

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development
(agency name)

Administrative Order No. 86-16

(1) I, Chuck Clarke, Deputy Director, director of the Department of Community Development

do promulgate and adopt at Ninth & Columbia Building, MS/GH-51, Olympia, Washington. (place)

the annexed rules relating to:

Early Childhood Education and Assistance Program (Chapter 365-170 WAC) -- WAC 365-170-010 Authority; WAC 365-170-020 Purpose; WAC 365-170-030 Definitions; WAC 365-170-040 Contractor Funding; WAC 365-170-050 Applicant Eligibility Criteria; WAC 365-170-060 Application Process; WAC 365-170-070 Award of Contracts; WAC 365-170-080 Client Eligibility Criteria; WAC 365-170-090 Program Design; WAC 365-170-100 Administrative Component.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [ ] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [ ] at a later date, such date being.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Chuck Clarke, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

During the initial process of filing the WACS for the Early Childhood Education and Assistance Program, the Attorney General's office went through a change in assignment for Department of Community Development's representative attorney. Therefore, the WAC document filing was delayed.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[ ] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute. [ ] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[ ] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency) as authorized in RCW 43.63 A.060 and 34-04 RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 15, 19 86

STATE OF WASHINGTON FILED

SEP 17 1986

By Chuck Clarke Deputy Director Title

CODE REVISER'S OFFICE WSR 86-19-050

## Chapter 365-170 WAC

## STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS

## WAC

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| 365-170-010 | Authority.                           |
| 365-170-020 | Purpose.                             |
| 365-170-030 | Definitions.                         |
| 365-170-040 | Contractor funding.                  |
| 365-170-050 | Eligibility criteria for applicants. |
| 365-170-060 | Application process.                 |
| 365-170-070 | Award of contracts.                  |
| 365-170-080 | Eligibility criteria for clients.    |
| 365-170-090 | Program design.                      |
| 365-170-100 | Administrative component.            |

NEW SECTION

WAC 365-170-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in chapter 418, Laws of 1985.

NEW SECTION

WAC 365-170-020 PURPOSE. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local early childhood education and assistance programs.

NEW SECTION

WAC 365-170-030 DEFINITIONS. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program assistance.

(2) "At risk" means children residing in low income families who are by virtue of their socio-economic status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community development.

(5) "Direct service" means any educational, health or social service for children which is designed to meet the program standards.

(6) "Director" means the director of the department of community development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds

appropriated to assist local early childhood education and assistance programs.

(8) "Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, or adoption.

(9) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(10) "Like educational services" means programs funded by other sources that provide children with a learning environment and a varied experience which helps them develop socially, intellectually, physically, and emotionally in a developmentally appropriate manner toward an overall goal of social and educational competence.

(11) "Low income" means a family whose total income before taxes for the twelve months prior to the enrollment of their child in the early childhood education and assistance program is equal to, or less than, federally established poverty guidelines as defined by the office of management and budget.

(12) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

#### NEW SECTION

WAC 365-170-040 CONTRACTOR FUNDING. The legislature determines the amount of funding available to award state-wide to early childhood education and assistance programs.

(1) Five percent of the total funds shall be used by the department for staff development funds for local programs, longitudinal studies of participants and control groups, and unique costs associated with the start up of new programs.

(2) Five percent of the total funds shall be used by the department to administer, provide technical assistance, and monitor the local early childhood education and assistance programs.

(3) Up to sixty percent of the remaining funds shall be made available to successfully competitive programs in counties where twenty percent or fewer of the children found eligible to receive program services are being served.

(4) At least forty percent of the funds shall be made available to successfully competitive programs in counties where more than twenty percent of the eligible children are being served.

#### NEW SECTION

WAC 365-170-050 ELIGIBILITY CRITERIA FOR APPLICANTS. (1) Public or private nonsectarian organizations are eligible to apply for funding as an early childhood education and assistance program.

(2) Organizations along the Washington border in Idaho and Oregon who propose to serve children in Washington state are eligible to apply for funding.

