

**WSR 24-20-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 27, 2024, 2:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-12-024.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to adopt chapter 388-487 WAC, SUN Bucks, including WAC 388-487-0010 What is the sun bucks program?, 388-487-0020 Is my child eligible for sun bucks?, and 388-487-0030 General information about sun bucks benefits.

Hearing Location(s): On November 5, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than November 6, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, beginning noon on October 2, 2024, by 5:00 p.m. on November 5, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [Tencza@dshs.wa.gov](mailto:Tencza@dshs.wa.gov), by 5:00 p.m. on October 22, 2024.

Reasons Supporting Proposal: Adoption of these rules supports implementation of the summer electronic benefits transfer (EBT) program, also known as SUN Bucks. SUN Bucks is a new permanent program authorized under the Consolidated Appropriations Act, 2023 (H.R. 2617) to provide additional food benefits to certain eligible children for designated summer periods (beginning June 2024). Related emergency rules are currently in place under WSR 24-20-016.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Troy Burgess, P.O. Box 45470, Olympia, WA 98504-5470, 360-584-5162.

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. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

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 rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS customers.

Scope of exemption for rule proposal:  
Is fully exempt.

September 24, 2024  
Katherine I. Vasquez  
Rules Coordinator

### SHS-5033.3

#### NEW SECTION

**WAC 388-487-0010 What is the sun bucks program?** The sun bucks program is the summer electronic benefits transfer (summer EBT) program that provides a one-time food benefit to eligible children during designated summer periods following the academic school year. Sun bucks is administered by the department of social and health services and is not bound by the same state or federal rules, regulations, or procedures governing basic food as described in WAC 388-400-0040.

The following definitions apply to this program:

- (1) "Compulsory age" means the age children are required by law to attend school; in Washington this is between the ages of eight and 18.
- (2) "Direct certification" means a determination that a child is eligible for free or reduced-priced school meals without further application to the national school lunch program due to:
  - (a) Receiving a benefit from a federal means tested assistance program, including supplemental nutrition assistance program, temporary assistance for needy families, food distribution program on Indian reservations, some medicaid programs; or
  - (b) Other source eligible categories, including children in foster care, children experiencing homelessness, students enrolled in the migrant education program, and children enrolled in head start or the early childhood education and assistance program.
- (3) "Expungement" means removal of benefits due to nonuse after 122 days from the date sun bucks benefits were deposited into the EBT account.
- (4) "Free or reduced-price meals" means meals provided to students qualified as eligible by the Richard B. Russell National School Lunch Act.
- (5) "Income eligibility guidelines" means income limits to determine eligibility for free and reduced-price meals adjusted annually by the US department of agriculture food and nutrition service as required by the national school lunch act.
- (6) "Sun bucks application" means an application available to households with potentially eligible children who do not automatically meet streamline certification criteria.
- (7) "Sun bucks card" means the unique EBT card that accesses sun bucks food benefits issued to individual eligible children.
- (8) "Streamline certified" means a child automatically approved for sun bucks because they meet the following criteria:

(a) A child, regardless of age, who would have access to free or reduced-price school meals through the national school lunch program and school breakfast program during the school year, who:

(i) Is determined by the school to be eligible for free or reduced-priced school meals; or

(ii) Attends a school that operates the community eligibility provision or the provision 2 lunch and breakfast program and identified as eligible for free or reduced-price school meals using direct certification or a free or reduced-price school meals application.

(b) A child who meets compulsory age requirements and resides in a household receiving one of the following public assistance benefits:

(i) Temporary assistance for needy families as described in WAC 388-400-0005;

(ii) State funded assistance as described in WAC 388-400-0010;

(iii) Basic food as described in WAC 388-400-0040; or

(iv) The state funded food assistance program as described in WAC 388-400-0050.

(10) "Summer operational period" means the period between the end of the current school year and the start of the next school year, as determined by the state.

#### NEW SECTION

**WAC 388-487-0020 Is my child eligible for sun bucks?** (1) To be streamline certified for sun bucks benefits, a child must:

(a) Attend a school that participates in the national school lunch program or school breakfast program; and

(i) Is determined by the school to be eligible for free or reduced-price school meals; or

(ii) Who attends a school that operates the community eligibility provision or provision 2 lunch and breakfast program and identified as eligible for free or reduced-price meals using direct certification or a free or reduced-price school meals application.

(b) Meet compulsory age requirements and reside in a household receiving one of the following public assistance benefits:

(i) Temporary assistance for needy families as described in WAC 388-400-0005;

(ii) State funded assistance as described in WAC 388-400-0010;

(iii) Basic food as described in WAC 388-400-0040; or

(iv) The state funded food assistance program as described in WAC 388-400-0050.

(2) Children who are not streamline certified must submit a sun bucks application during the summer operational period and must meet the following criteria:

(a) Attend a school that participates in the national school lunch program or school breakfast program; and

(b) Meet income eligibility guidelines for free or reduced-price school meals.

(i) Income eligibility guidelines change annually on July 1.

(ii) The income eligibility guidelines in effect on the date of application are used to determine eligibility.

(3) Applications received after the end of the summer operational period will be considered for sun bucks in the following year.

(4) If information on an application is questionable, verification may be requested and must be provided within 30 days of the date of application.

(5) Children approved for sun bucks receive a notice of approval describing their eligibility and other information related to the program.

#### NEW SECTION

##### **WAC 388-487-0030 General information about sun bucks benefits.**

(1) The amount of sun bucks each eligible child will receive is \$120 for the summer of 2024 and will be adjusted annually for inflation.

(2) Sun bucks benefits are deposited into an account accessible with a designated sun bucks card. Each sun bucks card is:

(a) Linked to a sun bucks account for each eligible child; and

(b) Mailed to the last known address as reported by the parent or caregiver to either:

(i) The child's school if directly certified for free or reduced-price meals; or

(ii) The department for the eligible child's cash or food assistance household.

(c) It is the parent's or caregiver's responsibility to accurately and timely report any address changes to the child's school and to the department. The department or school is not responsible for the expungement of benefits due to unreceived sun bucks notices or cards sent through the mail.

(3) To use a sun bucks account:

(a) The sun bucks EBT card can be used by the eligible child or responsible household member, such as a parent or caregiver on behalf of the eligible child, to purchase eligible food items.

(b) A personal identification number (PIN) must be created to use the sun bucks card. Families are responsible for keeping the sun bucks card and PIN of an eligible child in a safe and secure place.

(c) Sun bucks benefits are only accessed from the sun bucks card and cannot be transferred to a bank account or issued as a check.

(4) The purpose of sun bucks benefits is to help low-income families have a more nutritious diet by providing food benefits to eligible children during the summer months between academic school years.

(a) Any remaining sun bucks benefits not used within 122 days from the date of deposit into each eligible child's account are expunged.

(b) Sun bucks benefits cannot be replaced, redeemed, expunged, lost, or stolen due to fraudulent activity or use.

(c) Sun bucks benefits are used to buy food items for an eligible child from a food retailer authorized to accept supplemental nutrition assistance program benefits.

(d) Intentional misuse of sun bucks benefits may be subject to fines or legal action including criminal prosecution.

(5) The household must request a hearing within 90 days of the end of the summer operational period when disagreeing with a decision explained in the notice.

(6) Children cannot receive sun bucks from more than one state at a time for the same summer operational period.