



DEPARTMENT OF EARLY LEARNING
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TO: Interested Stakeholders

FROM: Saul Olivarez, Department of Early Learning Rules Coordinator

Date: November 25, 2015

SUBJECT: **Concise Explanatory Statement
Amending Chapter 170-290 WAC To Allow For The Early Head Start-
Child Care Partnership Pilot Program.**

RCW [34.05.325](#)(6) requires that when a state agency adopts a permanent rule (known as Washington Administrative Code or WAC), the agency must prepare a “*Concise Explanatory Statement*” (CES). This statement is a public document that summarizes:

- Comments, summarized by category, received at public hearings or in written form on the proposed version of the rule;
- Whether the final rule was changed as a result of the comments; and
- Changes from the proposed to the final version of the rule.

The Department of Early Learning (DEL) sends the Concise Explanatory Statement to everyone who testified at public hearings, sent a written comment, or asks to receive the CES. The CES is also posted on the DEL website (see <http://www.del.wa.gov/laws/development/Default.aspx>, *DEL Rules Under Development*).

This document also serves as the summary of public hearing comments to the agency head required under RCW [34.05.325](#)(4).

I. Background

On May 19, 2015, the DEL filed a CR-101 preproposal statement of inquiry as WSR 15-11-086 opening up WAC chapter 170-290 for rulemaking to allow for Early Head Start-Child Care Partnerships, including, but not limited to, rulemaking on any of the following subjects: eligibility requirements, rights and responsibilities, approved activities, income and copayment calculations, start dates and eligibility period, notice, eligible child care providers, subsidy rates and fees, tiered reimbursement, special needs rates, payment discrepancies, and administrative hearings for child care subsidy programs.

On October 19, 2015, the DEL filed a CR-102 proposed rulemaking to facilitate expanded availability of quality, comprehensive full day, full year early learning opportunities for infants and toddlers through layering of Child Care Development Fund monies and Early Head Start (EHS) funds into partnership slots.

Public Comment. The DEL filed proposed rules on October 19, 2015 as WSR 15-21-060. Public hearings were held on November 24, 2015 in Spokane and Olympia, Washington. No one attended or testified at the hearing but one comment was received in writing before the November 25, 2015 comment deadline. The comments were taken directly from their source and were not edited for grammar, spelling or syntax. Multiple comments related to a specific rule were combined and addressed together. If an individual provided recommended WAC edits/changes or additional information such as documentation that supports their comments, then those documents will become a part of the record for this rulemaking and will be made available upon request. The comments on the proposed rules are summarized in section II of this document.

II. Summary of Issues Raised in Public Comments, and DEL’s Responses, Noting if the Proposed Rule was Changed as a Result

A. Public Comments regarding WAC Chapters 170-03.	B. 1. DEL Response; and 2. Was the proposed rule changed as a result of the comment? If yes, how?
<p>Comment 1:</p> <p>WAC 170-290-2440 Early achievers payments for partnership slots providers.</p> <p>To receive subsidy payment and be eligible for Early Head Start—Child Care Partnership Slots a new provider must:</p> <p>(1) Effective January 1, 2016, enroll in early achievers within thirty days of the start date of the partnership agreement;</p> <p>(2) Rate at a level three or higher within twelve months of enrollment;</p> <p>(3) If the provider rates lower than a level three, complete remedial activities with the department and rate at a level three or higher within six months of the beginning of the remedial activities.</p> <p>The above proposed language in (2) does not fit the timeline that we discussed internally. Early Head Start/Child Care Partnership sites should have 18 months from EA registration to EA rating at level 3 or above. [sic] Which aligns with the Early Start Act timelines for sites that provide ECEAP services in a licensed or certified child care center or family home child care.</p>	<p>1. The department agrees with the comment, and has made the correction.</p> <p>2. WAC 170-290-2440 has been corrected.</p>

I propose the following:	
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(2) Rate at a level three or higher within eighteen months of enrollment;	
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III. Changes to the final rule compared to the proposed rule.

WAC 170-290-2440 was corrected as a result of the comment received. No other changes were made.