



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 19, 2024
TIME: 9:06 AM

WSR 24-17-110

Agency: Department of Children, Youth, and Families

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 24-14-034 ; 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)

110-15-0215 – Infant enhancement rate
110-15-0249 – Nonstandard hours bonus

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 21, 2024 - September 24, 2024	11:59 pm	Telephonic	Comments can be made by calling (360) 972-5385 and leaving a voicemail that includes the comment or emailing the Rules Coordinator. All comments must be received by the date and time listed below.

Date of intended adoption: November 1, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name DCYF Rules Coordinator
 Address _____
 Email dcyf.rulescoordinator@dcyf.wa.gov
 Fax _____
 Other <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>
 Beginning (date and time) _____
 By (date and time) _____

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator
 Phone (360) 522-3691
 Fax _____
 TTY _____
 Email dcyf.rulescoordinator@dcyf.wa.gov
 Other _____
 By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Early Learning Division is revising the infant enhancement rate and non-standard hours bonus rate to align with requirements set forth in Engrossed Substitute Senate Bill 5950, section 229, chapter 376, Laws of 2024.

Reasons supporting proposal: See purpose

Statutory authority for adoption: Chapter 34.05 RCW; RCW 43.216.020; RCW 43.216.065; Engrossed Substitute Senate Bill 5950, section 229, chapter 376, Laws of 2024.

Statute being implemented: RCWs 34.05.220, 43.216.020 and 43.216.065

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: N/A

Name of proponent: (person or organization) DCYF

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting	Christin James	DCYF Olympia WA, 98501	(360) 688-0479
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:

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input 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 19.85.025\(4\)](#). (Does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: August 19, 2024

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 22-12-072, filed 5/27/22, effective 7/1/22)

WAC 110-15-0215 Infant enhanced rate. Licensed and certified child care providers accepting state subsidy may receive an infant enhancement payment of (~~(\$90)~~) \$300 per month for each infant who is enrolled in their child care and attends at least one day per month.

AMENDATORY SECTION (Amending WSR 23-23-083, filed 11/13/23, effective 12/14/23)

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

(a) The providers are licensed or certified;

(b) They provide at least 30 hours of nonstandard hours care during one month; and

(c) The total cost of the state's NSHB payments do not exceed the amount appropriated for this purpose by the legislature for the current 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) One hundred (~~(thirty-five)~~) fifty dollars for family homes; and

(b) One hundred (~~(thirty-five)~~) fifty dollars for centers.