

olution No. 84-1), § 296-116-300, filed 1/20/84; 83-17-055 (Order 83-6, Resolution No. 83-6), § 296-116-300, filed 8/17/83; 82-13-065 (Order 82-4, Resolution No. 82-4), § 296-116-300, filed 6/16/82. Statutory Authority: RCW 88.16.035. 81-12-017 (Order 81-2, Resolution No. 81-2), § 296-116-300, filed 5/29/81; 80-06-084 (Order 80-1, Resolution No. 80-1), § 296-116-300, filed 5/28/80. Statutory Authority: RCW 88.16.035(4). 79-07-033 (Order 79-4, Resolution No. 79-4), § 296-116-300, filed 6/19/79. Statutory Authority: Chapter 88.16 RCW and 1977 ex. sess. c 337, §§ 1 and 4. 78-02-008 (Order 78-1), § 296-116-300, filed 1/6/78, effective 2/10/78; Order 77-18, § 296-116-300, filed 9/20/77, effective 11/1/77; Order 76-24, § 296-116-300, filed 7/22/76; Order 75-3, § 296-116-300, filed 2/10/75; Order 74-2, § 296-116-300, filed 1/8/74; Order 73-8, § 296-116-300, filed 6/20/73 and Emergency Order 73-10, filed 7/19/73, effective 8/14/73; Order 70-7, § 296-116-300, filed 7/16/70; 7/25/67; 2/18/64; 10/29/62; 12/28/60; 3/23/60.]

Title 365 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY DEVELOPMENT)

Chapters

- 365-140** State funding of local emergency food programs.
- 365-170** State funding for local early childhood education and assistance programs.

Chapter 365-140 WAC

STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS

WAC

365-140-010	Authority.
365-140-030	Definitions.
365-140-040	Contractor funding allocation and award of contracts.
365-140-050	Applicant eligibility criteria.
365-140-060	Financial support application process.

WAC 365-140-010 Authority. These rules are adopted under the authority of RCW 43.330.040 (2)(g) which provides that the director shall adopt rules necessary to carry out the purposes of the chapter. RCW 43.330.130 provides that among its functions and responsibilities the department shall coordinate services to communities that are directed to the poor and disadvantaged, including emergency food assistance.

[Statutory Authority: RCW 43.330.040. 99-15-062, § 365-140-010, filed 7/16/99, effective 8/16/99. Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-010, filed 9/18/87; 86-08-043 (Order 85-15), § 365-140-010, filed 3/27/86.]

WAC 365-140-030 Definitions. (1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Food bank" means an emergency food program that distributes unprepared food without charge to its clients, is open a fixed number of hours and days each week or month, and such hours and days are publicly posted.

(4) "Food distributor" means a food distribution agency that collects, warehouses, and distributes food to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

(6) "Emergency food assistance program" means the state-wide activities of the department to assist local emergency food programs by allocating and awarding state funds.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community, trade, and economic development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local food banks to provide emergency food assistance to individuals, and with food distributors to provide food to food banks.

(10) "Tribal food voucher program" means the state-wide activities of the department which allocate and award state funds to tribes and tribal organizations that issue food vouchers to clients.

(11) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(12) "Participating food bank" means a local public or private nonprofit food bank which enters into a subcontract with a lead agency contractor to provide emergency food assistance to individuals.

(13) "Emergency food" means food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

(14) "Special dietary needs" mean funds to purchase food that meets the nutritional needs of special needs population.

(15) "In-kind" means the value of volunteer services or donated goods such as staff time, rent, food, supplies and transportation.

(16) "Administrative costs" mean management and general expenses, including membership dues, that cannot be readily identified with a particular program or direct services.

(17) "Operational expenses" mean those costs clearly identifiable with providing direct services to eligible clients, or distribution services to food banks such as staff time, transportation costs, and equipment rental.

[Statutory Authority: RCW 43.330.040. 99-15-062, § 365-140-030, filed 7/16/99, effective 8/16/99. Statutory Authority: RCW 43.63A.060. 95-12-002, § 365-140-030, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5). 94-18-073, § 365-140-030, filed 9/2/94, effective 10/3/94; 93-18-021 (Order 93-06), § 365-140-030, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-030, filed 9/18/87; 86-20-010 (Order 86-14),

§ 365-140-030, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-030, filed 3/27/86.]

