

information as may be required by the board. The board will be notified of all changes to the utilization plan. A copy of the utilization plan must be maintained in the pharmacy.

(3) Utilization plan for Level B pharmacy assistants. The application for approval shall list the job title or function of the pharmacy assistant.

(4) The board may give conditional approval for pilot or demonstration projects for innovative applications in the utilization of pharmacy assistants.

[Statutory Authority: RCW 18.64A.030. 88-14-043 (Order 217), § 360-52-090, filed 6/30/88; Order 141, § 360-52-090, filed 12/9/77.]

Chapter 360-60 WAC HOME DIALYSIS PROGRAM

WAC

360-60-010	Home dialysis program—Legend drugs.
360-60-020	Pharmacist consultant.
360-60-030	Records.
360-60-040	Quality assurance.

WAC 360-60-010 Home dialysis program—Legend drugs. Pursuant to RCW 18.64.257 and 69.41.032, a Medicare-approved dialysis center or facility operating a Medicare-approved home dialysis program may sell, deliver, possess and/or dispense directly to its home dialysis patients in cases or full shelf package lots, if prescribed by a physician, the following legend drugs:

- (a) Sterile heparin, 1000u/ml, in vials;
- (b) Sterile potassium chloride, 2mEq/ml, for injection;
- (c) Commercially available dialysate; and,
- (d) Sterile sodium chloride, 0.9%, for injection in containers of not less than 150ml.

[Statutory Authority: RCW 18.64.005. 88-06-026 (Order 210), § 360-60-010, filed 2/25/88.]

WAC 360-60-020 Pharmacist consultant. Home dialysis programs involved in the distribution of legend drugs as permitted by RCW 18.64.257 and 69.41.032, shall have an agreement with a pharmacist which provides for consultation as necessary. This shall include advice on the drug distribution process to home dialysis patients and on the location used for storage and distribution of the authorized drugs, which shall be reasonably separated from other activities and shall be secure.

[Statutory Authority: RCW 18.64.005. 88-06-026 (Order 210), § 360-60-020, filed 2/25/88.]

WAC 360-60-030 Records. (1) A record of shipment shall be attached to the prescriber's order and shall include: The name of the patient, strengths, and quantities of drugs; the manufacturers' names; date of shipment; names of persons who selected, assembled and packaged for shipment; and, the name of the pharmacist or designated individual responsible for the distribution.

(2) Prescription and drug distribution records shall be maintained in accordance with board of pharmacy record retention requirements.

[1988 WAC Supp—page 2330]

[Statutory Authority: RCW 18.64.005. 88-06-026 (Order 210), § 360-60-030, filed 2/25/88.]

WAC 360-60-040 Quality assurance. Home dialysis programs involved in the distribution of legend drugs as permitted by RCW 18.64.257 and 69.41.032, shall develop a quality assurance program for drug distribution and shall maintain records of drug distribution errors and other problems, including loss due to damage or theft.

[Statutory Authority: RCW 18.64.005. 88-06-026 (Order 210), § 360-60-040, filed 2/25/88.]

Title 365 WAC COMMUNITY DEVELOPMENT, DEPARTMENT OF

(Formerly: Planning and Community Affairs Agency)

Chapters

365-40	State funding of local Head Start programs.
365-100	Winter utility moratorium program.
365-110	State Building Code—Building permit surcharges and fees.
365-120	State funding of local emergency shelter programs.
365-135	Bond cap allocation.
365-140	State funding of local emergency food programs.
365-170	State funding for local early childhood education and assistance programs.
365-180	Energy matchmakers.

Chapter 365-40 WAC STATE FUNDING OF LOCAL HEAD START PROGRAMS

WAC

365-40-020	Definitions.
365-40-051	Eligibility criteria.
365-40-071	Method of payment and reporting requirements.

WAC 365-40-020 Definitions. (1) "Applicant" means a unit(s) of local government, a qualified private organization, or a combination thereof, which applies for state Head Start funds.

(2) "Contractor" means an applicant which has been allocated state Head Start funds and which has entered into a contract to carry out a Head Start program.

(3) "Director" means the director of the department of community development (hereafter, the agency).

(4) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-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.

[Statutory Authority: Chapter 43.63A RCW. 88-01-058 (Order 87-20), § 365-40-020, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-020, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-020, filed 6/7/85. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 78-11-059 (Order 78-04), § 365-40-020, filed 10/25/78.]

WAC 365-40-051 Eligibility criteria. In order to receive Head Start funds, a contractor must provide services to families and individuals eligible according to federal Head Start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated to programs based on the federal enrollment levels. An additional set-aside of 3% of the pass through funds are allocated for programs with 60 or less children.

[Statutory Authority: Chapter 43.63A RCW. 88-01-058 (Order 87-20), § 365-40-051, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-051, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-051, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-051, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-051, filed 7/20/79.]

WAC 365-40-071 Method of payment and reporting requirements. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will specify procedures for expenditure reimbursement, with vouchers submitted within a specified time as required by the agency.

(a) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(b) If a contractor fails to file a claim for expense reimbursement within any six-month period, the agency may elect to terminate the contract.

(c) Funds allocated for a program may be reduced by the amount unclaimed in the program year immediately preceding the new funding year.

(3) If an intended use is not allowable under these rules or the approved contract, the contractor will not be reimbursed for the cost of the item.

