



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Community, Trade and Economic Development

- Permanent Rule  
 Emergency Rule

Effective date of rule:

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If Yes, explain:

**Purpose:**

The purpose of these changes to existing rules is to:

- Implement Governor Gregoire's Executive Order on Plain Talk.
- Clarify program eligibility and staff qualifications requirements.
- Incorporate existing policy memos into rules.
- Remove day-to-day program operation details that are also in ECEAP Performance Standards, as recommended by the Attorney General's Office.
- Eliminate redundancy within rules.

These changes will lead to clearer understanding of program expectations and contractors will find it easier to use the WAC.

Citation of existing rules affected by this order:

Amended: 365-170

Statutory authority for adoption: **RCW 28A.215**

Other authority :

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR **06-07-024** on **03/07/2006**.(date)

Describe any changes other than editing from proposed to adopted version:

**WAC TITLE: STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS 365-170-07005 (1)(d)** Health services, screening, information, and referral, including medical, dental, nutrition, and mental health.

**365-170-080 (3)(a)(iii)** Previous or current month, when annual family income has been documented and shows a significant recent decrease due to death, divorce, unexpected job loss, or similar circumstances.

**NEW ADDITION**

**365-170-095 (10)** Equivalent degrees and certificates from other states and countries are accepted for ECEAP staff qualifications.

Changes made following stakeholder input.

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

6/15/06

NAME (TYPE OR PRINT)

Juli Wilkerson

SIGNATURE

*Juli Wilkerson* 6/7/06

TITLE

Director, CTED

**CODE REVISER USE ONLY**

CODE REVISER USE ONLY

DATE OF ADOPTION: \_\_\_\_\_

TIME: \_\_\_\_\_

WSR: **943**

DATE: **JUN 16 2006**

WSR: **06-13-046**

TIME: \_\_\_\_\_

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	___	Amended	<u>9</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>9</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Chapter 365-170 WAC

~~((STATE FUNDING FOR LOCAL))~~ EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM ~~((S))~~

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**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 ~~((28A.34A))~~ 28A.215 RCW.

AMENDATORY SECTION (Amending WSR 99-19-176, filed 9/22/99, effective 10/23/99)

**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.))~~ 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.

**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)) "Contractor" means a nonsectarian public or private organization that contracts with the department of community, trade, and economic development to provide local early childhood education and assistance services.~~

~~(2) "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)) (3) "Director" means the director of the department of community, trade and economic development.~~

~~((7) "Early childhood education and assistance program" means the statewide 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.)~~

AMENDATORY SECTION (Amending Order 88-04, filed 8/31/88)

**WAC 365-170-060 Process for allocating or awarding funds.**

(1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) Funds shall be awarded on a competitive basis or allocated by the department, consistent with the amount allocated by the legislature.

~~((2))~~ (3) An applicant ((shall use forms issued and)) must use the application procedures established by the department.

~~((3) The department shall notify all applicants of funding decisions. All recipients of funds shall be provided with a contract for signature.)~~ (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 ((and must be returned to the department prior to the award or allocation of any funds under this program)).

AMENDATORY SECTION (Amending WSR 99-19-176, filed 9/22/99, effective 10/23/99)

**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))~~ (2) Early childhood education and assistance program funds must be used as dollars of last resort for medical, dental, nutrition, and mental health services.

~~((4))~~ (3) Administrative costs funded under this program are limited to fifteen percent of the total award.

NEW SECTION

**WAC 365-170-07005 Comprehensive service delivery.** (1) Contractors must conduct a community assessment, and must plan and deliver the following comprehensive services to enrolled children:

- (a) Early childhood education;
- (b) Family support;
- (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.

NEW SECTION

**WAC 365-170-07010 Nondiscrimination.** Contractors must not deny service to, or discriminate against, any person who meets the eligibility criteria for the early childhood education and assistance program on the basis of gender, race, color, religion, age, national origin, citizenship, ancestry, physical or mental disability, family configuration, sexual orientation, culture, or public assistance recipient status.

