



Oregon  
Tina Kotek, Governor



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## MEMORANDUM

To: Early Learning Council Members

From: Gabriela Hernandez, Early Learning Council Administrator

Date: June 25, 2025

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 **two rulesets** for action. Please reach out with any questions or concerns about the rulemaking process to Carey McCann, Early Childhood Policy & Strategy Director.

The following rulesets will be **voted on** in the June meeting:

- Early Learning Hubs
- Employment Related Day Care

## RULESETS FOR VOTE IN JUNE 2025:

### Early Learning Hubs

**SUMMARY:** DELC is proposing rule amendments to the Early Learning Hub ruleset. Early Learning Hubs play a critical role in connecting and coordinating those services on a regional level. Hubs center the voices of families from communities who face historical and current inequities due to factors such as race, income, zip code, or language. With local leaders and

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*The Mission of the Department of Early Learning and Care fosters coordinated, culturally appropriate, and family-centered services that recognize and respect the strengths and needs of all children, families, and early learning and care professionals. Our Vision is that all children, families, early care and education professionals, and communities are supported and empowered to thrive.*



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communities, Hubs help build a shared vision and support strategic planning by evaluating regional successes, barriers, and opportunities. The Early Learning Hub rules have not been revised since their launch in 2014

DEL C worked in partnership with the Hubs through a 12-month BUILD Initiative process that brought together leadership from the Early Learning Hubs, DEL C, and the Oregon Early Learning Council. This collaboration identified the statewide structure needed to support the Hub vision and highlighted the need for a more robust ruleset. The rulemaking process aims to modernize, clarify, and enhance the framework governing Early Learning Hubs to reflect current best practice, legislative mandates, and operational realities.

**PROCESS:** After introducing the proposed draft rules to the Early Learning Council in March 2025, DEL C engaged in several outreach efforts including:

- Listening sessions with Early Learning Hub directors and backbone entities;
- A rulemaking advisory committee that met three times in April and May of 2025;
- Two public feedback sessions with community partners; and
- One public hearing on May 12, 2025.

DEL C received several written public comments. These comments can be found in the public comment report (attached). DEL C's response to public comment is included in the DEL C Rulemaking slide deck.

**EQUITY ANALYSIS:** The proposed rule amendments are expected to impact racially and ethnically diverse communities, particularly those historically and currently facing systemic barriers to accessing early learning opportunities. Families from Black, Indigenous, Tribal nations, Latino, Pacific Islander, and other communities of color, as well as those with limited English proficiency, may experience both positive and negative effects. These communities often face disparities in early childhood education due to factors such as income inequality, geographic barriers, and historical disinvestment in culturally responsive services. However, increased coordination and alignment across sectors (as led by Early Learning Hubs) aim to increase access to resources especially for priority populations.

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The rule changes aim to strengthen the role of Early Learning Hubs in centering the voices of marginalized families, which could improve service access and quality for these communities. By enhancing regional coordination and strategic planning, the amendments may lead to better alignment of resources to meet the needs of culturally diverse families. However, there is also a risk that administrative cost increases at the Hub level could shift funding away from direct services, potentially impacting partners that serve these communities. Additionally, changes in grant administration processes could create new challenges for smaller, community-based providers, particularly those operating with limited administrative capacity.

**NEXT STEPS:** The Council will vote on the proposed permanent rule amendments at the June 25, 2025 ELC meeting. If passed, the rule amendments will be permanently effective on October 1, 2025 in the Department of Early Learning and Care.

### Employment Related Day Care

**SUMMARY:** DELC is proposing rule amendments to the Employment Related Day Care ruleset. The ERDC program helps families who are working, in school, receiving Temporary Assistance for Needy Families (TANF), or engaged with Child Welfare activities to pay for child care. The proposed rule amendments include changes to implement two bills enacted in 2023: HB 2683, adding Expanded Child Welfare (EXP-CW) eligibility for ERDC and HB 2717 related to Outdoor Nature-Based (ONB) child care programs. The ruleset also includes an amendment to the ERDC Waitlist provision related to notification and removal of families on the Child Care Waitlist to ensure that the list contains individuals who want to remain on the waitlist.

**PROCESS:** After introducing the proposed draft rules to the Early Learning Council (ELC) in April 2025, DELC engaged in outreach efforts including:

- A Rulemaking Advisory Committee (RAC) on April 30, 2025; and
- A public hearing on May 22, 2025.

One written public comment was received. This comment can be found in the public comment report (attached). In addition, RAC participants also provided feedback. Those comments and DELC's response are included in the DELC Rulemaking slide deck.

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**EQUITY ANALYSIS:** There are positive equity impacts identified with the anticipated adoption of these proposed rules. The rules may support inclusion of all children and families in child care. For example, ONB programs must mitigate and stop unfair (biased) behavior between adults and children and amongst children; ONB programs are required to develop and implement a behavior and guidance policy that focuses on self-regulation skills. ONB programs must ensure that activities and materials reflect the various cultures of the children, families, and staff. For children who may need additional support while in care, ONB programs must work with families to develop comprehensive plans of care to support inclusion.

DEL C has sent a Dear Tribal Leader Letter requesting engagement on this rule revision, which included information regarding the Rulemaking Advisory Committee application, selection and meeting process and DEL C will offer additional opportunities to provide input on any impacts that these proposed rules may have on Tribal Nations.

**NEXT STEPS:** The Council will vote on the proposed permanent rule amendments in the March 26, 2025, ELC meeting. If passed, the rule amendments will be permanently effective on July 1, 2025, in the Department of Early Learning and Care.

**Attachments:**

1. [Early Learning Hubs Public Comment Report](#)
2. [Employment Related Day Care Public Comment Report](#)
3. [DEL C Rulemaking Presentation](#)

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## Summary: Public Comments on 2025 Early Learning Hub Rulemaking

#	Date	Source	Name	Comment
1	04/18/25	Email	Athena Wilkstrom, Early Learning Program Facilitator, Douglas ESD	<p>The language we were concerned about regarding having a backbone appointed individual on the Governance Council is:</p> <p>There should be a standing position on the governance council for the backbone (appointed by backbone organization).</p> <p>Based on the South-Central Early Learning Hub's governance structure, this would be a fundamental change to voting member makeup.</p>
2	04/24/25	Email	Megan Glaze	<p><b><u>414-900-0010: Definitions</u></b></p> <ul style="list-style-type: none"> <li>• <b>(3) "At Risk"</b> – Suggest adding language to acknowledge children with a suspected or unidentified disability.</li> <li>• <b>(7) "Early Childhood Services"</b> – Supportive as written: "means programs and services for all children..."</li> <li>• <b>(15) "Opportunity Gap"</b> – Recommend including disabilities: <i>Opportunity Gap means the way in which race, ethnicity, disability, socioeconomic status, English proficiency, community wealth, familial situation, or other factors...</i></li> <li>• <b>(16) "Priority Populations"</b> – Recommend explicitly referencing children with disabilities: <i>Priority Populations means communities historically marginalized and underserved, including but not limited to communities of color, tribal members, rural families, families of children with a disability, and families experiencing poverty.</i></li> </ul> <p><b><u>414-900-0015: Early Learning Hub Functions</u></b></p>

## Summary: Public Comments on 2025 Early Learning Hub Rulemaking

				<ul style="list-style-type: none"> <li>Suggest defining “special populations” and ensuring children with disabilities are included in that definition. <i>Hubs are established to coordinate and align early learning and care services for children birth to age six within a specific geographic area or community of interest, including special populations not constrained by geography.</i></li> </ul> <p><b><u>Proposed Rule: 414-900-0030 – Administration</u></b></p> <ul style="list-style-type: none"> <li><b>(2)</b> Suggest defining “stable” and “satisfaction” for clarity. <i>...A Hub that has demonstrated the ability to provide stable organizational and operational structures to the satisfaction of the Department will execute the grant agreement...</i></li> </ul> <p><b><u>Proposed Rule: 414-900-0110 – Early Learning Hub Governance Structure</u></b></p> <ul style="list-style-type: none"> <li><b>(1)(a)</b> Recommend including representation from entities serving children with disabilities ages 0–5 (e.g., Early Intervention/Early Childhood Special Education). <i>Governance Councils must include representatives from the following sectors:</i></li> </ul> <p><b><u>414-900-0510 – Administration of Early Learning Kindergarten Readiness Partnership and Innovation Program</u></b></p> <ul style="list-style-type: none"> <li>Suggest defining “priority geographic areas.”</li> <li>Recommend including children with disabilities in the definition of “priority populations.” <i>The Early Learning Kindergarten Readiness Partnership and Innovation Program is established by ORS 336.101. KPI funds are invested by Early Learning Hubs to support access to and continuity of services that provide</i></li> </ul>
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## Summary: Public Comments on 2025 Early Learning Hub Rulemaking

