

WAC 170-290-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Authorization" means the documentation that DSHS gives to providers specifying units of full-day, half-day or hourly child care a family may receive during their eligibility period, which may be adjusted based on the family's need for care or changes in eligibility.

"Available" means being free to provide care when not participating in an approved work activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055 during the time child care is needed.

"Calendar year" means those dates between and including January 1st and December 31st.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person receiving:

- (a) WCCC benefits as described in part II of this chapter; or
- (b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay the child care provider toward the cost of child care each month.

"Days" means calendar days unless otherwise specified.

"DEL" means the department of early learning.

"DSHS" means the department of social and health services.

"Eligibility" means that a consumer has met all of the requirements of:

- (a) Part II of this chapter to receive WCCC program subsidies; or
- (b) Part III of this chapter to receive SCC program subsidies.

"Employment" or **"work"** means engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States. This includes unsubsidized employment, as verified by an employee's pay stubs or DSHS employer verification form, and subsidized employment, such as:

- (a) Working in a federal or state paid work study program; or
- (b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

"In-home/relative provider" or **"license-exempt provider,"** referred to in the collective bargaining agreement as **"family, friends and neighbors provider"** or **"FFN provider,"** means a provider who meets the requirements in WAC 170-290-0130 through 170-290-0167.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Preschool age child" means a child age thirty months through six years of age who is not attending kindergarten or elementary school.

"**SCC**" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"School age child" means a child not less than five years of age through twelve years of age who is attending kindergarten or elementary school.

"**Seasonally available labor**" or "**seasonally available agricultural related work**" means work that is available only in a specific season during part of the calendar year. The work is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.

"**Self-employment**" means engaging in any legal income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States, as verified by Washington state business license, or a tribal, county, or city business or occupation license, as applicable, and a uniform business identification (UBI) number for approved self-employment activities that occur outside of the home. Incorporated businesses are not considered self-employment enterprises.

"**Waiting list**" means a list of families who are currently working and waiting for child care subsidies when funding is not available to meet the requests from all eligible families.

"**WCCC**" means the working connections child care program, which is a child care subsidy program described in part II of this chapter that assists eligible families in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs outside the consumer's home.

AMENDATORY SECTION (Amending WSR 13-21-113, filed 10/22/13, effective 11/22/13)

WAC 170-290-0200 Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified child care center or DEL contracted seasonal day camp:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - (5- 5 -yrs)) <u>6 yrs</u> <u>not attending</u> <u>kindergarten</u> <u>or school</u>)	School-age (5 - 12 yrs <u>attending</u> <u>kindergarten</u> <u>or school</u>)
Region 1	Full-Day	\$29.10	\$24.47	\$23.12	\$21.77
	Half-Day	\$14.57	\$12.24	\$11.57	\$10.88
Spokane County	Full-Day	\$29.76	\$25.03	\$23.65	\$22.27
	Half-Day	\$14.90	\$12.53	\$11.84	\$11.13
Region 2	Full-Day	\$29.39	\$24.53	\$22.75	\$20.12
	Half-Day	\$14.70	\$12.27	\$11.37	\$10.08
Region 3	Full-Day	\$38.89	\$32.43	\$28.01	\$27.20
	Half-Day	\$19.45	\$16.21	\$14.00	\$13.61
Region 4	Full-Day	\$45.27	\$37.80	\$31.71	\$28.56
	Half-Day	\$23.08	\$18.91	\$15.86	\$14.28

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - (5-yrs)) <u>6 yrs</u> <u>not attending</u> <u>kindergarten</u> <u>or school)</u>	School-age (5 - 12 yrs <u>attending</u> <u>kindergarten</u> <u>or school)</u>
Region 5	Full-Day	\$33.19	\$28.56	\$25.14	\$22.32
	Half-Day	\$16.59	\$14.28	\$12.57	\$11.17
Region 6	Full-Day	\$32.63	\$28.01	\$24.47	\$23.93
	Half-Day	\$16.33	\$14.00	\$12.24	\$11.97

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC 170-295-0010 allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licensor to provide care for a child outside the age listed on the center's license. If the provider has an exception to care for a child who has reached his or her thirteenth birthday, the payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

AMENDATORY SECTION (Amending WSR 13-21-113, filed 10/22/13, effective 11/22/13)

WAC 170-290-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified family home child care provider:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - (5-yrs)) <u>6 yrs</u> <u>not attending</u> <u>kindergarten</u> <u>or school)</u>	School-age (5 - 12 yrs <u>attending</u> <u>kindergarten</u> <u>or school)</u>
Region 1	Full-Day	\$24.78	\$24.78	\$21.54	\$21.54	\$19.16
	Half-Day	\$12.38	\$12.38	\$10.77	\$10.77	\$ 9.58
Spokane County	Full-Day	\$25.34	\$25.34	\$22.03	\$22.03	\$19.59
	Half-Day	\$12.67	\$12.67	\$11.02	\$11.02	\$ 9.79
Region 2	Full-Day	\$26.16	\$26.16	\$22.75	\$20.35	\$20.35
	Half-Day	\$13.08	\$13.08	\$11.37	\$10.17	\$10.17
Region 3	Full-Day	\$34.71	\$34.71	\$29.92	\$26.33	\$23.93
	Half-Day	\$17.36	\$17.36	\$14.96	\$13.17	\$11.97
Region 4	Full-Day	\$40.84	\$40.84	\$35.51	\$29.92	\$28.72
	Half-Day	\$20.43	\$20.43	\$17.77	\$14.96	\$14.36
Region 5	Full-Day	\$27.53	\$27.53	\$23.93	\$22.75	\$20.35
	Half-Day	\$13.77	\$13.77	\$11.97	\$11.37	\$10.17
Region 6	Full-Day	\$27.53	\$27.53	\$23.93	\$23.93	\$22.75
	Half-Day	\$13.77	\$13.77	\$11.97	\$11.97	\$11.37

