WSR 26-06-070
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed February 27, 2026, 9:06 a.m., effective February 27, 2026, 9:06 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The early learning division is amending WAC language to implement ESSB 5752, section 15, related to revising requirements for newly eligible services. Currently, families can begin child care anytime during the 12-month eligibility period and will receive a full 12-month authorization for care from the date the care begins. However, under ESSB 5752, families will still receive a 12-month eligibility period, but the authorization for care will not be extended if care begins later in the eligibility period. This is the second emergency filing; the first was filed as WSR 25-22-0070.

Citation of Rules Affected by this Order: Amending WAC 110-15-0003, 110-15-0095, and 110-15-0109.

Statutory Authority for Adoption: ESSB 5752, section 15, and RCW 43.216.800.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The department of children, youth, and families must use emergency rule making to implement rules while the permanent rule making is in process due to implementation timelines.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 27, 2026.

Brenda Villarreal
Rules Coordinator

RDS-6803.2

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

WAC 110-15-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Administrative error" means an error made by the department through no fault of the consumer or provider.

"Approved activity" means an activity that a consumer is required to participate in at application and reapplication to be eligible to collect benefits.

"Authorization" means the transaction created by the department which allows the provider to claim payment during a certification period. The transaction may be adjusted based on the family need.

"Available" means being free to provide care when not participating in an approved activity under WAC 110-15-0040, 110-15-0045, or 110-15-0050 during the time child care is needed.

"Benefit" means a regular payment made by a government agency on behalf of a person eligible to receive it.

"Calendar year" means those dates between and including January 1st and December 31st.

"Capacity" means the maximum number of children the licensee is authorized to have in care at any given time.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person eligible to receive:

(a) Working connections child care (WCCC) benefits as described in part II of this chapter; or

(b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay the child care provider each month toward the cost of child care, whether provided under a voucher or contract.

"Days" means calendar days unless otherwise specified.

"Department of children, youth, and families (DCYF)" or **"department"** means the Washington state department of children, youth, and families.

"DSHS" means the department of social and health services.

"Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature, symbol, or process executed by a person with the intent to sign the record.

"Eligibility" means that a consumer has met all of the requirements of:

(a) Part II of this chapter to receive WCCC program subsidies; or

(b) Part III of this chapter to receive SCC program subsidies.

"Eligibility period" means the months for which households are eligible to receive WCCC or SCC program subsidies.

"Employment" or **"work"** means engaging in any legal, income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. This includes unsubsidized employment, as verified by the department, and subsidized employment, such as:

(a) Working in a federal or state paid work study program; or

(b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

"Existing child care provider" means a licensed or certified provider who received a state subsidy payment between July 1, 2015, and June 30, 2016.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefits to themselves or another person. See RCW 74.04.004.

"Full-time student" means a consumer who attends a community, technical, or tribal college and meets its definition of full-time student.

"Homeless" means homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987 without a fixed, regular, and adequate nighttime residence.

"In-home/relative provider" or **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for WCCC payment under WAC 110-15-0125.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Infant" means a child from birth to 11 months.

"Living in the household" means people who reside at the same physical address.

"Lump-sum payment" means a single payment that is not anticipated to continue.

((**"Newly eligible consumer"** ~~means a consumer that has at least one full calendar month break in benefit eligibility.~~))

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Nonschool age child" means a child who is six years of age or younger and is not enrolled in public or private school.

"Overpayment" means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.

"Parental control" means a child is living with a biological or adoptive parent, stepparent, legal guardian verifiable by a legal or court document, adult sibling or step-sibling, nephew or niece, aunt, great-aunt, uncle, great-uncle, grandparent or great-grandparent, or an approved in loco parentis custodian responsible for exercising day-to-day care and control of the child.

"Preschool age child" means a child age 30 months through six years of age who is not attending kindergarten or elementary school.

"Private school" means a private school approved by the state under chapter 28A.195 RCW.

"Program violation" means a failure to adhere to program requirements, which results in an overpayment.

"Sanction" means deterrent action imposed by the department to address a program violation finding.

"School age child" means a child who is between five years of age through 12 years of age and who is attending public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"Seasonal child care program (SCC)" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"Seasonally available agricultural related work" means work that is directly related to the cultivation, production, harvesting, or processing of fruit trees or crops.

"Second tier eligibility" means an increased income limit for eligible families who reapply before the end of their current eligibility period.

"Self-employment" means engaging in a legal, income-generating activity earned directly from an individual's trade or business that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S.

"Sign" means placing a name or legal mark on a document by physically writing or using an electronic signature.

"Specialty court" means the same as defined in RCW 2.30.020.

"State median income (SMI)" means an annual income figure representing the point at which there are as many families earning more than that amount as there are earning less than that amount. The Census Bureau publishes median family income figures for each state each year, depending on family size.

"TANF" means temporary assistance for needy families, a cash assistance program administered by DSHS.

"Technical assistance" means a strategy that is focused on the resolution of a specific concern or need. This may be in writing or by phone call.

"Therapeutic court" means the same as defined in RCW 2.30.020.

"To the extent of available funds" means one or more of the following:

(a) Limited or closed enrollment;

(b) Subject to a priority list for new enrollees pursuant to applicable state and federal law and as described in WAC 110-15-2210; or

(c) Subject to a waiting list.

"Unintentional" means not done willfully or on purpose.

"Waiting list" means a list of applicants or reapplicants eligible to receive subsidy benefits when funding becomes available.

"Working connections child care (WCCC)" means the working connections child care program, a child care subsidy program described in part II of this chapter that assists eligible families to pay for child care.

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

WAC 110-15-0095 ((~~When~~)) WCCC benefit((s)) start date. (1) ((~~WCCC benefits for eligible consumers begin when the following conditions are met:~~

~~(a) They have completed the required WCCC application and verification process within 30 days of the date DCYF received their application for WCCC benefits; and~~

~~(b) For newly eligible consumers, when their children are authorized to receive child care with eligible providers.~~

~~(2) Initial authorization eligibility periods are for 12 months.~~

~~(3) Consumers who fail to complete the initial application within 30 days from the application date must restart the application process.~~

~~(4) Newly eligible consumers who do not begin child care during their 12-month authorization periods must restart the application process.~~

~~(5) Consumers' application dates are the earlier of:~~

~~(a) The date their application is entered into DCYF's automated system; or~~

~~(b) The date their application is date stamped as received.~~)) The department will:

(a) Begin WCCC benefits for eligible consumers when consumers have completed the application and verification process within 30 calendar days of the date the department receives their application for benefits.

(b) Use the earliest of these consumers' application dates, either the date their application is:

(i) Documented into the department's automated system; or

(ii) Date-stamped as received.

(2) Consumers must restart the application process if they fail to complete the application and verification within 30 calendar days of the department receiving their application for benefits.

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

WAC 110-15-0109 Reapplication. (1) For WCCC benefits to be continued without interruption into the new eligibility period, consumers must reapply for WCCC benefits on or before the end date of their current eligibility period.

(2) Determination of consumers' eligibility to receive uninterrupted WCCC benefits beyond their current eligibility period will be made ((~~pursuant to~~)) following the eligibility rules contained in this chapter.

(3) Consumers who reapply on or before the end date of their current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if their household's countable monthly income is greater than 60 percent but less than or equal to 65 percent of the SMI.

If their household's total countable monthly income is greater than 65 percent of the SMI, the reapplication will be denied.

(4) For consumers who submit a reapplication after the last day of the current eligibility period and meet all WCCC eligibility requirements, benefits will begin:

(a) On the earliest of these dates, the date their reapplication is ((~~entered~~)):

(i) Documented into ((~~DCYF's~~)) the department's automated system; or ((~~the date their reapplication is~~))

(ii) Date stamped as received by ((~~DCYF, whichever date is earlier~~)) the department; and

(b) When they are working or participating in an approved activity; and

(c) Their children are receiving care from an approved provider.

((~~(5) Newly eligible households must begin care within 12 months of the eligibility determination date. Households that do not begin care within 12 months must reapply in order to qualify for WCCC benefits.~~))