



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 30, 2023

TIME: 10:42 AM

WSR 23-18-041

Agency: Department of Children, Youth, and Families (DCYF)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-15-012 ; 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 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps.

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers.

WAC 10-15-0240 Child care subsidy rates—In-home/relative providers.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 10, 2023		Telephonic	Make oral comments by calling 360-972-5385 and leaving a voicemail that includes the comment and an email address or physical mailing address where DCYF will send it's response. Comments received through an including October 10, 2023 will be considered.

Date of intended adoption: October 11, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DCYF Rules Coordinator

Address:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax:

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

By (date) October 10, 2023

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator

Phone: 360) 902-7956

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

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

By (date) October 3, 2023

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

DCYF is amending these rules to increase child care center and licensed family home provider rates to the 85th percentile of the current market and increasing Family Friends and Neighbor rates to \$3.85 effective 7/1/23 and delayed implementation for another increase to \$4 on 7/1/24.

Reasons supporting proposal:

These rules are needed to comply with [Engrossed Second Substitute Senate Bill 5237](#) and Chapter 199, Laws of 2021

Statutory authority for adoption: RCW 74.04.050

Statute being implemented: RCW 74.04.050

Is rule necessary because of a:

Federal Law?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jason Ramynke		(360) 688-0911

Implementation:	DCYF	Statewide
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Enforcement:	DCYF	Statewide
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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:

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 and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
- Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: August 30, 2023

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

AMENDATORY SECTION (Amending WSR 22-16-081, filed 8/1/22, effective 9/1/22)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** Effective July 1, (~~2022~~) 2023, the child care subsidy rates paid to licensed or certified child care centers or DCYF contracted seasonal day camps are:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$48.02) <u>\$62.05</u>	(\$43.50) <u>\$56.14</u>	(\$39.67) <u>\$53.18</u>	(\$39.15) <u>\$53.36</u>
	Half-Day	(\$24.04) <u>\$31.03</u>	(\$21.75) <u>\$28.07</u>	(\$19.84) <u>\$26.59</u>	(\$19.58) <u>\$26.68</u>
Spokane County	Full-Day	\$68.54	(\$55.37) <u>\$56.59</u>	\$52.14	(\$40.59) <u>\$49.00</u>
	Half-Day	\$34.27	(\$27.69) <u>\$28.30</u>	\$26.07	(\$20.30) <u>\$24.50</u>
Region 2	Full-Day	(\$55.68) <u>\$59.09</u>	(\$42.44) <u>\$49.09</u>	(\$42.34) <u>\$44.77</u>	(\$31.74) <u>\$32.73</u>
	Half-Day	(\$27.84) <u>\$29.55</u>	(\$21.22) <u>\$24.55</u>	(\$21.17) <u>\$22.39</u>	(\$15.87) <u>\$16.37</u>
Region 3	Full-Day	\$88.58	(\$79.36) <u>\$80.36</u>	(\$66.89) <u>\$72.50</u>	(\$50.62) <u>\$65.45</u>
	Half-Day	\$44.29	(\$39.68) <u>\$40.18</u>	(\$33.45) <u>\$36.25</u>	(\$25.31) <u>\$32.73</u>
Region 4	Full-Day	(\$111.05) <u>\$113.64</u>	(\$92.28) <u>\$101.59</u>	(\$83.31) <u>\$85.68</u>	(\$52.20) <u>\$90.64</u>
	Half-Day	(\$55.53) <u>\$56.82</u>	(\$46.14) <u>\$50.80</u>	(\$41.66) <u>\$42.84</u>	(\$26.10) <u>\$45.32</u>
Region 5	Full-Day	\$72.56	(\$62.80) <u>\$64.00</u>	\$55.77	(\$40.60) <u>\$54.18</u>
	Half-Day	\$36.28	(\$31.40) <u>\$32.00</u>	\$27.89	(\$20.30) <u>\$27.09</u>
Region 6	Full-Day	(\$66.12) <u>\$77.00</u>	(\$59.16) <u>\$67.50</u>	(\$54.52) <u>\$57.73</u>	(\$41.66) <u>\$50.23</u>
	Half-Day	(\$33.06) <u>\$38.50</u>	(\$29.58) <u>\$33.75</u>	(\$27.26) <u>\$28.87</u>	(\$20.83) <u>\$25.12</u>

(a) Centers in Clark County are paid Region 3 rates.

(b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(3) Providers must obtain child-specific and time-limited exceptions from DCYF to provide care for children outside the age listed on the center's license.

(4) If providers are granted an exception to care for a child who is 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through 12 year age range column is used for comparison; and

(b) The children must meet the special needs requirement described in WAC 110-15-0220.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.

(2) Effective July 1, ((2021)) 2023, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy rates:

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)	
(Region	Full-Day	\$40.00	\$40.00	\$35.00	\$32.00	\$30.00
†	Half-Day	\$20.00	\$20.00	\$17.50	\$16.00	\$15.00
	Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane	Full-Day	\$42.00	\$42.00	\$40.00	\$37.00	\$36.00
County	Half-Day	\$21.00	\$21.00	\$20.00	\$18.50	\$18.00
	Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2	Full-Day	\$45.00	\$45.00	\$37.50	\$35.00	\$32.00
	Half-Day	\$22.50	\$22.50	\$18.75	\$17.50	\$16.00
	Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3	Full-Day	\$55.00	\$55.00	\$48.86	\$48.00	\$40.00
	Half-Day	\$27.50	\$27.50	\$24.43	\$24.00	\$20.00
	Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4	Full-Day	\$68.18	\$68.18	\$63.64	\$59.09	\$40.00
	Half-Day	\$34.09	\$34.09	\$31.82	\$29.55	\$20.00
	Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5	Full-Day	\$48.86	\$48.86	\$42.00	\$39.09	\$35.71
	Half-Day	\$24.43	\$24.43	\$21.00	\$19.55	\$17.86
	Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
Region 6	Full-Day	\$45.00	\$45.00	\$43.18	\$38.00	\$32.50
	Half-Day	\$22.50	\$22.50	\$21.59	\$19.00	\$16.25
	Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	(\$24.38))
Region 1	Full-Day	\$49.23	\$49.23	\$47.09	\$40.00	\$36.59
	Half-Day	\$24.62	\$24.62	\$23.55	\$20.00	\$18.30
	Partial-Day	\$36.92	\$36.92	\$35.32	\$30.00	\$27.44
Spokane	Full-Day	\$48.00	\$48.00	\$48.00	\$45.00	\$45.00
County	Half-Day	\$24.00	\$24.00	\$24.00	\$22.50	\$22.50
	Partial-Day	\$36.00	\$36.00	\$36.00	\$33.75	\$33.75
Region 2	Full-Day	\$66.00	\$66.00	\$59.09	\$48.00	\$40.00
	Half-Day	\$33.00	\$33.00	\$29.55	\$24.00	\$20.00
	Partial-Day	\$49.50	\$49.50	\$44.32	\$36.00	\$30.00
Region 3	Full-Day	\$65.00	\$65.00	\$59.09	\$54.18	\$49.23
	Half-Day	\$32.50	\$32.50	\$29.55	\$27.09	\$24.62
	Partial-Day	\$48.75	\$48.75	\$44.32	\$40.64	\$36.92
Region 4	Full-Day	\$81.82	\$81.82	\$75.00	\$68.95	\$60.00
	Half-Day	\$40.91	\$40.91	\$37.50	\$34.48	\$30.00
	Partial-Day	\$61.37	\$61.37	\$56.25	\$51.71	\$45.00
Region 5	Full-Day	\$59.09	\$59.09	\$59.09	\$49.23	\$44.32
	Half-Day	\$29.55	\$29.55	\$29.55	\$24.62	\$22.16
	Partial-Day	\$44.32	\$44.32	\$44.32	\$36.92	\$33.24
Region 6	Full-Day	\$59.09	\$59.09	\$55.00	\$53.00	\$45.00
	Half-Day	\$29.55	\$29.55	\$27.50	\$26.50	\$22.50
	Partial-Day	\$44.32	\$44.32	\$41.25	\$39.75	\$33.75

(3) The monthly unit for family home providers in all regions and for all ages will include a partial-day rate that is 75 percent of the full-day rate when:

(a) Providers provide child care services for a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) Family home providers are not entitled to payment at the full-day rate.

(4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.

(5) School age children will be authorized for 22 full days in July and August when:

(a) They are authorized for a full-time, full-time partial-day, monthly unit; or

(b) They are authorized for a part-time, part-time partial-day, monthly unit;

(c) Are scheduled for child care with a single provider at least 110 hours per month; and

(d) The consumer participates in an approved activity at least 110 hours per month.

(6) Monthly units will be prorated for partial months of authorization.

(7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.

(8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.

(9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for children outside the age listed on their licenses.

(11) For providers who are granted an exception to care for a child who is 13 years of age or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section and the five through 12 year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

(12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (13) of this section).

(13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When consumers employ in-home/relative providers, DCYF pays (~~(\$2.65)~~) \$3.85 per hour per child. Beginning July 1,

((2022)) 2024, the maximum child care subsidy rate is (~~(\$3.00)~~) \$4.00 per hour per child.

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to consumers' eligible providers.

(4) When applicable, DCYF pays the employer's share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA).

(5) For in-home/relative providers who receive less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to them.