(4) The agency will notify the contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the contractor, the provisions of the contract may be amended.

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

(8) The contractor at time of application shall submit an annual audit of funds and resolution of findings provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources. This audit report must include a breakdown of state funds by contract number.

[Statutory Authority: Chapter 43.63A RCW. 88-01-058 (Order 87-20), § 365-40-071, filed 12/16/87; 86-18-026 (Order 86-02), § 365-40-071, filed 8/27/86. Statutory Authority: RCW 43.63A.060. 85-13-006 (Order 85-03), § 365-40-071, filed 6/7/85. Statutory Authority: RCW 43.06.110 and 43.63A.060. 82-07-066 (Order 82-01), § 365-40-071, filed 3/22/82. Statutory Authority: RCW 43.06.110 and chapter 43.63A RCW. 79-08-050 (Order 79-02), § 365-40-071, filed 7/20/79.]

Chapter 365-100 WAC

WINTER UTILITY MORATORIUM PROGRAM

WAC

365-100-010	General purpose.
365-100-020	Definitions.
365-100-030	Applicant responsibilities.
365-100-040	Contractor responsibilities.

WAC 365-100-010 General purpose. The following regulations are adopted pursuant to chapter 245, Laws of 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter 245, Laws of 1986.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-010, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-010, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-010, filed 10/19/84.]

WAC 365-100-020 Definitions. The following definitions shall apply to terms in chapter 245, Laws of 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

"Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance and weatherization services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant signs that acknowledges household gross income, self-certified income, and seven percent of household's

income. The statement acknowledges whether the income is verified or unverified, whether the applicant has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant. The statement also acknowledges that the applicant agrees to enter into a payment plan, to pay the past due bill by October 15 even if they move, to pay for continued utility service, and to apply any assistance received to the bill.

"Date of application" means the day the applicant notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

"Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-020, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-020, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-020, filed 10/19/84.]

WAC 365-100-030 Applicant responsibilities. (1)

The applicant shall notify the utility of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant shall contact the contractor within five business days from the date of notification to the utility to complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant shall provide the utility with the completed client income statement of unverified income within twenty days from the date of application. Verified income, or acceptance of self-certification, must be supplied to the utility within forty-five days of application. (See WAC 365-100-040.)

(4) At the time the client income statement is submitted to the utility, the applicant shall enter an agreement to pay no less than seven percent of the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(5) Prior to March 15, the applicant and the utility shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-030, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-030, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-030, filed 10/19/84.]

WAC 365-100-040 Contractor responsibilities. (1)

The contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures. In either instance, the contractor shall notify the utility and the applicant of the applicant's eligibility no later than forty-five days from the date of application.

(2) The contractor shall provide the client income statement and assist the applicant in completing the statement when applying for the moratorium program. If the applicant contacts the contractor to apply for the moratorium program before notifying the utility of their inability to pay the bill, the contractor shall instruct the applicant to immediately contact the utility.

(3) The contractor shall interview the applicant for energy and weatherization assistance.

(4) The contractor shall provide the client income statement of unverified income to the applicant within twenty days from the date of application.

(5) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

(6) The contractor shall advise the applicant that disconnection of services is possible if:

(a) Verified income is not supplied to the utility within forty-five days of application and no interim payment agreement has been made with the utility by the applicant.

(b) The applicant has been determined income ineligible.

(7) The contractor shall inform the applicant that the utility is required to offer a choice between a budget billing plan or equal payment plan.

[Statutory Authority: Chapter 43.63A RCW. 87-10-020 (Order 87-08), § 365-100-040, filed 5/1/87. Statutory Authority: RCW 43.63A.080. 85-05-017 (Order 84-02), § 365-100-040, filed 2/13/85; 84-21-087 (Order 84-02), § 365-100-040, filed 10/19/84.]

Chapter 365-110 WAC

STATE BUILDING CODE--BUILDING PERMIT SURCHARGES AND FEES

WAC

365-110-020	Purpose.
365-110-030	Sufficient federal funds not available.
365-110-035	Definitions.
365-110-050	Collection of State Building Code fee.
365-110-080	Termination.

WAC 365-110-020 Purpose. The purpose of these rules is to implement chapter 19.27 RCW as amended by chapter 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by

section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Chapter 19.27 RCW provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989.

[Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-020, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-020, filed 9/13/85.]

WAC 365-110-030 Sufficient federal funds not available. As required by chapter 19.27A RCW, the department of community development has consulted with the Washington state energy office and has requested that the Washington state energy office determine if federal funds are available to implement the purposes of the chapter. The Bonneville Power Administration, the appropriate federal funding agency, has denied the state's request for funding for the energy conservation testing studies by the University of Washington provided for in RCW 19.27A.040. The appropriations provided in section 301(2), chapter 6, Laws of 1985 1st ex. sess., shall therefore be funded from the surcharge provided in chapter 19.27A RCW.

The Bonneville Power Administration has approved partial funding in the amount of \$15,000 for activities of the State Building Code council to implement the amendment of the State Energy Code. Pursuant to the provisions of section 217(6), chapter 6, Laws of 1985 1st ex. sess., funding for this appropriation from the surcharge shall be reduced in the amount of \$15,000.

The department of community development finds that federal funds are not available in sufficient amounts to implement the provisions of chapter 19.27A RCW. Therefore the department is, through this chapter, implementing the surcharge as required by RCW 19.27A.040.

[Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-030, filed 9/18/87. Statutory Authority: 1985 c 144 and

360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-030, filed 9/13/85.]

WAC 365-110-035 Definitions. 1. DEPARTMENT shall mean the department of community development.

2. ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 19.27A RCW, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 19.27A RCW.

3. STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapter 19.27 RCW.

4. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.

[Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-035, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-035, filed 9/13/85.]

WAC 365-110-050 Collection of State Building Code fee. Every city or county shall collect a State Building Code fee of three dollars and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code fee.

[Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-050, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-050, filed 9/13/85.]

WAC 365-110-080 Termination. The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June 30,

1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to RCW 19.27A.040.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect as follows: One dollar and fifty cents on each building permit issued by a county or a city imposed by RCW 19.27.085 shall continue in effect until repealed or modified by legislative action. Two dollars on each building permit issued by a county or city imposed by section 217(14), chapter 7, Laws of 1987 1st ex. sess., shall terminate on June 30, 1989.

[Statutory Authority: RCW 19.27.085, 19.27A.040, 43.63A.060, 43.63A.065 and 1987 1st ex.s. c 7 § 217(14). 87-19-110 (Order 87-19), § 365-110-080, filed 9/18/87. Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-080, filed 9/13/85.]

Chapter 365-120 WAC STATE FUNDING OF LOCAL EMERGENCY SHELTER PROGRAMS

WAC

365-120-010	Authority.
365-120-030	Definitions.
365-120-040	Contractor funding allocation.
365-120-050	Applicant eligibility criteria.
365-120-060	Financial support application process.

WAC 365-120-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

[Statutory Authority: RCW 43.63A.060. 87-19-112 (Order 87-12), § 365-120-010, filed 9/18/87; 86-03-008 (Order 85-19), § 365-120-010, filed 1/6/86.]

WAC 365-120-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization including local government entities, or a combination thereof, which applies for state emergency shelter funds.

(6) "Contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract

with the department of community development to provide emergency shelter services.

(7) "Lead agency contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014(1)).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036 (WAC 388-73-014(6)).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

(18) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency contractor to provide emergency shelter services.

(19) "Safe home" means a private home where short term emergency shelter is provided primarily to victims of domestic violence.

[Statutory Authority: RCW 43.63A.060. 87-19-112 (Order 87-12), § 365-120-030, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-030, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-030, filed 1/6/86.]

WAC 365-120-040 Contractor funding allocation. Each county of the state is allocated a portion of the total contractor appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using federal guidelines; and

(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(4) Any increases in appropriations to this program by the legislature will be allocated according to each county's percent of the total state appropriation which was determined in subsections (1), (2), and (3) of this section.

The department may award the combined allocation of two or more counties to a single applicant.

The department may award a contract to one lead agency contractor in each county with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local agency providers of emergency shelter services.

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

In the event that funds are not claimed by an eligible organization in a county, or that a portion of the funds allocated to a county remain unspent, two thirds of those funds will be awarded to shelters serving the homeless mentally ill in King County and one third of the funds will be awarded to shelters serving the homeless mentally ill in Pierce County.

The department will pay for services provided under the state emergency shelter assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

[Statutory Authority: RCW 43.63A.060, 87-19-112 (Order 87-12), § 365-120-040, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-040, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-040, filed 1/6/86.]

WAC 365-120-050 Applicant eligibility criteria. (1) The applicant for funding as a participating agency must have been a provider of emergency shelter for one year prior to the beginning date of the contract year.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.

(6) The applicant for funding as a participating agency must provide short-term emergency shelter services either directly through a shelter facility, through a voucher system, or through a safe home.

(7) The applicant for lead agency contractor must be authorized by the applicant participating agencies within each county for which funds are applied.

(8) The applicant for lead agency contractor may or may not actually provide emergency shelter program services.

(9) The applicant must be a public or private non-profit organization, or a local government entity.

(10) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

[Statutory Authority: RCW 43.63A.060, 87-19-112 (Order 87-12), § 365-120-050, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-050, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-050, filed 1/6/86.]

WAC 365-120-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 – June 30. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

(3) Department funds may not be substituted for other existing funding sources.

(4) The total amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.

(5) Administrative costs under this program are limited to ten percent of the total award for providing direct services. The administrative costs of a contractor that provides direct emergency shelter services and also serves as a lead agency contractor are limited to ten percent of the contractor award for providing direct services plus ten percent of the multi-agency service provider contract total. However, total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

[Statutory Authority: RCW 43.63A.060, 87-19-112 (Order 87-12), § 365-120-060, filed 9/18/87; 86-20-011 (Order 86-15), § 365-120-060, filed 9/22/86; 86-03-008 (Order 85-19), § 365-120-060, filed 1/6/86.]

Chapter 365-135 WAC BOND CAP ALLOCATION

WAC

365-135-010 Purpose.
365-135-020 Definitions.

365-135-030	Initial allocations.
365-135-040	Procedure for obtaining an allocation, extension, or carryforward.
365-135-050	Fees.
365-135-060	Criteria for small issue (industrial revenue) bonds.

WAC 365-135-010 Purpose. The federal Tax Reform Act of 1986 imposes an annual ceiling on each state limiting the dollar volume of certain private activity bonds that can be issued. To allocate this ceiling among eligible issuers in Washington state, chapter 297, Laws of 1987 has been enacted. In accordance with the statute, the department of community development will allocate the state's private activity bond ceiling and establish by rule a fee schedule. The department will carry out such functions through the bond cap allocation program (BCAP).

