



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

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DATE: December 21, 2021
TIME: 3:08 PM

WSR 22-01-206

Agency: Department of Children, Youth, and Families

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-15-028 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 110-15-0003 Definitions; 110-15-0005 Eligibility; 110-15-0025 Consumers' rights; 110-15-0031 Notification of changes; 110-15-0034 Providers' responsibilities; 110-15-0036 Billing requirements; 110-15-0045 Approved activities for applicants and consumers not participating in Workfirst; 110-15-0050 Additional requirements for self-employed WCCC consumers; 110-15-0075 Determining income eligibility and copayment amounts; 110-15-0085 Change in copayment; 110-15-0090 Minimum copayment; 110-15-0095 When WCCC benefits start; 110-15-0109 Reapplication; 110-15-0110 Termination of and redetermining eligibility for benefits; 110-15-0125 Approved child care providers; 110-15-0190 WCCC benefit calculations; 110-15-0200 Daily child care rates-Licensed or certified child care centers and DCYF contracted seasonal day camps; 110-15-0205 Daily child care rates-Licensed or certified family home child care providers; 110-15-0240 Child care subsidy rates-In-home/relative providers; 110-15-0247 Field trip/quality enhancement fees; 110-15-0249 Nonstandard hours bonus; 110-15-110-15-0267 Payment discrepancies-Provider underpayments; 110-15-0271 Payment discrepancies-Consumer; 110-15-0275 Payment discrepancies-Providers; 110-15-2210 Eligibility; 110-15-3570 Notification of changes; 110-15-3640 Determining income eligibility and copayment; 110-15-3750 Eligible child care providers; 110-15-3770 Authorized SCC payments; 110-15-3840 New eligibility period; and 110-15-3850 Payment discrepancies generally.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 25, 2022		Telephonic	Oral comments may be made by calling (360) 902-8084 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including January 25, 2022 will be considered.

Date of intended adoption: January 27, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Rules Coordinator

Address: P. O. Box 40975

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax:

Other: Submit comments online at <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

By (date) January 25, 2022

Assistance for persons with disabilities:

Contact Rules Coordinator

Phone: (360) 902-7956

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) January 21, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules make the following changes to the **Working Connections and Seasonal Child Care subsidy programs**:

Rates: Authorize child care payments to providers at the 85th percentile of Washington state’s market rate; establish monthly rate authorizations and increase the non-standard hours bonus for family home child cares; increase base rates for licensed exempt family, friend, and neighbor child care providers and increase their field trip reimbursement rates.

Eligibility and copayments: Expand eligibility for student parents by including full-time community college attendance as an approved activity for eligibility; authorize initial 12-month eligibility periods for consumers and clarify that benefits start when applications are complete and child care is authorized; lower the eligibility income threshold, eliminate copayments for parents who are age 21 or younger and attend high school or are completing a high school equivalency certificate, and clarify benefits are based on their student activity schedules; reduce copayments to align with the 2021 Fair Start Act; eliminate requirement that consumer overpayments resulting from department administrative errors must be repaid; and, for self-employed consumers, better clarify what is considered self-employment, related eligibility requirements, how the department verifies and calculates self-employment income, and how total child care hours allowed will be determined.

Provider requirements: Clarify billing requirements providers must comply with to receive payment; clarify providers’ record retention requirements; eliminate requirement that DCYF must establish provider overpayments for errors resulting from department administrative errors; and modify time periods in which family homes must produce requested documents and correct payments.

Reasons supporting proposal: Rules are necessary to implement Chapter 334, Laws of 2021, which authorized July 1, 2021 rate increases for the child care subsidy programs, Chapter 199, Laws of 2021 (Fair Start Act), which authorized a new household income eligibility threshold and copayment schedule as of October 1, 2021 and enacted other measures to expand access to child care, new guidance from the federal Office of Child Care regarding when DCYF must pay a provider’s private child care rate that is less than the subsidy rate, and Chapter 339, Laws of 2020 that eliminated copayments for parents who are 21 years old or younger and attend high school or are otherwise completing a high school diploma. Additionally, the proposed rules implement ratified collective bargaining agreements between DCYF and child care providers that establish a monthly rate for family home child cares, increased rates and field trip reimbursements for license-exempt providers, and modified time periods for producing requested documents. DCYF believes that better clarifying self-employment and the related eligibility requirements, income calculation, and benefit determination will promote program integrity. Finally, as RCW 34.05.230 encourages, proposed new WAC 110-15-0036 codifies long-standing billing policies.

Statutory authority for adoption: RCW 43.216.055 and 43.216.065,

Statute being implemented: RCW 43.216.135, 43.216.136, 43.216.1368, 43.216.145,

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:

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

Name of proponent: (person or organization) Department of Children, Youth, and Families Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jason Ramynke		(360) 688-0911
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

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:
- TTY:
- Email:
- Other:

No: Please explain: DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of these rules

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: December 21, 2021

Signature:

Name: Brenda Villarreal



Title: DCYF Rules Coordinator

WAC 110-15-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Administrative error" means an error made by DCYF (~~(or DSHS)~~) through no fault of the consumer or provider.

"Approved activity" means an activity that a consumer is required to participate in at application and reapplication to be eligible to collect benefits.

"Authorization" means the transaction created by (~~(DSHS)~~) DCYF which allows the provider to claim payment during a certification period. The transaction may be adjusted based on the family need.

"Available" means being free to provide care when not participating in an approved activity under WAC 110-15-0040, 110-15-0045, or 110-15-0050 during the time child care is needed.

"Benefit" means a regular payment made by a government agency on behalf of a person eligible to receive it.

"Calendar year" means those dates between and including January 1st and December 31st.

"Capacity" means the maximum number of children the licensee is authorized to have in care at any given time.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person eligible to receive:

- (a) WCCC benefits as described in part II of this chapter; or
- (b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay the child care provider each month toward the cost of child care, whether provided under a voucher or contract.

"Days" means calendar days unless otherwise specified.

"DCYF" means the department of children, youth, and families.

"DSHS" means the department of social and health services.

"Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature, symbol, or process executed by a person with the intent to sign the record.

"Eligibility" means that a consumer has met all of the requirements of:

- (a) Part II of this chapter to receive WCCC program subsidies; or
- (b) Part III of this chapter to receive SCC program subsidies.

"Eligibility period" means the months for which households are eligible to receive WCCC or SCC program subsidies.

"Employment" or **"work"** means engaging in any legal, income generating activity that is taxable under the U.S. Tax Code or that would

be taxable with or without a treaty between an Indian Nation and the U.S. This includes unsubsidized employment, as verified by ((DSSH)) DCYF, and subsidized employment, such as:

- (a) Working in a federal or state paid work study program; or
- (b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

"Existing child care provider" means a licensed or certified provider who received a state subsidy payment between July 1, 2015, and June 30, 2016.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefits to ((~~himself or herself~~)) themselves or another person. See RCW 74.04.004.

"Homeless" means homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987 without a fixed, regular, and adequate nighttime residence.

"In-home/relative provider" or **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for working connections child care (WCCC) payment under WAC 110-15-0125.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Living in the household" means people who reside at the same physical address.

"Lump-sum payment" means a single payment that is not anticipated to continue.

"Newly eligible consumer" means a consumer that has at least one full calendar month break in benefit eligibility.

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Nonschool age child" means a child who is six years of age or younger and is not enrolled in public or private school.

"Overpayment" means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.

"Parental control" means a child is living with a biological or adoptive parent, stepparent, legal guardian verifiable by a legal or court document, adult sibling or step-sibling, nephew or niece, aunt, great-aunt, uncle, great-uncle, grandparent or great-grandparent, or an approved in loco parentis custodian responsible for exercising day-to-day care and control of the child.

"Preschool age child" means a child age ((~~thirty~~)) 30 months through six years of age who is not attending kindergarten or elementary school.

"Private school" means a private school approved by the state under chapter 28A.195 RCW.

"Program violation" means a failure to adhere to program requirements, which results in an overpayment.

"Sanction" means deterrent action imposed by the department to address a program violation finding.

"SCC" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"**School age child**" means a child who is between five years of age through ~~((twelve))~~ 12 years of age and who is attending public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"**Seasonally available agricultural related work**" means work that is directly related to the cultivation, production, harvesting, or processing of fruit trees or crops.

"**Second tier eligibility**" means an increased income limit for eligible families who reapply before the end of their current eligibility period.

"**Self-employment**" means engaging in ~~((any))~~ a legal, income-generating activity earned directly from an individual's trade or business that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. ~~((, as verified by Washington state business license, or a tribal, county, or city business or occupation license, as applicable, and a uniform business identification (UBI) number for approved self-employment activities that occur outside of the home. Incorporated businesses are not considered self-employment enterprises.))~~

"**Sign**" means placing a name or legal mark on a document by physically writing or using an electronic signature.

"**State median income (SMI)**" means an annual income figure representing the point at which there are as many families earning more than that amount as there are earning less than that amount. The Census Bureau publishes median family income figures for each state each year, depending on family size.

"**TANF**" means temporary assistance for needy families, a cash assistance program administered by DSHS.

"**Technical assistance**" means a strategy that is focused on the resolution of a specific concern or need. This may be in writing or by phone call.

"**To the extent of available funds**" means one or more of the following:

- (a) Limited or closed enrollment;
- (b) Subject to a priority list for new enrollees pursuant to applicable state and federal law and as described in WAC 110-15-2210; or
- (c) Subject to a waiting list.

"**Unintentional**" means not done willfully or on purpose.

"**Waiting list**" means a list of applicants or reapplicants eligible to receive subsidy benefits when funding becomes available.

