



# Oregon

Tina Kotek, Governor



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## MEMORANDUM

To: Early Learning Council Members

From: Gabriela Hernandez, Early Learning Council Administrator

Date: January 28, 2026

Re: Notification of Rulemaking Actions & Presentations

**Executive Summary:** The purpose of this memo is to update the Early Learning Council (ELC) on the development of rules, including associated community and partner engagement, which the ELC will be previewing and voting on in upcoming meetings.

The Oregon Department of Early Learning and Care (DELC) plans to present one ruleset for briefing on proposed rules in January. Please reach out with any questions or concerns about the rulemaking process to Kathy Wai, Rules Coordinator.

The following ruleset will be presented for updates on proposed language and community engagement efforts in the January 2026 meeting:

- Employment Related Day Care (effective March 1, 2026)

## RULESETS FOR PRESENTATION IN JANUARY 2026:

### EMPLOYMENT RELATED DAY CARE

**SUMMARY:** DELC is proposing amendments to the Employment Related Day Care ruleset. Various rule amendments modify outdated terminology, consolidating mid-certification closure reasons into one rule, and to restore previously adopted rule language that was unintentionally removed during consecutive rule changes. Changes do not impact the program or current processes.

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The other rule changes include excluding a new household member's income so that the copay remains the same until the case is due for recertification, annual updates to the Federal Poverty Levels, increases to license exempt family, friend and neighbor child care rates, adding other pathways that a child may qualify for the High Needs supplemental rate, and clarifying that background checks only need to be conducted on a provider when care is provided in the child's home (and the provider lives elsewhere).

**PROCESS:** DELC convened a rules advisory committee (RAC) that met on January 14, 2026 from 6:00pm - 7:00pm with

- families,
- child care providers,
- subject matter experts,
- early learning system partners,
- community-based organizations, and other community members.

A public hearing will be held on February 2, 2026 at 5:00pm and the public comment period is open until 5pm on February 6, 2026.

**EQUITY ANALYSIS:** Changes to 414-175-0002, 414-175-0011, 414-175-0015, 414-175-0023, 414-175-0040, 414-175-0070, 414-175-0076, 414-175-0080 are technical, corrective, or clarifying. They reflect current policies, practices, and ONE system functionality, and will have no equity impacts for families or providers.

Women of color are largely overrepresented in the population of license exempt family, friend, and neighbor providers impacted by these rule changes. A greater number of providers within these groups will experience the positive financial effect of the rate increases.

Increasing the Federal Poverty Levels allows more families to qualify for ERDC if they are able to bypass the waitlist or move into lower copay tiers. When copays decrease, a greater share of the child care payment comes directly from DELC rather than from family copays. This improves payment reliability and reduces the administrative and financial burden of collecting copays.

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**NEXT STEPS:** The Council will vote on the proposed permanent rule adoptions in the February 25, 2026 ELC meeting. If passed, the rule amendments will be permanently effective on March 1, 2026.

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