

Chapter 110-425 WAC
EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM
(Formerly: Chapter 170-100 WAC)

Last Update: 11/21/19

WAC

110-425-0010	Authority.
110-425-0020	Purpose.
110-425-0030	Definitions.
110-425-0040	Process for allocating or awarding funds.
110-425-0050	Use of funds.
110-425-0060	Comprehensive service delivery.
110-425-0070	Nondiscrimination.
110-425-0080	Children eligible for enrollment.
110-425-0083	Additional children allowed for enrollment.
110-425-0084	Duration of enrollment and allowance of dual enrollments.
110-425-0085	Prioritization system.
110-425-0087	Contractor slots for children above one hundred ten percent of FPL.
110-425-0090	Staff qualifications.

WAC 110-425-0010 Authority. These rules are adopted under the authority of RCW 43.216.525.

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0010, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0010, filed 6/29/18, effective 7/1/18. WSR 06-18-085, recodified as § 170-100-010, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-010, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 28A.34A.060. WSR 88-18-039 (Order 88-04), § 365-170-010, filed 8/31/88. Statutory Authority: RCW 43.63A.060. WSR 87-04-007 (Order 87-02), § 365-170-010, filed 1/23/87.]

WAC 110-425-0020 Purpose. The early childhood education and assistance program (ECEAP) provides preschool education, family support, and health and nutrition services to low-income three- and four-year-old children to promote school success.

[WSR 18-14-078, recodified as § 110-425-0020, filed 6/29/18, effective 7/1/18. WSR 06-18-085, recodified as § 170-100-020, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-020, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. WSR 99-19-176, § 365-170-020, filed 9/22/99, effective 10/23/99; WSR 87-04-007 (Order 87-02), § 365-170-020, filed 1/23/87.]

WAC 110-425-0030 Definitions. "Child allowed for enrollment" means a child that DCYF may permit to be enrolled in ECEAP under RCW 43.216.512, but who is not in the group that will be entitled to ECEAP beginning in the 2022-23 school year under RCW 43.216.556.

"Child eligible for enrollment" means a child who is eligible for ECEAP under RCW 43.216.505(4). This child is in the group that will be entitled to ECEAP beginning in the 2022-23 school year under RCW 43.216.556. Under RCW 43.216.514, a child eligible for enrollment must be given enrollment priority over a child allowed for enrollment. "Eligible child" has the same meaning as "child eligible for enrollment."

"Contractor" means a public or private organization that contracts with the department of children, youth, and families to provide local ECEAP services.

"Department" means the department of children, youth, and families.

"ECEAP" means the early childhood education and assistance program.

"Eligible organization" means public or private organizations including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, non-profit organizations, and for-profit organizations provided that their proposed ECEAP is free from religious instruction, activities, or symbolism.

"Federal poverty level" or "FPL" means the measure of income in relation to family size issued by the federal U.S. Department of Health and Human Services and used to calculate ECEAP income eligibility.

"Performance standards" means the most current release of the ECEAP performance standards as incorporated into the ECEAP contract, which are accessible at <https://www.dcyf.wa.gov/services/early-learning-providers/eceap/contractors>.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0030, filed 11/21/19, effective 12/22/19. Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0030, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-01-098, § 170-100-030, filed 12/16/15, effective 1/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 07-20-034, § 170-100-030, filed 9/25/07, effective 10/26/07. WSR 06-18-085, recodified as § 170-100-030, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-030, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. WSR 99-19-176, § 365-170-030, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. WSR 88-18-039 (Order 88-04), § 365-170-030, filed 8/31/88. Statutory Authority: RCW 43.63A.060. WSR 87-04-007 (Order 87-02), § 365-170-030, filed 1/23/87.]

WAC 110-425-0040 Process for allocating or awarding funds. (1)

Eligible organizations may apply to become contractors for ECEAP.

(2) Funds shall be awarded on a competitive basis to new contractors or allocated by the department for renewal contracts, consistent with the amount allocated by the legislature.

(3) An applicant must use the application procedures established by the department.

(4) Successful applicants will be awarded a contract with the department. This contract must be signed by an official with authority to bind the recipient.

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0040, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-01-098, § 170-100-040, filed 12/16/15, effective 1/16/16. WSR 06-18-085, recodified as § 170-100-040, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-060, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 28A.34A.060. WSR 88-18-039 (Order 88-04), § 365-170-060, filed

8/31/88. Statutory Authority: RCW 43.63A.060. WSR 87-04-007 (Order 87-02), § 365-170-060, filed 1/23/87.]

