

RAC for Legislative and Other Updates



10.26.23

3:00PM- 5:00PM

CCLD Staff Present	
Facilitator	Miriam Cecilia
Subject Matter Experts	Miriam Cecilia, Hope Hicks, Jennifer Heras, Dorothy Spence
Notetaker	Abby Strom

Attendance

Participants expected:

Name	Present?  or 	Name	Present?
Johnna Timmes		Jennifer Mohler	
Danaye Gonzalez		Merissa Fettis	
Anneliese Shehan	Present	Kim Huling	
Yeniar Moreira Rivero		Heather Freilinger	Present
Laura Salazar		Heather Rogen	Present
Jaecie Lopez	Present	Vanessa Brown	Present
Kim Aldinger	Present		



NOTES:

The Agenda

Topic	Time allotted
1. Welcome and Introduction	5 minutes
2. Rationale for changes related to this RAC	5 minutes
3. RAC Purpose, Scope and Group Norms	5 minutes
4. RF & CF rule changes: Provider's Own Children 10 - 12 years of age	10 minutes
Break	5 minutes
5. RF&C rule changes	10 minutes
6. CF&C rule changes	10 minutes
Closing, final thoughts and wrap up	5 minutes

Why Are These Rule Changes Needed Now?

Oregon had a robust 2023 Legislative Session:
 Several bills passed that require changes to rules that we'll cover in this RAC:

- HB 2468
- HB 3558
- SB 283
- HB 2599

In addition, we updated a CSR rule to be in compliance with **Child Care Development Fund (CCDF)** requirements.
 We are implementing ERDC rule changes to fulfill requirements in the **collective bargaining agreements** with provider unions as well as recommendations for the **CCDF state plan**.

Purpose and Scope of this RAC

You will help to provide information on the following areas as we review the rule changes that are related to this legislative session.

Purpose and Scope of this RAC

- Fiscal impacts
- Equity impacts
- Unclear rule language
- Any unintended consequences as a result of the rule change

Purpose and Scope of this RAC

Questions to consider:

- Is the rule language clear enough to understand the intent?
- Are there unintended consequences of the rule change/addition?
- Are the identified fiscal impacts accurate and are there additional resources that will be required for implementation?
- Are there any unintended or potentially negative impacts to vulnerable groups?

Group Norms

- Allow opportunities for all voices to be heard
- Remain focused on the scope of the workgroup
- Be open for respectful discussion
- Encourage individual perspectives and experience, while keeping in mind that changes will impact all programs
- Use the "raise hand" function or chat for comments
- Know when to speak up and when to step back

Updates to RF and CF Facilities affecting changes to Ratios and Capacity

A Provider's Own Children

Between the ages of 10 and 12 years of age, will not count in the facility's ratios and capacity unless the child has special needs or disabilities and requires a level of care that is above their peers of the same age.

Amended Rule Language

Provider's Own Children - Existing Language for CF

Provider's own children between the ages of 10 and 12 years of age and dependent on the facility's center will require a level of care that is above their peers of the same age.



Amended Rule Language

Provider's Own Children - Existing Language for CF

Provider's own children between the ages of 10 and 12 years of age and dependent on the facility's center will require a level of care that is above their peers of the same age, unless the child has special needs or disabilities and requires a level of care that is above their peers of the same age.

Notes/Discussion:

CF Rules: No comments

RF Rules: No comments

A Provider's Own Children in RF and CF settings

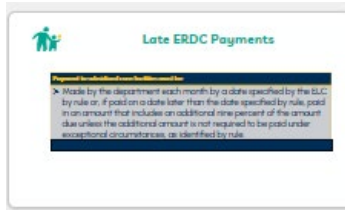
Equity Impacts:

Financial Impacts:

Health/Accession/Health:

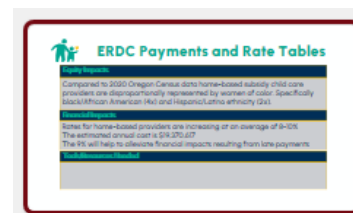
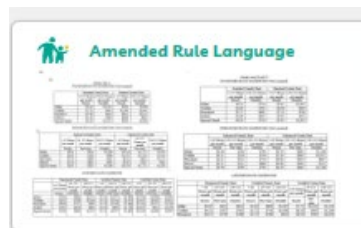
Notes/Discussion Summary on RF/CF rules changes:

- RAC Participants had generally positive responses to these rule changes and positive impacts for providers.



Notes/Discussion Summary regarding ERDC Late Payments:

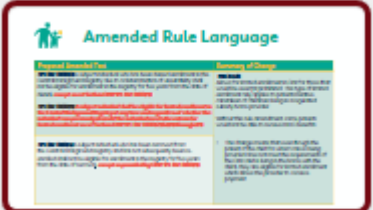
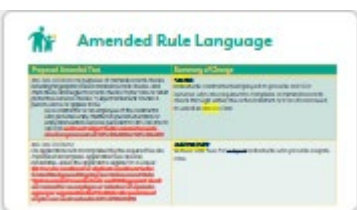
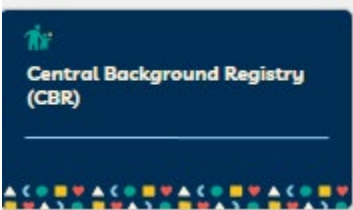
- RAC Participants had concerns about this potentially being in conflict with the CBAs (Collective Bargaining Agreement) developed with the child care provider unions
- RAC Participants would like the option to initiate their request via their respective union.
- RAC Participants requested to define the scope of a state declared natural disaster and/or create exemptions. Stated need: if a situation similar to COVID occurred, providers would need this funding in a manner that would allow for a prompt response to an emergency.
- RAC Participants requested that the form be accessible.
 - Accessibility Suggestions: available online; providers sent a sample that could be saved and used; automatically sent after a set amount of time.
 - Concerns about having to call in to the Department to request the form. If there are long hold-times, this might discourage individuals from putting in the late payment requests.
 - Equity Suggestion: Ensure it's in multiple languages



Notes/Discussion Summary regarding ERDC Rate Tables:

- Discussion regarding setting private pay rates based on ERDC rates.
 - Concerns of how increased rates may drive up private pay rates in rural areas, which could impact access to child care for rural families.
- Discussion on the history and reasonings for different rate groups across the state. Programs have to follow the same guidelines across the state, so should the rates be the same. Areas in lower tiers have trouble staffing facilities, families may drive further to find and access care. Stated support for one rate across the state.
 - Current rates are set using information gathered through a Market Rate Study-which is required by the federal government via the Child Care Development Block Grant (CCDBG) and Child Care Development Fund (CCDF). DELC is currently researching using an alternative rate methodology as allowed by the CCDF and required by ORS 329A.500. To use this method to set rates, it would first need to be approved by the federal

government. The latest report on the status of this work is available here: [Alternative Rate-setting Structure for Employment Related Day Care \(ERDC\) Program](#)



Notes/Discussion Summary on CBR rule changes:

ESCE/EI-No comments

Respite Care fee Waiver-No comments

Limited Enrollment:

- RAC participants stated concern about having children living in a home where someone has had trouble with the law and the impact on children.

Assault IV Disqualifying Crime-No comments



Notes/Discussion:

Equity Impacts-No comments

Fiscal Impacts-No comments