"**WCCC**" means the working connections child care program, a child care subsidy program described in part II of this chapter that assists eligible families to pay for child care.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0005 Eligibility. (1) **Consumers.** At application and reapplication, to be eligible for WCCC, ~~((the))~~ consumers must:

- (a) Have parental control of one or more eligible children;
- (b) Live in the state of Washington;
- (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;

(d) Have countable income at or below ~~((two hundred percent of the federal poverty guidelines (FPG) and have resources under one million dollars per WAC 110-15-0022))~~ 60 percent of the SMI at initial application or at or below 65 percent of the SMI at reapplication;

(e) Not have assets that exceed \$1,000,000; and

~~((e))~~ (f) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed.

(2) Parents currently attending high school or who are age 21 or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.

(3) Children. To be eligible for WCCC, ~~((a child))~~ children must:

(a) Belong to one of the following groups as defined in WAC 388-424-0001:

(i) A U.S. citizen;

(ii) A U.S. national;

(iii) A qualified alien; or

(iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.

(b) Legally reside in Washington state, which will be determined by applying the criteria of WAC 388-424-0001 or 388-468-0005; and

(c) Be less than ~~((thirteen))~~ 13 years of age on the first day of eligibility; or

(d) Be less than ~~((nineteen))~~ 19 years of age, and:

(i) Have a verified special need, according to WAC 110-15-0020; or

(ii) Be under court supervision.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0025 Consumers' rights. When ~~((a consumer applies))~~ consumers apply for or receive~~((s))~~ WCCC benefits, ~~((the consumer has))~~ they have the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Have WCCC eligibility determined within ~~((thirty))~~ 30 days from the application date per WAC ~~((170-290-0095))~~ 110-15-0095;

(3) Be informed, in writing, of ~~((the consumer's))~~ their legal rights and responsibilities related to WCCC benefits;

(4) Receive a written notice at least ~~((ten))~~ 10 days before ~~((DSHS))~~ DCYF makes changes to lower or stop benefits except as stated in WAC ~~((170-290-0115))~~ 110-15-0115;

(5) Ask for an administrative hearing under WAC 110-15-0280 if ~~((the consumer does not agree))~~ they disagree with ~~((DSHS))~~ DCYF about a decision ~~((per WAC 170-290-0280));~~

(6) Ask a supervisor or administrator to review a decision or action affecting ~~((the consumer's))~~ their benefits without affecting ~~((the))~~ their right to an administrative hearing;

(7) Have an interpreter or translator service provided by ~~((DSHS))~~ DCYF within a reasonable amount of time and at no cost to ~~((the consumer))~~ them;

(8) Choose a provider as long as the provider meets the requirements in WAC ~~((170-290-0125))~~ 110-15-0125;

(9) Ask the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) to come back at another time. ~~((A)) Consumers ((does)) do~~ not have to let an investigator into ~~((the consumer's)) their~~ homes. ~~((This)) These~~ requests will not affect ~~((the consumer's)) their~~ eligibility for benefits. ~~((If the)) Consumers' ((refuses)) refusal~~ to ~~((cooperate-)) provide ((the)) information ((requested) with the investigator, it)~~ to an OFA investigators request could affect ~~((the consumer's)) their~~ eligibility for benefits;

(10) Access ~~((to the consumer's child))~~ their children at all times while the ~~((child is)) children are~~ in child care;

(11) Terminate child care without cause and without notice to ~~((the)) providers~~. Notice must be given to ~~((DSHS)) DCYF~~ within five days of termination;

(12) Not be charged by the consumer's licensed, certified, or license-exempt provider, or be made to pay for the difference between the provider's private rate and the state maximum rate, when the provider's private rate for child care is higher than the maximum state rate;

(13) Not be charged by ~~((the consumer's)) their~~ licensed or certified providers, or otherwise be made to pay for:

(a) The difference between ~~((the provider's)) providers'~~ registration fees and the state's maximum registration fee, when the ~~((provider's)) providers'~~ registration fees ~~((is)) are~~ higher;

(b) Any day when ~~((the consumer's child is)) their children are~~ absent;

(c) Vacation days when ~~((the)) their~~ providers' choose ~~((s))~~ to close;

(d) A higher amount than the state allows for field trips. If the consumers request ~~((s))~~, and ~~((the)) providers ((has)) have~~ a written policy in place, ~~((the)) consumers~~ may voluntarily pay the difference between the amount that the state allows and the actual cost of the field trip ~~((cost))~~;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when ~~((the)) their~~ providers stop ~~((s))~~ caring for ~~((the consumer's)) their~~ children.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0031 Notification of changes. (1) Consumers applying for or receiving WCCC benefits must:

(a) Notify ~~((DSHS)) DCYF~~ within five days of:

(i) Starting care with a provider; or

(ii) Any change in providers, including changes in providers' locations.

(b) Notify ~~((DSHS,)) DCYF~~ within ~~((ten)) 10~~ days ~~((7))~~ of:

(i) Changes of the address or telephone number of the consumer's in-home/relative provider;

(ii) Changes of the consumer's home address or telephone number;

(iii) Changes that increase the number of hours of authorized care; or

(iv) When the consumer's countable income increases and exceeds ((~~eighty-five~~)) 85 percent of ((~~state median income; or~~
~~(v) When the consumer's countable resources exceed one million~~
~~dollars~~)) SMI.

(c) The effective date of the change is:

(i) The date of the change when the consumer reports timely and provides required verification within the requested time frame;

(ii) The date the change is reported when the consumer does not report timely and provides required verification within the requested time frame; or

(iii) The date the verification is received when it is not returned within the requested time frame.

(d) When required changes are timely reported, an overpayment will not be established.

(e) When required changes are not timely reported, an overpayment may be established as provided in WAC 110-15-0271.

(2) When a consumer reports a change that will decrease their copayment, the date of change for the copayment is described in WAC 110-15-0085.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0034 Providers' responsibilities. Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, ((~~110-300A, 110-300B~~)) 110-300D, 110-300E, and ((~~110-305~~)) 110-301 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or ((~~DSHS~~)) the state auditor, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF ((~~or DSHS~~)) within ((~~twenty-eight~~)) 45 calendar days of the date of a written request from either department; and

(b) Attendance records must be provided to the state auditor's office within 30 calendar days from the date of a written request.

(6) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF (~~or DSHS~~) may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

~~((+6))~~ (7) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF (~~or DSHS~~), the provider must provide the following receipts for billed field trip/quality enhancement fees:

(a) Receipts from the previous (~~twelve~~) 12 months must be available immediately for review upon request by DCYF;

(b) Receipts from one to five years old must be provided within (~~twenty-eight~~) 28 days of the date of a written request from either department.

~~((+7))~~ (8) All child care providers must:

(a) Retain all records required by this chapter for a minimum of five years;

(b) Provide to the department records from the previous 12 months immediately upon the department's written request; and

(c) Provide to the department any records between 12 months and five years old within two weeks of the department's written request.

(9) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous (~~sixty~~) 60 days.

~~((+8))~~ (10) All child care providers must follow the billing procedures required by DCYF.

~~((+9))~~ (11) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month; however, in the event a (~~ten-day~~) 10-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the (~~ten~~) 10 calendar day notice in that following month; or

(b) Claim an invoice for payment later than (~~six~~) three months after the month of service, or the date of the invoice, whichever is later(~~;~~ or

~~(c) Charge consumers the difference between the provider's customary rate and the maximum allowed state rate).~~

~~((+10))~~ (12) Licensed and certified providers must not charge consumers for:

(a) Registration fees in excess of what is paid by subsidy program rules;

(b) Days for which the child is scheduled and authorized for care but absent;

(c) Handling fees to process consumer copayments, child care services payments, or paperwork;

(d) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or

(e) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state.

~~((+11))~~ (13) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's

licensing regulations and notify DCYF within (~~ten~~) 10 days of any suspension, revocation, or changes to their license.

NEW SECTION

WAC 110-15-0036 Billing requirements. (1) Licensed providers may claim child care subsidy or fee payments as described in this subsection.

(a) Authorized units of care.

(i) A half-day unit of care is equal to less than five hours of care per day that is authorized and provided by a child care center.

(ii) A full-day unit of care is between five and 10 hours of care per day that is authorized and provided by a child care center.

(iii) A monthly unit of care authorized and provided by a family home child care.

(b) For children who need overtime care for more than 10 hours of care per day, DCYF will pay for any additional care at the maximum state child care subsidy rate, up to 16 hours if:

(i) The child was in care during any day covered by the child care authorization; or

(ii) The child was scheduled for at least one day of overtime care; and

(iii) The center has a written policy to charge private paying families a higher rate to care for children more than 10 hours in a day.

(c) Providers may claim absent days for the 10-day period after DCYF notifies them of unplanned terminations of eligibility regardless of attendance if the child was authorized and scheduled for care and attended at least one day within the authorization period in the month the absence occurs.

(d) DCYF will pay for the following holidays, if claimed on the actual holiday or within the calendar year the holiday occurs:

(i) New Year's Day, January 1;

(ii) Martin Luther King Jr. Day, third Monday in January;

(iii) Presidents Day, third Monday in February;

(iv) Memorial Day, last Monday in May;

(v) Juneteenth, June 19;

(vi) Independence Day, July 4;

(vii) Labor Day, first Monday in September;

(viii) Veterans Day, November 11;

(ix) Thanksgiving Thursday, the fourth Thursday in November;

(x) Native American Heritage Day, the fourth Friday in November;

and

(xi) Christmas Day, December 25.

(e) Providers may claim payments for a maximum of five professional training days each year.