WAC 110-425-0050 Use of funds. (1) Contracting agencies must provide comprehensive early education and family support services free of charge to enrolled families.

(2) ECEAP funds may be used as dollars of last resort for medical, dental, nutrition, and mental health services.

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

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0050, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0050, filed 6/29/18, effective 7/1/18. WSR 06-18-085, recodified as § 170-100-050, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-070, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. WSR 99-19-176, § 365-170-070, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. WSR 88-18-039 (Order 88-04), § 365-170-070, filed 8/31/88. Statutory Authority: RCW 43.63A.060. WSR 87-04-007 (Order 87-02), § 365-170-070, filed 1/23/87.]

WAC 110-425-0060 Comprehensive service delivery. (1) Contractors must plan and deliver the following comprehensive services to enrolled children and their families:

(a) Early childhood education;

(b) Family support, using the mobility mentoring approach to help families overcome the extreme stresses of poverty by improving focus, planning, and decision making;

(c) Parent involvement including options for participation in their child's classroom, program policy decisions, service delivery system development, and parent education and training; and

(d) Health screening, information, and referral, including medical, dental, nutrition, and mental health.

(2) Contractors must comply with the early childhood education and assistance program contract, performance standards, and policy memos in the delivery of all services.

(3) Contractors may request exceptions to rules, performance standards, or policies. Contractors must receive written approval from the department before implementing exceptions.

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0060, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0060, filed 6/29/18, effective 7/1/18. WSR 06-18-085, recodified as § 170-100-060, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-07005, filed 6/16/06, effective 7/17/06.]

WAC 110-425-0070 Nondiscrimination. Contractors must not deny service to, or discriminate against, any person who meets the eligibility criteria for the ECEAP on the basis of sex, gender identity, race, ethnicity, color, religion, age, national origin, citizenship,

ancestry, physical or mental disability, family configuration, sexual orientation, culture, or public assistance recipient status.

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0070, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0070, filed 6/29/18, effective 7/1/18. WSR 06-18-085, recodified as § 170-100-070, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-07010, filed 6/16/06, effective 7/17/06.]

WAC 110-425-0080 Children eligible for enrollment. A child is eligible for enrollment in ECEAP if the child is at least three years old by August 31st of the school year, is not age-eligible for kindergarten, and is either:

(1) From a family with income at or below one hundred ten percent of the federal poverty level (FPL);

(2) Qualified by a school district for special education services under RCW 28A.155.020. All children on a school district individualized education program (IEP) meet this requirement; or

(3) From a family with income that exceeds one hundred ten percent federal poverty level and is impacted by specific risk factors incorporated into the department's prioritization system described in WAC 110-425-0085(4) which includes preference for enrollment of children from families with the lowest income, children in foster care, or children from families with multiple needs. No more than ten percent of slots statewide are enrolled with children eligible under this provision.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0080, filed 11/21/19, effective 12/22/19. Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0080, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 14-14-055, § 170-100-080, filed 6/26/14, effective 7/27/14. Statutory Authority: RCW 43.215.020, 43.215.070, and 2010 c 231. WSR 10-20-059, § 170-100-080, filed 9/27/10, effective 10/28/10. WSR 06-18-085, recodified as § 170-100-080, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-080, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. WSR 99-19-176, § 365-170-080, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. WSR 88-18-039 (Order 88-04), § 365-170-080, filed 8/31/88. Statutory Authority: RCW 43.63A.060. WSR 87-04-007 (Order 87-02), § 365-170-080, filed 1/23/87.]

WAC 110-425-0083 Additional children allowed for enrollment.

(1) A child is allowed for enrollment in ECEAP as space is available if the child is at least three years old by August 31st of the enrollment school year and is not age-eligible for kindergarten, and is either:

(a) From a family above one hundred ten percent but less than or equal to one hundred thirty percent of FPL; or

(b) From a family above one hundred thirty percent but less than or equal to two hundred percent of FPL and with one or more specific

risk factors as described in the department's prioritization system under WAC 110-425-0085(4).

(2) A child is allowed for enrollment in ECEAP as space is available if the child:

(a) Has received services from the early support for infants and toddlers program (ESIT), early head start (EHS), or the birth to three early childhood education and assistance program;

(b) Turned three years of age any time after August 31st of the enrollment school year;

(c) Has a first class start date in ECEAP on or after their third birthday; and

(d) Is from a family with income:

(i) At or below two hundred percent of FPL; or

(ii) Above two hundred percent of FPL with one or more additional specific risk factors as described in the department's prioritization system under WAC 110-425-0085(4).