				<i>supportive transition for families, particularly priority populations and priority geographic areas.</i>
3	04/25/25	<a href="#">Letter</a>	Jenn Laine Yamhill Community Care Learning	See attached letter.
4	05/12/25	<a href="#">Letter</a>	Early Childhood Hub of Lane County Governance Consortium	See attached letter and notes from Governance Council meeting.
5	05/14/25	<a href="#">Letter</a>	Anna Scharf, State Rep HD 23  Lucetta Elmer, State Rep HD 24	See attached letter.
6	05/29/25	Letters(s)  <a href="#">Response</a>  <a href="#">Recommendations</a>	Mary Rumbaugh, Director, Clackamas County Health Housing & Human Services	See attached letters.
7	05/30/25	<a href="#">Letter</a>	Evan Weaver, Early Learning Washington County Co- Director	See attached letter.
8	05/30/25	Form Response	Rene Brandon, Director, Southern	Rule Number: 414-900-0110

### Summary: Public Comments on 2025 Early Learning Hub Rulemaking

			Oregon Early Learning Hub	<p>The draft document will be very helpful in providing clarity of roles of hub, governance, and backbone. One important note: Since backbone entities will have their own boards and policies, it seems important to note that 'although the governance council is the autonomous body responsible for directing the administration of the grant agreement for the early learning hub, its guidance and policies can not be in conflict with the governance and policies of the backbone. An example: a backbone might have a board policy that any contracts over \$100,000 must have board approval. That could get tricky and more guidance is needed for the backbone board to acknowledge that although they need to review the contract purpose and eligibility of the entity to enter into a contract with the backbone, they are not determining if it can move forward for reasons other than administrative reasons. In other words, the backbone cannot decide they do not support the mission of the potential grantee and deny the contract the governance council supports to move the work of the hub forward. We experienced this challenge in my region.</p>
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April 25, 2025

Crys O'Grady  
Department of Early Learning and Care  
700 Summer St NE #350  
Salem, OR 97301

Dear Ms. O'Grady,

I am honored to be part of the Rules Advisory Committee (RAC) and deeply appreciate the opportunity to contribute to the development of our state's early learning guiding rules. DELC's dedication to enhancing the quality of our early childhood system is truly commendable. This letter is to provide written feedback on the input we offered in the RAC, including proposed alternatives. Our goal in all these suggestions is to find language that effectively supports our shared goals.

**OAR 414-900-0010 Definitions:**

We suggest deleting Section 4: *"Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827."*

- **Rationale:** ORS 417.827 indeed describes the Governance Council but does not specify it must be "autonomous." We feel this erodes the collaborative nature of the backbone entities, possibly disincentivizing their participation.

We suggest deleting the following sentence from Section 11: *"The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entities day-to-day operations."*

- **Rationale:** As with the previous suggestion, we feel the backbone entity bears the risk and therefore ought to have some authority over the investment decisions. As currently drafted, Section 11 sets up a situation in which every Hub must be independent, and we do not believe this is the intent.

**OAR 414-900-0030 Administration**

We suggest modifying the following sentence from Section 2: *"In all cases, the governance council provides ~~oversight and authority~~ guidance and direction of investments and has approval of contracts and/or agreements under ORS 417.827."*

- **Rationale:** As noted above, the Hubs are set up to exist within backbone entities that have the legal and financial responsibility of directing funds in accordance with the contract. As someone noted in the RAC, the backbone entity is like the steering wheel and the brakes of the car while the Governance Council is like the navigation system, advising on the best route, but not controlling the car's movement. This is important for business reasons as well as compliance and oversight to avoid financial mismanagement.

Crys O'Grady  
Department of Early Learning and Care  
April 25, 2025  
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## OAR 414-900-0110 Early Learning Governance Structure

We suggest deleting Section 1 and replacing with this substantially similar verbiage:  
*“Each Hub must have a Governance Council. The Governance Council is responsible for directing the administration of the grant agreement for the Early Learning Hub. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. The backbone entity shall appoint a representative to serve on the Governance Council.”*

- **Rationale:** This edit removes the term “autonomous body” as well as the third sentence about the Governance Council being the decision making body for investments, and removing the sentence that prohibits the backbone entity from making investment decisions, for the reasons described above; namely, that it could have the unintended consequence of discouraging backbone entities from participating and/or create an untenable legal conundrum for the Hubs. We understand the intent of this section to ensure investments are aligned with Raise Up Oregon and the priorities set by the Governance Council. To that end, we have proposed an additional requirement that the backbone entity appoint a representative to serve on the Governance Council.

In Section 2(b), we suggest adding language to indicate that the Hub is responsible to *“approve strategic plans, budgets and funding priorities **for the Hub.**”*

- **Rationale:** This small change will ensure that the Governance Council’s scope of responsibilities is over the Hub, thereby clarifying its role relative to the backbone entity.

In Section 2(c) and subsequent references to bylaws, we recommend it read “*bylaws, **charter, or memorandum of understanding***” to allow for the different types of Hub structures already operating and to avoid revisions of backbone bylaws already submitted to the state.

- **Rationale:** It is important for this rule to maintain flexibility, and allowing different types of documents recognizes the different kinds of arrangements already in place. This achieves what we believe is the intended result of clarifying roles and responsibilities without requiring bylaws, which might force the Hub to become a separate legal entity.

Crys O'Grady  
Department of Early Learning and Care  
April 24, 2025  
Page 3

### **OAR 414-900-0500 Data Collection and Reporting**

We suggest clarifying Section 1 regarding the term *"approved tools and systems."* Consider deleting the word "approved" or else specifying that "DELC will accept data submitted by the Hubs in alignment with the requirements of the Hub grant agreement."

- **Rationale:** Since Hubs have been in operation for many years, we have built data systems that work well. And yet, we are always innovating and finding new ways of collecting and reporting data. As drafted, Section 1 could have the unintended consequence of requiring approval for each new tool or system developed.

In closing, we support the goal of clarifying roles and responsibilities of Hubs, Governance Councils, and backbone entities. We believe the changes requested above support these goals while ensuring we do not inadvertently disincentivize backbone entities from continuing to host Early Learning Hubs. Thank you for your consideration of these suggestions. We hope you will incorporate these in the final draft rules to ensure sustainability and success of the Early Learning system.

Sincerely,



Jennifer E. Laine  
Early Learning Director

Cc: Nancy Hauth (via email)  
Maria Mendoza (via email)

## GOVERNANCE CONSORTIUM

HEATHER BREY  
Early Childhood CARES

MARIA DEL SOL GRANADOS  
Parent Representative

KELLIE DEVORE  
PacificSource Health Plans

NOREEN J. DUNNELLS  
United Way of Lane County

DEBI FARR  
Trillium Community Health Plan

JACOB FOX  
Homes For Good

TODD HAMILTON  
Springfield Public Schools

CHERYL HENDERSON  
Lane Community  
College Quality Care  
Connections

BRIAN JOHNSON  
Lane County

BECKY LAMOUREUX  
Moss Street Children's Center  
Early Learning  
Stakeholders

JOHN LIVELY  
Oregon State Representative

SARA LOVELESS  
90by30  
Early Learning  
Stakeholders

MEGAN MILLER  
Parent Representative

JUDY NEWMAN  
Early Childhood CARES

TONY SCURTO  
Lane Education Service District

KRAIG SPROLES  
Bethel School District

JOHN STAPLETON  
Pivot Architecture

CHARLEEN STRAUCH  
Head Start of Lane County

LANE TOMPKINS  
McKenzie School District

SHEILA WEGENER  
Department of Human Services



### Early Childhood Hub of Lane County Governance Consortium Feedback on Proposed OARs May, 2025

#### Recommendations for specific OAR changes:

Remove specific references to "Raise up Oregon" and replace with a more general statement such as "statewide goals, objective and activities set by DELC".

