



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 07, 2018

TIME: 10:37 AM

WSR 18-13-012

Agency: Department of Social and Health Services, Children's Administration

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The department is amending and repealing sections in chapter 388-165 WAC "Children's Administration Child Care Subsidy Programs" to help clarify when the Children's Administration (CA) will pay for child care and what rates will be used. Other changes are being made in order to align rules with the current Collective Bargaining Agreement.

Citation of rules affected by this order:

New: None
 Repealed: WAC 388-165-120, WAC 388-165-205, WAC 388-165-240
 Amended: WAC 388-165-108, WAC 388-165-110, WAC 388-165-180, WAC 388-165-185, WAC 388-165-190, WAC 388-165-195, WAC 388-165-200, WAC 388-165-215, WAC 388-165-220, WAC 388-165-225, WAC 388-165-230
 Suspended: None

Statutory authority for adoption: RCW 74.12.340, RCW 74.04.050, RCW 74.04.055, RCW 74.08.090

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-09-070 on April 16, 2018 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>11</u>	Repealed	<u>3</u>
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>11</u>	Repealed	<u>3</u>

Date Adopted: June 6, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-108 What are the types of child care subsidies?
This chapter relates to the following ~~((programs))~~ subsidies in children's administration (CA):

- ~~(1) ((Seasonal child care;~~
- ~~(2) Teen parent child care;~~
- ~~(3)) Child protective services child care;~~
- ~~((4))~~ (2) Child welfare services child care; and
- ~~((5))~~ (3) Employed foster parent child care.

AMENDATORY SECTION (Amending WSR 99-15-076, filed 7/20/99, effective 7/20/99)

WAC 388-165-110 Definitions. The following definitions apply ~~((to WAC 388-15-171, 388-15-174, 388-15-175 and 388-15-176))~~ throughout this chapter.

"Child" means a person twelve years of age or younger or a person under nineteen years of age who is physically, mentally, or emotionally incapable of self-care as verified by a licensed medical practitioner or masters level or above mental health professional.

~~(("Copayment" means the amount of money the family is responsible to pay the child care provider toward the cost of child care each month.~~

~~"Income" means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.))~~

~~"In-home/relative child care provider" ((see definition for "in-home/relative provider" under WAC 388-290-020)) means a provider who meets the requirement in WAC 170-290-0130 through 170-290-0167.~~

~~"Parent" ((see definition for "parent" under WAC 388-290-020)) means a biological or adoptive parent of a child or an individual who have an established parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated or paternity has been disestablished.~~

~~(("Teen parent" means a parent twenty one years of age or younger.))~~

AMENDATORY SECTION (Amending WSR 13-08-064, filed 4/1/13, effective 5/2/13)

WAC 388-165-180 What are the maximum child care subsidy rates ((DSHS)) CA pays for child care in a licensed or certified child care center? ~~((DSHS)) CA~~ maximum child care subsidy rates for licensed child care centers ~~((are located on the Washington state child care resource & referral network website at: <http://wa.childcareaware.org>))~~ can be found in WAC 170-290-0200.

AMENDATORY SECTION (Amending WSR 13-08-064, filed 4/1/13, effective 5/2/13)

WAC 388-165-185 What are the maximum child care subsidy rates ((DSHS)) CA pays for child care in a licensed or certified family home child care ((home))? ((DSHS)) CA maximum child care subsidy rates for licensed or certified family home child care ((homes are located on the Washington state child care resource & referral network website at: <http://wa.childcareaware.org>)) can be found in WAC 170-290-0205.

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-190 When can ((DSHS)) CA pay ((in addition to)) more than the maximum ((DSHS)) CA child care subsidy rate? ((DSHS)) CA pays additional subsidies to a licensed or certified family child care home or center when:

(1) Care is for nonstandard hours ((+see)) under WAC 388-165-195 and 388-165-200((+));

(2) ((The infant bonus is authorized (see WAC 388-165-205);

+3)) A child has a documented special ((need(s) (see)) needs under WAC 388-165-210, 388-165-215, or 388-165-220((+)); ((or

+4)) (3) Care is not available at the ((DSHS)) CA rate and the provider's usual rate is authorized;

(4) The provider is participating in the state's early achievers program and receives tiered reimbursement and state funds are available; or

(5) A child registration fee is applicable under WAC 170-290-0245.

To the extent that funds are available, CA may pay additional subsidies to licensed or certified family home child care for field trip and quality enhancement fees under WAC 170-290-0245.

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-195 What is nonstandard hour child care? ((DSHS)) CA authorizes nonstandard hours child care when ((fifteen or more)) the licensed or certified family home child care or center provider provides at least thirty hours of care ((are needed)) per month((7)) that are:

(1) Before 6:00 a.m. or after 6:00 p.m. Monday through Friday; ((and/or)) or

(2) Anytime on a Saturday ((or)), Sunday, or legal holiday as defined in RCW 1.16.050.