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-010, filed 9/16/87.]

WAC 365-135-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

Allocation assessment: The fee which is comprised of both the issuer's filing fee and approval fee and is assessed by the department upon an issuer, based upon the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Approval fee: The amount of an issuer's allocation assessment less the filing fee.

Department: The Washington state department of community development.

Filing fee: A fee which is payable to the department in the amount of three hundred dollars and is due from the issuer upon filing an allocation request.

Reallocation: The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

Statute: Chapter 297, Laws of 1987.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-020, filed 9/16/87.]

WAC 365-135-030 Initial allocations. Initial allocations shall be made in accordance with provisions of the statute. In addition, until September 1 of each calendar year, at least twenty-five percent of the initial allocation for the small issue bond use category shall be reserved for the community economic revitalization board's umbrella bond program, except that this amount may be reduced if the board indicates that a reduced amount is appropriate.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-030, filed 9/16/87.]

WAC 365-135-040 Procedure for obtaining an allocation, extension, or carryforward. No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying a three hundred dollar filing fee. An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. Each issuer that receives a certificate of approval for allocation will be concurrently notified of an approval fee due. The issuer must either confirm its intention to use its allocation by paying the approval fee in accordance with WAC 365-135-050 (3)(b) or lose the allocation approval. If an issuer does not issue private activity bonds or mortgage credit certificates in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or allocation in a timely manner.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-040, filed 9/16/87.]

WAC 365-135-050 Fees. A fee schedule is hereby established, which will consist of:

- (1) A filing fee, due at the time a request is filed with the department of community development; and
- (2) An approval fee, due after the department approves an allocation amount for an issuer; and
- (3) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, only the filing fee is due. The filing fee and the approval fee together comprise the issuer's allocation assessment, the total amount of which is based on the following formula:

1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Annually, the department will determine if an adjustment of the fees is warranted by reviewing the account of BCAP revenues and expenses for the preceding fiscal year and by considering BCAP budget projections for the following fiscal year.

Payment of the fees will occur as indicated by the schedule below.

(a) Filing. Upon filing an allocation request, the issuer must submit a nonrefundable filing fee of three hundred dollars, which will count as part of the total allocation assessment if an allocation of the state ceiling is granted. The issuer may also elect to pay in advance any additional amount toward the balance of its anticipated allocation assessment.

(b) Approval. Any request that receives allocation approval will be concurrently notified of the approval fee amount due. The approval fee represents the unpaid balance of the allocation assessment. Within fifteen

business days from the date the department of community development grants an allocation approval, the issuer must submit the approval fee or lose the allocation approval, except that any amount of the approval fee greater than one thousand dollars may be payable within ten business days from the date the bond sale is closed or at such date as agreed upon by both the department and the issuer.

(c) Extensions and carryforwards. The department may assess an additional filing fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. However, if the BCAP administrator determines that an issuer's allocation assessment includes a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(d) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-050, filed 9/16/87.]

WAC 365-135-060 Criteria for small issue (industrial revenue) bonds. In addition to the statute, the following guidelines will be used as criteria for evaluating small issue requests:

(1) Until June 1 of each year, a minimum percentage of the ceiling available for small issues will be set aside for issuers in those locations which BCAP designates by certain geographic and distress indicators, as follows:

<u>Designation</u>	<u>Allocation set-aside</u>
East/distressed	15% or greater
West/distressed	15% or greater
East/nondistressed	10% or greater

(2) In evaluating the number of employment opportunities a project would offer in relationship to the dollars which would be allocated from the ceiling, priority will be given to those projects, relative to their appropriate designation, which do not exceed the following ratios for dollars allocated per job:

<u>Designation</u>	<u>\$ (in thousands) per job offered</u>
East/distressed	\$292.2/job
East/nondistressed	121.6/job
West/distressed	246.2/job
West/nondistressed	206.6/job
State-wide	216.8/job

(3) If the department finds that a particular project does not meet the guidelines in this section, but is nonetheless in the best interest of the state, the department may approve the request. Factors that may lead to such a finding include the following:

(a) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department; and

(b) The number of secondary or spin-off jobs expected to be generated by the project.

(4) If demand for allocation exceeds the amount available, priority will be given to counties designated as distressed, using unemployment figures from the employment security department.

(5) The department will review these guidelines at least annually.

[Statutory Authority: 1987 c 297, 87-19-082 (Order 87-18), § 365-135-060, filed 9/16/87.]

Chapter 365-140 WAC

STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS

WAC

365-140-010	Authority.
365-140-030	Definitions.
365-140-040	Contractor funding allocation and award of contracts.
365-140-050	Applicant eligibility criteria.
365-140-060	Financial support application process.

WAC 365-140-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

[Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-010, filed 9/18/87; 86-08-043 (Order 85-15), § 365-140-010, filed 3/27/86.]

WAC 365-140-030 Definitions. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food distribution center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients.

(6) "Emergency food assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a public or private nonprofit organization, which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency contractor to provide emergency food program services.

[Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-030, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-030, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-030, filed 3/27/86.]

WAC 365-140-040 Contractor funding allocation and award of contracts. Each county of the state is allocated a portion of the total appropriation by the legislature.