#### **OAR 414-900-0000- The Early Learning Hub Director role.**

In section (2) – While the Hub Director is employed by the backbone entity for administrative purposes, their role and responsibility is distinct ..... **we suggest adding wording in this section about supervision such as: "it is jointly done between the Governance Committee and the backbone entity or in collaboration with the backbone entity or in consultation with the backbone entity."**

**OAR 414-900-0100 (1) (e)** – What does this mean? We assume it means that the backbone entity does not need EC Hub funds to do its own work, but it does not read that way. Some suggested wording to clarify: "Being and remaining fiscally sound. A backbone entity should be an entity with the ability to fiscally support **it's own core operations to carry out its own mission and functions**, without DELC funding."

**OAR 414-900-0100 (4)** – We think the community should be involved in selecting the backbone entity. This can be in collaboration with DELC. Some suggested wording. "If the Department **or the Governance Council or the backbone** determines that a grant agreement with a backbone entity will be terminated whether voluntarily or involuntarily, the Department will issue a competitive Request for Application (RFA) within the affected Hub region. **The selection of a new backbone entity will be made in consultation with the Governance Council and/or community.** All applicants must fulfill the requirements of ORS 417.827 and other terms as outlined in the published Request for Application.

**OAR 900-0010- (15):** "Opportunity Gap" means..... Add after ethnicity, **disability** to the list.

**OAR 900-0010- (16):** "Priority Populations" add **children with a disability** to the list after rural families.

**OAR 414-900-0110(1) (a)-** Governance Councils must include representatives from the following sectors **and who represent the entire geographic area of the region and the demographics:**



Early Childhood Hub of Lane County

United Way of Lane County • 3171 Gateway Loop, Springfield, OR 97477

PHONE 541.741.6000 FAX 541.726.4150 EMAIL [education@unitedwaylane.org](mailto:education@unitedwaylane.org) ONLINE [earlychildhoodlane.org](http://earlychildhoodlane.org)

## GOVERNANCE CONSORTIUM



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SARA LOVELESS  
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Head Start of Lane County

LANE TOMPKINS  
McKenzie School District

SHEILA WEGENER  
Department of Human Services

**OAR 414-900-0110 (2)(a)** – Include a chair and **vice chair or co-chair** who will be responsible for duties as outlined in the grant agreement. Or eliminate that sentence and replace with: **The Governance Council shall define its leadership structure in their bylaws.**

**OAR 414-900-0030 (2)-** In the last sentence we want to add one of the suggested phrases in red: In all cases. The governance council, **with representation of the backbone entity or in consultation with the backbone entity or in collaboration with the backbone entity**, provides oversight and authority of investments and has approval of contracts and/or agreements under ORS 417.820

### **General comments, questions or clarifications that may or may not result in recommendations for changes or additions:**

- Do Public Meetings Rules apply to Governance Committees? If they do, it should be referenced in the OAR under the Governance Structure section – OAR 414-900-0110.
- DEI is not specifically mentioned and I should be referenced as foundational to all the work- goals, functions, funding allocations, service delivery, etc.
- How long can a sector remain unfilled on the Governance Council?
- Can a Chair or vice chair be the Hub Director? We do not think this should be allowed and it should be stated in the Governance Council's bylaws or in the OARs.
- The Governance Council bylaws should reflect how a backbone and Hub function to comply with the laws and rules and meet their own accountability requirements / needs.
- Clarify how long a backbone must keep the Hub operating if funding from DELC is delayed?
- Add representation from the backbone's governing body (eg: Board if it is a nonprofit) on the Governance Council.



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## Governance Council Notes on Draft Rules-From the 4/11/25 meeting

### Notes on the Governance Draft Rules:

#### Things to Keep:

Keep the GC structure and definition

Keep-Tribal Reps

Clarify if Public Meeting Rules apply to the GC meetings

#### Things to Change:

What does enforcement look like? DELC uses the word “must”-what is something doesn't happen? How long can a required sector seat remain vacant?

414-900-0110 5(b)- assumes conflict. Can a Hub and it's backbone separate without conflict?

Does the GC need to meet sector requirements? Do we need a definition?

Should the Hub Director not be the chair of the GC?

5 (a) and (b) What are the steps involved to make a change?

2 (a)- Leadership of the GC should not be prescribed in the OAR, it should be determined at the Council level.

Section 5- Is there a process if the backbone wants to separate from the Council?

#### Add- Things that are Missing:

DEI-With the stated scope being alignment with Raise Up Oregon's anti-racist framework and the function being equity driven strategies, funding allocation and service delivery. The GC structure should reflect this. Should there be a requirement around the (unknown word) at strategic planning to ensure alignment and implementation of statewide priorities?

Subject to Public Meeting Laws-if not how are we responsible for ensuring community is aware of meetings?

(Unknown word) in the composition of the Hub representation and required by bylaws.

P1 at Risk-definition does not align well with a strengths-based service delivery and could increase equity (unknown word)

Would the Council then gain approval before contracting work to outside agencies?

## Notes on Backbone Draft Rules

### Things to Keep:

### Things to Change:

1 e, Shouldn't it say "...with the ability to fiscally support its core operations without funding from the DELC and only x% of indirect to administer Hub functions."

Structure that meets the need of the backbone and Hub for accountability

1 e, Needs clarity on what the expectation is for the backbone entity should funding from DELC cease or delay reimbursement. How long is the backbone entity to be responsible for operating the Hub with out funding from the Department?

414-900-0100 (4) gives too much power to DELC

How are indirect and direct charges to the backbone examined by the GC?

Most K-12 OARs that create committees-that are not policy- set goals for them to match the demographics of the community they serve.

### Things to Add:



**ANNA SCHARF**  
**STATE REPRESENTATIVE**  
**DISTRICT 23**



**LUCETTA ELMER**  
**STATE REPRESENTATIVE**  
**DISTRICT 24**

May 14, 2025

Director Alyssa Chatterjee  
Department of Early Learning and Care  
875 Union Street NE  
Salem, OR 97311

**RE: Concerns Regarding Proposed Rule 414-900-0110 – Early Learning Hub Governance Structure**

Dear Director Chatterjee,

We are writing to express serious concern about the Department of Early Learning and Care's (DELIC) proposed rule 414-900-0110, which would impose new governance requirements on Early Learning Hubs, including the Yamhill Early Learning Hub that serves our districts.

As currently written, the proposed rule would require each Hub to have an autonomous Governance Council with its own bylaws and full decision-making authority over the administration of Early Learning Hub grant funds. It further prohibits backbone entities—such as Yamhill Community Care (YCCO), which currently provides operational and administrative support to the Hub—from making investment decisions related to Hub funds.

This structural change would represent a significant disruption to the governance and operations of our local Hub. Under the current model, which has functioned effectively for years, YCCO serves as the backbone organization, with fiduciary responsibility retained by its Board of Directors. The Governance Council (which is known locally as the Early Learning Council) operates as a committee of the Board, providing essential guidance and oversight. This model has ensured fiscal responsibility, programmatic alignment, and strong community coordination.

Mandating a new, autonomous governance structure could require the formation of a separate legal entity and may compel our Hub to secure independent administrative capacity and assume legal and financial responsibilities for which it is currently unprepared. These changes would introduce unnecessary complexity and create a precarious position for the Hub's continued operations and funding stability.

We understand that Yamhill Early Learning Hub has already provided formal feedback during the Rules Advisory Committee process, and we are disappointed to learn that their recommendations have not been incorporated into the revised proposal. We encourage DELIC to reconsider this rule.

Thank you for your attention to this matter.