WAC 365-140-040 Contractor funding allocation and award of contracts. At least seventy percent of the total allocation appropriated by the legislature shall be contracted to lead agency contractors. These funds shall be for the purpose of funding the activities of food banks and food distributors, the purchase of special dietary needs foods, and providing special dietary needs training. The specific appropriation for timber and salmon dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department administrative costs, allocations shall be contracted to a discretionary program if the department elects to award such contracts, the tribal food voucher program, and additional special dietary needs training. Allocations for each county shall be contracted to lead agency contractors on the following basis:

(1) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee.

This formula may only be changed at the beginning of a biennial contract period.

(2) The department shall award the lead agency contract to an eligible contractor as defined by the department, that is supported by a least two-thirds of the participating food banks in a county.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a contract to no more than one lead agency contractor in each county, with the exception of King County, where there may be three lead agency contractors, to administer subcontracts with one or more participating food banks and food distributors.

(5) Federally recognized tribes may apply to the department directly for the food bank program without having to subcontract with the lead agency. They must meet all the same criteria and requirements as lead agencies.

(6) Within each lead agency service area, except for the additional funds specifically allocated for food banks in timber and salmon dependent communities, funds shall be allocated between food distributors, food banks, and special dietary needs foods and training based on a two-thirds vote of all participating food banks and the lead agency.

(7) The additional funds specifically allocated for food banks in timber and salmon dependent communities shall remain in the amounts identified by the legislature.

(8) If participating food banks designate funds for food distribution, they shall elect with a two-thirds vote of the participating food banks and the lead agency, an eligible distributor as defined by the department. They may choose more than one distributor with which to subcontract. The lead agency contractor shall be responsible for subcontracting with the food distributor(s).

(9) A formula for distributing the funds to each tribe and tribal organization participating in the emergency food assistance program in proportion to need shall be established by the department in consultation with a committee consisting of

representatives from all tribes participating in the program. This formula may only be changed at the beginning of a biennial contract period.

(10) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(11) Tribes may apply for the food bank funds or the food voucher funds or both. Tribes will receive the same amount of funds whether they participate in one or both programs, computed as their share of the allocated EFAP tribal funds. It will be up to the discretion of each participating tribe how it allocates the EFAP funds.

(12) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the lead agency contractor may request authorization from the department to reallocate funds, within its service area, to an area of unmet need.

(13) In the event that a portion of the funds allocated to a subcontracting tribe within a tribal contractor's contract remains unspent or unclaimed, the tribal contractor may request authorization from the department to reallocate funds to one of its other subcontracting tribes with unmet needs.

[Statutory Authority: RCW 43.330.040, 99-15-062, § 365-140-040, filed 7/16/99, effective 8/16/99. Statutory Authority: RCW 43.63A.060, 95-12-002, § 365-140-040, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5), 93-18-021 (Order 93-06), § 365-140-040, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 43.63A.060, 89-22-032, § 365-140-040, filed 10/27/89, effective 11/27/89; 87-19-113 (Order 87-11), § 365-140-040, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-040, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-040, filed 3/27/86.]

WAC 365-140-050 Applicant eligibility criteria. (1)

The applicant must have a certified form from the IRS stating nonprofit status under section 501 (c)3, or be a public nonprofit agency, be a recognized tribe, a tribal organization with 501 (c)3 status, or an unrecognized tribe with 501 (c)3 status.

(2) The applicant for funding as lead agency must have been operating as a public nonprofit or private nonprofit with 501 (c)3 status for one year prior to the beginning date of the contract.

(3) The applicant for funding as a participating food bank must have been operating as a public nonprofit or private nonprofit with 501 (c)3 status food bank for one year prior to the beginning date of the subcontract.

(4) The applicant for funding as a food distributor must have been operating as a public nonprofit or a private nonprofit with 501 (c)3 status food distributor for one year prior to the beginning date of the contract.

(5) The applicant for lead agency or tribal contractor may or may not actually provide emergency food program services.

(6) The applicant must practice nondiscrimination in providing services and employment.

(7) The applicant must not require participation in a religious service as a condition of receiving emergency food or a food voucher.