(3) A consortium of organizations are eligible to apply.

(4) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(5) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

(6) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.

#### NEW SECTION

WAC 365-170-060 APPLICATION PROCESS. (1) Funds shall be awarded on a competitive basis.

(2) An applicant must make formal response using forms issued and procedures established by the department.

(3) A rating team composed of persons with program and fiscal management experience will review and rank the proposals.

(4) The department shall have the final discretion to award funds.

(5) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

#### NEW SECTION

WAC 365-170-070 AWARD OF CONTRACTS. (1) Awards shall not exceed a level of two thousand seven hundred dollars per child enrolled in the program.

(2) Department funds may not supplant other existing funding sources.

(3) Administrative costs under this program are limited to fifteen percent of the total award.

#### NEW SECTION

WAC 365-170-080 ELIGIBILITY CRITERIA FOR CLIENTS. (1) A child must be four years old by August 31 of the contract year.

(2) A child must be a member of a household with income at or below the federally established poverty level for the twelve months preceding enrollment.

(3) A child may not otherwise be a participant in a federal or state program providing like educational services.

(4) As many as ten percent of the available funded enrollment slots may be filled by at risk children who are eligible under the OSPI WAC criteria for developmentally handicapped and who are enrolled in other state or federal programs.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.

NEW SECTION

WAC 365-170-090 PROGRAM DESIGN. Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

## (1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(c) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) Health (medical and dental) activities and practices are integrated into daily classroom and home visit activities.

(f) Meals and snack periods will be scheduled appropriately to meet childrens' needs.

(g) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(h) Staff and parents will use positive techniques of guidance, including redirection, anticipation and elimination of potential problems, positive reinforcement and encouragement. Staff and parents will not use corporal punishment or other humiliating or frightening discipline techniques.

## (2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns.

(e) Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program.

(f) Food preparation service operations will comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(g) The program will have available a qualified nutritionist to provide regular or periodic supervision of the food services operation.

## (3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of

age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives.

(c) A policy committee will be formed at the subcontractor level only if all program functions are subcontracted to another organization.

(d) Center committees will be established in each center composed of parents of enrolled children.

#### NEW SECTION

WAC 365-170-100 ADMINISTRATIVE COMPONENT. Services to children and their families will be delivered through one or more of the following options:

(1) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education-related home visits to families will be completed during the year. Classroom size will not exceed eighteen children with an adult:child ratio of 1:6. Based on unique local circumstances programs may submit a request for waiver of classroom size and adult:child ratio requirements to the department.

(2) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits. The case load for home visitors will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

(3) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A proposal for a locally designed option must: Be derived from an analysis of the options presented above and must represent a more effective approach to meeting the needs of children in the community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the proposal for a locally designed option is acceptable on a case-by-case basis.

(4) Staff qualifications: Lead teachers in every classroom of children in a center base program will have one or more of the following credentials: An associate of arts degree in early childhood education with a minimum of two years of post-degree experience working in a preschool or kindergarten, or a baccalaureate degree in early childhood education or child development with a minimum of one year of post-degree experience working in a preschool or kindergarten. A lead teacher should have some experience working with families of low income.

(5) Home base teachers or family educators will have one or more of the following credentials: An associate of arts degree in human services and two years of experience or a baccalaureate degree in adult education or development, social work or psychology and one year

of experience. All experience must be pertinent to direct involvement with families of low income.

(6) Organizations may submit a request to the department to waive the above staff qualifications which must include a narrative justifying the local labor pool shortage.

(7) Staff will receive preemployment physical examinations, tuberculosis tests, and evaluation of any infection. Regular volunteers will be tested for tuberculosis.

(8) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(9) Transportation:

(a) Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet safety standards as set forth by the office of the superintendent of public instruction or the department of health and human services and will comply with annual safety inspections.

(b) Drivers of personal vehicles used to transport children to and from program activities must maintain adequate insurance coverage and carry a current driver's license. Drivers operating vehicles transporting six or more children will have an intermediate endorsement on their driver's license.

(10) Suspected abuse:

Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.