Sincerely,

Anna Scharf  
State Representative – HD 23

Lucetta Elmer  
State Representative – HD 24



May 29, 2025

Crys O'Grady  
Rules Coordinator  
Dept. of Early Learning & Care  
700 Summer Street NE #350  
Salem, OR 97301

**RE: Review of Early Learning Hubs Ruleset, OAR 414-900-XXXX**

Dear Ms. O'Grady,

We appreciate the opportunity to engage with the state regarding the proposed rule changes for Early Learning Hubs. Clackamas County has proudly served as the backbone entity for our local Early Learning Hub for the past decade, and we share your commitment to enhancing early learning outcomes for our region's families and children. We are submitting the attached response to the proposed revised Early Learning Hubs Ruleset (OAR 414-900-XXXX).

Our primary concern is that the changes in rules are not consistent with the backbone model in that they provide the Governance Council autonomous authority that is not possible with a backbone model. Consequently, the rule changes may prevent Clackamas County and other current backbones from being able to continue in their roles causing layoffs of expert staff and substantial disruptions and damage to the early learning system statewide.

We acknowledge that the autonomous authority language has been included in the backbone contracts for years. However, its application has been flexible enough to support the backbone model. If these rules pass, they will essentially dismantle the backbone model by limiting or eliminating the ability of backbones to ensure they are protected from substantial risk that could threaten itself and all of its other programs at risk.

It also seems clear that when the legislature established the Early Learning Hubs, they did not intend for the backbone entities to cede all decision-making authority to the Governance Councils. The legislative statute that established the Early Learning Hubs (ORS 417.827), lays out the many roles and responsibilities of the "backbone" entities. While we support a strong and empowered Governance Council, the autonomous authority that is written into the proposed rules seems to go well beyond what the originators seem to have intended.

By way of contrast, the state could have selected a different model for the Early Learning Hubs, such as the independent entity model that Marion-Polk has adopted. If that were the case, the autonomous authority of Governance would be entirely appropriate. However, the backbone model by design and nature establishes a dependent relationship of the Hub on the backbone entity that does not allow for the level of autonomous authority indicated in the proposed rules.

*Healthy Families. Strong Communities.*

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In general, we request that the language of the rules be revised to accurately reflect the practical realities of the backbone model. Clarity around roles, responsibilities, and accountability measures can help prevent unintended consequences, such as the discontinuation of many, if not all backbone agencies. We deeply value our collaboration with DELC and are eager to work closely with you to address any identified concerns or challenges behind the proposed rule changes. Our Early Learning Hub has made meaningful and measurable progress over the last ten years. We are committed to building upon this foundation to achieve even greater outcomes for our community.

Thank you again for your openness to collaboration. We look forward to ongoing dialogue and partnership to support Oregon's children and families effectively.

Sincerely,

A handwritten signature in cursive script that reads "Mary Rumbaugh".

Mary Rumbaugh  
Director, Health Housing & Human Services

# Clackamas County's Responses and Recommendations to Proposed Early Learning Hub Ruleset (ORS §414-900-XXXX)

May 29, 2025

## Introduction

The state rules pertaining to Early Learning Hubs are currently being revisited. The proposed rules impact Clackamas County's role as backbone for the Early Learning Hub, potentially eliminating the ability of the County to continue serving in the role it has successfully performed for over 10 years. In hopes of preventing this, this document contains the County's response to the specific proposed rules.

An overarching question was raised in reviewing the rules and their bases. Many of the rules and proposed changes appear to be based upon the expectation that the Governance Council has "autonomous authority." The degree of this authority is not possible with the backbone model and seems inconsistent with the intentions of Early Learning Hub operations as reflected in ORS 417.827, which describes a Hub that is dependent upon a backbone entity.

## Responses to Proposed Rules

Note – Proposed Rules are highlighted in gray.

### **414-900-0010: Definitions      Last review/update: 2/21/25**

(4) "Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in "Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827.

#### **Suggestions:**

- **Delete this definition or replace with a definition of semi-autonomous**

#### **Rationale:**

The statute referenced in the definition states that the roles of the Governance Council are: 1) initiate audits, 2) recommend terms of contracts and 3) provide reports on outcomes of early learning services (ORS 417.827(4)(g)(A)). These roles do not constitute nor require autonomous authority.

Here and throughout the rules there are expectations for the role of the Governance Council that do not seem to align with the state statutes or the backbone model that the state established. The expected role is more akin to a Board of Directors, which is not possible, because the backbone already has a Board of Directors with legal authority and responsibility who assume the financial

and legal risk for the organization and all of its programs, including the Early Learning Hub. The Governance Council is not a legal entity and therefore cannot assume this risk nor enact any of its decisions. This is the intended role of the backbone as described in ORS 417.827 that must be acknowledged in any rules governing the Hubs.

It is acknowledged that the autonomous authority language has been included in the backbone contracts for years. However, its application has been flexible enough to support the backbone model. However, if these rules pass, they will essentially dismantle the backbone model by limiting or eliminating the ability of backbones to ensure they are protected from substantial risk that could threaten itself and all of its other programs at risk.

With this said, it is not completely clear what problem(s) the rules are attempting to fix. Perhaps they could be addressed more directly. In our experience over 10 years as a backbone, there has not been an instance in which our Board has overruled a Governance Council decision. Therefore, in practice, they already operate with a high degree of autonomy. The backbone's Board primarily oversees the contract for the work selected by Governance. If there are problems that need to be addressed elsewhere, perhaps the rules could be more specifically address those situations.

(11) "Governance Council" means a multisector council who is the ~~autonomous~~ body responsible for providing strategic leadership and oversight for the Early Learning Hub. The Governance Council oversees the allocation of resources and investments **and works with the backbone entity** to ensures that Hub's priorities are executed successfully, with an emphasis on outcomes and continuous improvement. ~~The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entity's day-to-day operations.~~

**Suggestions:**

- **Make suggested revisions, including removing the final sentence.**
- **Re-define "Early Learning Hub" to include the backbone, Governance Council and all other connected committees.**

**Rationale:**

These changes more accurately reflect the backbone model established by the state that most Hub currently employ.

The current statutory definition of Early learning Hub is "any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council" (ORS 417.827(1)(a)). This can be read to say that the backbone organization *is* the totality of the Hub, which is not in alignment with how most currently understand it.

**Proposed Rule: 414-900-0110 Early Learning Hub Governance Structure *Last review/update:* 2/21/25**

(1) Each Hub must have a Governance Council. ~~The Governance Council is the autonomous body responsible for directing the administration of the grant agreement for the Early Learning Hub. The~~

Governance Council is the decision-making body for the investments of Early Learning Hub funds. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. **The backbone entity may not make decisions regarding the investments of Early Learning Hub funds.**

**Suggestions:**

- **Remove second sentence.**
- **Clarify or remove final sentence. It seems to mean that backbones should not have a vote in the decision. This is not consistently understood or applied across all Hubs.**

**Reason for Suggestion:**

This is a great example of the rules going beyond the legal limitations of the backbone model. The contract is between the state and the backbone. The backbone accepts all risk for the agreement. The Early Learning Hub is not a legal entity and therefore does not assume any risk. The backbone cannot cede 100% of its authority to a third party to make decisions on its behalf.

The question of whether a backbone organization is a voting member of the Hub needs to be answered as it has long created confusion. If backbones should not have a vote or say in the decision – equal to that of other members – it would be helpful to understand the rationale. The backbone organizations were selected in large part because they are important players in the local early learning system and therefore in most cases possess some unique experience, expertise and perspectives.

If the concern is a conflict of interest, in many, if not most Hubs, the majority of the funding goes to the voting members of Hubs and not the backbone. Backbones therefore tend to have equal or less conflicted than other members. They could recuse themselves as other members do for votes that might benefit them. This is especially relevant in rural areas that have fewer parties involved in the early learning system.

(5) The Governance Council must, in accordance with the procedures in its bylaws and following a vote, notify the Department if it has lost confidence in the Backbone entity's ability to perform any or all of its functions in accordance with these rules.

(a) If the Governance Council votes to notify the Department of its desire to change the backbone entity for the Hub, the Governance Council must contact the Early Learning Hub Contract Administrator(s) for assistance and support in addressing the concerns **carrying out the backbone entity transition process.**

(b) Such notification must specify the basis for the lack of confidence, including specific lack of confidence in the Hub Director or specific personnel. Such notification may also recommend desired changes to address or remedy the lack of confidence.

**(c) The Hub Contract Administrator will work with the backbone organization to discuss potential remedies to be presented to the Governance Council for consideration.**

**(d) If after good faith efforts made by all parties, remedies cannot be found or are unsuccessful – the Hub Contract Administrator can initiate a backbone transition process.**

**Suggestion:**

- **Add step 5(c, d) language or a step in which the state strives to resolve the differences before beginning the transition process.**

**Rationale:**

The proposed rule is very one-sided by moving straight into backbone transition based on a vote of the Governance Council. Changing backbones can be a highly disruptive process that should not be entered into so lightly. The rule must take into account the legally binding mutual obligations of between the backbone organization and the state. Backbone organizations invest a great deal of their resources into the Early Learning Hubs, including a required match, while Governance members are not required to make any investments. Backbones also have staff who would lose their jobs, affecting their families and overall wellbeing. We also often have contracts with third parties that are funded through the Hub agreement that would be impacted.

All of these factors need to be taken into account in the process of responding to Governance complaints. This should involve a more fair and balanced process of considering complaints.

**Proposed Rule: 414-900-0000 Early Learning Hub Director Role *Last review/update: 2/21/25***

(2) While the Hub Director(s) is employed by the backbone entity for administrative purposes, their role and responsibilities are distinct in that they provide leadership, coordination, and oversight of the Hub's strategic initiatives and community engagement efforts.

**Response:**

In concept, most backbones would likely agree with this statement. It's unclear what this addition is seeking to achieve and how will one know whether they are or are not adhering to this rule.



Department of Early Learning and Care

ATTN: Rules Coordinator Crys O'Grady

Via email: [DELC.RulesCoordinator@delc.oregon.gov](mailto:DELC.RulesCoordinator@delc.oregon.gov).

May 29, 2025

Re: Early Learning Hubs Rule Making

Dear Ms. O'Grady,

As Co-Director of Early Learning Washington County, I am writing to submit public comment regarding the proposed revisions to rules governing Early Learning Hubs. This letter is to provide written feedback, including proposed alternatives. The purpose for these suggestions is to find language that effectively supports the intended purpose of the rules while maintaining the ability for Hubs and their backbone organizations to operationalize DELC's goals within a sound framework of organizational accountability. The rules, as currently proposed, could disincentivize backbone entities from continuing to host Early Learning Hubs.

## OAR 414-900-0010 Definitions:

Recommendation 1: Delete Section 4: *"Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827."*

- **Rationale:** ORS 417.827 indeed describes the Governance Council but does not specify it must be "autonomous." We feel this erodes the collaborative nature of the backbone entities, possibly disincentivizing their participation.

Recommendation 2: Delete the following sentence from Section 11: *"The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entities day-to-day operations."*

- **Rationale:** As with the previous suggestion, we feel the backbone entity bears the risk and therefore ought to have some authority over the investment decisions. As currently drafted, Section 11 sets up a situation in which every Hub must be independent (or a backbone organization must support an independent entity while bearing the risk for the Governance Council's actions), and we do not believe this is the intent.

## OAR 414-900-0030 Administration

Recommendation 3: Modify the following sentence from Section 2: *"In all cases, the governance council provides oversight and authority guidance and direction of investments and has approval of contracts and/or agreements under ORS 417.827."*

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- **Rationale:** As noted above, the Hubs are set up to exist within backbone entities that have the legal and financial responsibility of directing funds in accordance with the contract. Backbone entities are selected by a competitive process in which the ability to provide appropriate financial stewardship is an element. Placing that role onto the governance council not only duplicates the responsibility, but it also creates confusion on who bears responsibility and associated risk for decision making. Furthermore, in my nine years of experience working with Early Learning Hubs, membership on Hub Governance bodies is often comprised of leadership from across the early childhood sector ranging from CBO Executive Directors, Head Start Directors, ODHS District Managers, etc. The proposed language would saddle governance meetings with a high level of operational detail. This would derail the overall intended purpose of the governance council, to meet the objectives of Raise Up Oregon and drive systemic change for children and families of our region.

## OAR 414-900-0110 Early Learning Governance Structure

Recommendation 4: Delete Section 1 and replacing with this substantially similar verbiage: *“Each Hub must have a Governance Council. The Governance Council is responsible for directing the administration of the grant agreement for the Early Learning Hub. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. The backbone entity shall appoint a representative to serve on the Governance Council.”*

- **Rationale:** This edit removes the term “autonomous body” as well as the third sentence about the Governance Council being the decision-making body for investments and removing the sentence that prohibits the backbone entity from making investment decisions, for the reasons described above; namely, that it could have the unintended consequence of discouraging backbone entities from participating and/or create an untenable legal conundrum for the Hubs. We understand the intent of this section to ensure investments are aligned with Raise Up Oregon and the priorities set by the Governance Council. To that end, we have proposed an additional requirement that the backbone entity appoint a representative to serve on the Governance Council.

Recommendation 5: In Section 2(b), add language to indicate that the Hub is responsible to *“approve strategic plans, budgets and funding priorities **for the Hub.**”*

- **Rationale:** This small change will ensure that the Governance Council’s scope of responsibilities is over the Hub, thereby clarifying its role relative to the backbone entities

In closing, we support the goal of clarifying roles and responsibilities of Hubs, Governance Councils, and backbone entities. We believe the changes requested above support these

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# WASHINGTON COUNTY OREGON

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goals while ensuring we do not inadvertently disincentivize backbone entities from continuing to host Early Learning Hubs. Thank you for your consideration of these suggestions. We hope you will incorporate these in the final draft rules to ensure sustainability and success of the Early Learning system.

Sincerely,  
Evan Weaver

Early Learning Washington County Co-Director  
Washington County Health & Human Services, Public Health Division

## Summary: Public Comments on May 2025 ERDC Ruleset

#	Date	Source	Name	Comment
1	05/28/25	<a href="#">Letter</a>	Sabi Velasco, President - Local 132 CCPT AFSCME	See attached letter.

Thursday, May 22, 2025

Public Testimony for ERDC Rulemaking

RE: In Opposition to the Creation of 414-175-0010(7)(a)&(b)

AFSCME Local 132 Child Care Providers Together stands in strong opposition to the proposed new rule Or. Rev. Stat. 414-175-0010(7) and its parts (a) and (b).

**414-175-0010(7) Th Department may send periodic notices to individuals on the Child Care Waitlist to ensure that the list contains individuals who still want to receive ERDC benefits.**

**(a) The Department shall allow at least 30 days for individuals to respond to the notice.**

**(b) The Department may remove individuals from the Child Care Waitlist who indicate they no longer want ERDC benefits or who do not respond to the notice by the deadline.**

This rulemaking is a thinly veiled, shameful attempt to give DELC the ability to remove (large) numbers of individuals from the ERDC Waitlist. This creates a cumbersome process vulnerable families will need to complete to stay on the Waitlist. There is **no** benefit nor any advantage to a family to complete the opt-in process as the Waitlist is not a true Waitlist (a family at the top (first) on the Waitlist isn't guaranteed to be taken off the Waitlist when another family stops using ERDC and that family on the Waitlist isn't going to get that funding going forward). Families who have properly filed for benefits shouldn't be removed because they:

- Have given up hope of funding and view the extra steps as further punishment and demeaning of their situation;
- Don't wish to be on the Waitlist (what does that even mean??);
- Don't see the notices;
- Are not able to respond due to technical, language, mental health, or other barriers;
- Have been overwhelmed by their circumstances and don't want to jump through an extra hoop (put in more effort) to simply remain/stay on the Waitlist; and/or
- Are so busy trying to keep food on the table and a roof over their heads while balancing the demands of a young family and keeping their children safe while the parent(s) work that this added step is simply too much to bear.

Truly does ANYONE wish to be on the Waitlist?! This is an unconscionable move to further victimize, stigmatize, and demoralize families that forces them to continually renew their Waitlist status and subjects them to repeated (at some interval) reminders of the deplorable situation they face in light of Oregon's poor fiscal choices and failure to keep its promises to Oregon's young working families.

AFSCME Local 132 Child Care Providers Together believes it is incumbent for Oregon to acknowledge the difference between Opt-In and Opt-Out. The only way this proposed rule would be acceptable is with the following or very similar alterations that expresses the same intent that ***all families be counted by DELC's ERDC Waitlist.***

**414-175-0010(7) Th Department may send periodic notices to individuals on the Child Care Waitlist to ensure that the list contains accurately and transparently counts every individual family who still want are desperately waiting, in need, to receive their ERDC benefits.**

**(a) The Department shall allow at least 30 days for individuals to respond to the notice.**

**(b) The Department may remove individuals from the Child Care Waitlist who indicate they no longer want have need of ERDC benefits or who do not respond to the notice by the deadline.**

**(c) The Department shall make clear in the notice that individuals will only removed from the Waitlist if they indicate they no longer have a demonstrated need for ERDC according to the ERDC rules for demonstrating need, specifically indicating they are no longer:**

**(i) Live in Oregon;**

**(ii) Are working or in school;**

**(iii) Need child care to keep working, attending school, or participating in family well-being activities.**

**(iv) Have a child who is a qualifying child under 13 needing child care or 13 to 17 years and needs care because of special circumstances.**

**(d) The Department shall not remove individuals from the Child Care Waitlist unless the individual has responded they no longer have a demonstrated need for ERDC.**

These rules and the new proposed requirements shame and demean families struggling daily to cobble together work and child care needs by placing extra burden and barriers on those families -- forcing families who need ERDC funding to take additional steps to stand in line for their ERDC benefits.

If Oregon will not fund ERDC, and since Oregon has done nothing to offset the high cost of child care and the high cost of living for both families and child care programs, Oregon does **not** get a free pass to excuse itself from transparency, honesty, and owning the deplorable situation to the taxpayers of Oregon and the families on the Waitlist. Oregon must own its shame and its failures. To families. To children. To child care providers and programs. These rules as proposed would allow DELC and the State of Oregon (and the legislators who seek to hide their failings) to continue to underfund ERDC by **falsely and fraudulently underreporting** the full count and number of families waiting for ERDC. The State shall not pass these rules as is to make it legal for a cover up.

We believe these rules violate Oregon's Public Records Law, Government Ethics Law, Open Oregon Laws, Oregon Accountability Law, and other longstanding "Sunshine" law and policy. **A copy of this statement has already been shared with Open Oregon.**

"Government accountability depends on an open and accessible process." Hardy Myers Oregon Attorney General.<sup>1</sup>

"Public bodies must conduct business in public – it's really that simple." Bill Bradbury, Oregon Secretary of State, Honorary Co-Chair, Open Oregon.<sup>2</sup>

"Oregon needs to protect its tradition of openness." Dave Frohnmayer President, U of O, Honorary Co-Chair, Open Oregon.<sup>3</sup>

If Oregon, DELC, and the legislature in conjunction with Governor Tina Kotek refuses to fully fund ERDC for working families, families who are going to school so they can work in the future, and for families who critically need care for their well-being, then Oregon must own that shame. Oregon must count EVERY family waiting on funding – no matter how long they

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<sup>1</sup> Reference Guide Public Meeting Laws pdf.

[https://www.deschutes.org/sites/default/files/fileattachments/administration/page/26674/reference\\_guide\\_-\\_public\\_meetings\\_law.pdf](https://www.deschutes.org/sites/default/files/fileattachments/administration/page/26674/reference_guide_-_public_meetings_law.pdf) (last visited May 22, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

have been waiting. Unfunded families deserve to be counted. If all that Oregon can give to an unfunded family is a number, then that is what Oregon must give that unfunded family because Oregon's families deserve so much more. It is the very least Oregon can do.

Unfunded families should not have to take additional action -- beyond their original application for ERDC funding -- to continue to be counted and heard. These rules allow Oregon, DELC, the legislature, and Governor Kotek to hide from Oregon and our country what Oregon is doing to families with children critically in need of child care. It is unAmerican, it goes against Oregon values, it would be unjust, and it is wrong.

We hope the ELC acts wisely, thoughtfully, and with care to ensure this injustice is not perpetrated against vulnerable children and families. If ELC, DELC, Governor Kotek, the legislature, and the State of Oregon do not want to report the over 11,700 families Oregon has abandoned, left hung out to dry waiting for child care funding, then Oregon should fund ERDC. Either fund ERDC and get families off the Waitlist (so Oregon doesn't have to report all those thousands of families who need ERDC but are not funded) or report those numbers and **OWN IT!**

Oregon must own its shame. Oregon cannot be allowed to hide what is happening.

There can be no cover up using these rules!

Signed,

**Sabi Velasco, President Local 132 CCPT AFSCME**

with

The Executive Board of Local 132 CCPT AFSCME by unanimous vote on behalf of the licensed family child care providers we represent and the thousands of vulnerable children and their families.



Oregon Department of  
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and Care**

# DELC Rulemaking

- 
- Early Learning Hubs
  - Employment Related Day Care



# Getting Aligned

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The BUILD Initiative facilitated a 12-month process that brought together leadership from Early Learning Hubs, DELC, and the Early Learning Council. This collaboration identified the statewide infrastructure needed to support the Hub vision.



# Purpose and Need for Rule Changes

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The BUILD process highlighted the need for a more robust ruleset. The rulemaking process aims to modernize, clarify, and enhance the framework governing Early Learning Hubs to reflect current best practice, legislative mandates and operational realities.

# Rulemaking

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## Update to current rules:

- Purpose and Scope
- Definitions
- Early Learning Hub Functions
- Administration of Early Learning  
Kindergarten Readiness  
Partnership & Innovation  
Program

## Propose new rules addressing:

- Administration
- Backbone Entity Structure
- Early Learning Hub  
Governance Structure
- Early Learning Hub Director  
Role
- Data Collection and  
Reporting

# Early Learning Hub Rulemaking Timeline



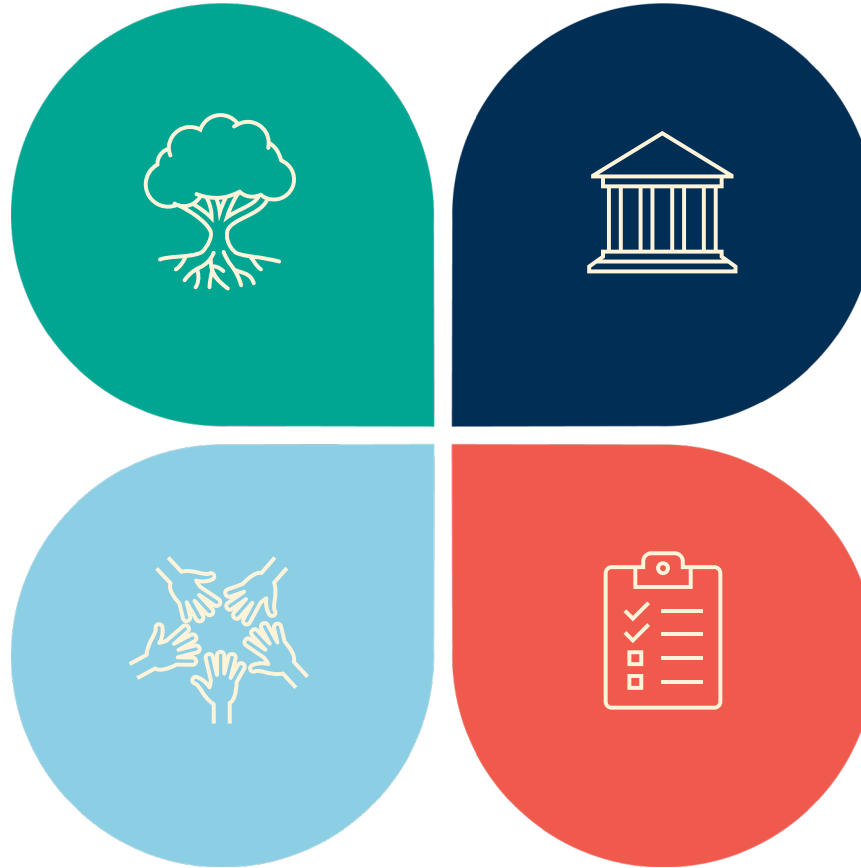
# Engagement

## Preliminary Engagement

- Yearlong BUILD Initiative with Hub Directors, Leadership, ELC
- Culminated in "Roles All Hubs Share" document
- Hub Director Listening Session
- Backbone Listening Session

