible, or no later than within 5 business days.
12. Once all noncompliance issues are corrected, the licensee will indicate completion by filling in the date that the noncompliance issues were corrected. The licensee must return the final copy of the form with the date completed section filled out for each noncompliance issue cited. Once all noncompliance issues are corrected, the licensor will review and ensure the compliance agreement is completed correctly. The Licensor will transfer the “Date Completed” data reported by the licensee to the electronic FLCA within 5 business days of receipt.
13. In those cases where the completed FLCA, identifying noncompliance issues have been resolved, is not received, the licensor will staff with their supervisor the appropriate action to take. This staffing may include whether to impose civil penalties.
14. When a compliance agreement is completed on paper as a result of technology issues, the licensor must recreate the FLCA in electronic format, including having the document signed by the provider, so the data is available in Child Care Check to meet the requirements of the Child Care and Development Block Grant Act of 2014.

Compliance Agreement Follow-up

1. The licensor must monitor the completion of the compliance agreement.
2. The licensor must verify within 10 business days the correction of licensing noncompliance issues that could impact the health, safety and well-being of children in care. The verification must be documented in FamLink using the health and safety recheck code. Allowable verification is as follows:
 - a. Health and Safety recheck – An on-site visit is required if the noncompliance issue is a serious health and safety violation which may include but is not limited to:
 - i. Health and safety hazards
 - ii. Behavior management
 - iii. Supervision
 - iv. Staff/child interaction
 - v. Group size/capacity
 - vi. Medication management
 - vii. Safe Sleep
 - viii. Window blind cords that form a loop

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- b. Acceptable use of photographic or email verification may include but is not limited to:
 - i. Environmental changes
 - ii. Indoor/outdoor equipment
3. The licensor must request supervisor approval if they are unable to meet the 10 business day requirement. The supervisor must approve or deny the request and document the decision in FamLink provider notes.
4. If the noncompliance issues do not immediately impact the health, safety, and well-being of children in care, written verification in lieu of a site visit may be used to verify correction of noncompliance. Examples may include but are not limited to:
 - a. Menu posting
 - b. Documentation of activity program
 - c. Supplies verified with receipt
 - d. Changes to parent communication
 - e. Staff development and training records
 - f. Attendance logs
 - g. Health Care Plan
 - h. Fire Drill record