(1) Sixty percent of total funds shall be provided to food banks by county according to the following formula:

(a) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) Forty percent of total funds shall be provided to food distribution centers by county according to the following formulas:

(a) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food distribution centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a food bank contract to one lead agency contractor in each county, with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

(5) The department shall award a contract to food distribution centers which are designated by the emergency food assistance program and the food bank lead agency contractors.

(6) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the county with the highest rate of unemployment which was allocated no more than three thousand dollars for the contract year will receive unspent funds not to exceed three thousand dollars. Unspent funds exceeding three thousand dollars will be reallocated to a county with the next highest rate of unemployment which was allocated no more than three thousand dollars for the contract year.

[Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-040, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-040, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-040, filed 3/27/86.]

WAC 365-140-050 Applicant eligibility criteria. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The applicant must provide food to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food distribution center must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year, except in areas with unmet need.

(7) The applicant for lead agency contractor may or may not actually provide emergency food program services.

[Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-050, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-050, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-050, filed 3/27/86.]

WAC 365-140-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency contractor are limited to ten percent of the contractor's award for providing direct services plus ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(8) Department funds may not be used to defray costs of meal programs.

[Statutory Authority: RCW 43.63A.060, 87-19-113 (Order 87-11), § 365-140-060, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-060, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-060, filed 3/27/86.]

Chapter 365-170 WAC

STATE FUNDING FOR LOCAL EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAMS

WAC

365-170-010	Authority.
365-170-020	Purpose.
365-170-030	Definitions.
365-170-040	Determination of funding.
365-170-050	Eligibility criteria for applicants.
365-170-060	Process for allocating or awarding funds.
365-170-070	Use of funds.
365-170-080	Eligibility criteria for clients.
365-170-090	Program design.
365-170-100	Administrative component.

WAC 365-170-010 Authority. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. These rules are also adopted under the specific authority delegated to the department under RCW 28A.34A.060 to adopt rules for the administration of the program. The program which these rules are designed to implement is found in chapter 28A.34A RCW.

[Statutory Authority: RCW 28A.34A.060, 88-18-039 (Order 88-04), § 365-170-010, filed 8/31/88. Statutory Authority: RCW 43.63A.060, 87-04-007 (Order 87-02), § 365-170-010, filed 1/23/87.]

WAC 365-170-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local early childhood education and assistance programs.

[Statutory Authority: RCW 43.63A.060, 87-04-007 (Order 87-02), § 365-170-020, filed 1/23/87.]

WAC 365-170-030 Definitions. (1) "Applicant" means a public or private nonsectarian organization which applies for state early childhood education and assistance program assistance.

(2) "At risk" means children residing in low income families who are by virtue of their socio-economic status at risk of failure in the common school system.

(3) "Contract year" means the period July 1 through June 30 in which the program must operate.

(4) "Department" means the department of community development.

(5) "Direct service" means any educational, health, or social service for children which is designed to meet the program standards.

(6) "Director" means the director of the department of community development.

(7) "Early childhood education and assistance program" means the state-wide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local early childhood education and assistance programs.

(8) "Family" means all persons living in the same household who are (a) supported by the income of the parent(s) or guardian(s) of the child enrolling in the early childhood education and assistance program, and (b) related to the parent(s) or guardian(s) by blood, marriage, adoption, or legal obligation to provide support.

(9) "Contractor" means an applicant which has been awarded state funds under the early childhood education and assistance program, and which has entered into a contract with the department of community development to provide an early childhood education and assistance program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.

(10) "Like educational services" means comprehensive programs providing educational, social, parent involvement, and health services funded by other sources.

(11) "Low-income family" means a family whose total income before taxes for the twelve months or full calendar year, whichever period better reflects the current income of the family, prior to the enrollment of their child in the early childhood education and assistance program is equal to, or less than, federally established poverty guidelines as defined by the Department of Health and Human Services. The term also includes a family receiving aid to families with dependent children or participating in the family independence program under chapter 74.21 RCW.

(12) "Nonsectarian" means that no aspect of early childhood education and assistance services will include any religious orientation.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-030, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-030, filed 1/23/87.]

WAC 365-170-040 Determination of funding. Funds shall be allocated or awarded by the department consistent with the legislature's determination of the amount of funding available to award state-wide to early childhood education and assistance programs and any conditions imposed by the legislature on the use of such funds. Funds received from other sources will be administered according to the terms of the grant or award, if not inconsistent with the terms of this chapter, chapter 28A.34A RCW, and other applicable laws or rules.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-040, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-040, filed 1/23/87.]

WAC 365-170-050 Eligibility criteria for applicants. (1) Public or private nonsectarian organizations are eligible to apply for funding as early childhood education and assistance programs.

(2) A consortium of public or private nonsectarian organizations, or both, are eligible to apply.

(3) Organizations must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.

(4) Using a form provided by the department, organizations must obtain acknowledgement of their application from local school districts within the proposed service area.

(5) Programs shall neither deny service to, nor otherwise discriminate in the delivery of services against, any person who otherwise meets the eligibility criteria for the program on the basis of race, color, religion, sex, age, national origin, citizenship, ancestry, physical or mental handicap or because such person is a recipient of federal, state, or local public assistance.

(6) Not less than ten percent of the available slots state-wide shall be reserved for children of migrant families, seasonal farmworker families, and Native American families living on or off reservation.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-050, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-050, filed 1/23/87.]

