



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 24, 2024

TIME: 9:19 AM

WSR 24-12-014

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

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) June 1, 2024

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The department is creating WAC Chapter 388-487, "SUN Bucks," and adopting 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."

Adoption of these rules will support implementation of the new Summer EBT program, known as "SUN Bucks," beginning after the 2023-2024 school session in accordance with a federally approved state plan.

**Citation of rules affected by this order:**

New: WAC 388-487-0010, 388-487-0020, and 388-487-0030  
 Repealed: None  
 Amended: None  
 Suspended: None

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

**Other authority:** H.R. 2617

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** Emergency adoption of these rules supports implementation of the Summer EBT program, known as SUN bucks. SUN bucks was authorized under the Consolidated Appropriations Act, 2023 (H.R. 2617) and provides additional food benefits to certain eligible children for a designated summer period following the 2023-2024 school year. The department is concurrently proceeding with the permanent rule-making process.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	<u>3</u>	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	<u>3</u>	Amended	____	Repealed	____

<b>Date Adopted:</b> May 22, 2024	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

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 (department) 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) "Benefit amount" means the amount of sun bucks each eligible child will receive; this amount is \$120 for the summer of 2024 and will be adjusted annually for inflation.

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

(3) "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 (SNAP), temporary assistance for needy families (TANF), food distribution program on Indian reservations (FDPIR), 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 (ECEAP).

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

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

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

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

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

(9) "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 (NSLP) and school breakfast program (SBP) during the school year, who:

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

(ii) A child who 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 (eight - 18 years old) and resides in a household receiving one of the following public assistance benefits:

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

(ii) State funded assistance (SFA) 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 (FAP) as described in WAC 388-400-0050.

(10) "Summer 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?** To be eligible for sun bucks benefits, a child must:

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

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

(b) 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.

(2) Meet compulsory age requirements (eight-18 years old) and reside in a household receiving one of the following public assistance benefits:

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

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

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

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

(3) 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 (NSLP) or school breakfast program (SBP); and

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

(i) Guidelines change annually on July 1.

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

(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 will 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) Sun bucks benefits will be deposited into an account accessible with a designated sun bucks card. Each sun bucks card will be:

(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.

(2) 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.

(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.

(d) Sun bucks benefits not used within 122 days from the date of deposit into each eligible child's account will be expunged.

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

(f) Families are responsible for keeping the sun bucks card and PIN of an eligible child in a safe and secure place.

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

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

(4) 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.

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