(2) The family home child care WAC 170-296A-0010 and 170-296A-5550 allows providers to care for children from birth up to and including the day before their thirteenth birthday.

(3) If the family home provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

(4) DSHS pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five through twelve year age range column for comparisons.

(5) DSHS cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's legal guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 14-03-060, filed 1/13/14, effective 2/13/14)

WAC 170-290-0225 Special needs rates—Licensed or certified child care centers and seasonal day camps. (1) In addition to the base rate for licensed or certified child care centers and seasonal day camps listed in WAC 170-290-0200, DSHS may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 170-290-0220:

(a) **Level 1.** The daily rate listed in the table below:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - (5-yrs)) <u>6 yrs</u> <u>not attending</u> <u>kindergarten</u> <u>or school)</u>	School-age (5 - 12 yrs <u>attending</u> <u>kindergarten</u> <u>or school)</u>
Region 1	Full-Day	\$7.30	\$6.14	\$5.80	\$5.45
	Half-Day	\$3.65	\$3.07	\$2.90	\$2.73
Region 2	Full-Day	\$7.36	\$6.15	\$5.70	\$5.05
	Half-Day	\$3.68	\$3.08	\$2.85	\$2.52
Region 3	Full-Day	\$9.75	\$8.13	\$7.02	\$6.82
	Half-Day	\$4.88	\$4.06	\$3.51	\$3.41
Region 4	Full-Day	\$11.35	\$9.48	\$7.95	\$7.16
	Half-Day	\$5.67	\$4.74	\$3.98	\$3.58
Region 5	Full-Day	\$8.32	\$7.16	\$6.30	\$5.59
	Half-Day	\$4.16	\$3.58	\$3.15	\$2.80
Region 6	Full-Day	\$8.18	\$7.02	\$6.14	\$6.00
	Half-Day	\$4.09	\$3.51	\$3.07	\$3.00

(i) Centers in Clark County are paid Region 3 rates;

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates;

(b) **Level 2.** A rate greater than Level 1, not to exceed \$15.89 per hour.

(2) If a provider is requesting one-on-one supervision or direct care for the child with special needs the person providing the one-on-one care must:

(a) Be at least eighteen years of age; and

(b) Meet the requirements for being an assistant under chapter 170-295 WAC and maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

(3) If the provider has an exception to care for a child who:

(a) Is thirteen years or older; and

(b) Has special needs according to WAC 170-290-0220, DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five through twelve year age range for comparison.

AMENDATORY SECTION (Amending WSR 14-03-060, filed 1/13/14, effective 2/13/14)

WAC 170-290-0230 Special needs rates—Licensed or certified family home child care providers. (1) In addition to the base rate for licensed or certified family home child care providers listed in WAC 170-290-0205, DSHS may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 170-290-0220:

(a) **Level 1.** The daily rate listed in the table below:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - ((5-yrs)) <u>6 yrs</u> <u>not attending</u> <u>kindergarten</u> <u>or school</u>)	School-age (5 - 12 yrs <u>attending</u> <u>kindergarten</u> <u>or school</u>)
Region 1	Full-Day	\$6.00	\$5.40	\$5.40	\$4.80
	Half-Day	\$3.00	\$2.70	\$2.70	\$2.40
Region 2	Full-Day	\$6.00	\$5.70	\$5.10	\$5.10
	Half-Day	\$3.00	\$2.85	\$2.55	\$2.55
Region 3	Full-Day	\$8.70	\$7.50	\$6.60	\$6.00
	Half-Day	\$4.35	\$3.75	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.90	\$7.50	\$7.20
	Half-Day	\$4.50	\$4.45	\$3.75	\$3.60
Region 5	Full-Day	\$6.60	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.30	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.60	\$6.00	\$6.00	\$5.70
	Half-Day	\$3.30	\$3.00	\$3.00	\$2.85

(b) **Level 2.** A rate greater than Level 1, not to exceed \$15.89 per hour.

(2) If the provider has an exception to care for a child who:

(a) Is thirteen years or older; and

(b) Has special needs according to WAC 170-290-0220, DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five through twelve year age range for comparison.

(3) If a provider is requesting one-on-one supervision/direct care for the child with special needs, the person providing the one-on-one care must:

(a) Be at least eighteen years old; and

(b) Meet the requirements for being an assistant under chapter 170-296A WAC and maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 170-290-0185 WCCC subsidy rates—Five-year-old children.