



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency:
Community, Trade and Economic Development

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: September 2, 1997

(2) Purpose:
To outline conditions and procedures under which state funds will be made available for Head Start programs.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 365-40

Suspended:

(4) Statutory authority for adoption: RCW 43.06.110, RCW 43.330.040(2)(g)

Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-15-106 on 7-21-97 (date).

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

None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

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

- Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

or Expedited Rule Making

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Ann Bariekman

SIGNATURE

TITLE
Rules Coordinator

DATE
9/2/97

CODE REVISER USE ONLY



445
97-18-072

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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

The number of sections adopted on the agency's own initiative:

New _____ Amended 1 _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended 1 _____ Repealed _____

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	_____

AMENDATORY SECTION (Amending Order 85-03, filed 6/7/85)

WAC 365-40-010 Purpose and authority. (1) The purpose of this chapter is to outline the conditions and procedures under which state funds will be made available for Head Start programs.

(2) This activity is undertaken pursuant to RCW 43.06.110 and chapter ~~((43-63A))~~ 43.330 RCW.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-020 Definitions. (1) "Applicant" means a public or private nonsectarian organization which receives federal Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds under the ~~((state))~~ Head Start state match program.

(3) "Department" means the department of community, trade and economic development.

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

(5) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the ~~((oed hs head start policy manual (OCD Notice N 30 364 4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July 1975))~~ federal Head Start Act as amended and relevant federal regulations.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-041 Financial support application process. (1) Each potential applicant will be notified by the department that application for ~~((state))~~ Head Start state match financial assistance is to be made to the department.

(2) An applicant must make formal application in the form and manner specified by the department. Failure of an applicant to make application in the specified time will result in no ~~((state))~~ Head Start state match funds being allocated.

(3) Applications for ~~((state))~~ Head Start state match financial assistance shall contain a description of the services to be provided with ~~((state))~~ Head Start state match funds.

(4) The department shall provide a contract for signature to the applicant or a request for additional information.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-051 Eligibility criteria. In order to receive ((state)) Head Start state match funds, a contractor must currently be receiving federal funds to operate a Head Start program. ((State)) Head Start state match funds may be used only for activities which result in direct and measurable services to Head Start program children. The department shall determine the formula for distribution of state funds based on ((current)) federal enrollment levels at the time of funding.

AMENDATORY SECTION (Amending Order 89-04, filed 10/16/89, effective 11/16/89)

WAC 365-40-071 Method of payment and reporting requirements.

(1) ((State)) Head Start state match funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) Reports to the department to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the department.

(3) The contractor ((at time of application, and annually thereafter,)) shall submit annually a current report of the audit of funds conducted by an independent auditor or office of state auditor ((and resolution of findings provided under this rule. Standard accepted auditing techniques shall be used)) in accordance with generally accepted auditing standards. Such audit may be that conducted for and provided to other funding sources. ((This)) The audit report must ((include a breakdown of)) identify state funds by contract number. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report.