(8) Applicants within a county or multicounty region, or tribes with established parameters for service, may define their service area boundaries for the purpose of equitably

allocating resources. The department encourages the provider to serve the client no matter what service areas the client resides in. If appropriate, the provider may then refer the client to the agency servicing the area in which the client resides, or to the tribe which has established jurisdiction over the individual, for further assistance. Providers must practice nondiscrimination when applying their service area policies.

(9) The applicant may not charge for food or food vouchers given to a client.

[Statutory Authority: RCW 43.330.040, 99-15-062, § 365-140-050, filed 7/16/99, effective 8/16/99. Statutory Authority: RCW 43.63A.060, 95-12-002, § 365-140-050, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5), 94-18-073, § 365-140-050, filed 9/2/94, effective 10/3/94; 93-18-021 (Order 93-06), § 365-140-050, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-050, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-050, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-050, filed 3/27/86.]

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period indicated on the contract face sheet. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

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

(4) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(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.

(6) Applicants that receive food bank or food distribution funds are subject to the following fiscal requirements:

(a) The total funds from the department received by a nontribal lead agency contractor or a food distribution subcontractor must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions. Nontribal participating food banks receiving funds from the department have two options for matching funds: They may equally match the EFAP funds, with no more than fifty percent being documented in-kind contributions; if they do not have at least one-half of their minimum match as cash, they may match their department funds by at least two hundred percent in in-kind contributions from other sources.

(b) Administrative costs for food bank and food distributor subcontractors under this program are limited to ten percent of their total contract award. Administrative costs for a lead agency contractor who also provides direct emergency food assistance services as a participating food bank and/or services as a food distributor are limited to ten percent of the contractor's allocation for providing direct services, ten per-

cent of the contractor's allocation for providing direct services, ten percent of the contractor's allocation for providing food distributor services, and ten percent of the total contract award as food bank lead agency; total administrative costs, however, may not exceed fifteen percent of the total contract award. Administrative costs for agencies who are lead agency contractors only are limited to ten percent of their total contract award.

(7) Tribal applicants are subject to the following fiscal requirements:

(a) Tribal contractors and subcontractors must match thirty-five percent of the funds received by the department for the emergency food assistance program. No more than fifty percent of that match may be documented in-kind contributions.

(b) Of a contract award allocated to the tribal food voucher program, tribal contractors may not spend more than ten percent on administrative costs, and five percent on operational expenditures. The balance of funds is to be used for food vouchers issued to clients. Of funds allocated to the food bank program, tribal contractors are subject to the same spending requirements as nontribal food bank contractors as per WAC 365-140-060 (6)(b).

[Statutory Authority: RCW 43.330.040, 99-15-062, § 365-140-060, filed 7/16/99, effective 8/16/99. Statutory Authority: RCW 43.63A.060, 95-12-002, § 365-140-060, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5), 93-18-021 (Order 93-06), § 365-140-060, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-060, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-060, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-060, filed 3/27/86.]

Chapter 365-170 WAC

STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS

WAC

365-170-020	Purpose.
365-170-030	Definitions.
365-170-050	Eligibility criteria for funding applicants.
365-170-070	Use of funds.
365-170-080	Recruitment, eligibility and enrollment of children.
365-170-090	Program design.
365-170-095	Staffing.
365-170-100	Administration.

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

[Statutory Authority: RCW 43.63A.060, 99-19-176, § 365-170-020, filed 9/22/99, effective 10/23/99; 87-04-007 (Order 87-02), § 365-170-020, 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 funds.

(2) "At risk" means by virtue of socio-economic, or developmental or environmental 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, trade and economic development.

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

(6) "Director" means the director of the department of community, trade and economic development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community, trade and economic development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) "Enrolled child(ren)" means participant(s) in the early childhood education and assistance program.

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

(10) "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, trade and economic 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.

(11) "Like educational services" means comprehensive programs providing educational, family support, and health services funded by other sources.

(12) "Low-income family" means a family whose total income before taxes for the previous twelve months or full calendar year, whichever period better reflects the current income of the family, is equal to, or less than, one hundred ten percent of the federally established poverty guidelines as defined by the department of health and human services. Recipients of cash benefits under the temporary assistance to needy families program are included in this definition.