(f) Pursuant to WAC 110-15-0247 and subject to available funding, DCYF will pay up to \$30.00 per child for a field trip or quality enhancement fee. In addition to the requirements described in WAC 110-15-0247, to be eligible to receive the field trip or quality enhancement fees, providers must maintain a written policy that allows the provider to charge private-paying families the fees described in this subsection.

(g) Providers may claim payment for a maximum \$50 registration fee per year as described in WAC 110-15-0245. In addition to the requirements described in WAC 110-15-0245, to be eligible to receive the registration fee, providers must maintain a written policy that allows them to charge private-paying families the fee described in this subsection.

(h) Providers may claim payment for a special needs rate that is paid in addition to the state child care daily rate and is invoiced for the number of hours of care scheduled.

(2) Providers may not claim subsidy payments for days the provider is closed for reasons unrelated to professional training days or holidays as described in this section.

(3) Providers may charge families who receive subsidy payments for services not covered under the WCCC program. Providers are authorized to charge families for services not covered under the WCCC program only they maintain written policies that allow them to charge private-paying families for the same services. Services covered under this subsection include the following:

(a) Additional child care for personal reasons, such as personal appointments not covered under the authorization.

(b) Optional programs not covered by the field trip or quality enhancement fee.

(c) A field trip or quality enhancement that exceeds the \$30 maximum reimbursed by child care subsidy programs.

(d) Optional meal programs offered to families who do not provide lunch for their child.

(e) Transportation to and from school or activities.

(f) Late pick-up of the child after operating hours.

(g) Late fee for child care copayment.

(h) Nonsufficient funds (NSF) fees charged by the bank when bank funds are not available.

AMENDATORY SECTION (Amending WSR 21-09-030, filed 4/12/21, effective 5/13/21)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

(a) Employment;

(b) Self-employment; (~~(e)~~)

(c) Supplemental nutrition assistance program employment and training (SNAP E&T); or

(d) The following education programs:

(i) High school or (~~a general educational development (GED) program~~) working towards a high school equivalency certificate for consumers under (~~twenty-two~~) 22 years of age;

(ii) Part-time enrollment in a vocational education, adult basic education (ABE), high school equivalency certificate for consumers 22 years of age and older, or English as a second language (ESL) program (~~that is~~) combined with an average of (~~twenty~~) 20 or more employment hours per week or (~~sixteen~~) 16 more work-study hours per week;
or

(iii) ~~((A vocational education program for consumers who are single parents enrolled full time and in good standing. For the purposes of this section, a "vocational education program" means a course of study at an accredited institute of postsecondary education leading to a specific occupational degree or certificate not resulting in a bachelor's or advanced degree; "enrolled full time" means a consumer is attending a college or vocational school))~~ For full-time students of a community, technical, or tribal college, enrollment in:

(A) A vocational education program that leads to a degree or certificate in a specific occupation;

(B) An associate degree program; or

(C) A registered apprenticeship program.

(iv) "Full-time student" for the purpose of this subsection means a consumer attends a community, technical, or tribal college and meets its definition of full-time student(~~(;~~ and "good standing" means the consumer is enrolled in a college or vocational school and is compliant with its rules, policies, enrollment, and academic requirements;

~~(iv) Supplemental nutrition assistance program employment & training (SNAP E&T); or~~

~~(v) Adult basic education (ABE) and English as a second language (ESL) for consumers who are at least twenty-two years old).~~

~~((d))~~ (e) Applicants and consumers who meet the requirements of (c) of this subsection are eligible to receive subsidy payment for up to ~~((ten))~~ 10 hours per week of study time for approved classes.

(2) Applicants and consumers who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:

(a) Transportation time between the child care location and the consumer's place of employment or approved activity(~~(-~~

~~(3) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for)); and~~

(b) Up to eight hours of sleep time before or after a night shift.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0050 Additional requirements for self-employed WCCC consumers. Eligible self-employed WCCC consumers may be eligible, pursuant to WAC 110-15-0190, for up to 16 hours per day of child care for approved self-employment, education, training, and travel hours.

(1) ~~((Self-employment generally.))~~ To be considered self-employed, ~~((a))~~ WCCC consumers must:

(a) Earn income directly from the ~~((consumer's))~~ consumers' own trades or businesses, and not from wages paid by ~~((an))~~ employers;

(b) Be responsible to pay the ~~((consumer's))~~ consumers' own self-employment Social Security, applicable state business and occupation taxes, and federal withholding taxes; and

~~(c) ((Have a work schedule, activities or services that are not controlled in an employee-employer relationship;~~

~~(d))~~ Participate directly in the production of goods or delivery of services that generate the ~~((consumer's))~~ consumers' incomes.

(2) ~~((Home-based business.))~~ Income received from corporations:

(a) Consumers who only receive income from their ownership or part ownership in a corporation are not considered self-employed. DCYF counts income or payment received from their corporation as unearned income.

(b) DCYF authorizes child care hours based on wages or self-employment income reported on tax documents.

~~(3) Authorized child care ((must not occur in the home of a consumer who operates a)) for children of consumers operating home-based ((business)) businesses must not occur in the consumers' homes.~~

~~((3) Self-employed consumers receiving TANF. If a)) (4) Consumers ((receives)) receiving TANF ((and is)) who are also self-employed ((, he or she)) may be eligible for WCCC benefits ((as determined by the following)) if:~~

~~(a) ((The consumer must)) They have ((an)) approved self-employment plans in the ((consumer's)) consumers' individual responsibility plans as outlined in chapter 388-310 WAC;~~

~~(b) The number of activity hours of ((WCCC)) child care benefits ((a)) consumers receive((s)) for self-employment is equal to the number of hours in the ((consumer's)) consumers' approved plans; and~~

~~(c) Income from self-employment while the ((consumer is)) consumers are receiving TANF is determined by WAC 388-450-0085.~~

~~((4)) (5) Self-employed consumers not receiving TANF. ((If a consumer does not receive TANF and requests WCCC benefits for the consumer's self-employment, the consumer may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period.))~~

~~(a) ((A)) Consumers who ((does)) do not receive TANF cash assistance and request((s)) WCCC benefits for self-employment must provide ((DSHS)) DCYF with ((the consumer's)):~~

~~(i) ((Washington state business license or a tribal, county, or city business or occupation license, as applicable;~~

~~(ii) Uniform business identification (UBI) number for the state of Washington, or, for self-employment in bordering states, the registration or filing number;~~

~~(iii) Completed self-employment plan that is written, signed, dated, and includes, but is not limited to, a description of the self-employment business, proposed days and hours of work activity, including time needed for transportation, and the location of work activity;~~

~~(iv) Projected profit and loss statement for a new business that has yet reported taxable income; and~~

~~(v) Federal self-employment tax or state tax reporting forms for the most current reporting year for an established business.)) Statements of the days, hours, and locations of the consumers' work activity;~~

~~(ii) For new businesses that are not required to report taxable income, the projected profit and loss statements or statements of anticipated income after expenses;~~

~~(iii) For established businesses, state or federal self-employment tax returns or state tax transcripts and forms, including all schedules, for the most current reporting year; and~~

~~(iv) Projected profit and loss statements with supporting verifications if self-employment income is expected to be lower than recorded on provided federal or state tax documents.~~

~~(b) Consumers with new businesses that do not have federal or state tax documents may be required to provide verification of Washington state tribal, county, or city business or occupation licenses.~~

(6) Determining approved activity hours for new businesses.

(a) DCYF considers "new businesses" to be businesses that have not had a required federal tax filing.

(b) At application and reapplication, DCYF determines the number of ((WCCC)) activity hours ((a self-employed)) consumers ((is)) are eligible to receive ((during the first six consecutive months of a new business is)) based on schedules the ((consumer's report of how many hours are needed, up to sixteen hours per day)) consumers provide.

((A)) (c) Consumers ((is)) may be eligible to receive these ((starting)) new-business WCCC benefits only once during ((the consumer's)) consumers' lifetimes.

((e)) (7) Determining approved activity hours for existing businesses.

(a) DCYF considers "existing businesses" to be businesses that have been established long enough to file a quarterly state tax return or annual federal tax return, whichever occurs first.

(b) At application and reapplication, ((DSHS)) DCYF determines the number of ((eare)) activity hours ((the)) consumers ((is)) are eligible to receive ((after receiving WCCC self-employment starting-business benefits as provided in (b) of this subsection)) by:

(i) Dividing ((the consumer's)) consumers' net monthly self-employment incomes ((, after allowable expenses or the standard one hundred dollar deduction,)) by the federal or state minimum wage, whichever is lower, to determine the average monthly hours ((of care needed by the consumer)) approved for self-employment activity; and

(ii) Adding ((the consumer's)) any additional approved employment, education, training, or travel hours to the total approved self-employment activity hours.

((d) If both parents in a two-parent family are self-employed at the same or a different business, each parent must provide a self-employment plan and self-employment income verification. If the requested verification is not provided, WAC 110-15-0012 applies to determining eligibility.

((e)) (8) Self-employment income ((is calculated by subtracting either a standard one hundred dollar deduction or allowable business expenses from the consumer's)) calculation:

(a) For existing businesses, DCYF:

(i) Counts the net income reported on the federal tax return; or

(ii) Uses the state tax return and may:

(A) Subtract the documented business expenses from the reported gross income; or

(B) Subtracts a \$100 deduction per month from consumers' gross monthly self-employment income.

((The following expenses are not allowable:

(i) Federal, state, and local income taxes;

(ii) Money set aside for retirement purposes;

(iii) Personal work-related expenses (including travel to and from work);

(iv) Net losses from previous periods;

(v) Depreciation; or

(vi) Any amount greater than the payment from a boarder for lodging and meals.))