AMENDATORY SECTION (Amending WSR 99-19-176, filed 9/22/99, effective 10/23/99)

**WAC 365-170-080 ((Recruitment, eligibility and enrollment of children-)) Eligibility for services.** (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 statewide 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 statewide 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.)~~ Contractors must recruit, document eligibility, and enroll children based on available funds. Enrolled children must not be participants in the federally funded head start program. Contractors must give priority for enrollment to children from families with the lowest incomes or to children from families with multiple needs.

(2) To be enrolled, children must meet the following age criteria.

(a) First priority for enrollment must be given to children who are four years old, but not yet five years old, by August 31 of the program year.

(b) Second priority may be given to children who are three years old by August 31 of the program year and meet other eligibility criteria.

(c) Contractors may not enroll children who are younger than three years old or older than five years old on August 31 of the program year.

(3) To be enrolled, children must meet either the following income or risk factor criteria:

(a) Family income. Children are eligible if their family income is at or below one hundred ten percent of the Federal Poverty Guidelines established by the United States Department of Health and Human Services. Contractors may choose which time period below best reflects the family's current financial circumstances:

(i) Previous calendar year before enrollment;

(ii) Twelve months before enrollment; or

(iii) Previous or current month, when annual family income has been documented and shows a significant recent decrease due to death, divorce, unexpected job loss, or similar circumstance.

(b) Risk factors. Up to ten percent of funded slots may be used for children from families who are not income eligible and are impacted by:

(i) Developmental factors, such as developmental delay or disability; or

(ii) Environmental factors, such as domestic violence, chemical dependency, child protective services involvement, or other factors affecting school success.



WAC 365-170-095 ((~~Staffing-~~)) Staff qualifications. (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 position(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.)) Contractors must provide adequate staff to comply with all ECEAP performance standards. Contractors must have written policies and procedures for recruitment and selection of staff, including procedures for advertising all position openings to the public.~~

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

(a) An associate or higher degree with the equivalent of thirty college quarter credits of 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.

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

(a) Employment as an early childhood education and assistance program assistant teacher in the same agency before July 1, 1999;

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

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

(4) All persons serving in the role of family support specialist must meet one of the following qualifications:

(a) Employment as an early childhood education and assistance program family service worker in the same agency before July 1, 1999; or

(b) An associate's or higher degree with the equivalent of thirty college quarter credits of 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.

(5) All persons serving in the role of family support aide or health aide must meet one of the following qualifications:

(a) Employment as an early childhood education and assistance program family support aide or health aide in the same agency before July 1, 1999; 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.

(6) The early childhood education and assistance program health professional must meet one of the following qualifications:

(a) License in Washington state as a registered nurse; or  
(b) A bachelor's or higher degree in public health, nursing, health education, or related field.

(7) The early childhood education and assistance program dietitian must meet all of the following qualifications:

(a) A bachelor's or higher degree in nutrition science, public health nutrition, dietetics, or other related field; and

(b) Registered dietitian with the American Dietetic Association or certified as a dietitian under chapter 18.138 RCW.

(8) The early childhood education and assistance program mental health professional 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; or

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

(9) Contractors may provisionally hire lead teachers, assistant teachers, family service workers, family service aides, or health aides who do not fully meet the qualifications for the position if all of the following conditions are met:

(a) Contractors have attempted to recruit and hire fully qualified staff and are unable to because of a documented labor pool shortage;

(b) Contractors are able to recruit a person competent to fulfill the role and implement all related performance standards; and

(c) Contractors write a professional development plan describing how the provisional hire will obtain full qualifications within five years of appointment.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-170-040	Determination of funding.
WAC 365-170-050	Eligibility criteria for funding applicants.
WAC 365-170-090	Program design.
WAC 365-170-100	Administration.