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

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-030, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-030, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-030, filed 1/23/87.]

WAC 365-170-050 Eligibility criteria for funding applicants. (1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(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.

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

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-050, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-050, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-050, filed 1/23/87.]

WAC 365-170-070 Use of funds. (1) Department funds must not be used to supplant other existing funding sources.

(2) Contracting agencies receiving early childhood education assistance program funds must provide comprehensive early education and family support services free of charge to enrolled families.

(3) Early childhood education assistance program funds must be used as dollars of last resort for medical, dental, nutrition and mental health services.

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

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-070, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-070, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-070, filed 1/23/87.]

WAC 365-170-080 Recruitment, eligibility and enrollment of children. (1) Nondiscrimination. Programs must 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 gender, race, color, religion, age, national origin, citizenship, ancestry, physical or mental disability, family configuration, culture, or because such person is a recipient of federal, state, or local public assistance. Services must comply with ADA and the Family Policy Initiative principles defined in RCW 74.14A.025.

(2) Recruitment.

(a) Policies and procedures must be in place to systematically recruit, document eligibility, and enroll children who reflect the low-income population in the service area of the program. Ongoing recruitment activities must be conducted to ensure that eligible families in the community are aware of services.

(b) Recruitment efforts must be made to ensure enrollment at one hundred percent of the funded enrollment level within thirty calendar days of the first date of service. Daily attendance at eighty-five percent of the funded enrollment level must be maintained. Efforts to recruit eligible children and maintain waiting lists for filling vacancies as they occur must continue until forty-five calendar days from the end of the program year.

(c) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation.

(d) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet income eligibility requirements if the child is determined to be "at-risk" due to developmental or environmental factors.

(3) Eligibility. A child 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;

(c) The child is not otherwise a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10); and

(d) The child:

(i) Is a member of a family with an income level that, as defined by the Department of Health and Human Services, is at or below one hundred ten percent of the U.S. Poverty Guidelines for family size. Verification and documentation of family income must be obtained for the previous calendar year or twelve months which precede the child's enrollment date, whichever is more reflective of current circumstances; or

(ii) Is a member of a family which receives cash benefits under the Temporary Assistance to Needy Families program; or

(iii) Occupies one of the slots of ten percent which may be filled with children who do not meet income eligibility requirements but are determined to be at-risk due to developmental or environmental factors; or

(iv) Occupies one of the slots of ten percent of slots available state-wide which shall be reserved for children of migrant families, seasonal farmworker families, and native American families living on or off reservation who are otherwise eligible.

(4) Enrollment.

(a) Enrolled children and their families must not be charged fees for any services provided.

(b) Programs must develop an enrollment process that addresses identification of age eligible and income eligible children and prioritization within that same population. Priority must be given to children from families with the lowest income or to eligible children from families with multiple needs. Criteria for prioritizing child eligibility must address the various factors in WAC 365-170-080(3) and must at minimum prioritize as follows:

(i) First priority for enrollment, consistent with the intent to prepare children for the common school system, must be given to four year olds who are not eligible for kindergarten as of August 31 of the contract year and are considered to be at-risk;

(ii) Second priority must be given to three-year-olds if local program priorities determine the child would benefit from a comprehensive early education program.

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-080, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-080, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-080, filed 1/23/87.]

WAC 365-170-090 Program design. (1) Standards for program design are based on a model of comprehensive services to enrolled children and their families. These include educational and health services, including medical, dental, nutrition, mental health, and family support services. Parents must be given the opportunity to be involved in every aspect of the planning and implementation of services.

(2) Programs must support and demonstrate parent/guardian leadership and involvement throughout all levels of a comprehensive early childhood education and assistance program. This must include development of systems for feedback and program performance.

