



Oregon Department of  
**Early Learning  
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



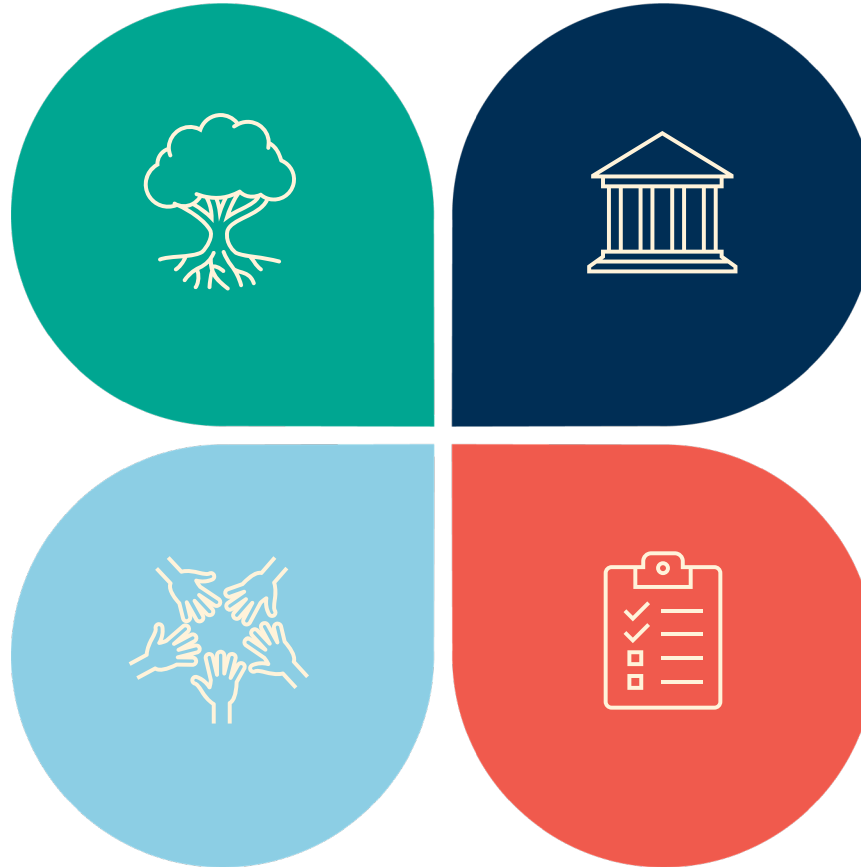
# Engagement

## 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> |
| Concerns with requirement that Governance Council operate under bylaws when backbone already has bylaws.   | Allows Governance Council to request an alternative governing document other than bylaws with DELC approval.  |



# Rules Feedback

| Feedback Received   | DELIC 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 DELIC about reasons for change,</li><li>• Potential remedies or changes that address the lack of confidence,</li><li>• DELIC 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.  |





# Employment Related Day Care

# 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<br>Payment Rates<br>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   |