



**STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

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June 1, 2021

TO: Interested Persons

FROM: Chris Parvin, Provider Supports Administrator

SUBJECT: CONCISE EXPLANATORY STATEMENT (*RCW 34.05.325*)

For rules proposed under notice filed as WSR 21-01-183 on December 21, 2020:

New WAC 110-05-0001, 110-05-0005, 110-05-0010, 110-05-0020, 110-05-0025, 110-05-0030, and 110-05-0035

REASON FOR ADOPTION: Rules clarify the certificate for parental improvement application process, who is eligible to receive a certificate, and the review process and administrative hearing rights for applications that are denied.

CHANGES MADE SINCE THE RULE WAS PROPOSED:

The text of the adopted rule varies from the text of the proposed rule. The changes, other than non-substantive edits are:

- Insert in WAC 110-05-0010: *An email address, if available, must be included when applying for a certificate;*
- In WAC 110-05-0020: *First-class mail and email, if available,* replaces *certified mail, return receipt requested,* for delivering certificates. For denial delivery methods, *first class mail and email, when available,* are added to *certified mail, return receipt requested;*
- In WAC 110-05-0025: *First-class mail and email, if available,* inserted as additional methods for delivery of review determinations that do not alter CPI denials and *email, if available,* inserted as additional method for delivering a certificate when the review determination overturns a denial;
- WAC 110-05-0030(5) deleted; and
- “Requestor” changed to “subject individual” throughout the chapter.

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
Suggest adding in the requestor’s email, if available. I.e., “The requestor’s current name, mailing address, and telephone number, and email, if available;” Especially for	Agree – see above list of changes made to final rules.

<p>individuals with inconsistent access to mail, phone, or email, having the Department contact them via all pathways available will be important for successful connection. Successful communication is crucial for this particular process where timeframes are so tight for the individual. --0020 For some communities, communication via certified mail alone is problematic and may result in unopened mail. We suggest that DCYF communicate via certified mail, regular mail, and email where possible when sending a denial. When sending an approval, first-class mail and email, when available, are appropriate and cost effective because no due process issues or timelines are implicated. (6)(a) Same as above, we suggest sending a copy via first class and email in addition to certified. (6)(b) Same as above, we suggest that certified mail is not necessary when the Department grants complete relief to the requestor. --0030 (5) This section imposes a service requirement on the requestor when seeking an OAH hearing. This is not typically the practice for persons requesting administrative hearings and usually serving OAH with a request is adequate (in most instances). We suggest modifying the rule to remove the requirement that the requestor serve both OAH and DCYF with a request for an administrative hearing to reduce confusion and the potential for defaults. OAH is capable of notifying the department of a hearing request. Thank you again for your work on this rule and the opportunity to comment.</p>	
<p>--0010(3) The Department should clarify what happens with an incomplete request, for example does notice go out via first class mail and email if provided, noting which information is lacking? Otherwise, it seems ambiguous what happens with incomplete requests, i.e., they aren't counted as denials, but is there any follow-up letting the requestor know that their application won't be considered because it was incomplete. We suggest clarifying how the Department will deal with incomplete applications and that the Department identify the missing information and how to submit it.</p>	<p>No change to final rule. DCYF's process to resolve an incomplete request will be to contact the requestor using whatever contact information is included in the application that allows for the quickest resolution.</p>
<p>I hope childcare providers can be considered under the parental improvement certificate or a similar WAC is being proposed.</p>	<p>Yes, certificates of parental improvement will be considered during background checks conducted for early learning programs.</p>

This document also serves as the summary of public hearing comments to the agency head required under RCW 34.05.325(4).

cc: DCYF Rules Coordinator