



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: October 27, 2023

TIME: 12:55 PM

WSR 23-22-083

**Agency:** Department of Children, Youth, and Families (DCYF)

**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:** DCYF is amending these rules to increase child care center and licensed family home provider rates to the 85<sup>th</sup> percentile of the current market and increasing Family Friends and Neighbor rates to \$3.85 effective 7/1/23 and delayed implementation for another increase to \$4 on 7/1/24.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: 110-15-0200, 110-15-0205, and 110-15-0240
- Suspended:

**Statutory authority for adoption:** RCW 74.04.050

**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:** These rules are needed to comply with [Engrossed Second Substitute Senate Bill 5237](#) and Chapter 199, Laws of 2021. This is the second emergency filing for these rules. They have been in effect under emergency status since July 1, 2023 under WSR 23-14-100.

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

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

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>3</u>	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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 \_\_\_\_ Repealed \_\_\_\_

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

New \_\_\_\_ Amended 3 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	____

<b>Date Adopted:</b> October 27, 2023	<b>Signature:</b> 
<b>Name:</b> Brenda Villarreal	
<b>Title:</b> DCYF Rules Coordinator	

AMENDATORY SECTION (Amending WSR 22-16-081, filed 8/1/22, effective 9/1/22)

**WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps.** (1) **Base rate.** Effective July 1, (~~(2022)~~) 2023, the child care subsidy rates paid to licensed or certified child care centers or DCYF contracted seasonal day camps are:

		Infants (Birth - 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	<del>(\$48.02)</del> <u>\$62.05</u>	<del>(\$43.50)</del> <u>\$56.14</u>	<del>(\$39.67)</del> <u>\$53.18</u>	<del>(\$39.15)</del> <u>\$53.36</u>
	Half-Day	<del>(\$24.04)</del> <u>\$31.03</u>	<del>(\$21.75)</del> <u>\$28.07</u>	<del>(\$19.84)</del> <u>\$26.59</u>	<del>(\$19.58)</del> <u>\$26.68</u>
Spokane County	Full-Day	\$68.54	<del>(\$55.37)</del> <u>\$56.59</u>	\$52.14	<del>(\$40.59)</del> <u>\$49.00</u>
	Half-Day	\$34.27	<del>(\$27.69)</del> <u>\$28.30</u>	\$26.07	<del>(\$20.30)</del> <u>\$24.50</u>
Region 2	Full-Day	<del>(\$55.68)</del> <u>\$59.09</u>	<del>(\$42.44)</del> <u>\$49.09</u>	<del>(\$42.34)</del> <u>\$44.77</u>	<del>(\$31.74)</del> <u>\$32.73</u>
	Half-Day	<del>(\$27.84)</del> <u>\$29.55</u>	<del>(\$21.22)</del> <u>\$24.55</u>	<del>(\$21.17)</del> <u>\$22.39</u>	<del>(\$15.87)</del> <u>\$16.37</u>
Region 3	Full-Day	\$88.58	<del>(\$79.36)</del> <u>\$80.36</u>	<del>(\$66.89)</del> <u>\$72.50</u>	<del>(\$50.62)</del> <u>\$65.45</u>
	Half-Day	\$44.29	<del>(\$39.68)</del> <u>\$40.18</u>	<del>(\$33.45)</del> <u>\$36.25</u>	<del>(\$25.31)</del> <u>\$32.73</u>
Region 4	Full-Day	<del>(\$111.05)</del> <u>\$113.64</u>	<del>(\$92.28)</del> <u>\$101.59</u>	<del>(\$83.31)</del> <u>\$85.68</u>	<del>(\$52.20)</del> <u>\$90.64</u>
	Half-Day	<del>(\$55.53)</del> <u>\$56.82</u>	<del>(\$46.14)</del> <u>\$50.80</u>	<del>(\$41.66)</del> <u>\$42.84</u>	<del>(\$26.10)</del> <u>\$45.32</u>
Region 5	Full-Day	\$72.56	<del>(\$62.80)</del> <u>\$64.00</u>	\$55.77	<del>(\$40.60)</del> <u>\$54.18</u>
	Half-Day	\$36.28	<del>(\$31.40)</del> <u>\$32.00</u>	\$27.89	<del>(\$20.30)</del> <u>\$27.09</u>
Region 6	Full-Day	<del>(\$66.12)</del> <u>\$77.00</u>	<del>(\$59.16)</del> <u>\$67.50</u>	<del>(\$54.52)</del> <u>\$57.73</u>	<del>(\$41.66)</del> <u>\$50.23</u>
	Half-Day	<del>(\$33.06)</del> <u>\$38.50</u>	<del>(\$29.58)</del> <u>\$33.75</u>	<del>(\$27.26)</del> <u>\$28.87</u>	<del>(\$20.83)</del> <u>\$25.12</u>

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

(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 13th birthday.

