



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

- Preproposal Statement of Inquiry was filed as WSR:14-09-110; or**
- Expedited Rule Making--Proposed notice was filed as WSR:___; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- Original Notice**
- Supplemental Notice to WSR:**
- Continuance of WSR:**

Title of rule and other identifying information: (Describe Subject)

The Department is proposing to amend: WAC 388-450-0035 "Educational Benefits."

Hearing location(s):

Office Building 2 – Lookout Room
 DSHS Headquarters
 1115 Washington
 Olympia, WA 98504
 Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Submit written comments to:

Name: DSHS Rules Coordinator
 Address: PO Box 45850
 Olympia, WA 98504
 e-mail DSHSRPAURulesCoordinator@dshs.wa.gov
 fax (360) 664-6185
by: 5:00 pm September 23, 2014

Date: September 23, 2014 Time: 10:00 a.m.

Assistance for persons with disabilities: Contact Jeff Kildahl, DSHS Rules Consultant by September 9, 2014
 TTY (360) 664-6178 or (360) 664-6092 or by email at Kildaja@dshs.wa.gov

Date of intended adoption: Not earlier than September 24, 2014
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This department is proposing to amend the rule to remove obsolete information that state-funded work study can be categorized under Title IV Higher Education (HEA) or Bureau of Indian Affairs (BIA) sources. The proposed change does not impact cash assistance programs.

Proposed changes are not expected to impact eligibility and benefits for the Washington Basic Food program and the state-funded Food Assistance Program (FAP) for legal immigrants as these rules and procedures are already in effect and being applied to Basic Food eligibility decisions. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal food stamp program (SNAP) except for the provisions pertaining to immigrant status.

Reasons supporting proposal:

The State Work Study (SWS) 2012-2013 Program Manual contains information about changes in funding sources for SWS. The federal government eliminated Title IV funding for two federal education assistance programs (Special Leveraging Educational Assistance Partnership (SLEAP) and the Leveraging Educational Assistance Partnership (LEAP)).

- Formerly, the comingling of federal Title IV funds from LEAP and SLEAP with SWS funding exempted student earnings from welfare benefit income control calculations.
- With the elimination of LEAP and SLEAP, SWS earnings no longer can be classified as Title IV and will now be counted as income for Basic Food for SWS students in this category.
- Income from state work study will remain exempt for cash assistance eligibility.

Statutory authority for adoption:
RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090

Statute being implemented:
RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090, 7 CFR 273.2 (j)

Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION: 7 CFR 273.2 (j)

DATE
August 14, 2014

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 20, 2014
TIME: 10:15 AM

WSR 14-17-127

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization)

Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Robert Thibodeau	712 Pear St. SE Olympia, WA 98504	(360) 725-4634
Implementation.... Robert Thibodeau	712 Pear St. SE Olympia, WA 98504	(360) 725-4634
Enforcement..... Robert Thibodeau	712 Pear St. SE Olympia, WA 98504	(360) 725-4634

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

e-mail

No. Explain why no statement was prepared.

These proposed rules do not have an economic impact on small businesses. The proposed amendment only affects certain households with students served by DSHS who receive food assistance under Basic Food and receive education assistance income from a state work study program.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ()

fax: ()

e-mail:

No: Please explain:

These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

WAC 388-450-0035 Educational benefits. This section applies to cash assistance and food assistance.

(1) We do not count:

(a) Educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

(i) ~~((College work study (federal and state);~~

~~(ii)-))~~ Pell grants; and

~~((iii))~~ (ii) BIA higher education grants.

(b) Educational assistance in the form of grants, loans or work-study made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include, but are not limited to:

(i) Christa McAuliffe Fellowship Program;

(ii) Jacob K. Javits Fellowship Program; and

(iii) Library Career Training Program.

(2) For assistance in the form of grants, loans or work-study under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-392:

(a) If you are attending school half-time or more, we subtract the following expenses:

(i) Tuition;

(ii) Fees;

(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;

(iv) Books;

(v) Supplies;

(vi) Transportation;

(vii) Dependent care; and

(viii) Miscellaneous personal expenses.

(b) If you are attending school less than half-time, we subtract the following expenses:

(i) Tuition;

(ii) Fees; and

(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(c) For cash assistance, we also subtract the difference between the appropriate need standard and payment standard for your family size.

(d) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

(3) If you are participating in WorkFirst work study or state-funded college work study, that work study income is:

(a) Not counted for cash assistance;

(b) Counted as earned income for food assistance.

(4) If you are participating in a work study program that is not excluded in subsection (1), or for cash assistance, under subsection (3) of this section, we count that work study income as earned income:

(a) You get any applicable earned income disregards;

(b) For cash assistance, we also subtract the difference between the need standard and payment standard for your family size as described in chapter 388-478 WAC; and

(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

(5) If you get Veteran's Administration Educational Assistance:

(a) All applicable attendance costs ((as)) is subtracted; and

(b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.