

**WSR 23-22-083
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES**

[Filed October 27, 2023, 12:55 p.m., effective October 27, 2023, 12:55 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of children, youth, and families is amending these rules to increase child care center and licensed family home provider rates to the 85th percentile of the current market and increasing family friends and neighbor rates to \$3.85, effective July 1, 2023, and delayed implementation for another increase to \$4 on July 1, 2024.

Citation of Rules Affected by this Order: Amending WAC 110-15-0200, 110-15-0205, and 110-15-0240.

Statutory Authority for Adoption: RCW 74.04.050.

Under RCW 34.05.350 the agency for good cause finds 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: These rules are needed to comply with E2SHB 5237 and chapter 199, Laws of 2021. This is the second emergency filing for these rules. They have been in effect under emergency status since July 1, 2023, under WSR 23-14-100.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 27, 2023.

Brenda Villarreal
Rules Coordinator

OTS-4718.2

AMENDATORY SECTION (Amending WSR 22-16-081, filed 8/1/22, effective 9/1/22)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** Effective July 1, ((2022)) 2023, the child care subsidy rates paid to licensed or certified child care centers or DCYF contracted seasonal day camps are:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$48.02) \$62.05	(\$43.50) \$56.14	(\$39.67) \$53.18	(\$39.15) \$53.36
	Half-Day	(\$24.01) \$31.03	(\$21.75) \$28.07	(\$19.84) \$26.59	(\$19.58) \$26.68
Spokane County	Full-Day	\$68.54	(\$55.37) \$56.59	\$52.14	(\$40.59) \$49.00
	Half-Day	\$34.27	(\$27.69) \$28.30	\$26.07	(\$20.30) \$24.50
Region 2	Full-Day	(\$55.68) \$59.09	(\$42.44) \$49.09	(\$42.34) \$44.77	(\$31.74) \$32.73
	Half-Day	(\$27.84) \$29.55	(\$21.22) \$24.55	(\$21.17) \$22.39	(\$15.87) \$16.37
Region 3	Full-Day	\$88.58	(\$79.36) \$80.36	(\$66.89) \$72.50	(\$50.62) \$65.45
	Half-Day	\$44.29	(\$39.68) \$40.18	(\$33.45) \$36.25	(\$25.31) \$32.73
Region 4	Full-Day	(\$111.05) \$113.64	(\$92.28) \$101.59	(\$83.31) \$85.68	(\$52.20) \$90.64
	Half-Day	(\$55.53) \$56.82	(\$46.14) \$50.80	(\$41.66) \$42.84	(\$26.10) \$45.32
Region 5	Full-Day	\$72.56	(\$62.80) \$64.00	\$55.77	(\$40.60) \$54.18
	Half-Day	\$36.28	(\$31.40) \$32.00	\$27.89	(\$20.30) \$27.09
Region 6	Full-Day	(\$66.12) \$77.00	(\$59.16) \$67.50	(\$54.52) \$57.73	(\$41.66) \$50.23
	Half-Day	(\$33.06) \$38.50	(\$29.58) \$33.75	(\$27.26) \$28.87	(\$20.83) \$25.12

(a) Centers in Clark County are paid Region 3 rates.

(b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(3) Providers must obtain child-specific and time-limited exceptions from DCYF to provide care for children outside the age listed on the center's license.

(4) If providers are granted an exception to care for a child who is 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through 12 year age range column is used for comparison; and

(b) The children must meet the special needs requirement described in WAC 110-15-0220.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.

(2) Effective July 1, (~~2021~~) 2023, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy rates:

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
((Region Full-Day	\$40.00	\$40.00	\$35.00	\$32.00	\$30.00
† Half-Day	\$20.00	\$20.00	\$17.50	\$16.00	\$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Spokane County Full-Day	\$42.00	\$42.00	\$40.00	\$37.00	\$36.00
Spokane County Half-Day	\$21.00	\$21.00	\$20.00	\$18.50	\$18.00
Spokane County Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	\$45.00	\$45.00	\$37.50	\$35.00	\$32.00
Region 2 Half-Day	\$22.50	\$22.50	\$18.75	\$17.50	\$16.00
Region 2 Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3 Full-Day	\$55.00	\$55.00	\$48.86	\$48.00	\$40.00
Region 3 Half-Day	\$27.50	\$27.50	\$24.43	\$24.00	\$20.00
Region 3 Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4 Full-Day	\$68.18	\$68.18	\$63.64	\$59.09	\$40.00
Region 4 Half-Day	\$34.09	\$34.09	\$31.82	\$29.55	\$20.00
Region 4 Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5 Full-Day	\$48.86	\$48.86	\$42.00	\$39.09	\$35.71
Region 5 Half-Day	\$24.43	\$24.43	\$21.00	\$19.55	\$17.86
Region 5 Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
Region 6 Full-Day	\$45.00	\$45.00	\$43.18	\$38.00	\$32.50
Region 6 Half-Day	\$22.50	\$22.50	\$21.59	\$19.00	\$16.25
Region 6 Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	(\$24.38))
Region 1 Full-Day	\$49.23	\$49.23	\$47.09	\$40.00	\$36.59
Region 1 Half-Day	\$24.62	\$24.62	\$23.55	\$20.00	\$18.30
Region 1 Partial-Day	\$36.92	\$36.92	\$35.32	\$30.00	\$27.44
Spokane County Full-Day	\$48.00	\$48.00	\$48.00	\$45.00	\$45.00
Spokane County Half-Day	\$24.00	\$24.00	\$24.00	\$22.50	\$22.50
Spokane County Partial-Day	\$36.00	\$36.00	\$36.00	\$33.75	\$33.75
Region 2 Full-Day	\$66.00	\$66.00	\$59.09	\$48.00	\$40.00
Region 2 Half-Day	\$33.00	\$33.00	\$29.55	\$24.00	\$20.00
Region 2 Partial-Day	\$49.50	\$49.50	\$44.32	\$36.00	\$30.00
Region 3 Full-Day	\$65.00	\$65.00	\$59.09	\$54.18	\$49.23
Region 3 Half-Day	\$32.50	\$32.50	\$29.55	\$27.09	\$24.62
Region 3 Partial-Day	\$48.75	\$48.75	\$44.32	\$40.64	\$36.92
Region 4 Full-Day	\$81.82	\$81.82	\$75.00	\$68.95	\$60.00
Region 4 Half-Day	\$40.91	\$40.91	\$37.50	\$34.48	\$30.00
Region 4 Partial-Day	\$61.37	\$61.37	\$56.25	\$51.71	\$45.00
Region 5 Full-Day	\$59.09	\$59.09	\$59.09	\$49.23	\$44.32
Region 5 Half-Day	\$29.55	\$29.55	\$29.55	\$24.62	\$22.16
Region 5 Partial-Day	\$44.32	\$44.32	\$44.32	\$36.92	\$33.24
Region 6 Full-Day	\$59.09	\$59.09	\$55.00	\$53.00	\$45.00
Region 6 Half-Day	\$29.55	\$29.55	\$27.50	\$26.50	\$22.50
Region 6 Partial-Day	\$44.32	\$44.32	\$41.25	\$39.75	\$33.75

(3) The monthly unit for family home providers in all regions and for all ages will include a partial-day rate that is 75 percent of the full-day rate when:

(a) Providers provide child care services for a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) Family home providers are not entitled to payment at the full-day rate.

(4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.

(5) School age children will be authorized for 22 full days in July and August when:

- (a) They are authorized for a full-time, full-time partial-day, monthly unit; or
- (b) They are authorized for a part-time, part-time partial-day, monthly unit;
- (c) Are scheduled for child care with a single provider at least 110 hours per month; and
- (d) The consumer participates in an approved activity at least 110 hours per month.
- (6) Monthly units will be prorated for partial months of authorization.
- (7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.
- (8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.
- (9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.
- (10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for children outside the age listed on their licenses.
- (11) For providers who are granted an exception to care for a child who is 13 years of age or older at application or reapplication:
- (a) The payment rate is the same as subsection (1) of this section and the five through 12 year age range column is used for comparison; and
- (b) The child must meet the special needs requirement as described in WAC 110-15-0220.
- (12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (13) of this section).
- (13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:
- (a) The child's biological, adoptive or step-parent;
- (b) The child's guardian or the guardian's spouse or live-in partner; or
- (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

- WAC 110-15-0240 Child care subsidy rates—In-home/relative providers.** (1) **Base rate.** When consumers employ in-home/relative providers, DCYF pays (~~(\$2.65)~~) \$3.85 per hour per child. Beginning July 1, (~~(2022)~~) 2024, the maximum child care subsidy rate is (~~(\$3.00)~~) \$4.00 per hour per child.
- (2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.
- (3) DCYF makes the WCCC payment directly to consumers' eligible providers.
- (4) When applicable, DCYF pays the employer's share of the following:

- (a) Social Security and medicare taxes (FICA) up to the wage limit;
- (b) Federal Unemployment Taxes (FUTA); and
- (c) State unemployment taxes (SUTA).
- (5) For in-home/relative providers who receive less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to them.