



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Early Learning

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 13-07-051 _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 170-290-0143 In-home/relative providers – Background checks – Required persons.; WAC 170-290-0160 In-home/relative providers – Background checks – Disqualified providers.

Hearing location(s):  
Department of Early Learning Olympia Office  
1110 Jefferson St SE  
Olympia, WA 98501

Date: 12/30/13 Time: 12 pm

Date of intended adoption: Not earlier than 12/30/13  
(Note: This is NOT the effective date)

Submit written comments to:  
Name: Rules Coordinator, Department of Early Learning  
Address: PO Box 40970  
Olympia, WA 98504-0970  
e-mail rules@del.wa.gov  
fax (360)586-0533 by (date) \_\_\_\_\_

Assistance for persons with disabilities: Contact  
DEL Rules Coordinator by  
12/23/13  
TTY ( ) \_\_\_\_\_ or (360) 407-1962

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To clarify under what circumstances a background check must be completed for an individual sixteen years of age or older residing with an in-home/relative child care provider. To clarify under what circumstances an in-home/relative provider will be permanently disqualified for giving incorrect or misleading information or withholding information as to whether an individual sixteen years of age or over living with the provider is a registered sex offender.

Reasons supporting proposal: Streamlining WAC 170-290-0143 is necessary to resolve potential ambiguity as to whether background checks are required for individuals sixteen years of age or older living with an in-home/relative provider when the child receiving care also lives with the provider. Streamlining WAC 170-290-0160 is necessary to resolve potential ambiguity as to whether a provider will be permanently disqualified as an in-home/relative provider for giving incorrect or misleading information or withholding information as to whether an individual sixteen years of age or over living with the provider is a registered sex offender when care takes place in the child's home. In both sections, the ambiguity is resolved in a manner consistent with privacy and association interests and the interest of effective measures to ensure the safety of children in care.

Statutory authority for adoption: RCW 43.215.060, RCW 43.215.070; chapter 43.215 RCW

Statute being implemented: Chapter 43.215 RCW

Is rule necessary because of a:

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

If yes, CITATION:

DATE  
November 20, 2013

NAME (type or print)  
Elizabeth M. Hyde

SIGNATURE  
*Elizabeth M. Hyde*

TITLE  
DEL Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **November 20, 2013**  
TIME: **8:22 AM**

**WSR 13-23-090**

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

**Name of proponent:** (person or organization) Department of Early Learning

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Lynne Shanafelt, Licensing Admin	DEL State Office, PO Box 40970, Olympia, WA 98504	(360) 407-1953
Implementation.... DEL Licensing Offices	Statewide	( )
Enforcement..... DEL Licensing Offices	Statewide	( )

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed rules are not expected to impose new costs on businesses that are required to comply. If the rules result in costs, those costs are not expected to be "more than minor" as defined in chapter 19.85 RCW.

**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 ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: DEL is not among the agencies listed as required to comply with RCW 34.05.328