(b) For existing businesses that have income reductions not reflected on their provided federal or state tax filings, DCYF subtracts the documented business expenses from the reported gross income on the projected profit and loss statements to estimate the monthly income after expenses.

(c) For new businesses, DCYF uses the consumers' projected hours dedicated to their self-employment activity multiplied by federal minimum wage or projected profit and loss statements to estimate their monthly incomes.

(d) DCYF may ask for additional information to verify income or expenses.

(9) Both parents or guardians in two-parent or guardian families must separately meet the eligibility requirements for child care.

AMENDATORY SECTION (Amending WSR 21-01-180, filed 12/21/20, effective 1/21/21)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) DCYF takes the following steps to determine ~~((a consumer's))~~ consumers' eligibility and copayments, ~~((whether))~~ when care is provided under a WCCC voucher or contract:

(a) Determine ~~((the consumer's))~~ their family size ~~((under))~~ as described in WAC 110-15-0015 ~~((+))~~; and

(b) Determine ~~((the consumer's))~~ their countable income ~~((under))~~ as described in WAC 110-15-0065 ~~((+))~~.

(2) DCYF calculates ~~((the consumer's))~~ consumers' copayments as follows:

<u>((IF A CONSUMER'S INCOME IS:</u>	<u>THEN THE CONSUMER'S COPAYMENT IS:</u>
<u>(a) At or below 82% of the federal poverty guidelines (FPG):</u>	\$15
<u>(b) Above 82% of the FPG up to 137.5% of the FPG:</u>	\$65
<u>(c) Above 137.5% of the FPG through 200% of the FPG:</u>	The dollar amount equal to subtracting 137.5% of the FPG from countable income, multiplying by 50%, then adding \$65, up to a maximum of \$115.)

<u>If the household's income is:</u>	<u>Then the household's maximum monthly copayment is:</u>
<u>At or below twenty percent of the SMI</u>	<u>Waived</u>
<u>Above twenty percent and at or below thirty-six percent of the SMI</u>	<u>\$65</u>
<u>Above thirty-six percent and at or below fifty percent of the SMI</u>	<u>\$90</u>
<u>Above fifty percent and at or below sixty percent of the SMI</u>	<u>\$115</u>
<u>At reapplication, above sixty percent and at or below sixty-five percent of the SMI</u>	<u>\$215</u>

(3) DCYF does not prorate ~~((the))~~ copayments when ~~((a))~~ consumers ~~((uses))~~ use care for only part of a month.

(4) ~~((The FPG is updated every year. The WCCC eligibility level is updated at the same time every year to remain current with the~~

FPG.) For parents age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate, copayments are not required.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0085 Change in copayment. (1) ~~((A consumer's))~~ Consumers' copayments may change when:

- (a) ~~((The consumer's))~~ Their monthly income decreases;
 - (b) ~~((The consumer's))~~ Their family size increases and causes the copayment to decrease;
 - (c) ~~((DSHS))~~ DCYF makes an error in ~~((the consumer's))~~ their copayment computation;
 - (d) ~~((The consumer))~~ They did not report all income, activity and household information at the time of application, reapplication, or when reporting a change in circumstances;
 - (e) ~~((The consumer is))~~ They are no longer eligible for the minimum copayment ~~((under WAC 110-15-0090))~~;
 - (f) DCYF ~~((or DSHS))~~ makes a system-level change in benefits due to a change in law or program funding; or
 - (g) ~~((The consumer is))~~ They are approved for a new eligibility period.
- (2) Copayment changes are effective on the first day of the month after a change is reported and required verification is timely received.
- (3) Copayment changes are effective on the first day of the month following the month the verification is received when the required verification is not timely received.
- (4) A consumer's copayment will not be increased during a current eligibility period.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0095 When WCCC benefits start. (1) WCCC benefits for ~~((an))~~ eligible consumers begin when the following conditions are met:

- (a) ~~((The consumer has))~~ They have completed the required WCCC application and verification process within ~~((thirty))~~ 30 days of the date ~~((DSHS))~~ DCYF received ~~((the consumer's))~~ their application for WCCC benefits; and
- (b) ~~((The consumer is working or participating in an approved activity.))~~ For newly eligible consumers, when their children are authorized to receive child care with eligible providers.

(2) ~~((If a))~~ Initial authorization eligibility periods are for 12 months.

(3) Consumers who fail ~~((s))~~ to complete the initial application within ~~((thirty))~~ 30 days from the application date ~~((, the consumer))~~ must restart the application process.

~~((3) The consumer's))~~ (4) Newly eligible consumers who do not begin child care during their 12-month authorization periods must re-start the application process.

(5) Consumers' application dates ~~((is whichever of the following is))~~ are the earlier of:

(a) The date ~~((the consumer's))~~ their application is entered into ~~((DSHS's))~~ DCYF's automated system; or

(b) The date ~~((the consumer's))~~ their application is date stamped as received.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0109 Reapplication. (1) ~~((To request))~~ For WCCC benefits to be continued ~~((uninterrupted beyond the consumer's current))~~ without interruption into the new eligibility period, ~~((the))~~ consumers must reapply for WCCC benefits ~~((with DSHS))~~ on or before the end date of ~~((the))~~ their current eligibility period.

(2) Determination of ~~((the consumer's))~~ consumers' eligibility to receive uninterrupted WCCC benefits beyond ~~((the consumer's))~~ their current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) ~~((A))~~ Consumers who ~~((reapplies))~~ reapply on or before the end date of ~~((the))~~ their current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if ~~((the consumer's households' has))~~ their household's countable monthly income is greater than ~~((two hundred percent but less than two hundred twenty percent of the federal poverty guidelines (FPG))~~ 60 percent but less than or equal to 65 percent of the SMI.

~~((a))~~ If ~~((the))~~ their household's total countable monthly income is ~~((equal to or))~~ greater than ~~((two hundred twenty percent FPG))~~ 65 percent of the SMI, the reapplication will be denied.

~~((b) The copayment for a second tier eligible consumer will be determined at two hundred percent of the FPG of countable household income.))~~

(4) ~~((If a))~~ For consumers who submit ~~((s))~~ a reapplication after the last day of the current eligibility period and meet ~~((s))~~ all WCCC eligibility requirements, ~~((the consumer's))~~ benefits will begin:

(a) On the date ~~((the consumer's))~~ their reapplication is entered into ~~((DSHS's))~~ DCYF's automated system or the date ~~((the consumer's))~~ their reapplication is date-stamped as received by ~~((DSHS))~~ DCYF, whichever date is earlier;

(b) When ~~((the consumer is))~~ they are working or participating in an approved activity; and

(c) ~~((The consumer's child is))~~ Their children are receiving care from an approved provider.

(5) Newly eligible households must begin care within 12 months of the eligibility determination date. Households that do not begin care within 12 months must reapply in order to qualify for WCCC benefits.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0110 Termination of and redetermining eligibility for benefits. (1) ~~((A consumer's))~~ Consumers' eligibility for WCCC benefits is terminated if ~~((the consumer))~~ they fail~~((s))~~ to:

- (a) Comply with the requirements of WAC 110-15-0030;
- (b) Complete the WorkFirst orientation process when approved for TANF; or
- (c) Cooperate with the child care subsidy audit process and investigations involving the DSHS office of fraud and accountability (OFA).

(2) ~~((A consumer's))~~ Consumers' eligibility for WCCC benefits is terminated if ~~((the consumer:))~~

- ~~((a) Has))~~ they have or anticipate~~((s))~~ sustained countable income at or above ~~((eighty-five))~~ 85 percent of the ~~((state median income ()))~~ SMI ~~((; or~~
- ~~((b) Has resources that exceed one million dollars))~~.

(3) ~~((A))~~ Consumers whose eligibility for WCCC benefits has been terminated may be eligible to receive WCCC benefits again, beginning on the date ~~((the consumer))~~ they:

- (a) Meet~~((s))~~ all WCCC eligibility requirements;
- (b) ~~((Complies))~~ Comply with the copayment requirements contained in WAC 110-15-0030; and
- (c) Cooperate~~((s))~~ with the child care subsidy audit process and the DSHS office of fraud and accountability (OFA).

AMENDATORY SECTION (Amending WSR 19-01-111, filed 12/18/18, effective 1/18/19)

WAC 110-15-0125 Approved child care providers. (1) In-home/relative providers. To be approved to receive benefits under the WCCC program, ~~((an))~~ in-home/relative providers must comply with the applicable requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(2) Licensed providers.

(a) To be approved to receive payment under the WCCC program, ~~((a))~~ licensed providers must comply with the requirements of this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, ~~((110-300A, 110-300B, and 110-305))~~ 110-300E, and 110-301 WAC.

(b) ~~((A))~~ Providers who care~~((s))~~ for ~~((a child))~~ children who ~~((is a))~~ are Washington residents in ~~((a))~~ states that border~~((s))~~ Washington must:

- (i) Be licensed to provide care in the bordering state;
- (ii) Comply with the bordering state's licensing and background check regulations as required under 45 C.F.R. 98.42 and 45 C.F.R. 98.43;

(A) DCYF must be able to verify that the licensing state's background check requirements are comparable to Washington state; or

(B) Receive the background check results, including child abuse and neglect histories, for all individuals who have, or may have, unsupervised access to children in care.

(iii) Comply with the electronic attendance requirements contained in WAC 110-15-0126.

