



# 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 15-16-046 ; 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)

See Attached Document

### Hearing location(s):

Tacoma Public Library	Spokane Public Library
Main Branch	Downtown Branch
Olympic Room	Room 1A
1102 Tacoma Ave. S.	906 W. Main Ave.
Tacoma, WA 98402	Spokane, WA 99201

Date: Tacoma – 4/5/16; Spokane – 4/6/16 Time: 6:30 pm

### 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](mailto:rules@del.wa.gov)  
 fax (360)725-4925 by (date) April 6, 2016

### Assistance for persons with disabilities: Contact

DEL Rules Coordinator \_\_\_\_\_ by 04/28/16

TTY ( ) \_\_\_\_\_ or (360) 725-4670

Date of intended adoption: Not earlier than 04/06/16  
(Note: This is NOT the effective date)

### Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The majority of revisions mainly focus on correcting outdated language and grammatical style for an anticipated clearer understanding of the rules. Additional revisions include specifically describing which applicants will receive priority in the event of a waitlist for services occurring and adopting a recommendation that separates child care subsidy eligibility from payment authorization for child care.

### Reasons supporting proposal:

Altogether, these proposed rules update and streamline efficiencies across the WCCC and SCC programs as well as improve agency coordination between DEL and the Department of Social and Health Services that fund and administer the programs, respectively.

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 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:

DATE: February 26, 2016

NAME (type or print)  
Ross Hunter

SIGNATURE

TITLE  
DEL Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 26, 2016

TIME: 3:47 PM

WSR 16-06-083

**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..... Matt Judge, Subsidy Policy Supervisor	DEL State Office, PO Box 40970, Olympia, WA 98504	(360) 725-4665
Implementation.... DEL/DSHS	Statewide	( )
Enforcement..... DEL/DSHS	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

Title of Rule and Other Identifying Information:

**Adding New Sections:**

**170-290-0014** – Verifying Information for Provider Payment.

**170-290-0100** – When provider payments start at application and reapplication.

**170-290-3670** – When provider payments start at application and reapplication.

**Seventy-five (75) Revised Sections:**

Subtitle: Part I. Introduction

**170-290-0001** Purpose and intent.

**170-290-0002** Scope of agency responsibilities.

**170-290-0003** Definitions.

Part II. Working Connections Child Care

Subtitle: Eligibility Requirements

**170-290-0005** Eligibility.

**170-290-0012** Verifying consumers' information.

**170-290-0020** Eligibility—Special circumstances.

Subtitle: Rights and Responsibilities

**170-290-0025** Consumers' rights.

**170-290-0030** Consumers' responsibilities.

**170-290-0031** Notification of changes.

**170-290-0032** Failure to report changes.

**170-290-0034** Providers' responsibilities.

Subtitle: Approved Activities

**170-290-0040** Approved activities for applicants and consumers participating in WorkFirst.

**170-290-0045** Approved activities for applicants and consumers not participating in WorkFirst.

**170-290-0050** Additional requirements for self-employed WCCC consumers.

**170-290-0055** Receipt of benefits when not engaged in approved activities.

Subtitle: Income and Copayment Calculations

**170-290-0060** Countable income.

**170-290-0065** Calculation of income.

**170-290-0070** Excluded income and deductions.

**170-290-0075** Determining income eligibility and copayment amounts.

**170-290-0082** Eligibility period.

**170-290-0085** Change in copayment.

**170-290-0090** Minimum copayment.

Subtitle: Start Dates and Eligibility Period

- 170-290-0095** When WCCC benefits start.
- 170-290-0107** Denial of benefits—Date of redetermining eligibility.
- 170-290-0109** Reapplication
- 170-290-0110** Termination of and redetermining eligibility for benefits.

Subtitle: Notice

- 170-290-0115** Notice of payment changes.

Subtitle: Eligible Child Care Providers

- 170-290-0125** Eligible child care providers.
- 170-290-0130** In-home/relative providers—Eligibility.
- 170-290-0135** In-home/relative providers—Information provided to DSHS.
- 170-290-0138** In-home/relative providers—Responsibilities.
- 170-290-0139** In-home/relative providers—Electronic attendance records—Records retention.
- 170-290-0140** In-home/relative providers—Ineligibility.
- 170-290-0143** In-home/relative providers—Background checks—Required persons.
- 170-290-0150** In-home/relative providers—Background checks—Included information and sources.
- 170-290-0155** In-home/relative providers—Background checks—Subsequent steps.
- 170-290-0167** In-home/relative providers—Background checks—Disqualified person living with the provider.

Subtitle: Subsidy Rates and Fees

- 170-290-0180** WCCC subsidy rates.
- 170-290-0190** WCCC authorized and additional payments—Determining units of care.
- 170-290-0200** Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps. (1) Base rate.
- 170-290-0205** Daily child care rates—Licensed or certified family home child care providers. (1) Base rate.
- 170-290-0220** Special needs rates—Qualification and required documentation.
- 170-290-0225** Special needs rates—Licensed or certified child care facilities and seasonal day camps.
- 170-290-0230** Special needs rates—Licensed or certified family home child care providers.
- 170-290-0235** Special needs rates—In-home/relative providers.
- 170-290-0247** Field trip /quality enhancement fees.
- 170-290-0249** Nonstandard hours bonus.
- 170-290-0250** Eligible provider capacity and payment.

Payment Discrepancies

- 170-290-0266** Payment discrepancies—Generally.
- 170-290-0267** Payment discrepancies—Provider underpayments.
- 170-290-0269** Payment discrepancies—Consumer underpayments.
- 170-290-0271** Payment discrepancies—Consumer overpayments.

Administrative Hearings - WCCC

**170-290-0280** Right to request an administrative hearing.

Part III. Seasonal Child Care

Subtitle: Eligibility Requirements

**170-290-3520** Eligibility.

**170-290-3530** Verifying consumers' and providers' information.

**170-290-3550** Eligibility—Special circumstances for two-parent families.

**170-290-3555** Eligibility—Approved activities.

Subtitle: Rights and Responsibilities

**170-290-3560** Consumers' rights.

**170-290-3565** Consumers' responsibilities.

**170-290-3566** Subsidized child care providers' responsibilities.

**170-290-3570** Notification of changes.

**170-290-3580** Failure to report changes.

**170-290-3590** DSHS's responsibilities to consumers.

Subtitle: Income and Copayment Calculations

**170-290-3610** Countable income.

**170-290-3630** Excluded income and deductions.

**170-290-3640** Determining income eligibility and copayment.

**170-290-3650** Change in copayment.

Subtitle: Start Dates and Eligibility Period

**170-290-3665** When SCC program subsidies start.

Subtitle: Notice

**170-290-3730** When notice of payment changes is not required.

Subtitle: Eligible Providers and Rates

**170-290-3750** Eligible child care providers.

**170-290-3760** SCC subsidy rates.

**170-290-3770** Authorized SCC payments.

**170-290-3800** Eligible provider capacity and payment.

Subtitle: Review Process

**170-290-3840** New eligibility period.

Subtitle: Payment Discrepancies

**170-290-3855** Termination of and redetermining eligibility for SCC program subsidies.