

**WAC 110-425-0087 Contractor slots for children above one hundred ten percent of FPL.** (1) With regard to children eligible for enrollment, RCW 43.216.505 (4)(c) establishes a limit of ten percent of total statewide enrollment for children that meet criteria established by WAC 110-425-0080 (1)(c).

(2) With regard to children allowed for enrollment, RCW 43.216.512 establishes a limit of twenty-five percent of total statewide enrollment.

(3) The department sets an initial limit for each contractor of slots for children above one hundred ten percent of FPL who do not have an IEP, in order to manage the statewide limits.

(a) This limit is based on each contractor's size, enrollment history, and to provide flexibility to fill classes in rural areas.

(b) For sites operated by tribes or tribal organizations, the department sets the initial limit at twenty-five percent.

(c) The department may adjust limits midyear if slots are reallocated between contractors.

(d) This contractor limit is managed in ELMS.

(4) Once a contractor has enrolled their limit of children above one hundred ten percent of FPL who do not have an IEP, the contractor may request an increase of their limit if:

(a) The contractor has unfilled funded slots; and

(b) Efforts to recruit children eligible for enrollment or with higher priority points within the contractor's service area have been exhausted.

(5) The department will consider the following factors when reviewing requests for additional slots above one hundred ten percent of FPL:

(a) ECEAP enrollments have not reached the statewide limits of children eligible and allowed for enrollment above one hundred ten percent of FPL who do not have an IEP under RCW 43.216.505(4) and 43.216.512;

(b) The requesting contractor's need to fill slots to fully enroll a class to ensure access to services children at or below one hundred ten percent of FPL;

(c) The requesting contractor's community need for additional flexibility to serve additional children; and

(d) The presence of unserved children at or below one hundred ten percent of FPL in other locations in the state.

[Statutory Authority: RCW 43.216.512, 43.216.525, 43.216.540, and 43.216.555. WSR 19-24-014, § 110-425-0087, filed 11/21/19, effective 12/22/19.]