



DEPARTMENT OF EARLY LEARNING  
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TO: Interested Stakeholders

FROM: Saul Olivarez, Department of Early Learning Rules Coordinator

Date: December 16, 2015

SUBJECT: **Concise Explanatory Statement  
Revisions to Chapter 170-100 WAC to remove the term  
“nonsectarian” and elaborate on the types of organizations that can  
participate in the early childhood education and assistance program  
(ECEAP).**

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 July 29, 2015, the DEL filed a CR-101 preproposal statement of inquiry, as WSR 15-16-046, opening up WAC chapter 170-100 for rulemaking to ensure that the department’s early childhood education and assistance program (ECEAP) aligns with the Early Start Act legislation that passed in 2015.

On October 2, 2015, the DEL filed a CR-103E emergency rulemaking order, as WSR 15-20-069, to be effective on October 9, 2015. The rulemaking order removed the term “nonsectarian” from WAC 170-100-030 and WAC 170-100-040 and elaborated on the types of organizations that can participate in the ECEAP so long as the organization’s program is free from religious instruction, activities or symbolism. The emergency rulemaking was necessary to avoid confusion between the statute and the rule.

The DEL also simultaneously filed a CR-102 proposed rulemaking order on same day in order to move forward with the formal rulemaking process.

**Public Comment.** The DEL filed proposed rules on October 2, 2015 as WSR 15-20-070. Public hearings were held on November 10, 2015 in Mount Vernon and Bellevue, Washington. No one attended or testified at the hearing and no comments were received in writing before the November 11, 2015 comment deadline.

**Rule Edits**

No comments were received during the rule making’s open comment period, but after the director’s review of the proposed rules he ordered edits to be made. Specifically, the director had ECEAP staff move the “organizations” definition listed in WAC 170-100-040 to the Defintions’ WAC 170-100-030. This variance between the permanent rule and the proposed rule was only for editing purposes, does not change the subject matter of the rules and is in compliance with RCW [34.05.340](#).

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

<b>A. Public Comments regarding WAC Chapters 170-100.</b>	<b>B. 1. DEL Response; and 2. Was the proposed rule changed as a result of the comment? If yes, how?</b>
No Comments Received.	No Response Required.

**III. Changes to the final rule compared to the proposed rule.**

The “organizations” definition listed in WAC 170-100-040 was moved to the Defintions’ section in WAC 170-100-030. The variance between the permanent rule and the proposed rule was only for editing purposes.