WAC 365-170-060 Process for allocating or awarding funds. (1) Funds shall be awarded on a competitive basis or allocated by the department.

(2) An applicant shall use forms issued and procedures established by the department.

(3) The department shall notify all applicants of funding decisions. All recipients of funds shall be provided with a contract for signature. This contract must

be signed by an official with authority to bind the recipient and must be returned to the department prior to the award or allocation of any funds under this program.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-060, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-060, filed 1/23/87.]

WAC 365-170-070 Use of funds. (1) Department funds shall not be used to supplant other existing funding sources.

(2) Administrative costs under this program are limited to fifteen percent of the total award.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-070, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-070, filed 1/23/87.]

WAC 365-170-080 Eligibility criteria for clients.

(1) A child is eligible if:

(a) The child is not eligible for kindergarten as of August 31 of the contract year; and

(b) The child would benefit from a preschool program designed to help prepare children to enter the school system.

Consistent with the intent to prepare children for the common school system, priority shall be given on a state-wide basis to serving eligible four year old children.

(2) A child must be a member of a low-income family as defined under WAC 365-170-030(11).

(3) A child may not otherwise be a participant in a federal or state program providing like educational services as defined under WAC 365-170-030(10).

(4) As many as ten percent of the available funded enrollment slots may be filled with children who do not meet the eligibility requirements under subsection (2) or (3) of this section but due to circumstances in their environment or in their performance need the program and would benefit from the program.

(5) Participants in the early childhood education and assistance program will not be charged fees for any services provided.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-080, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-080, filed 1/23/87.]

WAC 365-170-090 Program design. Standards for program design are based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in the program standards publication available from the department.

(1) Education component:

(a) Activities in the classroom, home visits, and group experiences will be planned and implemented to ensure that a supportive social and emotional climate exists, intellectual skills are developed, and physical growth is promoted.

(b) Activities in the classroom, home visits, or group experience will be individualized through the development of a curriculum which is developmentally appropriate and is relevant to and reflective of the needs of the population served.

(c) At a minimum, when the majority of the children speak a common language other than English, at least one teacher or aide who speaks their language must be available when children participate in classroom or group experiences.

(d) There will be a mental health professional to advise and assist in developmental screenings and assessments and observe children in the classroom setting and consult with teachers and other appropriate staff at least twice a year.

(e) The program will provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program.

(f) Staff and parents participating in the program shall be trained for and will use positive techniques of guidance, including redirection, anticipation, elimination of potential problems, positive reinforcement and encouragement during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(g) Corporal punishment or other humiliating or frightening discipline techniques shall not be used during the actual hours of program operation while the child is participating in program activities supervised by program staff.

(2) Health component:

(a) There will be a health advisory committee composed of local medical, dental, and nutrition providers, program parents and staff to advise in program planning, implementing, and evaluating program procedures and operations for medical, dental, mental health, and nutrition services. Existing committees may be modified or combined to carry out these activities.

(b) There will be informed prior written parent consent prior to the provision of any health (medical, dental, nutrition, or mental health) services.

(c) The program will provide for an organized health education program for staff, parents, and children which will be integrated into instructional activities in home based and center based programs.

(d) Food will be provided which will help meet a portion of the child's daily nutritional needs, recognizing individual differences and cultural patterns. The food service system, including the menus, shall be approved by a certified dietician or nutritionist as defined in chapter 18.138 RCW. The certified dietician or nutritionist shall be available to provide consultation and education on the nutritional needs of enrolled children.

Programs will participate in the United States Department of Agriculture Child Food and Nutrition Program and shall comply with applicable local, state, and federal sanitation laws and regulations for storage, preparation, and service of food and health of food handlers.

(3) Social services component:

(a) Age and income-eligible children will be recruited for enrollment taking into account the demographic make-up of the community and the needs of the children and families according to approved written recruitment procedures that address both the identification of age and income-eligible children and local priorities within that same population.

(b) Needs will be assessed to assist families in identifying and using appropriate and available community resources.

(c) Programs will coordinate with existing community resources, including existing head start and other preschool programs.

(4) Parent involvement component:

(a) The program will provide for parental involvement at a level not less than that provided under the federal head start program criteria which includes, but is not limited to, parents working with children in cooperation with staff, parents participating in the program, and parents planning for the operation of the program.

(b) The program will install a policy council composed of parents of children who are enrolled in the program, at a level not less than fifty percent and community representatives.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-090, filed 8/31/88. Statutory Authority: RCW 43.63A-060. 87-04-007 (Order 87-02), § 365-170-090, filed 1/23/87.]

WAC 365-170-100 Administrative component. (1) Services to children and their families will be delivered through one or more of the following options:

(a) Center base option: Children will participate in center activities ten or more hours per week distributed over three or more days. One and one-half hours of contact between parents and staff will be completed each month. At least two education-related home visits to families will be completed during the year. Class unit size will not exceed eighteen children with an adult:child ratio of 1:6. There shall be a lead teacher for every class unit.

(b) Home base option: Children will participate in weekly group experiences not to exceed four hours per session. Families will receive weekly one and one-half hour home visits by a home base educator. The case load for home base educators will not exceed twelve children. The adult:child ratio for group experiences will not exceed 1:6.

