

**Washington State Department of Early Learning
Semi-Annual Rule Making Agenda under RCW 34.05.314
July 1, 2009 through December 31, 2009**

**As filed with Code Reviser
July 30, 2009
Filing No. WSR 09-16-067**

The Department of Early Learning (DEL) prepares a semi-annual rule making agenda in January and July of each year to let the public know about DEL rule changes underway or planned. The current agenda also updates the 2007 Child Care Provider Rule Review Plan prepared under RCW 43.215.502. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found online at [chapter 170 WAC](#). This agenda includes links to rule making notices that DEL has filed with the Office of the Code Reviser for publication in the [Washington State Register](#). Find more information about DEL rules and current rule making projects at the [DEL web site](#).

| Subject Matter | WAC Chapter or Sections | Description (Contact the DEL Rules Coordinator at rules@del.wa.gov for current information on these rule proceedings.) | Emergency Rule (CR-103E) | Pre-Proposal Notice (CR-101) | Proposed Rule CR-102 and Public Hearing or CR-105 Expedited Rule | Permanent Rule (CR-103P) |
|---|---|--|---------------------------------|--|---|---------------------------------|
| Common Terms, Definitions and Standards | New WAC chapter, and possible revisions of other DEL rules in title 170 WAC | Adopting a new DEL WAC chapter to include terms, definitions and standards that apply to more than one DEL WAC chapter or program. Other DEL WAC chapters may be revised to eliminate duplication. | None. | Filed 12/24/08 as WSR 09-01-185 . Rule review to start in late 2009 or early 2010. | To be determined. | To be determined. |
| Public Records, DEL Organization | New Chapter 170-01 | Adopting a new DEL WAC chapter on public records requests, and adopting DEL organization and index rules required by law. | None | Anticipated filing this period. | Proposal anticipated in early 2010 | Anticipated in spring 2010 |
| DEL Hearing Rules | Chapter 170-03 | Adopting technical changes needed to make the rules consistent with other DEL WAC chapters and to revise hearing procedures. Some changes to procedural rules do not require filing a CR-101 pre-proposal notice. | None | Anticipated filing this period if required. | Proposal anticipated in early 2010 | Anticipated in spring 2010 |
| Background Checks | Chapter 170-06 | Revising the list of crimes that may disqualify a person from child care, and procedures for disqualification, reconsideration and due process. Reviewing the rules for consistency with the law and considering whether to apply DEL background check rules to other early learning programs. | None. | Filed 12/24/08 as WSR 09-01-184 . Rule review to start in late 2009. | To be determined. | To be determined. |

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|--|--|--|--------------------------|--|---|---|
| Head Start Coordination | Chapter 170-12 | No current rule making activity. | None. | N/A | N/A | N/A |
| Early Childhood Education and Assistance Program (ECEAP) | Chapter 170-100 | No current rule making activity. | None. | N/A | N/A | N/A |
| Working Connections Child Care (WCCC) Subsidies; and Seasonal Child Care (SCC) Subsidies | Chapters 170-290 and 170-292 | Revising the entire WCCC chapter and combining the SCC subsidy rules into WAC 170-290 (and repealing WAC 170-292 - see below). Assuring rules are consistent with current law, federal requirements and the child care Collective Bargaining Agreement. Reviewing child care subsidy policy options to increase program effectiveness and efficiency. Revising the rules to make them clearer, and reorganizing the WAC chapter. Rules will be proposed in phases. | None. | Filed 02/03/09 as WSR 09-04-084 and WSR 07-19-028 filed on 9/11/07. Second phase to begin in late 2009. | First phase - proposal filed 6/03/09 as 08-12-115 . Public hearings held 7/07/09 and 7/11/09. Second phase proposal to be determined. | First phase - anticipated adoption in August 2009 and effective September 2009. Second phase to be determined. |
| Seasonal Child Care Subsidies | Chapter 170-292 | Updating internal references in this chapter to be consistent with other DEL rules. Clarifying other existing sections for consistent application of the rules. Adopting program definitions including "eligible child." Proposed rules were withdrawn – see WSR 09-10-008 . The Seasonal Child Care rule revision was combined with changes to WAC chapter 170-290. See revised proposed rules filed as WSR 08-12-115 . WAC chapter 170-292 will be repealed. | None. | Filed 02/16/07 as WSR 07-05-048 and WSR 07-19-028 filed on 9/11/07. | Proposal filed 11/5/08 as WSR 08-22-102 ; Also, see WSR 09-01-186 . Proposal withdrawn 4/23/09 – see WSR 09-10-008. | N/A. |

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|------------------------------------|---------------------------|---|--------------------------|--|--|---|
| School-Age Child Care Centers | Chapter 170-151 | Revising the entire School Age Child Care licensing WAC chapter. DEL has contracted School's Out Washington, a non-profit group, to review the current rules, gather stakeholder input, and recommend possible WAC changes. SOWA is expected to complete its review by July 2010. See the SOWA website to learn more. | None | Filed 4/23/09 as WSR 09-10-009 | Anticipated in early 2011 | To be determined. |
| Child Care Centers | Chapter 170-295 | No current rule-making activity. | None. | Rule review anticipated to start in 2011. | To be determined. | To be determined. |
| Family Home Child Care | Chapter 170-296 | Revising the entire Family Home Child Care chapter using a Negotiated Rule Making Team consisting of parents, child care providers, the Service Employees International Union, advocates, Washington Child Care Resource and Referral network and DEL staff. Recommended draft rules are being developed by the NRM Team and will be available for public input. DEL will develop and file the formal proposed rules. | None | Filed 12/01/06 As WSR 06-24-051 . Rule review January 2007 through December 2009. | Anticipated in mid-2010 | Anticipated in late 2010 or early 2011. |
| Department of Early Learning rules | All chapters of Title 170 | As rules in WAC title 170 or other agency rules affecting DEL WAC are revised, DEL may revise its rules to update cross references or other information without changing the intended effect of the rules. | N/A | N/A | Expedited rule making as needed. | As needed |

Permanent Rules adopted in the 12 months prior to this report: None.

Notes:

This agenda is prepared for information purposes, and anticipated rule making dates or periods noted in this agenda are planning estimates only. Any errors or omissions in this agenda do not affect the actual Department of Early Learning rules or DEL rule making notices filed with the Office of the Code Reviser and published in the Washington State Register.

There may be additional DEL rule making that cannot be forecasted as the department adopts rules to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules noted, if any, are those in effect at the time this agenda was filed with the Code Reviser or were the last emergency rules filed on the particular subject.

For more information about Department of Early Learning rule making, or to join a mailing list to receive DEL rule notices and draft materials, please email Rules@del.wa.gov, or write to the: DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970.

CR means “Code Reviser.” The Legislature’s Office of the Code Reviser creates the rule-making notice forms filed by all state agencies.

CR-101 is a Pre-proposal Statement of Inquiry notice filed under RCW 34.05.310.

CR-102 is a Proposed Rule Making notice filed under RCW 34.05.320; a Continuance notice under RCW 34.05.325, or a Supplemental Proposed Rule Making notice under RCW 34.05.340.

CR-103 is a CR-103P Rule Making Order filed under RCW 34.05.360 for permanent rules, or a CR-103E Rule-Making Order filed under RCW 34.05.350 for temporary emergency rules.

CR-105 is an Expedited Rule Making notice filed under RCW 34.05.353.

WSR means “Washington State Register,” and the **WSR numbers** noted in the agenda are the official filing numbers assigned by the Office of the Code Reviser and entered on materials submitted for publication in the State Register.