



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: July 19, 2024

TIME: 3:07 PM

WSR 24-15-093

Agency: Department of Children, Youth, and Families (DCYF)

Title of rule and other identifying information: (describe subject) Chapter 110-302 WAC Foundational Quality Standards for Outdoor Nature-Based Child Care: WAC 110-302-0160 Promoting diversity and belonging

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington state Legislature changed the name of the curriculum referenced in WAC 110-302-0160 by passing the John McCoy (Iulilaš) memorial tribal history, culture, and government act (HB 1879) in 2024. The Licensing Division (LD) is updating this section to match the name change. This will have limited impact on any affected parties.

Reasons supporting proposal: The John McCoy (Iulilaš) Memorial Tribal History, Culture, and Government Act was created to honor the work of John McCoy (Iulilaš). LD is amending the WAC in accordance with this law and with the values of DCYF.

Statutory authority for adoption: RCW 74.15.030

Statute being implemented: RCW 28A.300.444

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Name of proponent: (person or organization) DCYF

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Ann Radcliffe		(253) 341-2325
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): This rule change only changes the name of the curriculum named in this section and clarifies other language without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Brenda Villarreal

Agency: Department of Children, Youth, and Families

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Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

BEGINNING (date/time) July 25, 2024, Time: 8:00 AM **AND RECEIVED BY** (date/time) September 24, 2024, Time: 11:59 PM

Date: July 19, 2024

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



WAC 110-302-0160 Promoting diversity and belonging. (1) ONB providers must provide culturally and racially diverse learning opportunities (~~(. Diverse learning opportunities must be demonstrated by the ONB provider's)~~) by using curriculum, activities, and materials that represent all children, families, staff, and the local Native American tribes, such as:

(a) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;

(b) Diverse music from many cultures in children's primary languages; and

(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.

(2) (~~(A)~~) ONB providers must contact the local Native American tribes to begin a partnership, recognizing tribal sovereignty and incorporating cultural materials or practices, as appropriate.

(3) ONB programs must provide supplemental learning opportunities that incorporate elements of tribally approved curriculum such as, but not limited to, (~~(Washington's)~~) the John McCoy (lulilaš) since time immemorial early learning curriculum (~~((<https://www.dcyf.wa.gov/tribal-relations/since-time-immemorial>))~~) <https://www.dcyf.wa.gov/tribal-relations/john-mccoy-lulilas-since-time-immemorial> or school-age curriculum (~~((<https://www.k12.wa.us/student-success/resources-subject-area/time-immemorial-tribal-sovereignty-washington-state/elementary-curriculum>))~~) <https://ospi.k12.wa.us/student-success/resources-subject-area/john-mccoy-lulilas-time-immemorial-tribal-sovereignty-washington-state>).

(4) ONB providers must appropriately intervene to stop biased behavior displayed by children or adults. Such intervention may include, but is not limited to:

(a) Redirecting an inappropriate conversation or behavior;

(b) Being aware of situations that may involve bias and responding appropriately; and

(c) Refusing to ignore bias.