(c) Locally designed option: Local programs may elect to design and propose other program options which would better meet the needs of individual children and families in their communities. A locally designed option must: Contain rationale as to why the center based and home based options in (a) and (b) of this subsection would not be practicable; must represent a more effective approach to meeting the needs of children in the specific community; be consistent with sound child development practices; and be consistent with described standards to ensure that all components of the early childhood education and assistance program are delivered. The department will determine whether the locally designed option is acceptable on a case-by-case basis.

(2) The following staff qualifications are required for lead teachers in a center based program:

(a) For lead teachers, experience with low-income families is desirable. Lead teachers shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education and a minimum of one year of successful experience working in a preschool or kindergarten; or

(ii) A two-year degree in the field of early childhood education or child development from an accredited public or private institution of higher education with a minimum of two years of successful experience working in a preschool or kindergarten; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a lead teacher with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a lead teacher with the following qualifications:

(i) A teaching certificate and a minimum of one year of successful experience working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years successful experience working with preschool age children; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each lead teacher who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such lead teacher by a person meeting the qualifications of (a) of this subsection for a minimum of one class period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the organization.

(3) The following staff qualifications are required for home base educators in a home base program:

(a) For home base educators, successful experience pertinent to direct involvement with low-income families is desirable. Home base educators shall meet the following qualifications except as provided in (b) of this subsection:

(i) At least a four-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and a minimum of one year of successful relevant experience; or

(ii) A two-year degree in the field of adult education or development, social work, psychology, early childhood education, or child development from an accredited public or private institution of higher education and demonstrated ability to work with groups of preschool age children and a minimum of two years of successful relevant experience; or

(iii) A valid Washington state elementary teaching certificate with an endorsement in early childhood education or early childhood special education or a person with a valid Washington state teaching certificate who would meet the qualifications for an endorsement in early childhood education or early childhood special education.

(b) If the organization is unable to find a home base educator with the qualifications required under (a)(i), (ii), or (iii) of this subsection due to a local labor pool shortage documented by the organization, the organization may employ a home base educator with the following qualifications:

(i) A teaching certificate and demonstrated experience in working with preschool age children; or

(ii) A minimum of a two-year degree from an accredited public or private institution of higher education and a minimum of two years of successful relevant experience; or

(iii) A child development associate credential.

(c) The organization shall establish a written professional development plan for each home base educator who does not meet the qualifications under (a) of this subsection. The plan shall also provide for observation of such home base educator by a person meeting the qualifications of (a) of this subsection for a minimum of one home visit or peer group experience period a month, consultation, and advice and assistance regarding the observation and consultation as needed. The plan shall be completed within three years. Implementation of the plan and progress made towards completion of the plan will be reviewed by the local organization.

(4) Criminal history checks including fingerprinting will be performed for all staff hired after January 1, 1988, and having unsupervised contact with children.

(5) Facility:

(a) Facilities will provide for a physical environment conducive to learning and reflective of the needs of children.

(b) Facilities will comply with an annual fire, health, and safety inspection by local officials.

(c) The outdoor play area of the facility will be fenced to prevent children from leaving the premises unless the organization can demonstrate that the outdoor play area does not present a hazard to children's welfare and that adequate supervision will be provided when children are in the outdoor play area.

(d) The facility will contain a minimum of thirty-five square feet of indoor space per child available for the care of children (exclusive of bathroom, hall, kitchen, and storage). There will be a minimum of seventy-five square feet per child outdoors.

(e) Adequate provision will be made to ensure the facility provides for accessibility, safety, and comfort of handicapped children.

(6) Transportation: Vehicles owned and/or operated by the program for the purposes of transporting children to and from program activities will meet all applicable local ordinances and state and federal laws, rules, and regulations.

(7) Suspected abuse: Suspected incidents of child abuse and/or neglect by parents, staff, or others must be reported by program staff within forty-eight hours to an appropriate law enforcement agency or the department of social and health services in accordance with RCW 26.44.030.

(8) The department may grant waivers for any of the provisions under subsections (1) through (3) and (5) of this section if a contractor can demonstrate that the intent of subsections (1) through (3) and (5) of this section will be met and can demonstrate that the requested waiver is consistent with the purposes of this chapter and chapter 28A.34A RCW. All requests for waivers shall be in writing and be granted on a case-by-case basis.

[Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-100, filed 8/31/88. Statutory Authority: RCW 43.63A-.060. 87-04-007 (Order 87-02), § 365-170-100, filed 1/23/87.]

Chapter 365-180 WAC ENERGY MATCHMAKERS

WAC

365-180-010	Authority.
365-180-020	Purpose.
365-180-030	Definitions.
365-180-040	Program funding.
365-180-050	Proposal for use of funding.
365-180-060	Sponsor match.
365-180-070	Local coordinated plan—Funding proposal process— Award of contracts.
365-180-080	Eligibility criteria for clients.
365-180-090	Program services.

WAC 365-180-010 Authority. These rules are adopted under the authority of chapter 70.164 RCW.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-010, filed 1/4/88.]

WAC 365-180-020 Purpose. To set forth the conditions and procedures under which funding will be made available to be used in combination with contributions to support local low-income weatherization programs.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-020, filed 1/4/88.]

WAC 365-180-030 Definitions. (1) "Department" means the department of community development.

(2) "Energy matchmakers local coordinated plan" means a proposal(s) for use of funding for local low-income weatherization programs in a specific geographical area.

