

Summary: Public Comments on ERDC Bundle Ruleset

#	Date	Source	Name	Comment
1	10/17/25	Form response	Jessica Porter South Coast Regional Early Learning Hub	414-175-0010: Waitlist for ERDC This proposed rule change has unclear language and a high potential for significant unintended consequences. Removing "with reasonable notice" means there is no requirement for timely notification for families and communities this will impact. Without including language on who, when, and how this decision will be made, this rule change grants a significant amount of power to DELC to determine what populations are prioritized for ERDC without discretion or monitoring. I highly encourage DELC to not proceed with this rule change.
2	10/20/25	Form response	Vanessa Broadly South Coast Regional Early Learning Hub	414-175-0010: Waitlist for ERDC This proposed rule change has unclear language and a high potential for significant unintended consequences. Removing the phrase "with reasonable notice" eliminates the requirement for timely notification to families and communities that will be directly impacted. Without clear language specifying who, when, and how these decisions will be made, this rule grants an excessive amount of unchecked authority to the Department of Early Learning and Care (DELC) to determine which populations are prioritized for ERDC services—without transparency, accountability, or oversight. Allowing DELC the ability to turn off specific priority populations—such as families receiving TANF or DV-TANF, those recently offboarded from ERDC, or families involved in child welfare—would cause further harm to those already at highest risk. These families represent Oregon's most vulnerable communities, and removing their protections would exacerbate inequities, increase family instability, and strain an already fragile early learning infrastructure. I strongly urge DELC not to proceed with this proposed rule change. Any adjustments to ERDC eligibility or exemptions should center equity, transparency, and the lived realities of families most affected by our early learning policies

Summary: Public Comments on ERDC Bundle Ruleset

3	11/12/25	Form response Letter	Ivy Major-McDowall Family Forward Oregon, Child Care for Oregon Coalition	See attached letter .
4	11/19/25	Form response	Skaidra Scholey South Coast Regional Early Learning Hub	414-175-0010: Waitlist for ERDC This proposed ERDC rule change has unclear language and a high risk of significant unintended consequences. Removing “with reasonable notice” eliminates timely notification for impacted families and communities. Without specifying who decides, when, and how changes will occur, the rule grants excessive discretion to DELC to activate/deactivate priority exemptions without transparency or oversight. Allowing DELC to turn off specific priority populations will cause further harm to those at highest risk and destabilize our early learning and workforce infrastructure. I urge you not to proceed with this rule change and to pursue equitable, transparent solutions that protect Oregon’s children and families.
5	11/28/25	Form response Letter	Sabi Velasco President CCPT	See attached letter .

Responses to public comments [here](#).



Child Care That Works. For Every Family.

To: DELC, Early Learning Council
From: Child Care for Oregon
Date: November 19, 2025
RE: OAR 414-175-0010 - ERDC Waitlist

Chair Liz Farrar Campbell and members of the Early Learning Council,

On behalf of the Child Care for Oregon Coalition—a coalition of nonprofit organizations, labor unions, community advocates, parents, caregivers and providers working to build a comprehensive early learning and child care system in Oregon—we are here today to raise our concerns over OAR 414-175-0010, which would make changes to the Employment Related Day Care (ERDC) waitlist bypasses.

Our entire economy is dependent on equitable access to child care. Like roads and bridges, affordable, high-quality child care is necessary infrastructure. Parents need affordable child care that provides peace of mind that their children are learning and loved. Employers need their employees to have access to reliable, affordable child care so they can return to work. And our future workforce demands must ensure that all children have access to child care environments that stimulate development and get kids ready to learn in K-12.

The proposed rule change would grant the Department of Early Learning and Care (DELC) authority to suspend critical waitlist exemptions that our coalition advocated for. These bypasses were developed in collaboration with parents, providers, community advocates, and child welfare professionals. We specifically identified these populations as vulnerable and in need of immediate child care support:

- Families recently receiving TANF benefits that are transitioning to employment
- Survivors of domestic violence receiving Temporary Assistance grants
- Children in contracted slots through programs like Baby Promise and Head Start
- Families referred by the Child Welfare Division

Our coalition worked to prioritize these families because child care access is often what keeps families stable and together. For children in the child welfare system, having a safe and familiar place to go can mitigate additional harm and keep them close to family. For survivors of domestic violence, stable child care enables them to work, heal, and rebuild their lives. For

families transitioning off TANF, immediate access to child care is the bridge to employment and self-sufficiency.

We understand DELC faces severe budget constraints. The Oregon Legislature expanded ERDC eligibility in recent years but did not adequately fund the program, resulting in a static caseload of around 16,000 families, a growing waitlist of over 14,000 families, and a budget shortfall of over \$100 million for ERDC. Without additional funding, ERDC will run out of money by January 2027. Granting DELC authority to suspend ERDC bypasses individually will just shift the responsibility of the funding crisis from the Legislature onto families—moving vulnerable families from receiving services to waiting for services and placing a heavier burden on families who need child care most.

We urge the Early Learning Council to delay adoption of this rule change and work with the legislature to address the real problem: inadequate funding for the ERDC program. While we understand the severe budget pressures DELC faces, this proposal raises serious policy and procedural concerns that must be addressed before moving forward. Specifically, this rule:

- **Lacks clear safeguards that families need.** If this rule moves forward, it must include explicit requirements for what DELC must do before suspending any exemption, such as a minimum notice period, required outreach and communication to families, and public reporting on how these exemption suspensions would affect families and their projected waitlist times.
- **May not comply with federal law.** Federal law mandates that states support families transitioning from TANF to employment, and immediate access to child care is a critical component of that transition. Before moving forward, there must be clear legal analysis confirming that suspending the TANF exemption would not violate federal requirements and risk penalties or loss of TANF funding for the state or for families.
- **Puts the process out of order by granting authority that should come from the legislature first.** The legislature should first provide clear statutory direction about whether and under what circumstances exemptions may be suspended, rather than delegating this authority to the agency through administrative rule.

The Child Care for Oregon Coalition is calling on the Council to advocate for real funding solutions for ERDC. Oregon doesn't have to accept this crisis. Leading up to and during the 2026 Legislative Session, we urge the Council to call on the Governor and Legislature to:

1. **Disconnect from Federal Tax Giveaways:** We can disconnect from federal tax giveaways to corporations and the ultra-wealthy, and reclaim our tax code. H.R. 1 alone is projected to slash over \$1 billion from Oregon's 2025-2027 budget—the equivalent to

wiping out the entire state's early education budget. By disconnecting, we can choose child care and protect Oregon's children and families over corporate loopholes.

2. Close the DELC & ERDC Funding Gaps: We can strategically use Rainy Day Funds to end the ERDC shortfall. This investment in ERDC would be just 5% of Oregon's Rainy Day Fund, but would have an immeasurable impact on the families who rely on this program.

Our children, families, and economy deserve better than a system managed by scarcity. Oregon must invest in the critical infrastructure, like child care, that our state and our families need to thrive.

In Solidarity,



**Written Public Testimony on
ERDC Rulemaking 414-175-####**

Proposed Amendment to 414-175-0010(2) –

The Union strongly opposes. It is the Union's position that this language gives the Department of Early Learning and Care ("DELIC") broad authority that the legislature has not written into law. We believe this power should rest with the legislature and not the executive branch of government given the funding implications. We believe the legislature should be the body solely responsible for determining whether an exemption to the Waitlist is activated or deactivated based on the funding the legislature has chosen to allocate in any biennium. This addition to the rule language is DELIC giving DELIC authority, control, and power, beyond that imagined by the Oregon State Constitution. The Waitlist and the exemptions are grievous acts against The People of the State of Oregon. The Waitlist and the active or inactive status of any of the exemptions will have far reaching and disastrous consequences for those public assistance beneficiaries who should, could, or would receive ERDC benefits otherwise. The weight of these decisions must rest with the lawmakers and only the lawmakers in this State.

Proposed Amendment to 414-175-0010(3) –

Our Union is and has always been strongly opposed to the Waitlist. Given the reality of the Waitlist, we do not oppose the amendments to this rule.

Proposed Amendment to 414-175-0024(2) – We support these proposed changes.

Proposed Amendment to 414-175-0024(3)(b) – We support these proposed amendments.

Proposed Amendment to 414-175-0030 – We support these proposed amendments to the rule.

Proposed Amendment to 414-175-0075 – We support these proposed amendments to the rule except for 414-175-0075(10)(a) as below.

Proposed Amendment to 414-175-0075(10)(a) – We oppose the changes proposed to this rule. Specifically, we are opposed to a change from the two hours to the 25% of total authorized child care hours.

Example 1: A child is authorized for 215 hours of care.

If the parent works 8.5 hours a day with a thirty-minute lunch hour they must sign out for, then the parent's total work hours in a 20-care day month would be 170 hrs. Under this rule, the commute time at 25% would have to exceed 42.5 hour in the month. Under the current rule, the parent's commute time would only need to exceed 40 hours in the month to get the extra time.

If the parent works 8.5 hours a day, with the same thirty-minute lunch hour situation, and there are 21 days of care, the parent is working 179 hours, If the parent's work is 179 hours they would qualify for extra hours if the 42 hours of commute time was exceeded and 221 hours (or more) authorized for the extra commute time under the (current) 2 hour rule but under the 25% would have to exceed 45 hours of commute time to get an authorization over the 215 hours at 224 hours or more.

If the parent works the same as above in a 22 care day month, the parent is working 187 hours. This parent would only qualify for extra hours if their commute exceeded 47 hours under the new rule and only 44 hours of commute time under the current rule.

Example 2: A child is authorized for 215 hours of care. Parent works alternating weeks of Sunday, Monday, Friday/ Tuesday, Friday, Saturday in 13-hour shifts (2 unpaid 30 minute meal breaks) at a hospital/nursing facility. Parent is going to work an average of 14 shifts per month for a total average work time of 182 hours. Current rule the parent would need to exceed 26 hours of commute time (to be able to get extra hours). If the parent worked 13 shifts, a 215-hour authorization would cover 33 hours of commute time. Under the new rule, parent would need to exceed 45.5 hours to get extra hours over the 215-hour authorization. Parent lives in Canby, provider is in Canby, and work is at OHSU in Portland. The drive distance is 24 miles but the drive is often more than an hour each way due to heavy traffic in Portland. If the parent's commute totals 3 hours each day and the parent need 39 hours for commute, then the authorization would, under the current rule, cover the extra 6 hours each month for commute. Under the new rule, the parent would not be eligible for the extra hours and would be stuck at 215-hour authorizations, likely paying out of pocket for those extra hours.

The proposed rule will hurt families. While the proposed rule change will likely save the State of Oregon money, the trade off is that families receiving ERDC benefits will be hurt under certain circumstances as shown above. There are many other circumstances,

including those circumstances for hourly and part time payments which will have an even greater adverse financial impact on families.

Proposed Amendment to 414-175-0076(1) – We support the proposed rule language based upon the limitations imposed by current Oregon law.

Proposed Amendment to 414-175-0076(2) – We oppose this language. Under rule (1) above, a child is eligible for the high needs payment so long as the child is eligible for the special needs rate. The new (and current) rule language states that a child is eligible for the special needs rate if one of the following verifies the need: medical practitioner, eligibility for an IFSP or IEP, or eligible for SSI. The new rule (2) requires the child to be eligible for the special needs rate and that the child under (2)(b) is enrolled in an IFSP or IEP that was written within the last 12 months. Rule 414-175-0076(2)(b) conflicts with the special needs rate. The Union recognizes that these are two separate programs and two separate payments; however, we believe the requirement of an already written IFSP or IEP runs contrary to the intent of the high needs payment and runs contrary to the Individuals with Disabilities Education Act. The Union strongly suggests the language be changed to align with program goals for special needs and for special needs education law.

The Union supports the remainder of the language in 414-175-0076 but encourages DELC to pursue an increase in the payment bases in a future biennium budget.

This concludes our written public testimony on the proposed rule changes.

Thank you. Submitted by the President of Local 132 AFSCME, Sabi Velsco with the full support of the Executive Board of Local 132 AFSCME.

/s/ Sabi Velasco