



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 27, 2024
TIME: 2:48 PM

WSR 24-20-083

Agency: Department of Social and Health Services, Economic Services Administration

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR

- Preproposal Statement of Inquiry was filed as WSR 24-12-024 ; 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) The department is proposing to adopt WAC Chapter 388-487, "SUN Bucks" including the following WAC sections: WAC 388-487-0010, "What is the sun bucks program?", 388-487-0020, "Is my child eligible for sun bucks?" and 388-487-0030, "General information about sun bucks benefits."

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 5, 2024	10:00 am	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings for the most current information.

Date of intended adoption: Not earlier than November 6, 2024 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name DSHS Rules Coordinator
 Address PO Box 45850 Olympia, WA 98504
 Email DSHSRPAURulesCoordinator@dshs.wa.gov
 Fax 360-664-6185
 Other
 Beginning (date and time) noon on October 2, 2024
 By (date and time) 5:00 p.m. on November 5, 2024

Assistance for persons with disabilities:

Contact Shelley Tencza, DSHS Rules Consultant
 Phone 360-664-6036
 Fax 360-664-6185
 TTY 711 Relay Service
 Email Tencza@dshs.wa.gov
 Other
 By (date) 5:00 p.m. on October 22, 2024

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

Reasons supporting proposal: Adoption of these rules supports implementation of the Summer Electronic Benefits Transfer (EBT) program, also known as SUN Bucks. SUN Bucks is a new permanent program authorized under the Consolidated Appropriations Act, 2023 (H.R. 2617) to provide additional food benefits to certain eligible children for designated summer periods (beginning June 2024). Related emergency rules are currently in place under WSR 24-20-016.

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120

Statute being implemented: N/A

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: None

Name of proponent: (person or organization) Department of Social and Health Services

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Troy Burgess	PO Box 45470, Olympia, WA 98504-5470	360.584.5162
Implementation	Troy Burgess	PO Box 45470, Olympia, WA 98504-5470	360.584.5162
Enforcement	Troy Burgess	PO Box 45470, Olympia, WA 98504-5470	360.584.5162

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: These rules are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

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 checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input 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 34.05.328(5)(b)(vii).

Explanation of how the above exemption(s) applies to the proposed rule: These amendments do not impact small businesses. They only impact DSHS customers.

(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:

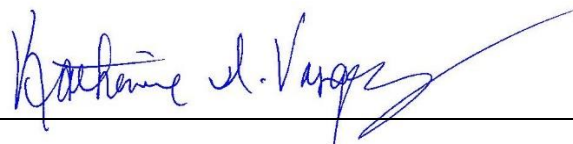
Name
Address
Phone
Fax
TTY
Email
Other

Date: September 24, 2024

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



NEW SECTION

WAC 388-487-0010 What is the sun bucks program? The sun bucks program is the summer electronic benefits transfer (summer EBT) program that provides a one-time food benefit to eligible children during designated summer periods following the academic school year. Sun bucks is administered by the department of social and health services and is not bound by the same state or federal rules, regulations, or procedures governing basic food as described in WAC 388-400-0040.

The following definitions apply to this program:

(1) "Compulsory age" means the age children are required by law to attend school; in Washington this is between the ages of eight and 18.

(2) "Direct certification" means a determination that a child is eligible for free or reduced-priced school meals without further application to the national school lunch program due to:

(a) Receiving a benefit from a federal means tested assistance program, including supplemental nutrition assistance program, temporary assistance for needy families, food distribution program on Indian reservations, some medicaid programs; or

(b) Other source eligible categories, including children in foster care, children experiencing homelessness, students enrolled in the migrant education program, and children enrolled in head start or the early childhood education and assistance program.

(3) "Expungement" means removal of benefits due to nonuse after 122 days from the date sun bucks benefits were deposited into the EBT account.

(4) "Free or reduced-price meals" means meals provided to students qualified as eligible by the Richard B. Russell National School Lunch Act.

(5) "Income eligibility guidelines" means income limits to determine eligibility for free and reduced-price meals adjusted annually by the US department of agriculture food and nutrition service as required by the national school lunch act.

(6) "Sun bucks application" means an application available to households with potentially eligible children who do not automatically meet streamline certification criteria.

(7) "Sun bucks card" means the unique EBT card that accesses sun bucks food benefits issued to individual eligible children.

(8) "Streamline certified" means a child automatically approved for sun bucks because they meet the following criteria:

(a) A child, regardless of age, who would have access to free or reduced-price school meals through the national school lunch program and school breakfast program during the school year, who:

(i) Is determined by the school to be eligible for free or reduced-priced school meals; or

(ii) Attends a school that operates the community eligibility provision or the provision 2 lunch and breakfast program and identified as eligible for free or reduced-price school meals using direct certification or a free or reduced-price school meals application.

(b) A child who meets compulsory age requirements and resides in a household receiving one of the following public assistance benefits:

(i) Temporary assistance for needy families as described in WAC 388-400-0005;

(ii) State funded assistance as described in WAC 388-400-0010;

(iii) Basic food as described in WAC 388-400-0040; or

(iv) The state funded food assistance program as described in WAC 388-400-0050.

(10) "Summer operational period" means the period between the end of the current school year and the start of the next school year, as determined by the state.

NEW SECTION

WAC 388-487-0020 Is my child eligible for sun bucks? (1) To be streamline certified for sun bucks benefits, a child must:

(a) Attend a school that participates in the national school lunch program or school breakfast program; and

(i) Is determined by the school to be eligible for free or reduced-price school meals; or

(ii) Who attends a school that operates the community eligibility provision or provision 2 lunch and breakfast program and identified as eligible for free or reduced-price meals using direct certification or a free or reduced-price school meals application.

(b) Meet compulsory age requirements and reside in a household receiving one of the following public assistance benefits:

(i) Temporary assistance for needy families as described in WAC 388-400-0005;

(ii) State funded assistance as described in WAC 388-400-0010;

(iii) Basic food as described in WAC 388-400-0040; or

(iv) The state funded food assistance program as described in WAC 388-400-0050.

(2) Children who are not streamline certified must submit a sun bucks application during the summer operational period and must meet the following criteria:

(a) Attend a school that participates in the national school lunch program or school breakfast program; and

(b) Meet income eligibility guidelines for free or reduced-price school meals.

(i) Income eligibility guidelines change annually on July 1.

(ii) The income eligibility guidelines in effect on the date of application are used to determine eligibility.

(3) Applications received after the end of the summer operational period will be considered for sun bucks in the following year.

(4) If information on an application is questionable, verification may be requested and must be provided within 30 days of the date of application.

(5) Children approved for sun bucks receive a notice of approval describing their eligibility and other information related to the program.

NEW SECTION

WAC 388-487-0030 General information about sun bucks benefits.

(1) The amount of sun bucks each eligible child will receive is \$120 for the summer of 2024 and will be adjusted annually for inflation.

(2) Sun bucks benefits are deposited into an account accessible with a designated sun bucks card. Each sun bucks card is:

(a) Linked to a sun bucks account for each eligible child; and

(b) Mailed to the last known address as reported by the parent or caregiver to either:

(i) The child's school if directly certified for free or reduced-price meals; or

(ii) The department for the eligible child's cash or food assistance household.

(c) It is the parent's or caregiver's responsibility to accurately and timely report any address changes to the child's school and to the department. The department or school is not responsible for the expungement of benefits due to unreceived sun bucks notices or cards sent through the mail.

(3) To use a sun bucks account:

(a) The sun bucks EBT card can be used by the eligible child or responsible household member, such as a parent or caregiver on behalf of the eligible child, to purchase eligible food items.

(b) A personal identification number (PIN) must be created to use the sun bucks card. Families are responsible for keeping the sun bucks card and PIN of an eligible child in a safe and secure place.

(c) Sun bucks benefits are only accessed from the sun bucks card and cannot be transferred to a bank account or issued as a check.

(4) The purpose of sun bucks benefits is to help low-income families have a more nutritious diet by providing food benefits to eligible children during the summer months between academic school years.

(a) Any remaining sun bucks benefits not used within 122 days from the date of deposit into each eligible child's account are expunged.

(b) Sun bucks benefits cannot be replaced, redeemed, expunged, lost, or stolen due to fraudulent activity or use.

(c) Sun bucks benefits are used to buy food items for an eligible child from a food retailer authorized to accept supplemental nutrition assistance program benefits.

(d) Intentional misuse of sun bucks benefits may be subject to fines or legal action including criminal prosecution.

(5) The household must request a hearing within 90 days of the end of the summer operational period when disagreeing with a decision explained in the notice.

(6) Children cannot receive sun bucks from more than one state at a time for the same summer operational period.