



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 01, 2023

TIME: 5:04 PM

WSR 23-07-006

Agency: Department of Children, Youth, and Families

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-12-013; 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 110-300E Outdoor Nature-Based Programs: WAC 110-300E-0001 Authority, 110-300E-0005 Definitions, 110-300E-0015 Outdoor nature-based licensing agreement-Uniform rules, 110-300E-0020 Enforcement actions-Right of review-Process of seeking review, 110-300E-0400 Outdoor nature-based licenses-Application

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 25, 2023		Telephonic	Oral comments may be made by calling 360-972-5385 and leaving a voicemail that includes the comment and an email or a physical address where DCYF will send its response. Comments received through and including April 25, 2023 will be considered.

Date of intended adoption: April 26, 2023 (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) _____

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator

Phone: 360-972-5385

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) March 30, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Repeal chapter 110-300E under which outdoor nature-based child care programs were required to agree, enter into, and comply with the terms and conditions of an outdoor, nature-based licensing agreement prepared by the department.

Reasons supporting proposal: Chapter 304 § 28, Laws of 2021 authorized the department to license outdoor nature-(ONB) child cares effective July 1, 2021. Prior to the authorization, the department had conducted a pilot to determine the feasibility of licensing ONB programs. To participate in the pilot, ONB programs were required to agree, enter into, and comply with the terms and conditions of an outdoor, nature-based licensing agreement prepared by the department. To accommodate the July 1, 2021 authorization, the department developed a phased approach under which licensing would continue using agreements similar to those used during the pilot while foundational quality standards to include health and safety standards were developed. The department proposed chapter 100-302 WAC Foundational Quality Standards for Outdoor Nature-Based Programs under WSR 22-23-072 on November 10, 2022. Once chapter 110-302 WAC is effective, chapter 110-300E will not be needed.

Statutory authority for adoption: RCW 43.216.742

Statute being implemented: RCW 43.216.742

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:

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Debbie Groff		(509) 380-4247
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). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: March 1, 2023

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 110-300E-0001 Authority.
- WAC 110-300E-0005 Definitions.
- WAC 110-300E-0015 Outdoor nature-based licensing agreement—Uniform rules.
- WAC 110-300E-0020 Enforcement actions—Right of review—
Process of seeking review.
- WAC 110-300E-0400 Outdoor nature-based licenses—
Application.