

WSR 24-12-042

PERMANENT RULES

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed May 30, 2024, 1:09 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The early learning division of the department of children, youth, and families (DCYF) is amending WAC 110-425-0030 Definitions, because the Fair Start for Kids Act (E2SSB 5237) requires 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.

Citation of Rules Affected by this Order: Amending WAC 110-425-0030.

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

Adopted under notice filed as WSR 24-08-066 on April 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 30, 2024.

Brenda Villarreal
Rules Coordinator

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 en-

rollment. "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>.