

**WAC 110-16-0045 Waiver from department rules—WAC.** (1) The department may grant a request for a waiver if the proposed waiver provides clear and convincing evidence that the health, welfare, and safety of all WCCC eligible children in their care is not jeopardized.

(2) The department cannot waive the following:

(a) Requirements described in a federal statute.

(b) Requirements described in a Washington state statute.

(c) State and federal regulations and policies that must be followed by FFN participants and that are referenced in the state plan. If authorized by the state plan, such requirements, regulations, and policies may be waived by DCYF.

(d) Requirements described in a state rule or regulation that is not codified in Title 110 WAC.

(3) The department may approve a waiver from a rule in this chapter if:

(a) The waiver does not jeopardize the health, safety, and welfare of the WCCC-eligible children in care; and

(b) The waiver is not in conflict with the requirements described in subsection (2) of this section.

(4) An FFN provider's request for a waiver from a rule in this chapter must be:

(a) Submitted in writing on the department's form to the department's license exempt team;

(b) Approved in writing by the department secretary or the secretary's designee prior to the FFN provider implementing the waiver from the rule; and

(c) For a specific FFN provider need or WCCC-eligible child.

(5) A granted waiver may be time specific or may remain in effect for as long as the FFN provider continues to comply with the conditions of the waiver. If the waiver from the rule is time limited, the FFN provider must not exceed the time frame established by the department.

(6) The department may revoke a granted waiver if a rule in this chapter was considered in granting the waiver and the rule is materially altered or amended.

(7) An FFN provider does not have the right to appeal the department's disapproval of a waiver request to the office of administrative hearings under chapter 110-03 WAC (Administrative hearings). An FFN provider may request a management review of the disapproval using a department-provided form.

[Statutory Authority: 42 U.S.C. 9858, RCW 43.216.055, and 43.216.065. WSR 22-23-094, § 110-16-0045, filed 11/15/22, effective 12/16/22.]