



Oregon
Tina Kotek, Governor



700 Summer Street NE #350
Salem, Oregon 97301
DEL.C.Info@delc.oregon.gov
Oregon.gov/delc

MEMORANDUM

To: Early Learning Council Members

From: Gabriela Hernandez, Early Learning Council Administrator

Date: April 22, 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 (DEL.C) plans to present one **ruleset** for briefing on proposed rules and one **ruleset** for action on temporary rules in April. 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 April meeting:

- Employment Related Day Care Program; and
- General Rules for All Child Care Facilities

RULESETS FOR PRESENTATION IN APRIL:

EMPLOYMENT RELATED DAY CARE (ERDC)

SUMMARY: DEL.C is proposing amendments to the Employment Related Day Care ruleset. Various rule amendments update terminology around billings, add definitions, and clarifications around existing policy and procedures. These changes do not impact the program or current processes.

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Language is being added that will allow DELC the ability to activate or de-active waitlist exemptions when needed to adhere to the allotted budget for the ERDC program. Other changes include clarifying that an ERDC filing group must meet an active exemption to bypass the waitlist, an additional way families can verify they are on medical leave, limiting the reasons why a family can be approved for additional child care hours, and adding two new income sources and how they are treated. Language is being updated to allow direct provider payments to be paid to either a provider or the owner of a certified family facility if a provider designates them to receive the payments. Finally, language is being updated to allow providers to charge ERDC families more than they charge private pay families and the payment made for care is the DELC maximum rates; these are both effective August 1, 2026 to align with the implementation of Oregon ELMS.

PROCESS: DELC convened a rules advisory committee (RAC) that met on April 15, 2026 from 6:00 – 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 April 29th, 2026 at 5:00pm and the public comment period is open until 5pm on May 8th, 2026.

EQUITY ANALYSIS:

414-175-0002, 414-175-0011, 414-175-0051, 414-175-0075. 414-175-0035, 414-175-0077

These rule changes are technical, corrective, or clarifying. They reflect current policies, practices, and ONE system functionality, and they will have no racial impacts.

414-175-0010

This rule gives DELC the ability to turn off waitlist exemption reasons if needed to keep the ERDC program within the allotted budget. This will impact all families who would have met an

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exemption that is inactivated and all child care providers who accept ERDC subsidy who may face less subsidy families attending their child care. Since providers in the Other race category and Black providers make up a larger number of the licensed family provider pool, a greater number of providers within these groups could experience the negative financial effect of the ERDC exemptions being shut off for families.

414-175-0035

DEL C does not have data on the racial population data of those who receive the Military Transitional compensation income or payments from the Youth Experiencing Homelessness Program so it is unknown what populations could be affected by these income types for the purposes of ERDC eligibility.

414-175-0085

Allowing child care providers to charge more for ERDC families than they do for other families will benefit providers. The licensed family provider pool includes higher proportions of providers in the Other race category and Black providers compared to the general population in Oregon. These financial improvements may have a proportionately positive effect on these groups.

NEXT STEPS: The Council will vote on the proposed permanent rule adoptions in the May 27, 2026 meeting. If passed, the rule amendments will be permanently effective on June 1, 2026.

RULESETS FOR ACTION IN APRIL:

GENERAL RULES FOR ALL CHILD CARE FACILITIES

SUMMARY: OAR 414-075-0400 describes department and child care program requirements to implement an inactive child care program status. States when and how the department may administratively close a child care license or record.

PROCESS: DELC is proposing to adopt temporary rules that have been identified as needing immediate inclusion. Permanent rulemaking to address all the unincorporated edits and

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required engagement with impacted communities will be completed prior to the 180 day expiration date of the temporary rules.

NEXT STEPS: The Early Learning Council will vote on the proposed temporary rule amendment at the April 22, 2026 meeting. If passed, the rule amendment will be temporarily effective on April 23, 2026. The permanent change will be brought to the Early Learning Council for action at the September 2026 meeting. If passed, the rule amendment will be permanently effective on September 24, 2026 in the Department of Early Learning and Care.

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