

WSR 22-22-099
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed November 2, 2022, 8:56 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310 (4) (f).

Title of Rule and Other Identifying Information: WAC 110-15-0210 Tiered reimbursement and quality improvement awards.

Hearing Location(s): On December 6, 2022, telephonic. Make oral comments by calling 360-522-2826 and leaving a voicemail that includes the comment and an email or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including December 6, 2022, will be considered.

Date of Intended Adoption: December 8, 2022.

Submit Written Comments to: DCYF rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online, by December 6, 2022.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, by December 2, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed rules implement section 305, chapter 199, Laws of 2021, which requires the department to establish a dual language designation and provide subsidy rate enhancements or site-specific grants for licensed or certified child care providers and early childhood education and assistance program (ECEAP) or birth-to-three ECEAP contractors who are given the dual language designation.

Reasons Supporting Proposal: The proposed dual language rate enhancement supports a language access plan within licensed and certified child care facilities that centers equity and access for immigrants, multilingual providers, caregivers, and families.

Statutory Authority for Adoption: RCW 43.216.592.

Statute Being Implemented: RCW 43.216.592.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting: Athena Jiménez-Manalo, 360-688-0195; Implementation and Enforcement: DCYF, state-wide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5) [(a)] (i). Further, DCYF does not voluntarily make that section applicable to the adoption of these rules.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Scope of exemption for rule proposal:

Is fully exempt.

November 2, 2022
Brenda Villarreal
Rules Coordinator

OTS-3877.3

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0210 Tiered reimbursement ((and)), quality improvement awards, and dual language enhancements. (1) Providers receiving payment under the WCCC program will receive a tiered reimbursement as outlined in the ((the)) Early Achievers Operating Guidelines, available on DCYF's website.((the))

(2) Quality improvement awards, as described by chapter 43.216 RCW, are reserved for early achievers participating providers offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy for licensed family homes and at least five percent of nonschool age children receiving subsidy for licensed centers.

(a) Qualifying state subsidy programs include working connections child care (WCCC), seasonal child care (SCC), DCYF child welfare child care programs, homeless child care program (HCCP), ECLIPSE and medic-aid child care programs. Other qualifying programs may include those supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations.

(i) Participants providing homeless child care program, ECLIPSE, or medicaid services must present DCYF with information indicating that services were provided under these programs.

(ii) Participants providing subsidized child care supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations must present DCYF with information indicating that services were provided under these programs.

(b) Percent subsidy calculations are derived from a monthly average of the number of children receiving qualifying subsidy divided by the monthly average licensed capacity of a specific provider over a ((twelve-month)) 12-month period.

(i) The ((twelve-month)) 12-month period utilized for the above calculation will include the ((twelve)) 12 months prior to the formal release of a facility's early achievers rating.

(ii) Facilities must have provided care at least one day in a given month for that month to be utilized in the above calculation.

(3) Eligible providers may receive a dual language enhancement.

(a) For purposes of this subsection, "eligible providers" means providers who:

(i) Accept WCCC, SCC, or CWCC payments;

(ii) Are enrolled in the early achievers program; and

(iii) Meet the requirements for the dual language designation standard described in the *Early Achievers Operating Guidelines, available on DCYF's website.*

(b) Dual language enhancements must be spent on professional development training, the purchase of dual language and culturally ap-

propriate curricula and accompanying training programs, instructional materials, increased wages for individual staff who provide bilingual instruction, or other related expenses.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0210, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0210, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-113, § 170-290-0210, filed 10/22/13, effective 11/22/13.]