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-200 How does ((DSHS)) CA pay for nonstandard hour child care? ((DSHS)) CA authorizes the nonstandard hour bonus to licensed or certified child care providers(~~(, DSHS pays:~~

~~(1) The DSHS maximum child care subsidy rate as listed in WAC 388-165-180 or 388-165-185 or the provider's usual rate for that child, whichever is less; and~~

~~(2) The monthly nonstandard hour bonus as listed in the table below)) as specified in WAC 170-290-0249.~~

((Monthly Nonstandard Hour Bonus

Region 1	\$74.00
Region 2	\$73.00
Region 3	\$91.00
Region 4	\$108.00
Region 5	\$80.00
Region 6	\$83.00))

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-215 What is the ((DSHS)) CA child care subsidy rate for children with special needs in a licensed or certified child care center? ((DSHS)) For children with documented special needs, CA pays child care subsidies ((for a child with special needs)) to licensed or certified child care centers as described in WAC 388-165-180 ((and whichever of the following is greater)). In addition, CA pays the lesser of:

~~(1) The ((provider's documented additional cost associated with the care of that child with)) actual cost of providing the special needs care; or~~

~~(2) The applicable rate listed in ((the table below)) WAC 170-290-0225 (1)(a) or (b).~~

~~((Licensed Child Care Centers Special Needs Rate~~

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$6.82	\$5.96	\$5.40	\$5.01
	Half-Day	\$3.41	\$2.98	\$2.70	\$2.51
Region 2	Full-Day	\$6.95	\$6.14	\$5.33	\$5.05
	Half-Day	\$3.48	\$3.07	\$2.66	\$2.52
Region 3	Full-Day	\$9.05	\$7.80	\$6.60	\$5.93
	Half-Day	\$4.53	\$3.90	\$3.30	\$2.97
Region 4	Full-Day	\$11.34	\$8.86	\$7.84	\$7.02
	Half-Day	\$5.67	\$4.43	\$3.92	\$3.51
Region 5	Full-Day	\$7.75	\$6.65	\$5.84	\$5.25
	Half-Day	\$3.87	\$3.33	\$2.92	\$2.63
Region 6	Full-Day	\$7.68	\$6.82	\$6.00	\$6.00
	Half-Day	\$3.84	\$3.41	\$3.00	\$3.00

~~(3) The maximum rate paid for a five year old child is:~~

~~(a) The preschool rate for a child who has not entered kindergarten; or
 (b) The school age rate for a child who has entered kindergarten.)~~

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-220 What is the ((DSHS)) CA child care subsidy rate for children with special needs in a licensed or certified family home child care ((home))? ~~((DSHS)) For children with documented special needs, CA pays child care subsidies ((for a child with special needs)) to licensed or certified family child care homes as described in WAC ((388-165-195 and whichever of the following is greater)) 388-165-185. In addition, CA pays the lesser of:~~

- ~~(1) The ((provider's documented additional cost associated with the care of that child with)) actual cost of providing special needs care; or~~
- ~~(2) The applicable rate listed in ((the table below)) WAC 170-290-0230 (1)(a) or (b).~~

~~((Licensed Family Child Care Homes Special Needs Bonus~~

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$5.70	\$5.28	\$5.10	\$4.50
	Half-Day	\$2.85	\$2.64	\$2.55	\$2.25
Region 2	Full-Day	\$5.40	\$5.40	\$4.80	\$4.50
	Half-Day	\$2.70	\$2.70	\$2.40	\$2.25
Region 3	Full-Day	\$8.40	\$7.20	\$6.60	\$6.00
	Half-Day	\$4.20	\$3.60	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.18	\$7.50	\$6.75
	Half-Day	\$4.50	\$4.09	\$3.75	\$3.38
Region 5	Full-Day	\$6.30	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.15	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.15	\$6.00	\$5.40	\$5.10
	Half-Day	\$3.08	\$3.00	\$2.70	\$2.55

~~(3) The maximum rate paid for a five year old child is:
 (a) The preschool rate for a child who has not entered kindergarten; or
 (b) The school age rate for a child who has entered kindergarten.)~~

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-225 What is the ((DSHS)) CA in-home/relative child care rate for children with special needs? ~~((DSHS subsidy programs pay)) For children with documented special needs, CA may authorize payment to in-home/relative child care providers ((for care of a child)) in accordance with the applicable special needs ((as described in WAC 388-15-185) two dollars per hour plus whichever is greater of the following:~~

~~(1) Sixty two cents per hour; or
(2) The provider's documented additional cost associated with the care for that child with special needs)) rate listed in WAC 170-290-0235.~~

AMENDATORY SECTION (Amending WSR 99-22-011, filed 10/22/99, effective 11/22/99)

WAC 388-165-230 What is the maximum child care subsidy rate ((DSHS)) CA pays for in-home/relative child care? ~~((1) The DSHS child care subsidy programs pay toward)) CA pays the cost of child care directly to the ((parent, who is the employer. DSHS pays whichever of the following that is less:~~

~~(a) Two dollars and six cents per hours for the child who needs the greatest amount of care and one dollar and three cents per hour for the care of each additional child in the family; or~~

~~(b) The provider's usual rate for that care.~~

~~(2) DSHS may pay above the maximum rate for children who have special needs as stated in WAC 388-165-225)) provider as the rate specified in WAC 170-290-0240.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-165-120	Subsidized child care for teen parents.
WAC 388-165-205	Does DSHS pay a bonus for infants who receive child care subsidies?
WAC 388-165-240	What are the parent/guardian payment responsibilities when they choose in-home/relative child care?