(3) "Low-income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(4) "Nonutility sponsor" means an organization that is not an energy supplier and that submits a local coordinated plan.

(5) "Residence" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters; but excluding institutional buildings such as: A university, group care facility, nursing home, half-way residence, hospital, hotel, motel, etc.

(6) "Sponsor" means an organization that submits a match proposal as part of the energy matchmakers local coordinated plan.

(7) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(8) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(9) "Weatherizing agency" means a public or non-profit private organization, approved by the department, responsible for doing all aspects of the weatherization work.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-030, filed 1/4/88.]

WAC 365-180-040 Program funding. The legislature determines the amount of funding available during a specific biennium for low-income weatherization. Each county receives a "planning estimate" based on the number of low-income households and the climatic conditions of the county. This "planning estimate" is available for low-income weatherization in each county if matching requirements are met. Contingent on the availability of funds, the department may award funds in an amount that exceeds the county's "planning estimate."

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-040, filed 1/4/88.]

WAC 365-180-050 Proposal for use of funding. (1) Any public or private organization in Washington, Idaho, or Oregon that conducts business in Washington state may propose funding for a geographical area(s) by submitting an energy matchmakers local coordinated plan.

(2) Plans submitted to the department shall be the result of local coordination and cooperation.

(3) Plans shall identify weatherizing agencies.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-050, filed 1/4/88.]

WAC 365-180-060 Sponsor match. (1) Plans submitted by energy suppliers shall include a commitment of a matching contribution. Matching contributions can be either cash, in-kind contributions, or both. The match must cover half of the total cost of the low-income weatherization being proposed in the local area.

(2) Only resources that would not otherwise have been used for low-income weatherization will be considered as match.

(3) A sponsor may pay the sponsor match as lump sum at the time of weatherization, or make yearly payments over a period not to exceed ten years. When the sponsor elects to make yearly payments, the value of the payments shall be determined by the department, but shall not be less than the value of the lump sum that would have been made.

(4) All match committed shall result in increasing the number of residences weatherized or increasing weatherization measures installed on or in the residence.

(5) Match waivers may be granted by the department for plans submitted by nonutility sponsors.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-060, filed 1/4/88.]

WAC 365-180-070 Local coordinated plan--Funding proposal process--Award of contracts. (1) A sponsor shall make a formal proposal using forms issued by the department.

(2) A review team will evaluate the energy match-makers local coordinated plans, and will be composed of persons with knowledge of energy conservation and of community-based public and private service organizations.

(3) Plans which include a commitment of matching resources will be given priority for funding.

(4) The department shall have the final discretion to award funds.

(5) The department will enter into a contract with weatherizing agencies identified in successful local coordinated plans. This contract shall be signed by an official with authority to bind the weatherizing agency and returned to the department prior to the release of any funds under this program.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-070, filed 1/4/88.]

WAC 365-180-080 Eligibility criteria for clients.

(1) Total income of all household members shall be at or below one hundred twenty-five percent of the federally established poverty level; or households shall meet other qualifications established by the department for its low-income weatherization program.

(2) Residences shall meet the qualifications established by the department for its low-income weatherization programs.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-080, filed 1/4/88.]

WAC 365-180-090 Program services. (1) Weatherizing agencies shall provide weatherization services to eligible low-income households in accordance with the "Washington state low-income weatherization assistance program procedures and guidelines" established by the department.

(2) No contribution may be required from the eligible household.

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(3) Full levels of all cost-effective structurally feasible measures, as determined by the department, shall be installed when a residence is weatherized.

(4) No undue or excessive enhancement to a residence shall occur as a result of weatherization provided under this chapter.

(5) Before a leased or rented residence is weatherized, the department's "weatherization program owner/authorized agent approval form" must be signed by the owner of the building or the owner's authorized agent. Through this form the landlord ensures that, for twelve months from the date the form is signed, rent will not be increased, nor the tenant evicted, as a result of the weatherization provided.

(6) Benefits of weatherization work performed on behalf of a low-income tenant shall accrue primarily to the low-income tenant.

[Statutory Authority: 1987 c 36. 88-02-042 (Order 88-01), § 365-180-090, filed 1/4/88.]

Title 372 WAC POLLUTION CONTROL COMMISSION, WATER

Chapters

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|--------|---|
| 372-32 | Sewage discharge into Lake Washington. |
| 372-36 | Columbia Basin irrigation area--Sewage and waste. |
| 372-52 | Water districts requests for approvals and certifications of necessity to operate sewer districts. |
| 372-68 | Water pollution control and abatement plans for sewage drainage basins. |

Chapter 372-32 WAC SEWAGE DISCHARGE INTO LAKE WASHINGTON

WAC

372-32-010 Policy.

WAC 372-32-010 Policy. . . . It shall, therefore, be the policy of the department of ecology to adhere to the following principles in considering for approval plans for sewage treatment plants in Lake Washington drainage basin. In applying this policy, the drainage basin of Lake Sammamish is considered as and accepted to be a part of the drainage basin of Lake Washington.

(1) All sewage shall be treated and all treatment plant effluents must eventually be diverted from Lake Washington and Lake Sammamish to some point or points on Puget Sound.

(2) That all future expansion of existing sewage treatment plants must be designed on the basis of eventual diversion to Puget Sound.

(3) That in the design of future sewer systems and sewage treatment plants where there may be two or more alternate points of discharge available, the one which most closely approaches the ultimate scheme of