



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 21, 2020

TIME: 3:10 PM

WSR 21-01-184

Agency: Department of Children, Youth, and Families

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 11-15-0040 Approved activities for applicants and consumers participating in WorkFirst and WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 26, 2021		telephonic	Oral comments may be made by calling (360) 902-8084 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including January 26, 2021 will be considered

Date of intended adoption: January 27, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DCYF Rules Coordinator

Address: P. O. Box 40975

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax:

Other: Submit comments online at <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

By (date) January 26, 2021

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator

Phone: (360) 902-7956

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) January 22, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: For the Working Connections Child Care program eligibility, relieve single parents enrolled in specified education programs from the work requirement.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0040 Approved activities for applicants and consumers participating in WorkFirst. (1) Applicants and consumers who participate in WorkFirst activities may be eligible for WCCC benefits for the following approved activities in their individual responsibility plans (IRPs), for up to a maximum of sixteen hours per day, including:

~~((1))~~ (a) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care. These consumers may be eligible for other approved activities in their IRPs;

~~((2))~~ (b) Employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003;

~~((3))~~ (c) Self-employment as defined in WAC ~~((170-290-0003))~~ 110-15-0003 and as described in the consumer's current WorkFirst IRP;

~~((4) Transportation)~~ (d) Travel time between the ~~((location~~ ~~ef))~~ child care location and the consumer's place of employment or approved activity;

~~((5))~~ (e) Up to ten hours per week of study time for approved classes; ~~(and~~

~~(6))~~ (f) Up to eight hours of sleep time before or after a night shift; and

(g) Any activity approved by tribal TANF.

(2) WorkFirst consumers participating in approved activities for at least one hundred ten hours per month as described in WAC 110-15-0190 are considered to have a schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m., except when:

(a) The consumer's IRP specifies a different schedule; or

(b) Verified differently by the consumer.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities ~~((as described below.~~

~~(1) Applicants and consumers who are)~~ :

(a) ~~((Employed))~~ Employment;

(b) ~~((Self-employed))~~ Self-employment; or

(c) ~~((Participating in))~~ The following education programs:

(i) High school or a general educational development (GED) program for consumers under twenty-two years of age;

(ii) A vocational education program that is combined with an average of twenty or more employment hours per week or sixteen more work-study hours per week;

(iii) A vocational education program for consumers who are single parents enrolled full time and in good standing;

(iv) Supplemental nutrition assistance program employment & training ~~((services))~~ (SNAP E&T) ~~((may be eligible for WCCC benefits~~

for up to a maximum of sixteen hours per day, including travel, study, and sleep time before or after a night shift.

~~(2) **Special requirements for education.**~~

~~(a) An applicant or consumer who is under twenty-two years of age:~~

~~(i) May be eligible for WCCC benefits for high school (HS) or general educational development (GED) program without a minimum number of employment hours.~~

~~(ii) May be eligible for WCCC benefits for up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:~~

~~(A) Public and private technical college or school;~~

~~(B) Community college; or~~

~~(C) Tribal college.~~

~~(b) An applicant or consumer who is twenty-two years of age or older:~~

~~(i) May be eligible for WCCC benefits up to twenty-four months during the consumer's lifetime for participation in high school/general education development, adult basic education (ABE) or English as a second language (ESL). The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program.~~

~~(ii) May be eligible for WCCC benefits up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:~~

~~(A) Public and private technical college or school;~~

~~(B) Community college; or~~

~~(C) Tribal college.~~

~~(c) An applicant or consumer may be eligible for WCCC benefits up to ten hours per week for study time for approved classes); or~~

~~(v) Adult basic education (ABE) and English as a second language (ESL) for consumers who are at least twenty-two years old.~~

~~(d) Applicants and consumers who meet the requirements of (c) of this subsection are eligible to receive subsidy payment for up to ten hours per week of study time for approved classes.~~

~~(2) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for transportation time between the child care location and the consumer's place of employment or approved activity.~~

~~(3) Applicants and consumers who are eligible under the terms of this section are eligible to receive subsidy payment for up to eight hours of sleep time before or after a night shift.~~

Reasons supporting proposal: The proposed amendments are necessary to implement SHB 2456..

Statutory authority for adoption: RCW 43.215.060 and 43.215.070

Statute being implemented: RCW 43.216.136

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" 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:

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

Name of proponent: (person or organization) Department of Children, Youth, and Families

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Toni Sebastian	DCYF	(206) 200-0824
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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:
TTY:
Email:
Other:

No: Please explain: Please explain: A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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

Date: December 21, 2020

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature: