

General Rules For All Child Care Facilities

Rules Advisory Committee #1

10.11.23

OCC Staff Present	
Facilitator	Roni Pham
Subject Matter Experts	Katrina Gannon-Peterson and Scott Alto
Notetaker	Allison Delorey

Introduction and Agenda overview

Welcome!

This Rules Advisory Committee:

- Represents several types of child care and early learning settings.
- Works/lives in 8 counties in Oregon.
- Contain early learning partners and representatives from culturally specific organizations.
- Is eager to share their knowledge and expertise in relationship to establishing these rules.

Panelists will have introduced to existing and new facilities in the OCC.

Facilitator will have presented the work that the group will be doing in 2023-24 and the timeline for the rules.

Agenda

Topic	Time Duration
1. Attendance (Purpose and Scope)	10 minutes
2. Welcome Group Items	5 minutes
3. Statutes, and Rules: What we can change based on feedback	10 minutes
4. Steps to Possible Feedback	5 minutes
5. Review the scope and content of the "General Rules for All Child Care Facilities" rules	10 minutes
6. Availability of Rules	5-10 minutes
7. Union Representation in Contented Care Hearings	10 minutes
8. Payment Prohibition, Unlawful Care, Civil Penalties	10 minutes

The participants introduced themselves.

The CCLD panel introduced themselves.

- The RAC participants live and work in 8 counties.
- Represent different early learning partners, representatives.

Purpose and Scope of the RAC:

Purpose and Scope of this RAC

Questions to consider:

- Is the rule language clear enough to understand the intent?
- Are there unintended consequences of the rule change/addition?
- Are the identified fiscal impacts accurate and are there additional resources that will be required for implementation?
- Are there any unintended or potentially negative impacts to vulnerable groups?

Purpose and Scope of this RAC

This RAC for "General Rules for All Child Care Facilities" will help identify:

- Fiscal impacts
- Equity impacts
- Unclear rule language
- Any unintended consequences as a result of a rule change.

Transfer sign when

Notes:

The group was asked to review the rule sections and look for equities, financial impacts, high language and unintended consequences.

Group Norms, and Statutes and Rules:

Group Norms

- Allow opportunities for all voices to be heard
- Remains focused on the scope of the workshop
- Be open for respectful discussion
- Encourage individual perspective and experience, while keeping in mind that changes will impact all programs
- Use the "raise hand" function or chat for comments
- Know when to speak up and when to step back



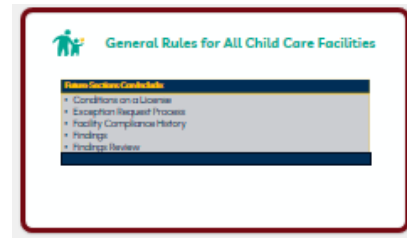
Statutes, Rules

Statutes:
Laws passed by a legislature.

Rules:
One of a set of explicit or understood regulations or principles governing conduct within a particular activity or sphere.

The group norms were reviewed.

Overview of the Rule Set:



This rule set has the following sections:

- Applicability
- Definitions
- Complaints and Investigations
- Exempt Prohibition, Unlawful Care, Civil Penalties
- Care Not Requiring a License
- Union Representative Participation in Contested Case Hearings

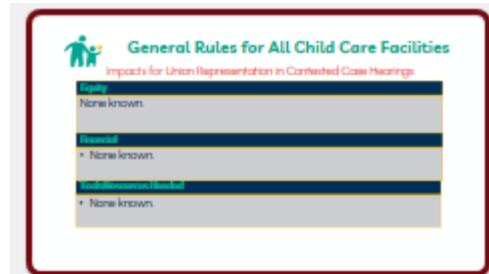
These rules apply to:

- Exempt Care
- Unlawful Care
- Subsidized Child Care
- Registered Family Child Care
- Certified Family Child Care
- Child Care Centers
- School Age Centers
- Recorded Programs

HB 3558: <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3558/Enrolled>

- Passed in the last session.
- This ruleset addresses several of the changes in HB 3558.
- A number of changes to statutes that govern child care in OR and DELC were made.
- Gives DELC authority to be able to set up programs for child care and to regulate child care.
- This rule set

Union Representation in Contested Case Hearings Section:



Notes:

Discussion included that participating in a hearing is an option and not required. If an individual does not feel that the finding review process was in their favor, they can request a hearing. RS/RF/CF providers can request that they have a hearing and can have a union representative with them if they choose to. These contested case hearings for this rule set is only about child care violations and not related to another agency’s rules or processes.