(c) ~~((The lesser of the following will be paid to a qualified, licensed child care provider in a state that borders Washington:~~

~~(i) The provider's private pay rate for that child; or~~

~~(ii) The DCYF maximum WCCC subsidy daily rate for the DCYF region where the child resides.)) Providers in states that border Washington who care for children who are Washington residents will be paid WCCC subsidy rates listed in WAC 110-15-0200 or 110-15-0205 for the DCYF regions in which the children reside.~~

(d) ~~((A)) Licensed providers in ~~((a))~~ states that border ~~((s))~~ Washington that receives WCCC subsidy payment to care for ~~((a child))~~ children who ~~((is a))~~ are Washington residents ~~((is))~~ are not required or eligible to participate in the early achievers program or to receive quality improvement awards, tiered reimbursements, or other awards and incentives associated with the early achievers program.~~

(3) Certified providers. To be approved to receive payment under the WCCC program, ~~((a))~~ certified providers must comply with the certification requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, ~~((110-300A, 110-300B, and 110-305))~~ 110-300E, and 110-301 WAC. Certified providers include:

(a) Tribal child care facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district; ~~((and))~~

(d) Seasonal day camps that contract with DCYF to provide subsidized child care; and

(e) Outdoor nature-based programs.

(4) Early achievers program requirements for licensed and certified child care providers that receive their first WCCC payment on or after July 1, 2016:

(a) ~~((A))~~ Licensed or certified child care providers that first receive ~~((s-a))~~ WCCC subsidy payments on or after July 1, 2016, for providing nonschool age child care must complete the following activities to be eligible to receive additional WCCC payments:

(i) Enroll in the early achievers program within ~~((thirty))~~ 30 days of receiving the first WCCC subsidy payment. ~~((A))~~ Licensed or certified provider that fail ~~((s))~~ to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program within ~~((twelve))~~ 12 months of enrollment. ~~((A))~~ Licensed or certified providers that fail ~~((s))~~ to meet this requirement will lose DCYF approval to receive DCYF subsidy payments for providing nonschool age child care;

(iii) Rate at a level 3 or higher in the early achievers program within ~~((thirty))~~ 30 months of enrollment. ~~((A))~~ Licensed or certified providers that fail ~~((s))~~ to meet this requirement within ~~((thirty))~~ 30 months of enrollment in the early achievers program ~~((r))~~ must complete remedial activities with DCYF and rate at a level 3 or higher within six months of beginning remedial activities. ~~((A))~~ Licensed or certified providers that fail ~~((s))~~ to rate at a level 3 or higher within six months of beginning remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care; and

(iv) Renew their facility rating every three years and maintain a rating level 3 or higher. If ((a)) licensed or certified providers fail((s)) to renew their facility ratings or maintain a rating level 3 or higher, the licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must comply with the provisions for participation as outlined in the early achievers operating guidelines. Failure to comply with these guidelines may result in a licensed or certified provider's loss of DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(5) Early achievers program requirements for licensed and certified child care providers that received a WCCC payment on or between July 1, 2015, and June 30, 2016:

(a) ((A)) Licensed or certified child care providers that received ((a)) WCCC subsidy payments on or between July 1, 2015, and June 30, 2016, for providing nonschool age child care, must complete the following activities to be eligible to receive additional WCCC subsidy payments:

(i) Enroll in the early achievers program by August 1, 2016. ((A)) Licensed or certified providers that fail((s)) to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program by August 1, 2017. ((A)) Providers who failed to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for nonschool age child care; and

(iii) Rate at a level 3 or higher in the early achievers program by December 31, 2019. ((A)) Licensed or certified providers that fail((s)) to meet this requirement by December 31, 2019, must complete remedial activities with DCYF and rate at a level 3 or higher by June 30, 2020. ((A)) Licensed or certified providers that fail((s)) to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must renew their facility rating every three years and maintain a rating level 3 or higher. If ((a)) licensed or certified providers fail((s)) to renew their facility rating or maintain a rating level 3 or higher, licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(6) If ((a)) licensed or certified child care providers receiving WCCC subsidy payment for providing nonschool age has successfully completed all level 2 activities and is waiting to be rated, ((the licensed or certified provider)) they may continue to receive WCCC subsidy payments pending the successful completion of the level 3 rating activity.

(7) DCYF-contracted seasonal day camps have a contract with ((DEL)) DCYF to provide subsidized child care.

WAC 110-15-0190 WCCC benefit calculations. (1) DCYF determines the amount of care ((a)) consumers may receive ((is determined by DCYF)) at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

- (a) ((The)) Consumers request((s the)) reductions;
- (b) The care is for ((a)) school-aged ((child as described in subsection (3) of this section; or)) children;
- (c) The authorization was for additional care needed for less than the entire length of the authorization period;
- (d) The care was authorized by child protective services (CPS) or child welfare services (CWS) and is part of children's case plans under WAC 110-15-4510; or
- (e) Incorrect information was given at application or reapplication.

(2) For parents age 21 years or younger who are attending high school or working towards completing a high school equivalency certificate, DCYF will authorize care based only on their student activity schedules.

(3) To determine the amount of weekly hours of care needed, DCYF reviews the child care scheduled with providers, and:

- (a) ((The consumer's)) Consumers' participation in approved activities and the number of hours ((the child)) their children attend((s)) school, including home school, which will reduce the amount of care needed((-)); or
- (b) ((In a two parent household,)) The days and times that approved activities overlap in a two parent or guardian household, and only authorize care during those overlapping times. ((The)) Consumers ((is)) are eligible for full-time care if overlapping care totals ((one hundred ten)) 110 hours in one month.
- (c) ((DCYF will not consider the schedule of a)) Parents or guardians in ((a)) two parent or guardian households who ((is)) are not able to care for ((the child)) their children under WAC 110-15-0020 are considered by DCYF to be unavailable for care, regardless of their schedules.

(3) Licensed or certified center child care is authorized as follows:

- (a) Full-time care ((for a family using licensed providers)) is authorized when ((the)) consumers participate((s)) in approved activities at least ((one hundred ten)) 110 hours per month((+ (a))).
- (b) Twenty-three full-day units per month will be authorized when ((the child is)) children are in care five or more hours per day.
- (c) Thirty half-day units per month will be authorized when ((the child is)) children are in care less than five hours per day.
- (d) Forty-six half-day units per month will be authorized during the months of June, July, and August for ((a)) school-aged ((child)) children who ((is)) are in care for five or more hours per day.

(4) Licensed family home child care is authorized as the following monthly units of care:

- (a) **Full-time monthly unit** of care, equal to 22 full day units, is authorized when:

(i) WCCC or SCC consumers participate in approved activities at least 110 hours per month or full-time care is determined to be appropriate and included in a CPS or CWS case plan; and

(ii) Their children have scheduled care with a single provider at least 110 hours per month.

(b) **Part-time monthly unit** of care, equal to the actual anticipated full- and half-day units of care needed averaged over a 12-month period, is authorized when the care scheduled with providers is less than 110 hours per month.

(c) **Full-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home and meets the criteria in subsection (5) of this section.

(d) **Part-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home before and after school and do not meet the criteria for a full-time partial-day monthly unit.

(5) **Additional monthly units** of care may be authorized when:

(a) Consumers request an authorization for additional care;

(b) The need for care is verified;

(c) The care is needed to supplement an existing monthly unit for unexpected care needed for an approved activity limited to the time frame needed, not to exceed three months;

(d) For actual anticipated overtime when the overtime is included when determining eligibility for child care; or

(e) For sleep time.

(6) Full-time partial-day monthly unit. A single partial-day monthly unit (~~per month will be~~) equal to 17 partial days and five full days is authorized for ((a)) school-age ((child)) children attending a licensed family home child care when ((the child is)) consumers have at least 110 hours of approved activity per month, and their children are:

(a) Authorized for care with only one provider; ((and))

(b) ((Eligible for full-time authorization, but is)) Scheduled for care of 110 hours or more in July and August;

(c) In care less than five hours on a typical school day; and

((e) Expected to need)) (d) Need care before and after school.

((d) Only one monthly unit may be authorized per child per month.

~~(5) Supervisor approval is required for additional days of care that exceeds twenty-three full days, thirty half days, or one partial-day monthly unit per month.~~

~~(6))~~ (7) When determining part-time care for families using licensed providers when their activity or amount of care needed is less than 110 hours per month:

(a) A full-day unit is calculated for each day of care of at least five hours;

(b) A half-day unit will be calculated for each day of care that is less than five hours; and

(c) A partial-day unit is calculated for each day of care in a licensed family home when:

(i) Their children are in care before and after school; and

(ii) The total care for the day is less than five hours.

(8) Full-time care for ((a family)) families using in-home/relative providers ((family, friends and neighbors)) is authorized when ((the)) consumers participate((s)) in approved activities at least ((one hundred ten)) 110 hours per month:

(a) Two hundred thirty hours of care ~~((will be))~~ are authorized when ~~((the child is))~~ their children are in care five or more hours per day;

(b) One hundred fifteen hours of care ~~((will be))~~ is authorized when ~~((the child is))~~ their children are in care less than five hours per day;

(c) One hundred fifteen hours of care ~~((will be))~~ is authorized during the school year for ~~((a))~~ school-aged ~~((child))~~ children who ~~((is))~~ are in care less than five hours per day and ~~((the provider will be))~~ their providers are authorized for contingency hours each month, up to a maximum of ~~((two hundred thirty))~~ 230 hours;

(d) Two hundred thirty hours of care ~~((will be))~~ is authorized during the school year for ~~((a))~~ school-aged ~~((child))~~ children who ~~((is))~~ are in care five or more hours in a day; and

(e) Supervisor approval is required for hours of care that exceed ~~((two hundred thirty))~~ 230 hours per month.

~~((7))~~ (9) Care cannot exceed ~~((sixteen))~~ 16 hours per day, per child.

~~((8))~~ When determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month:

~~(a)~~ A full-day unit will be authorized for each day of care that exceeds five hours;

~~(b)~~ A half-day unit will be authorized for each day of care that is less than five hours; and

~~(c)~~ A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.

