

State of Washington

Department of Community Development
(agency name)

Administrative Order No. 88-04

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

do promulgate and adopt at the Department of Community Development
(place)

the annexed rules relating to:

Early Childhood Education and Assistance Program,
Chapter 365-170 WAC

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

This action is taken pursuant to Notice No. WSR 88-15-075
filed with the code reviser on July 22, 1988. 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, _____, 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:

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

(3) Pursuant to the requirements of RCW 34.04.026¹ 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 28A.34A.060
which directs that the

Department of Community Development
(agency)

has authority to implement the provisions of

Chapter 28A.34A RCW
(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the
(agency)

as authorized in 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 August 30, 19 88

STATE OF WASHINGTON
FILED

AUG 31 1988

By Linda Dupont-Johnson
Linda Dupont-Johnson
Deputy Director
Title

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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. These rules are also adopted under the specific authority delegated to the department under RCW 28A.34A.060 to adopt rules for the administration of the program. The program which these rules are designed to implement is found in chapter ((418;--laws--of--1985)) 28A.34A RCW.

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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, or legal obligation to provide support.

(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 comprehensive programs providing educational, social, parent involvement, and health services 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 family" means a family whose total income before taxes for the twelve months or full calendar year, whichever period better reflects the current income of the family, 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)) department of health and human services. The term also includes a family receiving aid to families with dependent children or participating in the Family independence program under chapter 74.21 RCW.

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

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

WAC 365-170-040 ((CONTRACTOR)) DETERMINATION OF FUNDING. Funds shall be allocated or awarded by the department consistent with the legislature's ((determines)) determination of the amount of funding available to award state-wide to early childhood education and assistance programs and any conditions imposed by the legislature on the use of such funds. Funds received from other sources will be administered according to the terms of the grant or award, if not inconsistent with the terms of this chapter, chapter 28A.34A RCW, and other applicable laws or rules.

((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.))~~

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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 programs.

~~(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 public or private nonsectarian organizations, or both, are eligible to apply.~~

~~((4)) (3) 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)) (4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.~~

~~((6)) (5) 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.~~

~~(6) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farm-worker families, and Native American families living on or off reservation.~~

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

WAC 365-170-060 ((APPLICATION)) PROCESS FOR ALLOCATING OR AWARDING FUNDS. (1) Funds shall be awarded on a competitive basis or allocated by the department.

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

(3) ((A-rating-team-will-review-and-rank-the-proposals-and-shall-be-composed-of-persons-with-expertise-in-early-childhood-education-and-program-and-fiscal-management-experience.

(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)) all applicants of funding decisions. All recipients of funds shall be provided with a contract for signature. This contract must be signed by an official with authority to bind the ((applicant)) recipient and must be returned to the department prior to the award or allocation of any funds under this program.

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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

(2)) Department funds ((may)) shall not be used to supplant other existing funding sources.

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

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system.

Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.

(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)) low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled ((by--"environmentally-at-risk"--children--who--are--eligible--according--to--one--or--more--of--the--following--criteria:

(a)-Developmentally-handicapped-as-defined-by-OSPI-WAC-criteria;

(b)-Served-by-other-state-or-federal-programs;-and/or

(c)--Reside-in-a-family-which-does-not-meet-federal-poverty-standards)) with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

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

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

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-children's-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))~~ {f} Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement~~((--During-program-time-staff-and-parents--will-not-use-corporal-punishment-or-other-humiliating-or-frightening-discipline-techniques))~~ during the actual hours of program operation while the child is participating in program activities supervised by program staff.

{g} Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(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 which will be integrated into instructional activities in home based and center based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.130 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

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

~~((f)-Food-preparation-service-operations-will))~~ and shall 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 which includes, but is not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(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*))~~

AMENDATORY SECTION (Amending Order 87-02, filed 1/23/87)

WAC 365-170-100 ADMINISTRATIVE COMPONENT. (1) Services to children and their families will be delivered through one or more of the following options:

~~((1))~~ (a) 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. ~~((Class-room))~~ Class unit 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))~~ There shall be a lead teacher for every class unit.

~~((2))~~ (b) 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 by a home base educator. The case load for home ~~((visitors))~~ base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

((3)) (c) 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: Contain rationale as to why the center based and home based options ((presented-above)) in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific 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)) (2) The following staff qualifications are required for lead teachers in a center based program:

(a) For lead teachers, experience with low-income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or

(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:

(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a

month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low-income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) 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 unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.

(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.

((19)) (5) 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))~~ all applicable local ordinances and state and federal laws, rules, and regulations.

~~((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.~~

~~{+0})~~ (7) 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.

(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.