(3) A community needs assessment which involves staff, parents/guardians and other community group(s) must be conducted in accordance with early childhood education and assistance program performance standards. The results of a community needs assessment must be the basis for the development of service delivery options. Service delivery models must meet the following criteria:

(a) Thirty-two weeks of direct services per program year; and

(b) A minimum of two hundred forty hours of child direct services over thirty weeks; and

(c) A minimum of one peer experience/group session per week, no less than four hours and no more than six hours per session; multiple peer experiences in a week must be no less than two and one-half hours per session; and

(d) Three hours of educational planning meetings per year; and

(e) Three hours of adult contact per child's family per year to provide family support services; and

(f) 1:6 adult/child ratio with at least one adult being a lead teacher for classroom/group activities. Programs must develop services according to this ratio and make reasonable efforts to maintain this ratio on a regular basis. In no case shall the ratio fall below 1:9; and

(g) No more than eighteen children per group setting. Where a group size of eighteen children cannot be maintained, the design must maintain a group setting no larger than twenty-four and maintain an adult child ratio of 1:6.

(4) Educational services.

(a) Programs must provide educational services using a developmentally appropriate approach. Services must provide individual and age appropriate learning experiences, curricula, environments, guidance, direct child supervision and strategies that support all enrolled children's social-emotional, physical, and intellectual development. Environments must reflect the cultural and linguistic backgrounds of enrolled children.

(b) The program must provide methods for enhancing the knowledge and understanding of staff and parents of the educational and developmental needs and activities of enrolled children.

(c) Corporal punishment or other humiliating or frightening discipline techniques must not be used. Staff and parents participating in the program must be trained for and must use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(5) Family support services. Programs must provide family support services using an approach that builds from parent/guardian strengths and involvement and supports parent empowerment and family advocacy. Needs must be assessed to assist families in identifying and using appropriate and available community resources. Programs must coordinate

dinate with existing community resources, including existing head start and other preschool programs. Staff and families must work together to develop reciprocal relationships. Family support practices must address family assets and needs through a variety of service strategies such as:

(a) Acknowledge parents/guardians as resources to themselves and others;

(b) Reflect family support principles in delivery of services to families;

(c) Develop family services that are responsive to economic circumstances, individual cultures, languages and child rearing techniques;

(d) Facilitate the family's access to economic, social and health resources to support family self-sufficiency;

(e) Develop communication systems with families that increase their involvement in their child's healthy development;

(f) Build environments that are culturally and linguistically relevant and that encourage self-advocacy within the community;

(g) Involve families in shared decision-making activities;

(h) Develop activities to ease transitions for enrolled children and their families between preschool and elementary schools and from home to other care settings; and

(i) Promote and support the family's role as advocates for their children.

(6) Health services and safety.

(a) Programs must provide health services using an approach that addresses individual child health issues and makes appropriate referrals for family members. Staff and families must work together to remove obstacles to the healthy and safe development of each child. Health practices must address family needs through a variety of service strategies as outlined in the early childhood education and assistance program performance standards.

(b) A health advisory committee (HAC), composed of medical, dental, nutrition, public and mental health providers, parents/guardians of enrolled and/or past enrolled young children, and staff, must be established to advise the program. Existing committees may be modified to accomplish this. The health advisory committee must:

(i) Provide input on health, nutrition, and mental health services planning and policies;

(ii) Address service delivery implementation issues, concerns and procedures; and

(iii) Provide a forum for parent empowerment and leadership skill development.

(c) Programs must obtain parent/guardian consent before any screenings, assessments or the procurement of any medical, dental, nutrition and mental health services for their child or before taking the child off premises. Staff must inform parents/guardians when health issues or developmental concerns are suspected or identified in their child. Programs must facilitate safe and timely responses to medical emergencies as outlined in the early childhood education assistance program performance standards. Programs must ensure the confidentiality of all medical, dental, nutrition, and mental health records. Records and results of diagnostic and follow-up procedures must be shared with parents/guardians, and

may be released to other providers only with informed, written consent.

(d) Programs must ensure that all children receive a medical and dental exam as outlined in the early childhood education assistance program performance standards. Programs must ensure that all children are immunized in accordance with WAC 246-100-166. Children can attend group settings on a conditional basis when a schedule of immunizations is developed and near completion, or when a written medical or personal exemption is documented according to WAC 246-100-166.

(e) Programs must provide for an organized health education program for staff, parents, and children which must be integrated into instructional activities in programs.

(f) Programs must ensure that a mental health professional is available to work collaboratively with parents/guardians to address children's mental health issues and other concerns. Mental health services to screen and identify the emotional needs of children must be provided as needed in a systematic manner that addresses early identification, ongoing progress, follow-up and assessment, as indicated in the early childhood education and assistance program performance standards.

