Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

MEMORANDUM

To: Early Learning Council Members

From: Gabriela Hernandez, Early Learning Council Administrator

Date: December 10, 2025

Re: Notification of Rulemaking Actions & Presentations

Executive Summary: The purpose of this memo is to update the Early Learning Council (ELC) on the development of rules, including associated community and partner engagement, which the ELC will be previewing and voting on in upcoming meetings.

The Oregon Department of Early Learning and Care (DELC) plans to present four rulesets for action on proposed rules in December. Please reach out with any questions or concerns about the rulemaking process to Kathy Wai, Rules Coordinator.

The following ruleset will be **presented** for action on proposed language and community engagement efforts in the November meeting:

- Certified Family Child Care Homes;
- Workforce Registry;
- Birth to Five Program; and
- Employment Related Day Care

RULESETS FOR VOTE IN DECEMBER:

Certified Family Child Care Homes

SUMMARY: During the implementation period for the recently adopted rules for certified family child care homes (December 2024), it was discovered that key safety provisions-designed to protect children from specific hazards-had been accidentally omitted. In July 2025, the Early

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

Learning Council (ELC) adopted temporary rules to address these omissions. These rules include:

- Prohibiting illegal controlled substances on the premises
- Establishing a general rule protecting children from water hazards.

The temporary rules are in effect for 180 days and DELC must adopt permanent rules within that timeframe in order to remain in effect. Along with the hazard-related rules, CCLD will include other minor corrections and clarifications to this ruleset.

PROCESS: DELC convened a Rules Advisory Committee (RAC) that met on October 7, 2025 from 6:00pm-7:30pm with families, child care providers, subject matter experts, early learning system partners, community-based organizations, and other community members. A public hearing was held on November 12, 2025 at 5:00pm and the public comment period is open until November 28, 2025.

EQUITY ANALYSIS: No equity impacts were identified during public engagement. DELC does not anticipate equity or fiscal impacts with the proposed changes. Many of the rules proposed for adoption were in effect prior the July 1, 2025 and are expected to have little to no impact on the daily operations of certified family child care providers or the families they serve.

NEXT STEPS: Adopt the proposed permanent rule amendments to the Certified Family Child Care Homes ruleset. If passed, the rule amendments will be permanently effective Jan 1, 2026.

ATTACHMENTS:

1. Certified Family Child Care Homes: Public Comment Report
2. Certified Family Child Care Hearing Officer Report
3. Certified Family Child Care Homes Rulemaking Presentation

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

Early Childhood Education Workforce Registry

SUMMARY: The Oregon Center for Career Development at Portland State University manages the Early Childhood Education Workforce Registry which is a statewide program that records and recognizes the professional development growth and achievements of individuals working in early childhood education (ECE). It provides a structured pathway to document and share their professional development progress.

- The registry serves the Early Learning Workforce; those individuals employed or seeking employment in the provision of services to children who are zero through six years of age and those in out of school time care.
- The purpose of these rules is to establish and maintain a workforce registry system that supports a qualified and diverse early learning workforce, reduces administrative inefficiencies, and provides accurate and accessible workforce information for the Department's programs and for other system partners.
- These rules apply to all early learning workforce members, hiring agencies, and entities using the workforce registry, and serve the broader purpose of supporting high-quality care and education for Oregon's children and families through the Department's programs, including but not limited to licensing, subsidy, and quality improvement, as well as other uses by system partners.
- Broadly the rules direct the Department to require the registry to create a career pathway system that expands professional development options in the professional development recognition system, ensure that the early learning workforce may have registry related documents translated free of charge, maintain a process for verifying Out-of-State Professional Development, and ensure that a system is created for employers to have access to staff professional development records for the purposes of technical assistance, with permission from the professional.

PROCESS: DELC convened a Rules Advisory Committee (RAC) that met on October 16th 9:00-11:00am and October 17th at 12:00-2:00pm with families, child care providers, subject matter experts, early learning system partners, community-based organizations, and other community members. A public hearing was held on October 27th at 5pm and the public comment period was open through October 30th.

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

EQUITY ANALYSIS: Rule language has been evaluated by the RAC for equity impacts to providers, early educators, and families. These will be reported on in the December 2025 meeting. This ruleset is expected to have a positive impact on the Early Learning workforce. Broadening the types of professional development for recognition opens pathways for workforce members with less access to those offerings currently available. In addition, allowing translation and professional development from out-of-state and country remove barriers and expand opportunities for workforce members educated outside of our state, as well as with education and experience in languages other than English. Finally, the ability for employers to support workforce members in their use of the registry system will allow for more accurate and equitable access to the system.

NEXT STEPS: Adopt the proposed permanent rule amendments to the Early Childhood Education Workforce Registry ruleset. If passed, the rule amendments will be permanently effective Jan 1, 2026.

ATTACHMENTS:

1. Early Childhood Education Workforce Registry: Public Comment Report
2. Early Childhood Education Workforce Registry Hearing Officer Report
3. Early Childhood Education Workforce Registry: Rulemaking Presentation

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

Birth to Five Literacy Program

SUMMARY: Through the Birth Through Five Literacy Initiative, DELC will implement strategies recommended in the Birth Through Five Literacy Plan by administering grants and contracts to:

- Equip culturally specific programs to support early literacy;
- Engage families in early literacy through parent education, book distribution and home visiting programs; and
- Expand language revitalization and preservation efforts by Tribal Nations in Oregon.

Implementation of these strategies will prioritize supporting, enhancing, and expanding current DELC programs in order to minimize burdens on grantees and partners.

The goal of the Birth Through Five Literacy ruleset is to establish a single, comprehensive ruleset to clarify the purpose of the literacy plan and outline how funding will be administered across grants, streamlining guidance for programs. The rules include sections that:

- Define the purpose of the funds;
- Provide definitions;
- Clarify eligibility criteria; and
- Specify evaluation goals.

PROCESS: DELC convened a Rules Advisory Committee (RAC) that met on October 9th from 6:00 to 7:30pm with families, child care providers, subject matter experts, early learning system partners, community-based organizations, and other community members. A public hearing was held on October 27th at 5:00 PM and the public comment period was open until October 30th.

EQUITY ANALYSIS: Rule language was evaluated by the RAC for equity impacts to providers, early educators, and families. These will be reported on in the December 2025 meeting. This ruleset is anticipated to have a positive impact on programs. Having a comprehensive ruleset clarifies the purpose of the literacy plan and outlines how funding will be administered across grants, which streamlines guidance. DELC's Social Equity office was

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

consulted and gave detailed feedback on the draft rules, which has been incorporated. In addition, DELC also engaged in formal Tribal consultation because the proposed BT5 Literacy

Ruleset was identified as a significant agency action potentially impacting Tribes and their members. DELC invited formal consultation under a new policy and process established by the Office of Tribal Affairs. Both the Burns Paiute Tribe and The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians participated in consultation, offering impactful input and collaboration. Key takeaways included the importance of codifying eligibility for Tribal Members residing out of state to be served by BT5 funds, and an identified need for resources and support in developing funding plans, creating culturally relevant curriculum, providing training, and supporting early literacy family engagement activities. The applicable feedback was incorporated in the ruleset.

NEXT STEPS: Adopt the proposed permanent rule amendments to the Birth to Five Literacy Program ruleset. If passed, the rule amendments will be permanently effective Jan 1, 2026.

ATTACHMENTS:

1. Birth to Five Literacy Program: Public Comment Report
2. Birth to Five Literacy Program Hearing Officer Report
3. Birth to Five Literacy Program Rulemaking Presentation

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

Employment Related Day Care

SUMMARY: DELC is proposing rule amendments for the Employment Related Day Care (ERDC) program which include the following updates. Amendments to OAR 414-175-0024 consolidate and clarify verification requirements for Special Needs Rate eligibility (SNR). OAR 414-175-0030 is updated to align financial eligibility rules with ODHS by adding examples of income types including MSAs, HRAs, and HSAs. OAR 414-175-0075 is updated to reflect2026 child care provider rates, and clarify commute time calculations for authorized child care hours. Finally, amendments to OAR 414-175-0076 move and clarify requirements for high needs child care payments, including documentation standards and annual review processes, to reduce payment errors and align with current practices and system functionality. DELC is responsible for administering the Employment Related Day Care (ERDC) program. The proposed amendments to these rules reflect business process updates and annual administrative updates to maintain alignment with federal standards and current program operations.

NOTE: The proposed amendments to ERDC Waitlist Rule 414-175-0010 are being postponed and will not be included in the vote for adoption on December 10, 2025.

PROCESS: DELC convened a Rules Advisory Committee (RAC) with families, child care providers, child care provider unions, early learning system partners, advocacy organizations, representatives from culturally specific community-based organizations, and Tribal Nation representatives on October 15, 2025. A public hearing was held on November 12, 2025 at 5pm.

EQUITY ANALYSIS: The proposed changes are expected to support equity by improving clarity, consistency, and access. Consolidating and clarifying verification requirements for special needs eligibility (OAR 414-175-0024) may reduce confusion and administrative burden for families with children who have higher care needs. Aligning income definitions with ODHS programs (OAR 414-175-0030) promotes consistency across systems and may reduce barriers to eligibility. Updates to provider payment rates (OAR 414-175-0075) may improve access to care for families by encouraging more providers to participate in ERDC, particularly in underserved

700 Summer Street NE #350
Salem, Oregon 97301
DELC.Info@delc.oregon.gov
Oregon.gov/delc

communities. Clarifying commute time calculations and documentation standards for high needs payments (OAR 414-175-0076) may also improve equitable access to enhanced supports and reduce the risk of payment errors.

NEXT STEPS: Adopt the proposed permanent rule amendments to the Employment Related Day Care program ruleset bundle that includes amendments to Oregon Administrative Rules 414-175-0024, 414-175-0030, 414-175-0075, 414-175-0076. If passed, the rule amendments will be permanently effective Jan 1, 2026.

ATTACHMENTS:

1. Employment Related Day Care: Public Comment Report
2. Hearing Officer Report
3. Employment Related Day Care Rulemaking Presentation

Oregon Department of Early Learning and Care

Summary: Public Comments on Certified Family Rules

#	Date	Source	Name	Comment
1	11/28/25	*Form response*	Sabi Velasco President CCPT	See attached letter.

Response to public comments here.

Written Public Testimony for
Certified Family Child Care Ruleset 414-360-####

Proposed Amendment to 414-360-0100 -- We support this change in rule language.

Proposed Amendment to 414-360-0250 – We support and oppose as written below.

414-360-0250(1)(b) Support.

414-360-0250(2) including (a) and (b) The Union strongly encourages the removal of the word caregiver from the ruleset as the word can have multiple meanings within the industry although we acknowledge the word caregiver as defined in this ruleset. The Union strongly encourages the substitution of "Providers, Staff, and Helpers". We do agree that the changes made to the rule are an improvement over the current rule language.

Proposed Amendment to 414-360-0520(5)(i) – We support the inclusion of Sensory play.

Proposed Amendment to 414-360-0520(7) – We support and oppose as written below.

414-360-0520(7) – We support.

414-360-0520(7)(a) – We suggest a friendly amendment to the rule language: "(a) Rest periods must … child to lay down on an approved sleep surface." We support the rest of the proposed language. We suggest the amended language as this rule is for preschool age and younger children – meaning toddlers and infants. This rule, in our opinion, conflicts with the infant and toddler sleep and furniture language elsewhere in the rulebook.

414-360-0520(7)(b) – We suggest striking the second sentence. We support the language of the first sentence. We believe the second sentence is guidance language. Enforceable language would be difficult given the current supervision rules and other rules in the rulebook as well as how to parse out whether the circumstances for an individual provider allow for the provider to take children into another room or will require the (single) provider to have children remain in the room. We believe this language is not enforceable (and therefore irrelevant) and ask DELC to strongly consider what a rule violation might look like in written form as part of considering whether this language should be removed. We strongly recommend a guidance document be developed in lieu of the second sentence being written into rule. Additionally, if the second sentence is going to be implemented then we strongly recommend a corollary third sentence be included such as, "Activities may

be in another room away from sleeping children so long as supervision rules and all other rules can be followed."

Proposed Amendment to 414-360-0840(10) – We support.

Proposed Amendment to 414-360-0840(11) – We support.

Proposed Amendment to 414-360-0840(12) – We support.

Proposed Amendment to 414-360-0920 – We support.

Proposed Amendment to 414-360-1030(7) – We support.

Proposed Amendment to 414-360-1100(14)(c) – We oppose and recommend the following language: "(c) A provider must not serve foods that are associated with young children's choking incidents to children under 3 years of age unless those foods are cut in a way (for example: narrow slivers or matchstick cuts) that prevents choking including but not limited to: hot dogs (eliminate the ~~whole or cut into rounds~~), raw carrots, ~~whole~~ (becomes redundant) grapes, cherry tomatoes, and meat or cheese. Providers are prohibited from serving the following food to children under 3 years of age: hard candy, gum, whole nuts, whole peanuts, popcorn, rice cakes, chips, gel or gummy candy, fruit snacks, and marshmallows.

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

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

MEMORANDUM

To: Executive Leadership Team, Department of Early Learning and Care

From: Kathy Wai, Administrative Rules and Legislative Coordinator

Date: December 10, 2025

Re: Presiding Officer's Report on Rulemaking Hearing

Proposed Ruleset: OAR 414-360-0100, 414-360-0250, 414-360-0520, 414-360-0840, 414-360-0920, 414-360-1030, 414-360-1100.

The Department of Early Learning and Care (DELC) held a public hearing to receive public comment on a proposed ruleset for Certified Family Child Care Homes. Notice of the hearing was published by the Secretary of State in the October 1, 2025 Oregon Bulletin. Notice was also sent to interested parties and persons who requested notice pursuant to ORS 183.335(7). The hearing was presided over by Kathy Wai.

Hearing Information:

Date	*Time*	*Location*
October 27, 2025	5:00 PM	Zoom (Virtual)

Attendees who wished to comment on proposed rules were given the zoom information, informed of procedures for taking comments, and notified that the hearing was recorded. To reduce barriers to participation, registration via zoom was not required and the hearing was live streamed on DELC's YouTube.

Before receiving comment, staff briefly summarized proposed rules. A recording of the hearing is available on the DELC website.

Summary of Oral Comments:

One member of the public attended the public hearing, but they did not comment on this ruleset.

Oregon Department of
Early Learning
and Care

Certified Family Permanent Rulemaking

- Background & Purpose
- RAC and Public Feedback
- Implementation

ELC Meeting
December 10, 2025

Background & Purpose

Date	Activity
July 2025	Adopted **temporary rules** to address key rule omissions
October 2025	Presented with **additional amendments**
October-November 2025	Public engagement and refinement

Temporary Rules: Prohibition of illegal controlled substances on the premises; general protection from water hazards. **Needed to:** Ensure child safety; compliance with CCDF requirements

Additional Amendments: Further clarification or corrections within certified family child care rules

RAC Participants

Name	Affiliation	Region
Sara Hooper	CF Provider, Families of young children	Washington County
Heidi Lawler	CF Provider, Families of young children	Portland Metro
Denise Hudson	Child Care Resource and Referral	Central Oregon
Robin Jones	CF Provider	Portland Metro
Flor Silva	Child Care Resource and Referral	Washington County
Maura Milder	CF Provider	Portland Metro
Anneliese Sheahan	CF Provider, Child Care Provider Union	Portland Metro
Rongrong Wang	CF Provider	Portland Metro
Mindy Mudgett	CF Provider	Eastern Oregon
Alexia Nice	CF Provider	Eastern Oregon
Katrina Rose	Child Care Resource and Referral	Southern Oregon
Vanessa Brown	CF Provider, Child Care Provider Union	Southern Oregon
Yelitza Martinez	CF Provider	Washington County
Yearselis Delgado	CF Provider	Washington County

Feedback and Agency Response

Area of Focus and Feedback	Agency Response
414-360-0520 **Program Schedule and Activities** Concerns that the scheduled rest period requirement conflicts with rules concerns infant sleep patterns, Not all approved sleep equipment is listed within the rule. Alternative quiet activities space.	Amended rule language to : • Identify preschool and toddler age children. • List all approved sleep equipment. • Removed rule language regarding alternative quiet activities being in a separate room.
414-360-1100 **Food and Food Service** Some foods listed can be made safe with proper preparation. The rule should reflect that nuance.	Amended rule language to include a list of prohibited foods (gel candies, marshmallows, popcorn) and items that can be served if prepared in a manner that prevents choking (vegetables, grapes, cherry tomatoes).

Next Steps

With adoption today:

- Rules will take effect January 1, 2026
- Update resources, forms, and templates as necessary
- Inform providers through postal mail and email

Oregon Department of Early Learning and Care

Summary: Public Comments on Workforce Ruleset

#	Date	Source	Name	Comment
1	10/23/25	*Form response* *Letter*	Robert Kleng Eastern Oregon University (EOU) Head Start	See attached letter.
2	10/30/25	Form response Letter	Mercedes Elizalde Early Childhood Equity Collaborative	See attached letter.

Responses can be found here.

Eastern Oregon University Head Start (EOUHS) Position Summary

Subject: Early Childhood Workforce Registry Proposed Rules (OAR 414-999-0000 through 414-999-0060)
Submitted to: Oregon Department of Early Learning and Care
Date: [Insert Date]

Summary

Eastern Oregon University Head Start (EOUHS) participated in the Department of Early Learning and Care's Rulemaking Advisory Committee meetings held on **October 16–17, 2025**, regarding proposed updates to the **Early Childhood Workforce Registry** under **House Bill 2991 (2023)**.

EOUHS reviewed the draft rules and found that the proposed changes present **positive or neutral impacts** for our program and the communities we serve. The rules focus on streamlining workforce systems and enhancing access and equity for early childhood educators statewide.

EOUHS Perspective

- EOUHS operates as a **federally funded, OCC-registered (not state-licensed)** early learning program and already uses the **Oregon Registry Online (ORO)** to verify staff education and training.

- The proposed rules modernize and clarify registry processes but do **not** change operational, licensing, or federal compliance requirements for Head Start grantees.

- EOUHS supports the introduction of **free translation services**, **recognition of out-of-state and international credentials**, and the creation of a **career pathway system** that values experience, education, and cultural knowledge.

- No fiscal or staffing burdens are anticipated. Minor administrative adjustments may be needed as DELC implements the updated registry platform in 2026.

Position Statement

EOU Head Start **supports** the DELC proposed rules for the Early Childhood Workforce Registry.
These revisions strengthen Oregon's professional recognition system, promote equity, and reduce barriers for early learning professionals — outcomes fully aligned with the Head Start mission and values.

EOUHS appreciates the opportunity to participate in the rulemaking process and commends DELC's commitment to inclusion, collaboration, and workforce accessibility.

Submitted by:
Robert Kleng
Director, Eastern Oregon University Head Start
rkkleng@eou.edu | 541-786-9025 | La Grande, Oregon

From: Mercedes Elizalde on behalf of
Organization: Early Childhood Equity Collaborative

Early Childhood Workforce Registry Rules Advisory Committee (RAC)

Draft Rule Language

- 414-999-0010 Definitions
- 414-999-0020 Administration
- 414-999-0030: Career Pathways
- 414-999-0040: Foreign Language Translation
- 414-999-0050: Verifying Out-of-State Professional Development
- 414-999-0060: Training Record Access

The Early Childhood Equity Collaborative (ECEC) provides comments and suggested language to select portions of each draft rule. Suggested language additions or deletions are noted in **green** to differentiate that feedback from overall suggestions and reactions.

414-999-0010 Definitions
The implementation of how this experience will be validated and how experience recognized aligns with other standards is most critical. We recommend thorough engagement with providers and trainers. We need to ensure a process is going to recognize experience that is grounded in best and approved practices. We recommend reviewing and aligning with other standards for teacher experience qualifications in rules and policies with Certified Child Care Centers and Preschool for All in Multnomah County.

> (8) "Early Childhood Education Work Experience" means time spent providing learning experiences and a range of early childhood services to children who are zero through six years of age or those in out-of-schooltime care up to age 12.

