

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

WAC 110-15-0126 Electronic attendance records.

(1) ~~((Within ninety days of initial approval to receive WCCC or SCC benefits, providers must adopt the department's electronic attendance recordkeeping system or a department-approved electronic attendance recordkeeping system to record a child's attendance. Ninety days following approval, providers not using an approved electronic attendance system will no longer receive WCCC or SCC payments.))~~ For a provider to be eligible to receive a WCCC or SCC payment, the provider must use the department's electronic attendance recordkeeping system, or a department preapproved electronic attendance system capable of performing the functions described in subsection (3) of this section.

(a) For purposes of this subsection only, a provider is eligible to receive a WCCC or SCC payment before the provider's use of the department's electronic attendance recordkeeping system, or a department preapproved electronic attendance system, if the provider's use of the system begins on or before:

(i) The final calendar day of the third month that follows the initial approval to receive WCCC or SCC subsidy payments; or

(ii) The expiration date of an extension issued by the department.

(b) Subject to the requirements described in subsection (1)(a), providers must record each child's attendance using either:

(i) The department's electronic attendance recordkeeping system; or

(ii) A department preapproved electronic attendance recordkeeping system.

(2) For a provider to be eligible to receive a WCCC or SCC payment under subsection (1) of this section without the use of the department's electronic attendance recordkeeping system or a department preapproved electronic attendance recordkeeping system, the provider must be in possession of a valid waiver of such use issued by the department.

(3) The electronic attendance recordkeeping system must:

(a) Record an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar authentication by the parent or designee when signing the child in and out of the provider's care;

(b) Ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against alterations of the electronic records;

(c) Produce an authentic, verifiable record for each transaction that complies with all legal and other requirements regarding the record's structure, content, and time of creation or receipt;

(d) Prove the identity of the sender of the record;

(e) Uniquely identify each record;

(f) Capture an electronic record for each transaction conducted;

(g) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed and managed as a unit;

(h) Retain electronic records in an accessible form for their legal minimum retention period;

- (i) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period;
- (j) Produce authentic copies of electronic records and supply them in usable formats for business purposes and all public access purposes;
- (k) Contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits the person viewing or printing the entire electronic record to verify:
 - (i) The contents of the electronic record;
 - (ii) The method used to sign the electronic record, if applicable;
 - (iii) The person signing the electronic record; and
 - (iv) The date when the signature was executed



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 08, 2020

TIME: 4:28 PM

WSR 20-09-053

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes
- No
- If Yes, explain: _____

Purpose: For Working Connections (WCCC) and Seasonal Child Care (SCC): Child care providers must electronically submit to DCYF children’s attendance records using the department’s electronic filing system or a department preapproved electronic recordkeeping system in order to receive WCC or SCC payment. Electronic recordkeeping must begin prior to the final day of the third month following a provider’s approval to participate in WCC or SCC. The amendment allows electronic recordkeeping to begin prior to the end of an extension issued by the department.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 110-15-0126
- Suspended:

Statutory authority for adoption: RCW 43.216.055 and 43.216.065

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Governor Jay Inslee issued proclamation 20-05 declaring a state of emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. The Governor’s proclamation directed state agencies to do everything reasonably possible to respond to and recover from the COVID-19 outbreak. As of March 11, 2020, the World Health Organization has classified COVID-19 as a pandemic. The effects of its extreme risk of person-to-person transmission throughout Washington state significantly impact the life and health of our people, as well as our economy, and pose particular challenges to the availability of quality early learning and child care services for families with low incomes. Training on the electronic recordkeeping system will not be available under the state of emergency ends. Believing that electronic recordkeeping may be a barrier to participation in subsidy programs, especially without available training, the department is issuing automatic electronic recordkeeping extensions with each new approval. These emergency amendments accommodate those extensions..

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

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

The number of sections adopted in order to comply with:

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|-----------------------------|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |

Recently enacted state statutes: New ____ Amended ____ Repealed ____

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

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

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

Date Adopted: April 8, 2020

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