(g) Programs must have access to a health professional that provides consultation regarding individual children's needs and development of health education programming for children and families.

(h) 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.

(i) Programs must have access to a registered dietician that provides consultation regarding development of nutrition services for children and their families as defined in chapter 18.138 RCW.

(j) Food must be offered which meets one-third of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, must be approved by a certified dietician. The certified dietician must be available to provide consultation and education concerning the nutritional needs of enrolled children.

(k) Contracting agencies must apply for and participate in federally funded food service/food reimbursement programs under the USDA child food and nutrition program and/or the child and adult care food program through the office of the superintendent of public instruction.

(l) Programs must establish policies and practices to safeguard against children's exposure to and transmission of, infectious diseases in accordance with the office of the superintendent of public instruction infectious disease control guide for school staff developed by the Washington state department of health. Programs must follow universal safety precautions and follow local requirements for reporting of communicable diseases. Sufficient toilet and handwashing facilities that are readily available and reachable by children must be maintained.

(m) Contractors must comply with state and local sanitation laws and regulations for food preparation and handling, storage, and service.

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-090, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-090, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-090, filed 1/23/87.]

WAC 365-170-095 Staffing. (1) A system must be developed for the recruitment and selection of early childhood education and assistance program staff. The system must:

(a) Meet state and relevant federal laws that ensure equity;

(b) Advertise and describe position qualifications and requirements to the public;

(c) Use a selection and hiring process which involves parents, guardians and appropriate staff;

(d) Requires background reference check, criminal record clearance, and finger printing of any staff or volunteers who have unsupervised contact with children;

(e) Prevents hiring of staff whose health or behavior presents a threat to children's safety.

(2) A description of how specific staff classifications will be used to deliver services in each distinct model must be maintained in program planning records. Programs must make concerted efforts to recruit and hire qualified staff that reflects the diversity of culture, ethnicity, language and physical abilities of the service population.

(3) Staff hired into lead teacher and family educator positions must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later. Staff hired into positions of assistant teacher, family advocate, family service worker and health aide after June 30, 1999, must meet the standard qualifications for their position within five years of appointment or by July 1, 2004, whichever is later.

(4) Early childhood education or special education degrees from out-of-state may be accepted on par with Washington state degrees. Out-of-state teaching certificates must be validated by an endorsement obtained through the office of the superintendent of public instruction.

(5) Clock hours accumulated through June 30, 1999, may be credited towards quarter credit requirements of positions at the rate of ten clock hours to one credit hour.

(6) Staff not meeting standard qualifications may be hired if they meet provisional qualifications and program records document planning for progression to the standard qualifications within five years.

(7) An exception to minimum qualifications may be requested of the department to retain or appoint a person who does not meet the standard or provisional qualifications but has other education and experience in the applicable field. Any necessary approvals for existing staff must be obtained by August 31, 1999.

(8) Programs unable to hire staff meeting standard qualifications must document written plans and efforts for professional development. Planning documents must show how staff will progress to the standard qualifications of their posi-

tion(s) within five years of appointment, or by July 1, 2004, whichever is later.

(9) The following standard and provisional staff qualifications are required for program positions.

(a) Standard lead teacher qualifications:

(i) A two-year or four-year degree from an accredited public or private institution of higher education in the field of early childhood education or child development and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or equivalent semester hours in the field of early childhood education or child development; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(b) Provisional lead teacher qualifications. Three years of successful, relevant, documented work experience in a preschool, child care or kindergarten setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in early childhood education or early childhood special education.

(c) Standard assistant teacher qualifications. One year of successful, relevant, documented work experience in a preschool or child care setting; **and**

(i) A one year certificate in the field of early childhood education or child development from an accredited public or private technical college or institution of higher education; **or**

(ii) A high school diploma and child development associate (CDA) certificate.

(d) Provisional assistant teacher qualifications. One year of successful, relevant, documented work or volunteer experience in a preschool or child care setting.