~~(9))~~ (10) When determining part-time care for ~~((a family))~~ families using in-home/relative providers:

(a) Under the provisions of subsection (2) of this section, DCYF ~~((will))~~ authorizes the number of hours of care needed per month when the activity is less than ~~((one hundred ten))~~ 110 hours per month; and

(b) The total number of authorized hours and contingency hours claimed cannot exceed ~~((two hundred thirty))~~ 230 hours per month.

~~((10))~~ (11) DCYF determines the allocation of hours or units for families with multiple providers based upon the information received from the parents or guardians.

~~((11))~~ (12) DCYF may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent or guardian is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

~~((12))~~ (13) Other fees DCYF may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to ~~((a))~~ licensed providers when care is expected to exceed ~~((ten))~~ 10 hours in a day when consumers are eligible and authorized; and

(e) Special needs rates for a child.

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** (~~DCYF pays the lesser of the following~~) Effective July 1, 2021, the child care subsidy rates paid to ((a)) licensed or certified child care centers or DCYF contracted seasonal day camps are:
~~((a) The provider's private pay rate for that child; or
 (b) The maximum child care subsidy daily rate for that child as listed in the following table, effective July 1, 2020:))~~

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$36.27) \$41.40	(\$34.32) \$37.50	(\$31.64) \$34.20	(\$30.00) \$33.75
	Half-Day	(\$18.14) \$20.70	(\$17.16) \$18.75	(\$15.82) \$17.10	(\$15.00) \$16.88
Spokane County	Full-Day	(\$49.45) \$59.09	(\$42.32) \$47.73	(\$38.32) \$44.95	(\$27.91) \$34.99
	Half-Day	(\$24.73) \$29.55	(\$21.16) \$23.87	(\$19.16) \$22.48	(\$13.95) \$17.50
Region 2	Full-Day	(\$44.14) \$48.00	(\$34.32) \$36.59	(\$32.82) \$36.50	(\$23.86) \$27.36
	Half-Day	(\$22.07) \$24.00	(\$17.16) \$18.30	(\$16.41) \$18.25	(\$11.93) \$13.68
Region 3	Full-Day	(\$66.86) \$76.36	(\$55.41) \$68.41	(\$48.59) \$57.66	(\$34.77) \$43.64
	Half-Day	(\$33.43) \$38.18	(\$27.70) \$34.21	(\$24.30) \$28.83	(\$17.39) \$21.82
Region 4	Full-Day	(\$84.32) \$95.73	(\$69.09) \$79.55	(\$63.73) \$71.82	(\$39.23) \$45.00
	Half-Day	(\$42.16) \$47.87	(\$34.55) \$39.78	(\$31.86) \$35.91	(\$19.61) \$22.50
Region 5	Full-Day	(\$56.55) \$62.55	(\$46.77) \$54.14	(\$41.91) \$48.08	(\$28.18) \$35.00
	Half-Day	(\$28.27) \$31.28	(\$23.39) \$27.07	(\$20.95) \$24.04	(\$14.09) \$17.50
Region 6	Full-Day	(\$50.36) \$57.00	(\$44.59) \$51.00	(\$40.18) \$47.00	(\$29.41) \$35.91
	Half-Day	(\$25.18) \$28.50	(\$22.30) \$25.50	(\$20.09) \$23.50	(\$14.70) \$17.96

~~((i))~~ (a) Centers in Clark County are paid Region 3 rates.

~~((ii))~~ (b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their ~~((thirteenth))~~ 13th birthday.

(3) ~~((The))~~ Providers must obtain ~~((a))~~ child-specific and time-limited exceptions from DCYF to provide care for ~~((a child))~~ children outside the age listed on the center's license.

(4) If ~~((a))~~ providers ~~((is))~~ are granted an exception to care for a child who is ~~((thirteen))~~ 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through ~~((twelve))~~ 12 year age range column is used for comparison; and

(b) The ~~((child))~~ children must meet the special needs requirement ~~((as))~~ described in WAC 110-15-0220.

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) ~~((Base rate. DCYF pays the~~

lesser of the following to a licensed or certified family home child care provider:

~~(a) The provider's private pay rate for that child; or~~

~~(b) The maximum)) **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.~~

~~(2) Effective July 1, 2021, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy ((daily)) rates ((for that child as listed in the following table effective July 1, 2020)):~~

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1 Full-Day	(((\$34.32)) \$40.00	(((\$34.32)) \$40.00	(((\$29.41)) \$35.00	(((\$29.41)) \$32.00	(((\$27.45)) \$30.00
Half-Day	(((\$17.16)) \$20.00	(((\$17.16)) \$20.00	(((\$14.70)) \$17.50	(((\$14.70)) \$16.00	(((\$13.73)) \$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane County Full-Day	(((\$39.23)) \$42.00	(((\$39.23)) \$42.00	(((\$32.36)) \$40.00	(((\$31.18)) \$37.00	(((\$29.41)) \$36.00
Half-Day	(((\$19.61)) \$21.00	(((\$19.61)) \$21.00	(((\$16.18)) \$20.00	(((\$15.59)) \$18.50	(((\$14.70)) \$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	(((\$38.23)) \$45.00	(((\$38.23)) \$45.00	(((\$34.32)) \$37.50	(((\$30.86)) \$35.00	(((\$29.41)) \$32.00
Half-Day	(((\$19.11)) \$22.50	(((\$19.11)) \$22.50	(((\$17.16)) \$18.75	(((\$15.43)) \$17.50	(((\$14.70)) \$16.00
Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3 Full-Day	(((\$49.00)) \$55.00	(((\$49.00)) \$55.00	(((\$44.14)) \$48.86	(((\$39.27)) \$48.00	(((\$34.32)) \$40.00
Half-Day	(((\$24.50)) \$27.50	(((\$24.50)) \$27.50	(((\$22.07)) \$24.43	(((\$19.64)) \$24.00	(((\$17.16)) \$20.00
Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4 Full-Day	(((\$58.82)) \$68.18	(((\$58.82)) \$68.18	(((\$55.68)) \$63.64	(((\$49.00)) \$59.09	(((\$34.32)) \$40.00
Half-Day	(((\$29.41)) \$34.09	(((\$29.41)) \$34.09	(((\$27.84)) \$31.82	(((\$24.50)) \$29.55	(((\$17.16)) \$20.00
Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5 Full-Day	(((\$44.14)) \$48.86	(((\$44.14)) \$48.86	(((\$39.23)) \$42.00	(((\$34.32)) \$39.09	(((\$31.36)) \$35.71
Half-Day	(((\$22.07)) \$24.43	(((\$22.07)) \$24.43	(((\$19.61)) \$21.00	(((\$17.16)) \$19.55	(((\$15.68)) \$17.86
Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
Region 6 Full-Day	(((\$37.86)) \$45.00	(((\$37.86)) \$45.00	(((\$34.32)) \$43.18	(((\$31.36)) \$38.00	(((\$28.95)) \$32.50
Half-Day	(((\$18.93)) \$22.50	(((\$18.93)) \$22.50	(((\$17.16)) \$21.59	(((\$15.68)) \$19.00	(((\$14.48)) \$16.25
Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	\$24.38

~~((2) Effective July 1, 2019,)) (3) The monthly unit for family home providers in all regions and for all ages will ((receive)) include a partial-day rate that is ((seventy-five)) 75 percent of the full-day rate when:~~

~~(a) ((The family home)) Providers provide((s)) child care services for ((the)) a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;~~

~~(b) The child is absent from care in order to attend school or preschool; and~~

~~(c) ((The)) Family home providers ((is)) are not entitled to payment at the full-day rate.~~

~~((d) A child care provider is not entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.~~

~~(3) A single partial-day monthly unit will be authorized for a school-age child who attends a licensed family home child care and is:~~

~~(a) Eligible for a full-time authorization and in care for less than five hours on a typical school day;~~

~~(b) Authorized for care with only one provider; and~~

~~(c) Expected to need care before and after school.~~

Partial-Day Monthly Rates

	July-August 2020	September 2020 - June 2021
Region 1	\$603.90	\$487.24
Spokane	\$647.02	\$522.03
Region 2	\$647.02	\$522.03
Region 3	\$755.04	\$609.18
Region 4	\$755.04	\$609.18
Region 5	\$689.92	\$556.64
Region 6	\$636.90	\$513.86

~~(4) The monthly unit will be prorated for partial months of authorization.~~

~~(5)) (4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.~~

~~(5) School age children will be authorized for 22 full days in July and August when:~~

~~(a) They are authorized for a full-time, full-time partial-day, monthly unit; or~~

~~(b) They are authorized for a part-time, part-time partial-day, monthly unit;~~

~~(c) Are scheduled for child care with a single provider at least 110 hours per month; and~~

~~(d) The consumer participates in an approved activity at least 110 hours per month.~~

~~(6) Monthly units will be prorated for partial months of authorization.~~

~~(7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.~~

~~(8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.~~

~~(9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their ((thirteenth)) 13th birthday.~~

~~((6) The)) (10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for ((a child)) children outside the age listed on ((the family home child care)) their licenses.~~

~~((7) If a)) (11) For providers ((is)) who are granted an exception to care for a child who is ((thirteen)) 13 years of age or older at application or reapplication:~~

~~(a) The payment rate is the same as subsection (1) of this section and the five through ((twelve)) 12 year age range column is used for comparison; and~~

~~(b) The child must meet the special needs requirement as described in WAC 110-15-0220.~~

~~((8)) (12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection ((9)) (13) of this section).~~

~~((9)) (13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:~~

~~(a) The child's biological, adoptive or step-parent;~~

(b) The child's (~~legal~~) guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When ((a)) consumers employ(~~s an~~) in-home/relative providers, DCYF pays (~~the lesser of the following to an eligible in-home/relative provider for child care:~~

~~(a) The provider's private pay rate for that child; or~~

~~(b) The maximum child care subsidy rate of two dollars and fifty-five cents)) \$2.65 per hour per child. Beginning July 1, ((2020)) 2022, the maximum child care subsidy rate is ((two dollars and sixty-five cents)) \$3.00 per hour per child.~~

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to ((a consumer's)) consumers' eligible providers.