CCLD staff pointed out that there was a desire to remove the following rule from the section. We asked the opinion of the group and they agreed that it would be good to remove.

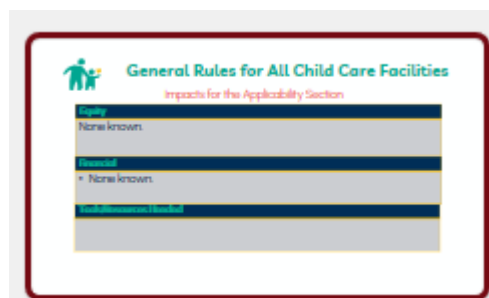
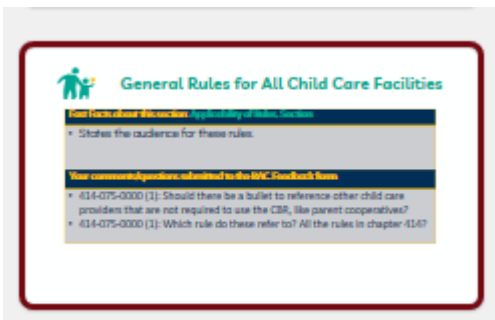
414-075-0300(8)(b)--An authorized labor union’s representation of a provider in a hearing may not include:
 (b) Communicating with CCLD without the presence of the provider regarding substantive matters including but not limited to settlement negotiations;

Some members of the group agreed, and none dissented.

One RAC participant suggested a different link (than the one in the proposed rules) to the Department of Justice that addresses representation at a contested case hearing.

<https://www.doj.state.or.us/oregon-department-of-justice/client-resources/resources-for-lay-representatives/>

Applicability Section:

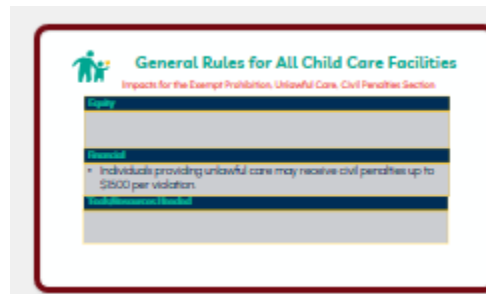
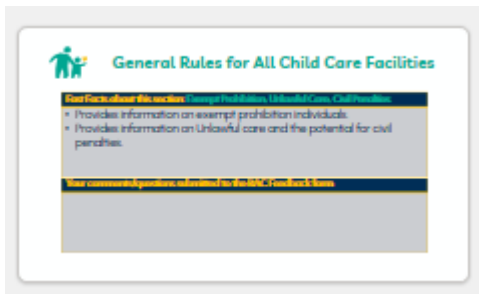


Notes:

There were some general questions and conversations about the child care system, and exempt care not requiring a license. Those were answered and did not result in indicators of equity or financial changes.

One of the big adjustments that’ll come with this ruleset is differentiation between what we refer to as license exempt child care and exempt facilities. License exempt child care – groups such as preschool recorded programs, parent cooperatives, child care in gyms. The terminology, definitions – start to refer to license exempt care v. exempt care facilities

Exempt(8) Prohibited, unlawful care, civil penalties section



Notes:

The RAC discussed exempt prohibition. This is someone who is prohibited from operating in exempt status. Cannot provide any types of care except children they are related to. They can't operate even the types of care that don't require a license unless they are related to the child/or all the children. Certain actions would result in someone becoming exempt prohibited. This part of ruleset speaks to clarifying and taking what's in statute – making it part of ruleset what you can and cannot do if you are exempt prohibited. In addition to talking about exempt prohibition the RAC participants also talked about unlawful care.

In the past this was referred to as illegal... someone who is not licensed, not recorded and should be. If they're required to have a license and are operating anyway it's unlawful. This part of ruleset speaks to what unlawful care is.

Closing:



Notes:
