

Summary: Public Comments on May 2025 ERDC Ruleset

#	Date	Source	Name	Comment
1	05/28/25	Letter	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.¹

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

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

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

¹ Reference Guide Public Meeting Laws pdf.

https://www.deschutes.org/sites/default/files/fileattachments/administration/page/26674/reference_guide_-_public_meetings_law.pdf (last visited May 22, 2025).

² *Id.*

³ *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

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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.