(4) When applicable, DCYF pays the employer's share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA).

(5) ((If an)) For in-home/relative providers who receive((s)) less than the wage base limit per family in a calendar year, DCYF re-funds all withheld taxes to ((the provider)) them.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0247 Field trip/quality enhancement fees. (1) ((DSHS)) As funding allows, DCYF pays licensed or certified family home child care providers and in-home/relative providers a monthly field trip/quality enhancement fee up to ((thirty dollars)) \$30 per child or the ((provider's)) providers' actual cost for the field trip, ((whichever is less, only)) if the fee is required of all parents and guardians whose children are in ((the provider's)) their care. ((DEL-licensed)) DCYF-licensed or certified child care centers and school-age centers are not eligible to receive the field trip/quality enhancement fee.

(2) The field trip/quality enhancement fee is to cover the ((pro-vider's)) providers' actual expenses for:

(a) Admission;

(b) Enrichment programs and/or ongoing lessons;

(c) Public transportation or mileage reimbursement at the state office of financial management rate for the use of a private vehicle;

- (d) The cost of hiring a nonemployee to provide an activity at the child care site in-house field trip activity; and
 - (e) The purchase or development of a prekindergarten curriculum.
- (3) The field trip/quality enhancement fee (~~shall~~) will not cover fees or admission costs for adults on field trips, or food purchased on field trips.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0249 Nonstandard hours bonus. (1) (~~A consumer's~~) Consumers' providers may receive a nonstandard hours bonus (NSHB) payments per child per month for care provided if:

- (a) The providers (~~is~~) are licensed or certified;
- (b) (~~The provider~~) They provide(~~s~~) at least (~~thirty~~) 30 hours of nonstandard hours care during one month; and
- (c) The total cost of the state's NSHB (~~to the state does~~) payments do not exceed the amount appropriated for this purpose by the legislature for the current (~~state~~) fiscal year.

(2) Nonstandard hours are defined as:

- (a) Before 6 a.m. or after 6 p.m.;
- (b) Any hours on Saturdays and Sundays; and
- (c) Any hours on legal holidays, as defined in RCW 1.16.050.

(3) NSHB amounts are:

- (a) (~~Seventy-six~~) Ninety dollars (~~and fifty cents~~) for family homes; and
- (b) Seventy-five dollars for centers.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0267 Payment discrepancies—Provider underpayments.

(1) Underpayments to (~~a~~) providers occur (~~if~~) when DCYF pays less than the amount (~~the~~) providers (~~is~~) are eligible to receive.

(2) Underpayment requests will only be considered by (~~DSHS~~) DCYF if (~~the~~) providers (~~submitted the~~) submit their original invoice for payment to DCYF no later than (~~six~~) three months after the date of service.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0268 Payment discrepancies—Provider overpayments.

(1) An overpayment occurs when (~~a~~) providers receive(~~s~~) payments that (~~is~~) are more than (~~the~~) providers (~~is~~) are eligible to receive. Provider overpayments (~~are~~) may be established when (~~that~~) providers:

(a) Bill((s)) and receive((s)) payments for services not provided;

(b) Bill((s)) without attendance records that support the billing. Beginning July 1, 2018, attendance must be recorded using DCYF's electronic attendance system or a DCYF-approved electronic attendance system. Any other format for recording attendance will not be considered valid support for ((a)) provider billings and may result in ((a)) overpayments;

(c) Bill((s)) and receive((s)) payments for more than ((the provider is)) they are eligible to bill;

(d) Routinely provide((s)) care in ((a)) locations other than what was approved at the time of authorization;

(e) With respect to license-exempt in-home/relative providers, they bill((s)) the state for more than six children at one time for the same hours of care; or

(f) With respect to licensed or certified providers, they:

(i) Bill((s)) the state for more than the number of children in the provider's licensed capacity; or

(ii) ((Is)) Are caring for ((a child)) children receiving WCCC benefits outside the ((provider's)) providers' licensed allowable age range without a DCYF-approved exception; or

(g) With respect to certified providers caring for children in ((a)) states bordering Washington, they:

(i) ((Is)) Are determined to not be in compliance with the state's licensing regulations; or

(ii) Fail((s)) to notify ((DSHS)) DCYF within ((ten)) 10 days of any suspension, revocation, or change to the provider's license.

(2) DCYF ((or DSHS)) will request documentation from ((a)) providers when preparing to establish an overpayment. ((The)) Providers must provide requested information within ((twenty-eight consecutive)) 45 calendar days from the date of the written request.

(3) ((A)) Providers ((must)) may be required to repay any payments that ((the provider was)) they were not eligible to receive.

(4) ((A)) Providers ((must)) may be required to repay ((any)) overpayments they received, even if ((the overpayment is)) they were the result of a DCYF ((or DSHS)) error in issuing payment ((the)) a provider was not eligible to receive.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0271 Payment discrepancies—Consumer. (1) ((DSHS)) DCYF establishes overpayments for past or current consumers when the consumer:

(a) Received benefits in an amount greater than the consumer was eligible to receive;

(b) Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity, but the consumer did not participate in the activity;

(c) Failed to report information accurately under the requirements of this chapter, which resulted in an error in determining eligibility, amount of care authorized, or copayment;

(d) Received benefits for a child who was not eligible under WAC 110-15-0005, 110-15-0015, or 110-15-0020; or

(e) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC 110-15-0012.

(2) DCYF or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has ~~((fourteen))~~ 14 consecutive calendar days to provide any requested documentation.

(3) Consumers ~~((must repay any benefits paid by DSHS that they were not eligible to receive.~~

~~((4) A consumer must)) may be required to repay any overpayments ~~((, even if the))~~ they received, including overpayments ~~((is a result of a))~~ resulting from DCYF or DSHS error ~~((in issuing payment the consumer was))~~ and benefits paid by DSHS or DCYF they were not eligible to receive.~~

~~((5))~~ (4) If a consumer is not eligible under WAC 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) Providers must submit a billing invoice for payment within ~~((six))~~ three months of the date child care services are provided. Any invoice submitted more than ~~((six))~~ three months from date child care services are provided will not be processed.

(3) For purposes of correcting payment errors based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error was based on rates paid by age or region, except as provided in (a)(iii) of this subsection; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; and

(iii) Three years back from the date the payment was issued for any underpayment identified by a federal or state audit.

(b) For overpayments:

(i) Two years back from the date payment was issued if the error was based on rates paid by age or region, except as provided in (b)(iii) of this subsection; and ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within two years of the date the payment was issued; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service

or by certified mail, return receipt requested, within three years of the date the payment was issued.

(4) For in-home/relative and family home child care providers, disputes regarding underpayments may be addressed through the grievance process provided for in the collective bargaining agreement.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-2210 Eligibility. (1) If ~~((the))~~ applicants or reapplicants meet ~~((s))~~ one of the qualifiers of the priority list and otherwise meet ~~((s))~~ all eligibility requirements of Part II or III of this chapter, ~~((the applicant or reapplicant))~~ they will not be placed on the wait list and will be eligible to receive WCCC subsidies. The priority list includes:

- (a) Families applying for or receiving TANF;
- (b) Families receiving TANF and working to cure a sanction;
- (c) Foster children;
- (d) Families that include a child with special needs;
- (e) Families with teen parents (under age ~~((twenty-two))~~ 22) who are not living with a parent or guardian, and who are attending a high school full-time that has an on-site child care center;
- (f) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from ~~((DSHS))~~ DCYF in the past six months and has received a referral for child care as part of the family's case management; and
- (g) Reapplicants who received subsidies within the last ~~((thirty))~~ 30 days and:
 - (i) Have reapplied for subsidies; and
 - (ii) Have household income of ~~((two hundred percent federal poverty level))~~ 60 percent of the SMI or below.

(2) As provided in WAC ~~((170-290-0001))~~ 110-15-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the wait list and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, ~~((an))~~ applicants ~~((or))~~ and reapplicants not belonging to a group on the priority list will have their names placed on the wait list upon approval of eligibility. ~~((The))~~ Names will be placed on the wait list based on ~~((the date of the))~~ their application or reapplication dates and served as funds become available.

(4) ~~((If the))~~ For applicants ~~((or))~~ and reapplicants who remain ~~((s))~~ on the wait list for ~~((twelve))~~ 12 months or longer, ~~((a))~~ new eligibility determinations will be required when subsidy child care becomes available.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3570 Notification of changes. (1) When ~~((a))~~ consumers ~~((applies))~~ apply for or receive ~~((s))~~ SCC program subsidies, ~~((the consumer))~~ they must:

(a) Notify ~~((DSSH))~~ DCYF, within five days, of any change in providers;

(b) Notify ~~((DSSH))~~ DCYF, within ~~((ten))~~ 10 days, when ~~((the consumer's))~~ their countable income increases and the change would cause ~~((the consumer's))~~ their countable income to exceed ~~((eighty-five))~~ 85 percent state median income as provided in WAC ~~((170-290-0005))~~ 110-15-0005;

~~((c))~~ ~~((Notify DSSH, within ten days, when the consumer's countable resources exceed one million dollars as provided in WAC 170-290-3558;~~

~~((d))~~ Notify ~~((DSSH))~~ DCYF, within ~~((ten))~~ 10 days, when ~~((the consumer's))~~ their home address or telephone number changes; and

~~((e))~~ ~~((d))~~ Notify ~~((the consumer's))~~ their providers ~~((7))~~ within ~~((ten))~~ 10 days ~~((7))~~ of when ~~((DSSH))~~ DCYF changes ~~((the consumer's))~~ their child care authorization.

