

WSR 23-18-041
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed August 30, 2023, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-15-012.

Title of Rule and Other Identifying Information: WAC 110-15-0200

Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps, 110-15-0205 Daily child care rates—Licensed or certified family home child care providers, and 10-15-0240 [110-15-0240] Child care subsidy rates—In-home/relative providers.

Hearing Location(s): On October 10, 2023, telephonic. Make oral comments by calling 360-972-5385 and leaving a voicemail that includes the comment and an email address or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including October 10, 2023, will be considered.

Date of Intended Adoption: October 11, 2023.

Submit Written Comments to: DCYF rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by October 10, 2023.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-902-7956, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by October 3, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCYF 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.

Reasons Supporting Proposal: These rules are needed to comply with E2SSB 5237 and chapter 199, Laws of 2021.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Ramynke, 360-688-0911; Implementation and Enforcement: DCYF, statewide.

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

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

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

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

Scope of exemption for rule proposal:

Is fully exempt.

August 30, 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) <u>\$62.05</u>	(\$43.50) <u>\$56.14</u>	(\$39.67) <u>\$53.18</u>	(\$39.15) <u>\$53.36</u>
	Half-Day	(\$24.04) <u>\$31.03</u>	(\$21.75) <u>\$28.07</u>	(\$19.84) <u>\$26.59</u>	(\$19.58) <u>\$26.68</u>
Spokane County	Full-Day	\$68.54	(\$55.37) <u>\$56.59</u>	\$52.14	(\$40.59) <u>\$49.00</u>
	Half-Day	\$34.27	(\$27.69) <u>\$28.30</u>	\$26.07	(\$20.30) <u>\$24.50</u>
Region 2	Full-Day	(\$55.68) <u>\$59.09</u>	(\$42.44) <u>\$49.09</u>	(\$42.34) <u>\$44.77</u>	(\$31.74) <u>\$32.73</u>
	Half-Day	(\$27.84) <u>\$29.55</u>	(\$21.22) <u>\$24.55</u>	(\$21.17) <u>\$22.39</u>	(\$15.87) <u>\$16.37</u>
Region 3	Full-Day	\$88.58	(\$79.36) <u>\$80.36</u>	(\$66.89) <u>\$72.50</u>	(\$50.62) <u>\$65.45</u>
	Half-Day	\$44.29	(\$39.68) <u>\$40.18</u>	(\$33.45) <u>\$36.25</u>	(\$25.31) <u>\$32.73</u>
Region 4	Full-Day	(\$111.05) <u>\$113.64</u>	(\$92.28) <u>\$101.59</u>	(\$83.31) <u>\$85.68</u>	(\$52.20) <u>\$90.64</u>
	Half-Day	(\$55.53) <u>\$56.82</u>	(\$46.14) <u>\$50.80</u>	(\$41.66) <u>\$42.84</u>	(\$26.10) <u>\$45.32</u>
Region 5	Full-Day	\$72.56	(\$62.80) <u>\$64.00</u>	\$55.77	(\$40.60) <u>\$54.18</u>
	Half-Day	\$36.28	(\$31.40) <u>\$32.00</u>	\$27.89	(\$20.30) <u>\$27.09</u>
Region 6	Full-Day	(\$66.12) <u>\$77.00</u>	(\$59.16) <u>\$67.50</u>	(\$54.52) <u>\$57.73</u>	(\$41.66) <u>\$50.23</u>
	Half-Day	(\$33.06) <u>\$38.50</u>	(\$29.58) <u>\$33.75</u>	(\$27.26) <u>\$28.87</u>	(\$20.83) <u>\$25.12</u>

(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.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-16-081, § 110-15-0200, filed 8/1/22, effective 9/1/22; WSR 22-05-007, § 110-15-0200, filed 2/3/22, effective 3/6/22; WSR 20-15-161, § 110-15-0200, filed 7/22/20, effective 8/22/20; WSR 19-12-058, § 110-15-0200, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1. WSR 17-21-077, § 170-290-0200, filed 10/16/17, effective 11/16/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0200, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0200, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0200, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0200, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0200, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0200, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0200, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0200, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0200, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0200, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0200, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0200, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0200, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0200, filed 12/19/01, effective 1/19/02.]

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
Spokane Full-Day	\$42.00	\$42.00	\$40.00	\$37.00	\$36.00
County Half-Day	\$21.00	\$21.00	\$20.00	\$18.50	\$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00

	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 2 Full-Day	\$45.00	\$45.00	\$37.50	\$35.00	\$32.00
Half-Day	\$22.50	\$22.50	\$18.75	\$17.50	\$16.00
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
Half-Day	\$27.50	\$27.50	\$24.43	\$24.00	\$20.00
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
Half-Day	\$34.09	\$34.09	\$31.82	\$29.55	\$20.00
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
Half-Day	\$24.43	\$24.43	\$21.00	\$19.55	\$17.86
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
Half-Day	\$22.50	\$22.50	\$21.59	\$19.00	\$16.25
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
Half-Day	\$24.62	\$24.62	\$23.55	\$20.00	\$18.30
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
Half-Day	\$24.00	\$24.00	\$24.00	\$22.50	\$22.50
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
Half-Day	\$33.00	\$33.00	\$29.55	\$24.00	\$20.00
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
Half-Day	\$32.50	\$32.50	\$29.55	\$27.09	\$24.62
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
Half-Day	\$40.91	\$40.91	\$37.50	\$34.48	\$30.00
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
Half-Day	\$29.55	\$29.55	\$29.55	\$24.62	\$22.16
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
Half-Day	\$29.55	\$29.55	\$27.50	\$26.50	\$22.50
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.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0205, filed 2/3/22, effective 3/6/22; WSR 20-15-161, § 110-15-0205, filed 7/22/20, effective 8/22/20; WSR 20-08-077, § 110-15-0205, filed 3/26/20, effective 4/26/20; WSR 19-12-058, § 110-15-0205, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0205, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0205, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0205, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0205, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0205, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0205, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0205, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0205, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0205, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0205, filed 5/8/12, ef-

fective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0205, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0205, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0205, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0205, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0205, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0205, filed 12/19/01, effective 1/19/02.]

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.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0240, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0240, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0240, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0240, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-24-070, § 170-290-0240, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0240, filed 9/29/14, effective 10/30/14; WSR 13-21-113, § 170-290-0240, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0240, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0240, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0240, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085.]

WSR 05-22-078, § 388-290-0240, filed 10/31/05, effective 12/1/05.
Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, §
388-290-0240, filed 5/31/02, effective 7/1/02. Statutory Authority:
RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund
Rules). WSR 02-01-135, § 388-290-0240, filed 12/19/01, effective
1/19/02.]