



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 01, 2024

TIME: 3:30 PM

WSR 24-20-130

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

Effective date of rule:

Permanent Rules

31 days after filing.

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

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

Yes No If Yes, explain:

Purpose: The Early Learning Division (ELD) is revising the eligibility requirement for child care and food assistance. ELD is also implementing changes that allow individuals utilizing birth to three Early Childhood Education and Assistance Program (ECEAP) and Early Head Start Programs as an approved activity for eligibility. These WAC revisions are necessary to comply with the November 1, 2024, legislative requirements.

Citation of rules affected by this order:

New:

Repealed:

Amended: 110-15-0005, 110-15-0045, 110-15-0065, 110-15-0075

Suspended:

Statutory authority for adoption: Chapter 34.05 RCW; RCW 43.216.020; RCW 43.216.065; Substitute House Bill 1945, section 1, chapter 225, Laws of 2024; Second Substitute House Bill 2124, section 4, chapter 282, Laws of 2024.

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-17-145 on August 21, 2024 (date).

Describe any changes other than editing from proposed to adopted version: None.

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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>4</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___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

New	___	Amended	<u>4</u>	Repealed	___
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The number of sections adopted using:

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

Date Adopted: October 1, 2024

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

WAC 110-15-0005 Eligibility. (1) Consumers at the time of application and reapplication must meet the following requirements to be eligible for WCCC:

(a) Have parental control of one or more eligible children;
(b) Live in Washington state;
(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) Not have assets that exceed \$1,000,000;
(e) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed; and

(f) Have one of the following:
(i) Countable income at or below:
(A) Sixty percent of the SMI at initial application; or
(B) Sixty-five percent of the SMI at reapplication;

(ii) A household annual income adjusted for family size that does not exceed 75 percent of the SMI within the first 12 months of a state-registered apprenticeship program; or

(iii) Have a household annual income adjusted for family size that does not exceed 85 percent of the SMI and confirmed or verified in the department's electronic workforce registry to be employed by:

(A) A licensed or certified child care provider ((as confirmed or verified in the department's electronic workforce registry and have a household annual income adjusted for family size that does not exceed 85 percent of the SMI));

(B) An early childhood education and assistance program;

(C) A birth to three early childhood education and assistance program;

(D) A head start program;

(E) An early head start program; or

(F) A successor federal program.

(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 must meet the following requirements to be eligible for WCCC:

(a) Reside in Washington state; and

(b) Be less than age:

(i) Thirteen on the first day of eligibility; or

(ii) Nineteen and:

(A) Have a verified special need, as outlined in WAC 110-15-0020;
or

(B) Be under court supervision.

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. Applicants and consumers:

(1) Not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

- (a) Employment;
 - (b) Self-employment;
 - (c) Supplemental nutrition assistance program employment and training (SNAP E&T); ~~((e#))~~
 - (d) Have a child enrolled in:
 - (i) A birth to three early childhood education and assistance program; or
 - (ii) An early head start program; or
 - (e) The following education programs:
 - (i) High school or working towards a high school equivalency certificate for consumers under age 22;
 - (ii) Part-time enrollment in a:
 - (A) Vocational education;
 - (B) Adult basic education (ABE);
 - (C) High school equivalency certificate for consumers age 22 and older; or
 - (D) English as a second language (ESL) program combined with an average of:
 - (I) Twenty or more employment hours per week;
 - (II) Sixteen or more work-study hours per week; or
 - (iii) 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.
- (2) Who meet the requirements of subsection (1)(d) of this section are eligible to receive subsidy payment for up to 10 hours per week of study time for approved classes.
- (3) 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; 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 110-15-0065 Calculation of income. ((DSHS)) The department uses a consumer's countable income when determining income eligibility and copayment. A consumer's countable income is the sum of all their income listed in WAC 110-15-0060 minus any child support paid out through a court order, division of child support administrative order, or tribal government order.

(1) To determine a consumer's income, ((DSHS)) the department must either:

- (a) Calculates an average monthly income by:
 - (i) Determining the number of months, weeks, or pay periods it took the consumer's WCCC household to earn the income(~~(#)~~) and dividing the income by the same number of months, weeks or pay periods(~~(#)~~); or

(ii) ~~((If the past wages are no longer reflective of the current income, DSHS may accept))~~ Accepting the employer's statement of current ~~((r))~~ or anticipated wages for future income determination ~~((-))~~ if the past wages are no longer reflective of the current income; or

(b) ~~((When the consumer begins new employment and has less than three months of wages, DSHS uses))~~ Use the best available estimate of the consumer's WCCC household's current income when the consumer begins new employment and has less than three months of wages as:

(i) ~~((As))~~ Verified by the consumer's employer; or

(ii) ~~((As))~~ Provided by the consumer through a verbal or written statement documenting the new employment at the time of application, reapplication or change reporting, and wage verification within ~~((sixty))~~ 60 calendar days of ~~((DSHS))~~ the department's request.

(2) If a consumer receives a lump sum payment, ~~((+))~~ such as money from the sale of property or back child support payment ~~((+))~~, in the month of application or during the consumer's WCCC eligibility:

(a) ~~((DSHS calculates))~~ The department must:

(i) Calculate a monthly amount by dividing the lump sum payment by ~~((twelve))~~ 12; and

~~((b) DSHS adds))~~ (ii) Add the monthly amount to the consumer's expected average monthly income for the:

~~((i) For the))~~ (A) Month it was received; and

~~((ii) For the))~~ (B) Remaining months of the current eligibility period; and

~~((e))~~ (b) To remain eligible for WCCC the consumer must meet WCCC income guidelines after the lump sum payment is applied.

(3) Active recipients of the supplemental nutrition assistance program are income eligible.

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) The department determines consumers' eligibility and copayments, when care is provided under a WCCC voucher or contract, by:

(a) Family size as described in WAC 110-15-0015; and

(b) Countable income as described in WAC 110-15-0065.

(2) The department calculates consumers' copayments as follows:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the SMI	Waived
Above 20 percent and at or below 36 percent of the SMI	\$65
Above 36 percent and at or below 50 percent of the SMI	\$90
Above 50 percent and at or below 60 percent of the SMI	\$165

If the household's income is:	Then the household's maximum monthly copayment is:
At reapplication, above 60 percent and at or below 65 percent of the SMI	\$215
An applicant between 60 percent and 75 percent of the SMI for families participating in a state-registered apprenticeship	\$215

(3) Active recipients of the supplemental nutrition assistance program are income eligible and the copayment will be determined using the income standards in subsection (2) of this section.

(4) The department does not prorate copayments when consumers use care for only part of a month.

~~((4))~~ (5) The department waives copayments for eligible consumers who ~~((are))~~ meet one or more of the following:

(a) Age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate;

(b) Employed by ~~((a licensed or certified child care provider))~~, as confirmed or verified in the department's electronic workforce registry~~((?))~~:

(i) A licensed or certified child care provider;

(ii) An early childhood education and assistance program;

(iii) A birth to three early childhood education and assistance program;

(iv) A head start program;

(v) An early head start program; or

(vi) A successor federal program;

(c) ~~((Eligible))~~ Eligibility under:

(i) WAC 110-15-0023; or

(ii) WAC 110-15-0024.