(2) When ~~((a))~~ consumers receive ~~((s))~~ SCC benefits, ~~((he or she))~~ they may notify ~~((DSSH))~~ DCYF when:

(a) The number of child care hours ~~((the consumer))~~ they need ~~((s))~~ changes ~~((more or less hours))~~;

(b) Their household income decreases, which may lower ~~((the))~~ their copayment;

(c) Their household size changes, such as ~~((any))~~ if family members ~~((moving))~~ move in or out of ~~((the consumer's))~~ their home, which may lower ~~((the))~~ their copayment; or

(d) ~~((The consumer's))~~ Their legal obligation to pay child support changes.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3640 Determining income eligibility and copayment.

(1) For the SCC program, ~~((DSSH))~~ DCYF determines ~~((a consumer's))~~ consumers' family ~~((s))~~ income eligibility and copayment by:

(a) ~~((The consumer's))~~ Their family size as defined under WAC ~~((170-290-3540))~~ 110-15-3540;

(b) ~~((The consumer's))~~ Their average monthly income as calculated under WAC ~~((170-290-3620))~~ 110-15-3620; and

(c) ~~((The consumer's))~~ Their family's average monthly income as compared to the ~~((federal poverty guidelines (FPG))~~ SMI.

(2) At application and reapplication, ~~((if a consumer's family's))~~ consumers are not eligible for the SCC program when their family income is above the maximum eligibility limit as provided in WAC ((170-290-0005, the consumer's family is not eligible for the SCC program)) 110-15-0005.

(3) ~~((The FPG is updated every year. The SCC eligibility level is updated at the same time every year to remain current with the FPG.~~

~~(4))~~ SCC ~~((shall))~~ will assign a copayment amount based on ~~((the family's))~~ families' countable income. ~~((The))~~ Consumers pay~~((s))~~ the copayment directly to ~~((the))~~ their child care providers.

~~((5))~~ (4) SCC does not prorate ~~((the))~~ copayments.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3750 Eligible child care providers. To receive payment under the SCC program, ~~((a consumer's))~~ consumers' child care providers must ~~((be:~~

~~(1) Currently licensed as required by chapter 43.215 RCW and 170-295, 170-296A, or 170-297 WAC;~~

~~(2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. The SCC program pays the lesser of the following to qualified child care facilities in bordering states:~~

~~(a) The provider's private pay rate for that child; or~~

~~(b) The state maximum child care subsidy rate for the DSHS region where the child resides; or~~

~~(3) Exempt from licensing but certified by DEL, such as:~~

~~(a) Tribal child care facilities that meet the requirements of tribal law;~~

~~(b) Child care facilities on a military installation; and~~

~~(c) Child care facilities operated on public school property by a school district.~~

~~(4) New child care providers, as defined in WAC 170-290-0003, who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who received a subsidy payment for nonschool age child care on or after July 1, 2016, and received no such payments during the period July 1, 2015, through June 30, 2016, must:~~

~~(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and~~

~~(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.~~

~~(b) Adhere to the provisions for participation as outlined in the most recent version of the *Early Achievers Operating Guidelines*. Failure to adhere to these guidelines may result in a provider's loss of eligibility to receive state subsidy payments nonschool age child care;~~

~~(c) Complete level 2 activities in the early achievers program within twelve months of enrollment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;~~

~~(d) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If an eligible provider fails to rate at a level 3 or higher within thirty months of enrollment in the~~

early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher within six months of beginning remedial activities. A provider who fails to receive a rating within thirty months of enrollment or fails to rate at a level 3 or higher within six months of beginning remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(5) Existing child care providers who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who have received a subsidy payment for a nonschool age child in the period July 1, 2015, through June 30, 2016, must:

(a) Enroll in the early achievers program by August 1, 2016. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and

(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.

(b) Complete level 2 activities in the early achievers program by August 1, 2017. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019;

(d) If an existing provider fails to rate at a level 3 or higher by December 31, 2019, in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher by June 30, 2020. A provider who fails to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(6) If a child care provider serving nonschool age children, as defined in WAC 170-290-0003, and receiving state subsidy payments for nonschool age child care has successfully completed all level 2 activities and is waiting to be rated, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity)) comply with the eligibility requirements described in WAC 110-15-0125.

WAC 110-15-3770 Authorized SCC payments. The SCC program may authorize payments to licensed or certified child care providers ((for:

~~(1) Basic child care either full-day or half-day, at rates listed in the chart in WAC 110-15-0200 and 110-15-0205:~~

~~(a) A full day of child care when a consumer's children need care for five to ten hours per day;~~

~~(b) A half day of child care when a consumer's children need care for less than five hours per day;~~

~~(c) Full-time care when the consumer participates in one hundred ten hours or more of approved activities per calendar month based on the consumer's approved activity schedule. Full-time care means twenty-three full day units if the child needs five or more hours of care per day or thirty half-day units if the child needs fewer than five hours of care per day;~~

~~(2) Family home providers in all regions and for all ages will receive a partial-day rate that is seventy-five percent of the full-day rate when:~~

~~(a) The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;~~

~~(b) The child is absent from care in order to attend school or preschool; and~~

~~(c) The family home provider is not entitled to payment at the full day rate.~~

~~(d) In no event will a child care provider be entitled to two partial day rates totaling one hundred fifty percent of the daily rate.~~

~~(3) A single partial-day monthly unit will be authorized for a school-age child who is:~~

~~(a) Eligible for a full-time authorization, but is in care for less than five hours on a typical school day;~~

~~(b) Authorized for care with only one provider;~~

~~(c) Expected to need care before and after school.~~

~~(4) The monthly unit will be prorated for partial months of authorization.~~

~~(5) A registration fee, according to WAC 110-15-0245;~~

~~(6) The field trip/quality enhancement fees in WAC 110-15-0247;~~

~~(7) The nonstandard hours bonus in WAC 110-15-0249; and~~

~~(8) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 110-15-0220, 110-15-0225, and 110-15-0230)) as described in WAC 110-15-0190, 110-15-0200, and 110-15-0205.~~

WAC 110-15-3840 New eligibility period. (1) ~~((If a consumer wants to receive SCC program subsidies for another)) To request SCC benefits be continued uninterrupted beyond consumer current eligibility periods, ((he or she)) they must reapply ((for SCC benefits)) to DCYF on or before the end date of ((the)) their current eligibility periods. ((To determine if a consumer is eligible, DSHS:~~

~~(a) Requests reapplication information before the end date of the consumer's current SCC eligibility period; and~~

~~(b) Verifies the requested information for completeness and accuracy.~~

~~(2) A consumer may be eligible for SCC program subsidies for a new eligibility period if:~~

~~(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;~~

~~(b) The consumer's provider is eligible for payment under WAC 170-290-3670 and 170-290-3750; and~~

~~(c) The consumer meets all SCC eligibility requirements.~~

~~(3) Effective October 1, 2016, if a consumer's household has countable income greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG, the consumer may be eligible for a three-month eligibility period called income phase-out. In determining eligibility for the income phase-out period, the following rules apply:~~

~~(a) All countable income must be between two hundred and two hundred twenty percent of the FPG. If the countable income exceeds two hundred twenty percent of the FPG, DSHS denies the reapplication;~~

~~(b) DSHS applies all other eligibility criteria for a reapplication, with the exception of income as described above;~~

~~(c) There is no break between the twelve-month eligibility period and the income phase-out period;~~

~~(d) DSHS calculates the consumer's copayment at two hundred percent of the FPG of countable household income;~~

~~(e) DSHS certifies the consumer for a three-month eligibility period;~~

~~(f) The consumer will need to reapply for a new twelve-month certification period if the consumer's household income falls below two hundred percent of the FPG during or at the end of the three-month income phase-out period; and~~

~~(g) The consumer will not be eligible for a second, back-to-back income phase-out period if the countable income of the consumer's household remains between two hundred and two hundred twenty percent of the FPG at the end of the first three-month income phase-out period.~~

~~(4) If DSHS determines that a consumer is eligible for SCC program subsidies based on the consumer's reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.~~

~~(5) If a consumer fails to contact DSHS on or before the end date of the consumer's current SCC eligibility period to request SCC program subsidies, he or she must reapply according to WAC 170-290-3665.)~~

(2) Determination of consumers' eligibility to receive uninterrupted SCC benefits beyond their eligibility periods will be made pursuant to the eligibility rules contained in this chapter.

(3) Consumers who reapply on or before the end date of their current eligibility periods may receive continued, uninterrupted benefits through second tier eligibility if their household has countable income greater than 60 percent but less than or equal to 65 percent of the SMI. If their countable monthly income is greater than 65 percent of the SMI, their reapplications will be denied.

(4) If consumers submit reapplications after the last day their current eligibility periods end and meet eligibility requirements, their consumer benefits will begin:

(a) On the date their reapplications are entered into DCYF's automated system or the date their reapplications are date-stamped as received by DCYF, whichever date is earlier;

(b) When they are working or participating in approved activities; and

(c) Their children are receiving care from approved providers under WAC 110-15-3750.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-3850 Payment discrepancies generally. Child care subsidy payment discrepancies are described in WAC 110-15-0266 through 110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for (~~six~~) three months after the date of services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 110-15-0090 Minimum copayment.