## RAC Engagement

- 63 applications received
- Diverse applicants
- All but two Hub regions represented
- RAC expanded from 15 to 20 members
- Three Rules Advisory Committee Meetings



## Rules Feedback

- Two public feedback sessions
- Public Hearing
- Robust internal and external public feedback including backbone engagement

## Next Steps

- Feedback will continue to inform the scope of work in grant agreements and other guiding documents.
- Rules go into effect October 1, 2025

# RAC Participants



Name	Affiliation	Name	Affiliation
Lourdes Reyna Alcala	Eastern Oregon CCO/ Blue Mountain EL Hub;	Cicily Moses	Confederated Tribes of Umatilla Indian Reservation – The Dept of Children and Family Services Family Engagement Program; Pendleton
Holly Bartlett	Monkey Tree Learning Center; St. Helens	Jessica Nguyen	Head Start State Funded Programs; Portland
Debi Brazelton	High Desert ESD; Redmond	Ruby Ramirez	Early Learning Council; Statewide
Kimberly Brown	Head Start; Redmond	Greta Sagolla	Eugene School District; Eugene
Lydia Gray-Holifield	Parent Advisory Council Member; Early Learning Multnomah Hub, Gresham	Anneliese Sheahan	Union (AFSCME); Clackamas
Megan Glaze	Jackson County EI/ECSE; Medford	Sara Stephens	South Coast Early Learning Hub; Coos Bay
Lisa Harnisch	OR EL Hub Association/Marion Polk EL Hub; Salem	Sabi Velasco	Union (AFSCME); Beaverton
Jennifer Laine	Yamhill CCO Early Learning Hub; McMinnville	Brett Walker	Clackamas ESD; Clackamas; Child Care Resource & Referral
Courtney Little Hoop	Confederated Tribes of Umatilla Indian Reservation Early Childhood; Pendleton	Gillian Wesenberg	South Central Early Learning Hub; Roseburg
Damiana Maxwell	Eastern Oregon Early Learning Hub Board; Enterprise	Diane Wilkinson	Lincoln County School District; Lincoln County

# Rules Feedback

Feedback Received	DELC Response
<p>We heard:</p> <ul style="list-style-type: none"><li>Concerns regarding the definition of the Governance Council having "autonomous authority," particularly given the liability and accountability held by the backbone entities.</li><li>The intent of the Hub is to function as a neutral, multisector decision-making body.</li><li>The importance of preserving the Governance Council's role as a space where decisions are made collaboratively, and backbone entities should not hold undue influence, or disproportionate authority or power.</li></ul>	<ul style="list-style-type: none"><li>Changed definition to Governance Council having "decision-making authority." This "means the ability of the Governance Council to make Early Learning Hub decisions independently."</li><li>States that Governance Council has the authority to approve contracts and/or agreements but may delegate that responsibility to the backbone entity.</li><li>Added ability for backbone entities to assign one representative to Governance Council.<ul style="list-style-type: none"><li>If proposed representative is in a leadership position overseeing Hub staff or backbone operations, they must not serve as Governance Council members</li><li>Backbone employees cannot be Chair or Co-Chair.</li><li>DELC may allow exceptions through a review process.</li></ul></li></ul>
<p>Concerns with requirement that Governance Council operate under bylaws when backbone already has bylaws.</p>	<p>Allows Governance Council to request an alternative governing document other than bylaws with DELC approval.</p>

# Rules Feedback

Feedback Received	DELC Response
Interest in clarifying that backbone entities must have a commitment to young children and families.	Added requirement that backbone entities, "must be demonstrably committed to supporting young children and families."
Some RAC members felt the process for Governance Council initiating a backbone transition was too abrupt and missing steps to address concerns.	Added: <ul style="list-style-type: none"><li>• Consultation with DELC about reasons for change,</li><li>• Potential remedies or changes that address the lack of confidence,</li><li>• DELC facilitation support with interested parties (Governance Council, Backbone, Family Leadership Council, etc.).</li></ul>
RAC members wanted clarity on governance council membership and had suggestions for including a list of organizational representatives (Head Start, EI/ECSE, CCR&R, for example).	We refrained from including an exhaustive list in the rules. We are keeping sectors and key roles, such as parent representatives and Tribal representatives included.

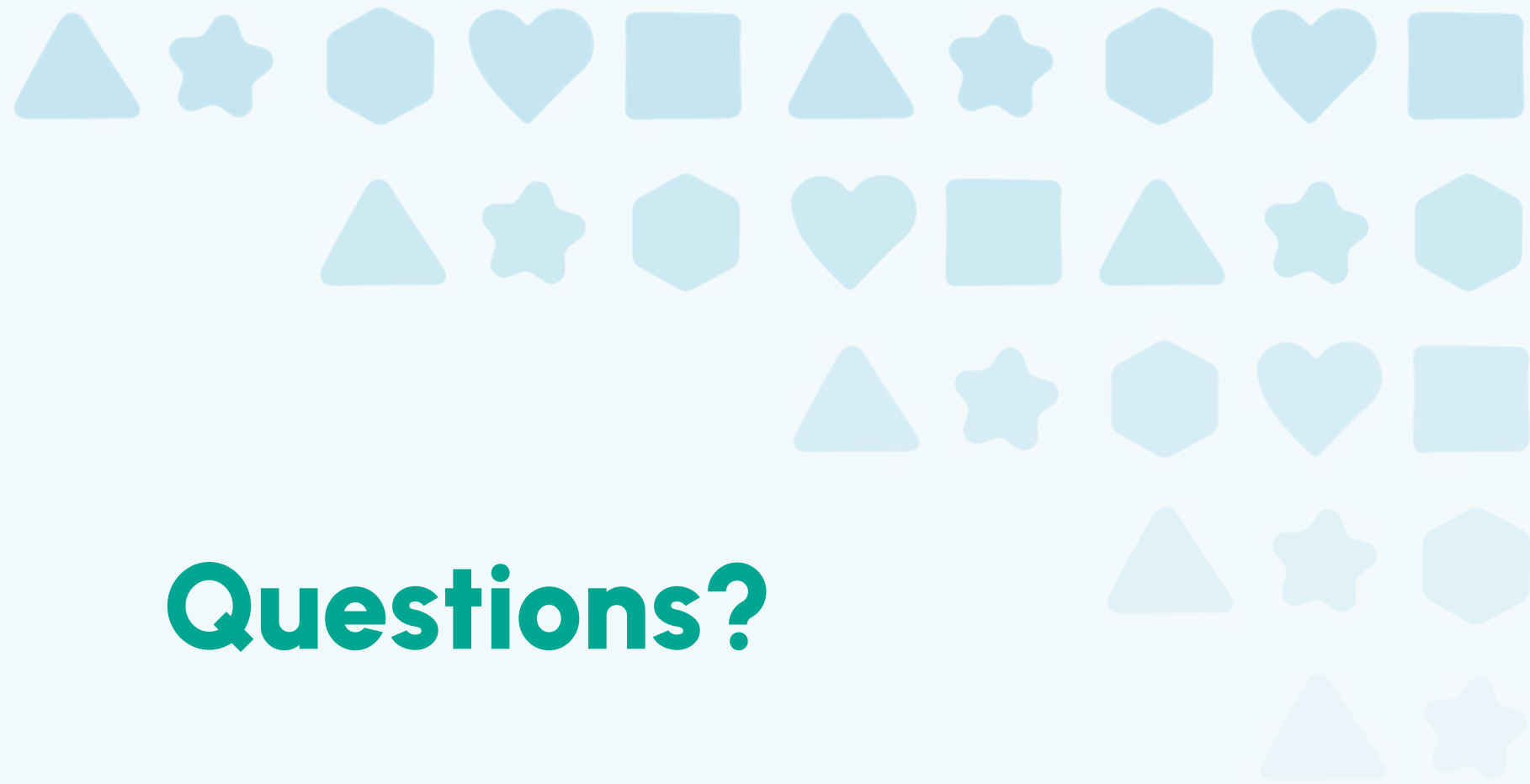
# Rules Feedback

Feedback Received	DELC Response
Concern with locking in a set percentage for the matching fund requirement.	Added "not to exceed 25% of the system coordination funds" to allow for a change in percentage match funds through grant agreements.
We heard the need for additional context and clarification about Tribal engagement and consultation.	<ul style="list-style-type: none"><li>• Added Tribal engagement as a component of the framework for Hubs under Purpose and Scope and points to upcoming available department-issued guidance.</li><li>• In the KPI rule, included Tribal nations when describing KPI investments to support successful transition into kindergarten.</li></ul>
Interest in more measurable language in KPI rule which listed reporting requirements. For example, how can we measure "attitudes and behaviors...."	Will move reporting requirements to the grant agreement as this may change over time.



