WSR 26-08-014
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed March 20, 2026, 8:58 a.m., effective March 21, 2026]

Effective Date of Rule: March 21, 2026.

Purpose: The department of children, youth, and families, licensing division is amending WAC 110-300-0025 Certified and exempt programs, based on SSB 5545, relating to modifying provisions regarding family home providers overseen and certified by a federal military service.

Citation of Rules Affected by this Order: Amending WAC 110-300-0025.

Statutory Authority for Adoption: SSB 5545, chapter 43.216 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rule amendments are needed to comply with SSB 5545. This is the third emergency filing for this rule making. The previous emergencies were filed under WSR 25-16-014 and 25-24-018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 20, 2026.

Brenda Villarreal
Rules Coordinator

RDS-6550.1

AMENDATORY SECTION (Amending WSR 18-15-001, filed 7/5/18, effective 7/5/18)

WAC 110-300-0025 Certified and exempt programs. (1) The department must not license a child care program that is legally exempt from licensing per RCW 43.216.010(2). However, if a child care program requests to become certified by the department, the department shall apply all licensing rules to the otherwise exempt program. In such a

case, the department shall apply licensing rules equally to licensed and certified child care programs.

(2) The department may certify an otherwise exempt child care program for subsidy payment without further inspection if the program is:

(a) Licensed by an Indian tribe, band, nation, or other organized community of Indians, including an Alaska native village as defined in 43 U.S.C. Sec. 1602(c), recognized as eligible for services by the United States Secretary of the Interior;

(b) Certified by the federal Department of Defense; or

(c) Approved by the office of superintendent of public instruction (OSPI).

(3) A child care program exempt from licensing pursuant to RCW 43.216.010(2) must use the department's form to submit their exempt status.

(4) A child care program requesting certification must be located on the premises over which the tribe, federal Department of Defense, or OSPI has jurisdiction.

(5) Family home child care providers located in the surrounding metropolitan area of a federal military reservation may request certification or certification for payment only from the department if they are certified by a federal military service, as outlined in RCW 43.216.010.

(6) A child care program regulated by a tribe, the federal Department of Defense, or OSPI may request certification:

(a) For subsidy payment only; or

(b) As meeting foundational quality standards of this chapter.

((~~(6)~~)) (7) The department must not certify a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Certification process;

(b) Placement of a child in a certified program; or

(c) Authorization of payment for the child in care.