

# Department of Early Learning

## 10.2.5

### Probationary License Procedure

1. DEL may issue a probationary license under the following conditions:
  - a. Negligent or intentional noncompliance with licensing regulations; and/or
  - b. A history of noncompliance with licensing regulations; and/or
  - c. Current noncompliance with licensing regulations.
2. The licensor will consult with the supervisor regarding the technical assistance referral and a possible probationary license.
3. Prior to issuing a probationary license, the licensor must make a technical assistance referral, in writing to the child care resource and referral network or other appropriate resources, such as health specialist; local health jurisdiction; nurse consultant; local, trainers, state Fire Marshal. This will be completed using 10.9.1.31 On-Site Consultation and Referral Form.
4. Prior to issuing a probationary license, the licensor must explain to the licensee that if they fail to respond or refuse technical assistance, the department may issue a probationary license within 15 business days of the referral.
5. If the licensee refuses technical assistance in writing or fails to respond in writing to the referral, the licensor may issue a probationary license within 15 business days of the referral.
6. When a licensee accepts the referral for technical assistance, the licensor, licensee and technical assistance provider will meet with each other within 30 days after the licensee's acceptance to develop a plan to correct the areas of noncompliance identified by the department.
7. Within 60 days after plan development, at least one site visit will occur by the licensor and/ or health specialist to monitor the health and safety of children in care and progress of the compliance plan.
8. If the licensee has not corrected the areas of noncompliance identified in the plan after 60 days, the licensor may issue a probationary license.
9. DEL may issue a probationary license for up to six months, which can be reissued for an additional six months. DEL may terminate the probationary license, if at any time, continuing violations would likely pose a threat to the health and well-being of children in care if allowed to persist. The sum of the length of the probationary licenses issued is not to exceed one year.
  - a. A probationary license may be used in addition to or in lieu of civil penalties;
  - b. A probationary license must not be used in lieu of a summary suspension, when imminent threat to children's health and safety exist;
  - c. A probationary license must not be used when license revocation is deemed to be a more appropriate action.

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10. The licensee, the licensor and the licensing supervisor must mutually agree to the probationary license conditions and complete 10.10.2 Probationary Licensing Agreement, which may include but are not limited to:
  - a. Placing the facility on “no referral” status in FamLink and notifying the CCR&R network;
  - b. Allowing no new enrollments for an entire facility or a specific room;
  - c. Requiring the licensee and/or staff to complete specified training;
  - d. Limiting the license age range or capacity during the probationary period.
11. The licensor will conduct an unannounced monthly site visit to the licensee that is on a probationary license. If the licensor is unable to conduct the monthly site visit the licensor will consult with the licensing supervisor.
12. If a licensee refuses probationary status, DEL may suspend, revoke or modify the license.
13. The licensee does not have the right to request an administrative hearing regarding a probationary license.
14. Using the 10.10.14 Offer of Probationary License letter, the licensee must be notified that the existing license is invalid and has been replaced by the probationary license. This notification must be delivered in person. Notification must include:
  - a. The probationary license;
  - b. The reason for the probationary license;
  - c. All conditions of probation;
  - d. How DEL will verify that violations have been corrected;
  - e. The probationary licensing conditions that must be completed to obtain full licensure.
15. The licensor will change the license type in FamLink to probationary license.
16. The licensee must ensure that all parents or guardians of children in care are notified that the facility is in a probationary status within five business days.
  - a. The licensor must approve the parent/guardian notification letter (10.9.2.15 Probation Notification Letter to Parents from Providers);
  - b. Within 10 business days of receiving notification that a probationary license has been issued, the licensee must provide documentation to DEL that all parents have been notified.
  - c. The licensee must also ensure that any new enrollments receive a notification of the probation letter.
17. The DEL licensor will communicate with the local CCR&R, and DSHS ESA within three business days when placing the licensee on a “do not refer” as part of the probationary conditions. The licensee must relinquish the full license when receiving a probationary license. The full license must be stored in the licensee’s file at the DEL office.

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18. When the probationary licensing conditions have been fulfilled and verified, the DEL licensor may reinstate the original license for the remainder of its term or issue a new license.
19. If the conditions have not been fulfilled, the licensor must staff with the supervisor what steps should be taken next.
20. The licensor must document in FamLink Provider Notes all activities related to the probationary license within five business days. These activities may include but are not limited to: phone calls, supervisory case staffing, probationary conditions, and decision points or file reviews.