# Rules Feedback

Feedback Received	DELC Response
RAC members wanted to broaden the definition of Priority Populations.	The definition now includes families of children with a disability, families who have experienced historical trauma.
Multiple suggestions for changes to "At risk" definition.	Removed definition. The term "At risk" is not included in ruleset.
We heard concerns around lack of coordinated enrollment language.	Did not include coordinated enrollment language because the workgroup is still active and workgroup recommendations will be reflected in future rules, agreements, guidance.
Concerned with the requirement that data collection tools used must have DELC approval. Participants noted the importance of allowing flexibility beyond DELC-provided tools.	Requirement was removed.
Mapping all funding streams seemed too broad.	We added clarification noting that it is specific to mapping Hub funding streams.





# ELC Action: Employment Related Day Care

Proposed Effective Date: July 1, 2025

Rule #	Title	Overview of Change	Public Comment
OAR 414-175-0002	Definitions	<ul style="list-style-type: none"><li>Defines facility in a way that includes the new Certified Outdoor Nature-Based programs.</li></ul>	N/A
OAR 414-175-0010	Waitlist for ERDC	<ul style="list-style-type: none"><li>Explains that new applicants must meet both an exemption and a new income limit check to bypass the ERDC waitlist.</li><li>Adds a way to remove people from the ERDC waitlist who no longer want to be on it.</li></ul>	N/A
OAR 414-175-0020	General Eligibility Requirements	<ul style="list-style-type: none"><li>Explains that families eligible under EXP-CW do not have to meet income limits to be eligible for ERDC.</li></ul>	N/A

# ELC Action: Employment Related Day Care

Proposed Effective Date: July 1, 2025

Rule #	Title	Overview of Change	Public Comment
OAR 414-175-0023	Requirement to Establish a Child Care Need and Hours Authorizations	<ul style="list-style-type: none"><li>Explains that EXP-CW families will get 20 child care hours per week by default</li><li>Explains more hours can be given if there's a valid reason—expect if only requesting more hours to meet the providers minimum monthly requirement</li></ul>	N/A
OAR 414-175-0024	Verification Requirements	<ul style="list-style-type: none"><li>Explains for categorically eligible ERDC, self-attestation is allowed for all eligibility requirements except medical/non-medical immunizations exemptions.</li><li>Explains for EXP CW, self-attestation is allowed for child care need, hours, and income.</li></ul>	N/A
OAR 414-175-0025	Categorical Eligibility for ERDC	<ul style="list-style-type: none"><li>Adds EXP-CW to the ways families can meet categorical eligibility for ERDC.</li></ul>	N/A

# ELC Action: Employment Related Day Care

Proposed Effective Date: July 1, 2025

Rule #	Title	Overview of Change	Public Comment
OAR 414-175-0040	Prospective Eligibility and Budgeting	<ul style="list-style-type: none"><li>Clarifies that income for filling groups under EXP-CW is not countable for purposes of ERDC eligibility.</li></ul>	N/A
OAR 414-175-0051	Requirement to Make Copay or Satisfactory Arrangements	<ul style="list-style-type: none"><li>Explains that families categorically eligible based on receiving TANF and EXP-CW families won't lose ERDC at renewal or reapplication if their copay hasn't been paid.</li></ul>	N/A
OAR 414-175-0060	Reporting Changes	<ul style="list-style-type: none"><li>Removes outdated language that states all changes take effect on the same date. With 12-month eligibility, some changes may be acted, and others may not, based on current policy and system functionality.</li></ul>	N/A

# ELC Action: Employment Related Day Care

Proposed Effective Date: July 1, 2025

Rule #	Title	Overview of Change	Public Comment
OAR 414-175-0075	Child Care Provider Eligibility Standards Payment Rates Payment Limits and Payable Hours	<ul style="list-style-type: none"><li>Clarifies that certified Outdoor Nature-Based (ONB) programs will be paid at the certified center rate.</li></ul>	N/A
OAR 414-175-0080	Eligibility for Child Care Providers	<ul style="list-style-type: none"><li>Explains that certified ONB providers must follow CCLD's Outdoor Nature-Based rules to get paid, and lists which rules don't apply to them.</li></ul>	N/A
OAR 414-175-0085	Direct Provider Payments	<ul style="list-style-type: none"><li>Prohibit payments to providers who are suspended or serving an Intentional Program Violation. Aligns with provider suspension rules. Strengthens DELC's ability to deny payments to disqualified providers, including those involved in another child care site.</li></ul>	N/A

# RAC Participants

Name	Affiliation
Hildergard Miller	Child Care Center – Lake Oswego
Shannon Warren	Research Analyst – West Linn
Vanessa Brown	AFSCME / Certified Family – Klamath Falls
Breanna Gutierrez	Child Care Center – Medford
Laura Maravilla	Child Care Resource & Referral – Forest Grove
Amy Lowry	Child Care Center – Milton Freewater
Brittany Seale	Child Care Resource & Referral – Redmond
Anneliese Shehan	AFSCME / Certified Family – Gladstone




# RAC & Public Comment Feedback

Feedback Received	DELIC Response
<p>RAC participants and the Union provided written public comment raising concerns that families had to respond to remain on the waitlist, with suggestions to shift to require families to respond to be removed to promote greater family fairness.</p> <p>AFSCME also provided written comment that the waitlist refresh process is burdensome for families and that this refresh process would lead to DELIC underreporting the number of families waiting for ERDC benefits.</p>	<p>No changes are being made to the process outlined in rule; however, several operational updates will be implemented to improve and support the process, including:</p> <ul style="list-style-type: none"><li>• A longer timeframe for families to respond- increasing from 1 month to 2.5 months</li><li>• More communication to families- increasing the text reminders from 1 to 2 &amp; adding a final notice letter families know they have been removed from the waitlist.</li><li>• Adding a case note in the family's ONE system case that alerts workers to the refresh.</li></ul>
<p>RAC participants requested clearer definitions of the specific services families must be receiving through Child Protective Services to qualify for Expanded Child Welfare.</p>	<ul style="list-style-type: none"><li>• No change was made to the rule language, as the child welfare categories are specific program names defined by ODHS Child Welfare.</li></ul>

# RAC & Public Comment Feedback cont.

Feedback Received	DELIC Response
RAC participants raised concerns that the language for verification requirements was confusing.	DELIC is unable to make any updates to the language as the verification requirements are different for Expanded Child Welfare, Categorical ERDC and Standard ERDC.
RAC participants expressed concerns about new language that allows DELIC to deny payments to providers who have received an Intentional Program Violation. They were concerned about due process, transparency and fairness for providers with multiple sites.	DELIC is unable to remove this requirement as this rule language is being put in place due to fraud investigations. DELIC did confirm with the RAC participants that there will be administrative hearing rights when an overpayment is assessed.

# Next Steps & Timeline

RAC meeting	April 30, 2025
ERDC rules presented to Early Learning Council for review	April 23, 2025
Public Hearing: ERDC Rules	May 22, 2025, 5PM
Public Comment Period Ends	May 30, 2025, 5PM
ERDC rules presented to Early Learning Council for vote	 June 12, 2025
ERDC rules amendments effective (if passed)	July 1, 2025