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

(4) If providers are granted an exception to care for a child who is 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 12 year age range column is used for comparison; and

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

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

**WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers.** (1) **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)) 2023, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy rates:

	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)
<u>(Region 1</u> Full-Day	\$40.00	\$40.00	\$35.00	\$32.00	\$30.00
† Half-Day	\$20.00	\$20.00	\$17.50	\$16.00	\$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane County Full-Day	\$42.00	\$42.00	\$40.00	\$37.00	\$36.00
Half-Day	\$21.00	\$21.00	\$20.00	\$18.50	\$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	\$45.00	\$45.00	\$37.50	\$35.00	\$32.00
Half-Day	\$22.50	\$22.50	\$18.75	\$17.50	\$16.00
Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3 Full-Day	\$55.00	\$55.00	\$48.86	\$48.00	\$40.00
Half-Day	\$27.50	\$27.50	\$24.43	\$24.00	\$20.00
Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4 Full-Day	\$68.18	\$68.18	\$63.64	\$59.09	\$40.00
Half-Day	\$34.09	\$34.09	\$31.82	\$29.55	\$20.00
Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5 Full-Day	\$48.86	\$48.86	\$42.00	\$39.09	\$35.71
Half-Day	\$24.43	\$24.43	\$21.00	\$19.55	\$17.86
Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
Region 6 Full-Day	\$45.00	\$45.00	\$43.18	\$38.00	\$32.50
Half-Day	\$22.50	\$22.50	\$21.59	\$19.00	\$16.25
Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	(\$24.38))
<u>Region 1</u> Full-Day	\$49.23	\$49.23	\$47.09	\$40.00	\$36.59
Half-Day	\$24.62	\$24.62	\$23.55	\$20.00	\$18.30
Partial-Day	\$36.92	\$36.92	\$35.32	\$30.00	\$27.44
Spokane County Full-Day	\$48.00	\$48.00	\$48.00	\$45.00	\$45.00
Half-Day	\$24.00	\$24.00	\$24.00	\$22.50	\$22.50
Partial-Day	\$36.00	\$36.00	\$36.00	\$33.75	\$33.75
Region 2 Full-Day	\$66.00	\$66.00	\$59.09	\$48.00	\$40.00
Half-Day	\$33.00	\$33.00	\$29.55	\$24.00	\$20.00
Partial-Day	\$49.50	\$49.50	\$44.32	\$36.00	\$30.00
Region 3 Full-Day	\$65.00	\$65.00	\$59.09	\$54.18	\$49.23
Half-Day	\$32.50	\$32.50	\$29.55	\$27.09	\$24.62
Partial-Day	\$48.75	\$48.75	\$44.32	\$40.64	\$36.92
Region 4 Full-Day	\$81.82	\$81.82	\$75.00	\$68.95	\$60.00
Half-Day	\$40.91	\$40.91	\$37.50	\$34.48	\$30.00
Partial-Day	\$61.37	\$61.37	\$56.25	\$51.71	\$45.00
Region 5 Full-Day	\$59.09	\$59.09	\$59.09	\$49.23	\$44.32
Half-Day	\$29.55	\$29.55	\$29.55	\$24.62	\$22.16
Partial-Day	\$44.32	\$44.32	\$44.32	\$36.92	\$33.24
Region 6 Full-Day	\$59.09	\$59.09	\$55.00	\$53.00	\$45.00
Half-Day	\$29.55	\$29.55	\$27.50	\$26.50	\$22.50
Partial-Day	\$44.32	\$44.32	\$41.25	\$39.75	\$33.75

(3) The monthly unit for family home providers in all regions and for all ages will include a partial-day rate that is 75 percent of the full-day rate when:

(a) Providers provide child care services for 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) Family home providers are not entitled to payment at the full-day rate.

(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 13th birthday.

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

(11) For providers who are granted an exception to care for a child who is 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 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.

(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 (13) of this section).

(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 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 22-05-007, filed 2/3/22, effective 3/6/22)

**WAC 110-15-0240 Child care subsidy rates—In-home/relative providers.** (1) **Base rate.** When consumers employ in-home/relative providers, DCYF pays (~~(\$2.65)~~) \$3.85 per hour per child. Beginning July 1,

((2022)) 2024, the maximum child care subsidy rate is (~~(\$3.00)~~) \$4.00 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 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) For in-home/relative providers who receive less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to them.