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0083, filed 11/21/19, effective 12/22/19.]

WAC 110-425-0084 Duration of enrollment and allowance of dual enrollments. (1) Enrolled children remain qualified for ECEAP until kindergarten, without reverification of income or risk factors. All previously enrolled children returning for a new school year may be reprioritized against new children when enrollment slots are limited.

(2) Children may not be enrolled in ECEAP if they are enrolled in Head Start, however Head Start duration funds may be used to increase the length of the ECEAP preschool day when federal funds are provided to a contractor specifically for this purpose.

(3) Children served by school district special education may be simultaneously enrolled in ECEAP.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0084, filed 11/21/19, effective 12/22/19.]

WAC 110-425-0085 Prioritization system. (1) Once contractors have established a pool of children who are eligible or allowed for enrollment, contractors must prioritize the children for available funded ECEAP slots.

(2) The department establishes an ECEAP prioritization system based on priority points attributed to each child who is eligible or allowed for enrollment. This system is updated periodically as related research becomes available. The most current prioritization system is accessible at <https://www.dcyf.wa.gov/services/early-learning-providers/eceap/contractors/direct-service-staff/enrollment> and is incorporated into the early learning management system (ELMS) which manages ECEAP eligibility and enrollment.

(3) The ECEAP prioritization system incorporates the prioritization requirements included in RCW 43.216.505(4), 43.216.512, and 43.216.514.

(4) Priority points are awarded for:

(a) Child welfare system involvement;

(b) Homelessness;

- (c) Family income calculated as a percentage of the federal poverty level;
- (d) Four-year olds who are within one year of kindergarten eligibility;
- (e) Limited-English proficiency which shall have the same meaning as the phrase "English as a second language" under RCW 43.216.512;
- (f) Individualized education program (IEP);
- (g) Suspected or diagnosed developmental delay or disability for a child without an IEP;
- (h) Incarcerated parent;
- (i) Child's previous expulsion from an early learning setting due to behavior;
- (j) Family domestic violence;
- (k) Family substance abuse;
- (l) Family mental illness;
- (m) Other risk factors determined by the department to be linked by research to school performance.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0085, filed 11/21/19, effective 12/22/19.]

WAC 110-425-0087 Contractor slots for children above one hundred ten percent of FPL.

(1) With regard to children eligible for enrollment, RCW 43.216.505 (4)(c) establishes a limit of ten percent of total statewide enrollment for children that meet criteria established by WAC 110-425-0080 (1)(c).

(2) With regard to children allowed for enrollment, RCW 43.216.512 establishes a limit of twenty-five percent of total statewide enrollment.

(3) The department sets an initial limit for each contractor of slots for children above one hundred ten percent of FPL who do not have an IEP, in order to manage the statewide limits.

(a) This limit is based on each contractor's size, enrollment history, and to provide flexibility to fill classes in rural areas.

(b) For sites operated by tribes or tribal organizations, the department sets the initial limit at twenty-five percent.

(c) The department may adjust limits midyear if slots are reallocated between contractors.

(d) This contractor limit is managed in ELMS.

(4) Once a contractor has enrolled their limit of children above one hundred ten percent of FPL who do not have an IEP, the contractor may request an increase of their limit if:

(a) The contractor has unfilled funded slots; and

(b) Efforts to recruit children eligible for enrollment or with higher priority points within the contractor's service area have been exhausted.

(5) The department will consider the following factors when reviewing requests for additional slots above one hundred ten percent of FPL:

(a) ECEAP enrollments have not reached the statewide limits of children eligible and allowed for enrollment above one hundred ten percent of FPL who do not have an IEP under RCW 43.216.505(4) and 43.216.512;

(b) The requesting contractor's need to fill slots to fully enroll a class to ensure access to services children at or below one hundred ten percent of FPL;

(c) The requesting contractor's community need for additional flexibility to serve additional children; and

(d) The presence of unserved children at or below one hundred ten percent of FPL in other locations in the state.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0087, filed 11/21/19, effective 12/22/19.]

WAC 110-425-0090 Staff qualifications. (1) Contractors must provide adequate staff to comply with all ECEAP performance standards.

