

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
DEPARTMENT OF EARLY LEARNING AND CARE

FILED

02/21/2024 11:49 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Definitions and Match Requirements for Resource & Referral Entities

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/30/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Crys O'Grady
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/22/2024

TIME: 5:00 PM - 6:00 PM

OFFICER: Crys O'Grady

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1618314204

SPECIAL INSTRUCTIONS:

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Crys O'Grady by email at Crys.OGrady@delc.oregon.gov.

NEED FOR THE RULE(S)

Child Care Resource and Referrals (CCR&Rs) are regional programs funded by the Department of Early Learning and Care to recruit and support early learning and care programs, both home- and center-based. CCR&Rs help expand high-quality early learning and care across Oregon by empowering programs with resources and technical assistance. In 2019, HB 3394 was passed and amended the definition of the core services of resource and referral entities in ORS 329A.120 and amended ORS 329A.130 to require that a resource and referral entity must match funds as required by the Early Learning Council by rule.

These proposed rule amendments outline the core services and the match requirement for entities in the child care resource & referral network in alignment with the amendments in HB 3394 (2019).

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated impact on racial equity in this state as a result of these proposed rule amendments.

FISCAL AND ECONOMIC IMPACT:

There is a minimal fiscal impact on the Department of Early Learning and Care, which includes costs for updating contracts to reflect this language.

There will be a minimal fiscal impact on entities that operate as entities in the resource and referral network, because these entities will be required to provide a 10% match to the funds awarded by the DELC. This requirement should increase the amount of local funding available to children, families, and child care providers who receive services and support from entities in the resource and referral network.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There are no anticipated adverse impacts for units of local governments, and members of the public are not likely to be economically affected by the rule(s). Child Care Resource & Referral Agencies and entities in the resource and referral network will be required to have a 10% match.

(2) The small businesses likely to be impacted are child care providers who may receive additional resources as a result of the match requirement.

(a) Child care providers who receive support and resources through the resource and referral network.

(b) There would be no anticipated cost to a small business to require a 10 percent match requirement. There is minimal cost to reporting, recordkeeping, and other administrative costs.

(c) There are no anticipated costs to small businesses for professional services, equipment supplies, labor and increased administration to comply with the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DELC will convene a Rules Advisory Committee (RAC) with community partners from across the state, including organizations serving populations representing racial, ethnic, geographic, socioeconomic, and linguistic diversity, to inform the development of the administrative rules. The RAC will meet once on March 13, 2024.

DELC will seek additional public comments by posting drafts of the administrative rules on its website and seeking comments both in writing and through a public hearing on April 22, 2024. The public comment period will end on April 30, 2024.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

414-500-0020, 414-500-0030

AMEND: 414-500-0020

RULE SUMMARY: OAR 414-500-0020 is being amended to reflect the change in ORS 320A.120 made in 2019 that

states what can be considered as the core services of Resource & Referral entities.

CHANGES TO RULE:

414-500-0020

Definitions ¶¶

These words and terms used in chapter 414, division 500 have the following meanings:¶¶

(1) "Child Care" means the care and supervision of a child who is unaccompanied by a parent, guardian, or custodian and which is provided during a part of the 24 hours of a day, with or without compensation.¶¶

(2) "~~Division~~department" means the ~~Child Care Division of the Employment Department~~Department of Early Learning and Care. ¶¶

(3) "Core Services" means the following basic services provided by an ~~R & R~~Resource & Referral entity:¶¶

(a) Create and maintain a database on provider supply;¶¶

(b) Provide consumer education, consultation, and referrals for parents;¶¶

(c) Encourage the development of child care resources and provide ongoing technical assistance to providers;¶¶

(d) Provide technical assistance to employers; ~~and or~~¶¶

(e) Record, analyze, and report data on requests for services.¶¶

(4) "Nontraditional hours" means hours before 8:00 AM, between 12:00 and 1:00 PM, after 5:00 PM, weekends, and holidays.¶¶

(5) "Parent" means the person(s) exercising physical care and custody of a child.¶¶

(6) "Provider" means any person or facility that provides child care including a child care center, group child care home, family child care home, recreation program, or any other person or facility providing child care.¶¶

(7) "Resource & Referral Agency" or "R & R" means a community-based public or private nonprofit agency with a program that provides, as a minimum, the core services as defined in OAR 414-500-0020.¶¶

(8) "Resource & Referral Network" means a non-profit organization whose purpose is to coordinate and support local Resource and Referral agencies and services statewide.¶¶

(9) "Service Delivery Area" or "SDA" means a geographic area designated by the Child Care Division, or its agent or designee, for the delivery of resource and referral services.

Statutory/Other Authority: ~~ORS 657-610~~ORS 329A.100, ORS 329A.120, ORS 329A.135

Statutes/Other Implemented: ~~ORS 657-329A.100-657A.190~~, ORS 329A.110, ORS 329A.120, ORS 329A.135

AMEND: 414-500-0030

RULE SUMMARY: OAR 414-500-0030 is being amended to reflect the 2019 amendment of ORS 329.130, which requires that a resource and referral entity must match funds as required by the Early Learning Council by rule.

CHANGES TO RULE:

414-500-0030

Administrative Requirements for Resource and Referral Agencies ¶

(1) Any R & R or Resource & Referral Network contracting to provide child care resource and referral services under ORS ~~657329A.0110~~ for the administration of ORS ~~657A.030~~ and ~~657A.250329A.120~~ through ~~657A.530~~ shall:¶

(a) ~~B329A.135~~ shall be a "Resource & Referral Agency" or "Resource & Referral Network" as defined in OAR 414-500-0020.¶

(2) Each R & R shall:¶

(a) Demonstrate community support and endorsement;¶

(b) Demonstrate a commitment to provide, strengthen, and promote the financial support of R & R core services and the long-term financial stability of R & R programs;¶

(c) Demonstrate collaboration with local child care providers, provider groups, parents, social service and government agencies, employers, and institutions of public education in the development and operation of the R & R;¶

(d) Have an advisory group that represents diverse segments of the child care community. The R & R shall ensure input into R & R operations from parents, providers, employers, and community representatives;¶

(e) Have staff with at least two years of post-secondary education, experience, and/or training, commensurate with job responsibilities, in the following:¶

(A) Early childhood education, human services, counseling, or a related field of study;¶

(B) Child care or child development;¶

(C) Parent education;¶

(D) Provider support; or¶

(E) Program management.¶

(f) Directly provide the core services;¶

(g) Not discriminate against any family on the basis of race, color, or ethnicity; religion; national origin; citizenship; sex; age; physical or mental disability; marital status, or because of a child's need for special care;¶

(h) Make services accessible to families, with particular sensitivity to ethnic and cultural minorities, languages spoken, families with special needs, and the economically disadvantaged;¶

(i) Provide services to all types of child care providers, except those under ~~Child Care Division~~the Department's disciplinary action;¶

(j) ~~Provide matching funds awarded by the Child Care Division, or its agent or designee, with an equal amount of other~~ Provide matching funds awarded by the Department or its agent and designee. For purposes of calculating the total funding awarded by the Department, pass-through funds shall be excluded. The matching funds cannot be provided through funding awarded by the Department. The matching funds must be provided through other allowable financial support, including in-kind contributions. Matching funds may be used to directly provide R & R services; or to enhance R & R services;¶

(k) Publicize its services;¶

(l) Maintain fiscal records consistent with accepted accounting practices;¶

(m) Collect financial statistics on a regular basis and make financial reports at times and in the form prescribed by the ~~Child Care Division~~Department, or its agent or designee;¶

(n) Maintain program records, including statistical records, and provide program records to the ~~Child Care Division~~Department, or its agent or designee, at times and in the form prescribed by the ~~Child Care Division~~Department, or its agent or designee;¶

(o) Cooperate in a program and facility review (including meetings with consumers, review of records, review of policy and procedures, review of staffing and staff qualifications, and meetings with any staff directly or indirectly involved in the provision of services) at any reasonable time by the ~~Child Care Division~~Department, or its agent or designee;¶

(p) Retain all records and other documents related to the provision of resource and referral services for at least three years, unless otherwise specified in a contractual agreement with the ~~Child Care Division~~Department, or its agent or designee; and¶

(q) Have a complaint policy, regarding instances in which the health and/or safety of a child is at risk, that is approved by the ~~Child Care Division~~Department, or its agent or designee.¶

(3) Satisfactory performance by an R & R and/or the Resource & Network shall be a condition for the renewal of a contract.

Statutory/Other Authority: ~~ORS 657.61~~ORS 329A.135, ORS 329A.130, ORS 329A.120

Statutes/Other Implemented: ~~ORS 657A.100 – 657A.19~~ORS 329A.130, ORS 329A.120, ORS 329A.110