(e) Standard family educator qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and two years of successful work experience with adults/parents and young children; **or**

(ii) Three years of successful, relevant, documented work experience with adults/parents of young children; **and**

(A) A two-year or four-year degree in any field from an accredited public or private institution of higher education **and** thirty quarter units or the equivalent semester hours in adult education, human development, human services, social work, early childhood education, child development, or a related field; **or**

(B) A valid Washington state elementary education teaching certificate with an endorsement in early childhood education (pre-K-Grade 3) or special education with an emphasis in early childhood education.

(f) Provisional family educator qualifications. Three years of successful, relevant, documented work experience in a preschool, child care, kindergarten or social work setting; **and**

(i) A child development associate certificate (CDA); **or**

(ii) A two-year or four-year degree in any field from an accredited public or private institution of higher education; **or**

(iii) A valid Washington state teaching certificate, which does not include an endorsement in Early childhood education or early childhood special education.

(g) Standard family advocate, family service worker, and health aide qualifications:

(i) A two-year or four-year degree in the field of adult education, human development, human services, public health, health education, nursing, social work, early childhood education, child development, psychology, or a related field from an accredited public or private institution of higher education and a minimum of two years of successful, relevant, documented work experience with adults/parents and young children; **or**

(ii) A two-year degree in any field from an accredited public or private institution of higher education, and at least thirty quarter units or the equivalent semester hours in the fields of adult education, human development, human services, social work, nursing, public health, health education, early childhood education, child development or a related field and three years of successful work experience with adults/parents of young children.

(h) Provisional family advocate, family service worker, and health aide qualifications. Two years or more of successful, relevant, documented work or volunteer experience working with families of young children in an early childhood family support program setting.

(i) Standard health professional qualifications:

(i) Four-year degree in the field of public health, nursing, or health education and two or more years experience in public health, nursing, health education, or management of a health program serving children and families; **or**

(ii) A registered nurse with a two-year degree in nursing, health education, or the management of health programs, and two or more years experience in health programs serving children and families.

(j) Standard dietician qualifications. Two years successful, relevant, documented work experience in a community nutrition program serving children and families and a four-year degree in nutrition science, public health nutrition, dietetics, or other related fields **and** current registration with the American Dietetic Association as dietician **or** be eligible, registered and scheduled for the registration exam.

(k) Standard mental health professionals qualifications:

(i) Certified or licensed mental health professional; **or**

(ii) School counselor; **or**

(iii) A registered mental health professional working in a licensed facility; **or**

(iv) Licensed psychologist with experience and expertise serving young children and their families.

(10) Programs must implement and maintain a system for training and development of staff and families of enrolled children. Staff and families must be involved in the system design and implementation process.

[Statutory Authority: RCW 43.63A.060, 99-19-176, § 365-170-095, filed 9/22/99, effective 10/23/99.]

WAC 365-170-100 Administration. (1) Facility:

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

(b) Programs must conform to all applicable state, local and county laws and ordinances for fire, health, and safety.

(c) Indoor/outdoor facilities must be safe, in good repair, sanitary and barrier free for all children and adults. Appropriate provisions for safe storage of flammable, toxic and hazardous materials must be made. Facilities must include regularly updated and inspected smoke detectors and fire alarms. Flaking or deteriorating lead-based paint must be refinished with lead-free paint or other nontoxic materials. Emergency lighting must be available in each classroom. Spaces occupied by children must be accessible to adults at all times that children are present. Provisions must be made to fence or supervise outdoor play areas sufficiently to prevent children from leaving the premises and wandering into unsafe and unsupervised areas. Programs located in schools must adhere to the Washington state primary and secondary schools facility standards. All other program locations must follow DSHS child care center licensing guidelines. Programs must establish a systematic review of facilities for compliance with safety regulations.

(d) Sites must have a minimum of thirty-five square feet of indoor space and a minimum of seventy-five square feet of outdoor space, (exclusive of bathroom, hall, kitchen, and storage) per child.

(2) Transportation. Children must be transported to and from program activities as follows:

(a) One-way scheduled transportation time must be no more than one hour except in rural/remote areas where transportation time must be kept to a minimum;

(b) Buses used for transportation of children must meet child safety standards as set forth by the office of the superintendent of public instruction;

(c) Vans or other vehicles must meet child safety standards as set forth by the Washington state patrol;

(d) Alternative transportation may be used if all other transportation services have been investigated and are not available to the program. A system must be in place to ensure documentation and completion of routine vehicle safety inspections. Drivers of vehicles must have valid required licenses and insurance coverage. Copies of licenses and insurance records must be filed in program records;

(e) Vehicles must meet insurance requirements designated by the Washington department of licensing (DOL);

(f) Programs located within school districts that are eligible for school bus transportation must adhere to school bus regulations;

(g) Parental consent forms for transportation of children in a personal vehicle must be kept on file.

