

WSR 24-08-066
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed April 1, 2024, 5:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-04-096.

Title of Rule and Other Identifying Information: WAC 110-425-0030 Definitions.

Hearing Location(s): On May 7, 2024, telephonic. Make oral comments by calling 360-972-5385 and leaving a voicemail that includes the comment and an email address or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including May 7, 2024, will be considered.

Date of Intended Adoption: May 8, 2024.

Submit Written Comments to: DCYF rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by May 7, 2024.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, by April 30, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The early learning division of DCYF is amending WAC 110-425-0030 Definitions, because the Fair Start for Kids Act (E2SSB 5237) directs DCYF to establish a definition of an Indian child that will be used for early childhood education and assistance program (ECEAP) enrollment. The definition will include federally recognized tribal members and increase clarity around which children are eligible for enrollment as an Indian child into ECEAP programming. The definition needs to be in rule by July 1, 2024.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 43.216.505, 43.216.512, 43.216.5052; and E2SSB 5237, chapter 199, Laws of 2021.

Statute Being Implemented: RCW 43.216.505, 43.216.512, 43.216.5052; and E2SSB 5237, chapter 199, Laws of 2021.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Nicole Parker, Olympia, 360-338-5162; Implementation and Enforcement: DCYF, state-wide.

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

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

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

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

April 1, 2024
Brenda Villarreal

OTS-5296.2

AMENDATORY SECTION (Amending WSR 19-24-014, filed 11/21/19, effective 12/22/19)

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)) 2026-27 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)) 2026-27 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.

"Indian child" means for:

(a) ECEAP sites run by sovereign tribal nations: Indian child as defined by the tribe and submitted to the department.

(b) Nontribal providers serving tribal children, including tribal nonprofit providers: Indian child as defined in WAC 110-110-0010.

"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>.