



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Early Learning

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

The majority of revisions focus on correcting outdated language and grammatical style for an anticipated clearer understanding of the rules.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.

Citation of existing rules affected by this order:

Repealed:
Amended: 75 Amended WACs - See Attached Document
Suspended:

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

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as 16-06-083 on February 26, 2016 (date).
Describe any changes other than editing from proposed to adopted version:

Reinserted language inadvertently removed and added language to WAC 170-290-0190 to clarify the meaning of "full-time care."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: April 15, 2016

NAME (TYPE OR PRINT)
Ross Hunter

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 15, 2016
TIME: 4:02 PM

WSR 16-09-059

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>3</u>	Amended	75	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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.