(3) Policy council:

(a) The program must provide for parental involvement at a level including, but 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) A policy council, separate from an agency board of directors, must be established by every agency contracting to operate early childhood education and assistance program. The policy council is a decision-making body, which is responsible for initiating suggestions to the early childhood education and assistance program, its administration, and its parents, and for receiving reports on actions taken by the agency regarding its recommendations. Some terms should be staggered to promote continuity and stability. Program staff must attend policy council meetings to provide support and/or consultation. The council must include community representatives and parents and guardians of current and past enrolled children. At least fifty percent of council positions must be held by parents of currently enrolled children. Membership must be:

(i) Proportionate to the relative funded enrollment level of the early childhood education and assistance program in joint policy councils;

(ii) Comprised of volunteers or representatives elected to serve by parents and guardians of currently enrolled children;

(iii) Approved by parent members if holding a community representative position; and

(iv) Limited to three consecutive years for parent membership.

[Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-100, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-100, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-100, filed 1/23/87.]

Title 381 WAC INDETERMINATE SENTENCE REVIEW BOARD

(Formerly: Prison Terms and Paroles, Board of)

Chapters

381-50 Procedures for conducting disciplinary hearings.

Chapter 381-50 WAC

PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published as 91-14-029 in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by the code reviser's office.

WAC

381-50-180 Hearing record preservation.

WAC 381-50-180 Hearing record preservation.

There will be a recording made of all hearings conducted under the provisions of this chapter. Such recordings shall be preserved at the offices of the board in Olympia for not less than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must request such recordings pursuant to the Public Disclosure Act and reimburse the board for the costs involved in such a procedure.

[99-07-081, § 381-50-180, filed 3/18/99, effective 3/15/99; 92-22-008 § 381-50-180, filed 10/21/92, effective 10/19/92; 91-14-029, § 381-50-180, filed 6/26/91, effective 7/27/91.]

Title 383 WAC PRODUCTIVITY BOARD

Chapters

383-06

Guidelines for the employee suggestion program.

383-07

Teamwork incentive program.

Chapter 383-06 WAC

GUIDELINES FOR THE EMPLOYEE SUGGESTION PROGRAM

WAC

383-06-010	Purpose.
383-06-020	Definitions.
383-06-030	Functions of the board—State-wide employee suggestion program.
383-06-031	Functions of the board—Agency unique suggestion program.
383-06-040	Duties of productivity board staff.
383-06-045	Responsibilities of agency—State-wide employee suggestion program.
383-06-046	Responsibilities of agency—Agency unique suggestion program.
383-06-050	Repealed.
383-06-060	Repealed.
383-06-070	Procedures for processing multi-agency suggestions—State-wide employee suggestion program.
383-06-071	Procedures for processing multi-agency suggestions—Agency unique suggestion program.
383-06-080	Eligibility for participation and monetary awards.
383-06-090	Suggestion format—State-wide employee suggestion program.
383-06-091	Suggestion format—Agency unique suggestion program.
383-06-100	Suggestion acceptability.
383-06-110	Repealed.
383-06-120	Payment of cash awards—State-wide employee suggestion program.
383-06-121	Payment of cash awards—Agency unique suggestion program.
383-06-125	Payment award scale.
383-06-130	Recognition of merit.
383-06-140	Appeal/perfection of right to appeal—State-wide employee suggestion program.
383-06-141	Appeal/perfection of right to appeal—Agency unique suggestion program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

383-06-050	Responsibilities of agency coordinators. [Statutory Authority: Chapter 41.60 RCW, 86-04-039 (Order 85-1), § 383-06-050, filed 1/30/86; 83-15-063 (Order 831), § 383-06-050, filed 7/20/83.] Repealed by 99-24-093, filed 11/30/99, effective 1/1/00. Statutory Authority: Chapter 41.60 RCW.
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