(2) Contractors must require their staff and other persons associated with the contractor that are considered to be a "subject individual" as defined in WAC 110-06-0020, and who may have unsupervised access to children, to obtain a fingerprint background check in compliance with the requirements of RCW 43.216.270, 43.216.525 and chapter 110-06 WAC.

(3) All persons serving in the role of ECEAP lead teacher must meet one of the following qualifications:

(a) An associate or higher degree with the equivalent of thirty college quarter credits in early childhood education. These thirty credits may be included in the degree or in addition to the degree; or

(b) A valid Washington state teaching certificate with an endorsement in early childhood education (pre-K - grade 3) or early childhood special education.

(4) All persons serving in the role of ECEAP assistant teacher must meet one of the following qualifications:

(a) Employment as an ECEAP assistant teacher in the same agency before July 1, 1999;

(b) The equivalent of twelve college quarter credits in early childhood education;

(c) Initial or higher Washington state early childhood education certificate; or

(d) A current Child Development Associate (CDA) credential awarded by the Council for Early Childhood Professional Recognition.

(5) All persons serving in the role of ECEAP family support staff must meet one of the following qualifications:

(a) Employment as an ECEAP family support staff in the same agency before July 1, 1999;

(b) An associate's or higher degree with the equivalent of thirty college quarter credits in adult education, human development, human services, family support, social work, early childhood education, child development, psychology, or another field directly related to their job responsibilities. These thirty credits may be included in the degree or in addition to the degree;

(c) A current home visitor child development associate (CDA) credential from the council for professional recognition; or

(d) A department-approved credential from a comprehensive and competency-based program that increases knowledge and skills in providing direct family support services to families.

(6) All persons serving in the role of ECEAP health advocate must meet one of the following qualifications:

(a) Employment as an ECEAP family support aide or health aide in the same agency before July 1, 2014; or

(b) The equivalent of twelve college quarter credits in family support, public health, health education, nursing, or another field directly related to their job responsibilities.

(7) The ECEAP health consultant must meet one of the following qualifications:

(a) Licensed in Washington state as a registered nurse (R.N.) or physician (M.D., N.D., D.O.); or

(b) A bachelor's or higher degree in public health, nursing, health education, health sciences, medicine, or related field.

(8) The ECEAP nutrition consultant must meet one of the following qualifications:

(a) Registered dietitian (RD) credentialed through the Commission on Dietetic Registration (CDR), the credentialing agency for the Academy of Nutrition and Dietetics (formerly the American Dietetic Association); or

(b) Washington state certified nutritionist under chapter 18.138 RCW.

(9) The ECEAP mental health consultant must meet one of the following qualifications:

(a) Licensed by the Washington state department of health as a mental health counselor, marriage and family therapist, social worker, psychologist, psychiatrist, or psychiatric nurse;

(b) Approved by the Washington state department of health as an agency affiliated or certified counselor, with a master's degree in counseling, social work or related field; or

(c) Credentialed by the Washington state office of the superintendent of public instruction as a school counselor, social worker, or psychologist.

(10) The ECEAP coach must meet all of the following qualifications:

(a) Bachelor's degree in early childhood or related field or a bachelor's degree with the equivalent of thirty college quarter credits in early childhood education. These thirty credits may be included in the degree or in addition to the degree;

(b) A minimum of two years working with young children in a group setting; and

(c) Experience as an early learning coach, consultant, mentor, or trainer.

(11) Contractors must hire and employ staff who meet the qualifications for their position.

(a) If the best candidate for the position is not fully qualified, the contractor must ensure the newly hired staff person is on a professional development plan (PDP) to fully meet the qualifications of their role within five years from the date of hire.

(b) Contractors must monitor progress on all PDPs and ensure staff make adequate yearly progress to meet the required qualifications.

(12) Equivalent degrees and certificates from other states and countries are accepted for ECEAP staff qualifications.

[Statutory Authority: RCW 43.216.065, 43.216.512, and 43.216.525. WSR 19-03-041, § 110-425-0090, filed 1/8/19, effective 2/8/19. WSR 18-14-078, recodified as § 110-425-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 17-01-083, § 170-100-090, filed 12/16/16, effective 1/16/17; WSR

15-24-040, § 170-100-090, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 14-14-055, § 170-100-090, filed 6/26/14, effective 7/27/14. WSR 06-18-085, recodified as § 170-100-090, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. WSR 06-13-046, § 365-170-095, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. WSR 99-19-176, § 365-170-095, filed 9/22/99, effective 10/23/99.]