The Oregon Registry is a significant bureaucratic system that heavily influences the delivery and experience of childcare and early learning in Oregon. We believe the rules should reflect its consequential impacts on the early childhood workforce. Such as:

> (13) "Oregon Registry" or "Workforce Registry" means a ~~**voluntary**~~ statewide registry that documents and verifies the education, training and experience of childhood care and education professionals to support professional development and career growth. It provides a structured pathway to document and share their professional development progress. The Oregon Registry Online is one tool within the Oregon Registry to support childhood care and education professionals to document their career growth and professional development. **There exist DELC programs and policies that may require engagement with the registry to obtain or sustain employment.**

414-999-0020 Administration
We recommend adding language that further clarifies communication outreach alongside publication expectations. Such as:

> The Oregon Registry shall ensure that the Early Childhood Workforce has access to a clear and published process for the activities in OAR 414-999-0000 through 414-999-0060 **using multilingual and multimodal tools**

414-999-0030: Career Pathways
We share a few comments in this section to modify language for clarity and to ensure equitable access. Suggestions made for readability include rewording portions of (2) and separating sentences. In (3) "verify" is more true to the authorities and responsibilities of the registry, there are other parts of the system that are responsible for developing and evaluating training for the workforce. Suggestions to Tribal consultation was to clarify authorities and roles. Lastly, adding “focused” when referring to the CTE approved programs ensures that even if a program has a broader title, like “Education CTE” as long as the curriculum and hands-on experience was in an early childhood setting, it would still qualify.

> **(2) The career pathway system sets guidelines for how individuals can advance up registry recognized steps through a variety of recognized and approved activities, experiences, and credentials, in combination. Expectation for the number and types of activities, experiences and credentials increase as individuals move through higher steps in the career pathway system.**
> ~~**(2) The career pathway system shall allow individuals to advance to higher steps through a variety of recognized activities, experiences, and credentials, individually or in combination, and shall increase in expectation as individuals move through higher steps in the career pathway system.**~~
> (3) For the purposes of advancing to higher steps in the career pathway system, the Oregon Registry shall ~~**evaluate and**~~ accept **and verify** documentation related to Early Childhood Education at a minimum:
>
> (d) Tribal knowledge and experience:
>
> > **(A)** ~~**DELC will consult with Federally recognized Tribes to establish the validation process**~~
> > **Through Tribal Consultation, Federally recognized Tribes will establish a validation process with DELC**
>
> (C) Early Childhood **focused** Education Career and Technical Education (CTE) courses, without curriculum review unless requested by the high school or other similar education institution.

414-999-0040: Foreign Language Translation
No additional suggested language here. We appreciate limiting financial burden and making this a standard part of the system

414-999-0050: Verifying Out-of-State Professional Development
No additional suggested language here. We appreciate seeing a streamlined process to ensure early learning professionals are able to move to Oregon and join the local workforce with their experience and education from other communities.

414-999-0060: Training Record Access
We agree that more visibility into training records and some additional access for employers may be helpful, however the current rule language does not adequately address the systems needs, and may actually just displace technical assistance responsibilities from system partners like OCCD and CCR&R onto the employer. Records do need to be more visible to employers to confirm steps and professional development levels, this information is needed to both obtain employment as well as sustain it. There are systems within the Teacher Standards and Practices Commission that allow employers to look up the credentials and licenses of people applying for or offered positions. We also believe that trainers and employers should have the ability to bulk submit training documents to confirm training. With ongoing processing delays that employers, trainers and early childhood workforce members cannot do anything about, being able to directly upload training documents could support transparency and decrease processing time on the individual end. This language can be modified to better specify reasons for training record access, that does not duplicate technical assistance already available in the system, but adds transparency where it is needed, such as:

> The Department may require the Oregon Registry to develop a process for Employer **and trainer** access to an Early Learning Workforce Member's record in the Early Childhood Education Workforce Registry Database.
> (1) Employer access may be used for the purpose of ~~**providing technical assistance to**~~ **reviewing and confirming necessary training and professional development documentation of** an Early Learning Workforce Member.
> (2) Employer access may only be granted with the written permission of the Early Learning Workforce Member.

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

MEMORANDUM

To: Executive Leadership Team, Department of Early Learning and Care

From: Kathy Wai, Administrative Rules and Legislative Coordinator

Date: December 10th, 2025

Re: Presiding Officer's Report on Rulemaking Hearing

Proposed Ruleset: OAR 414-999-0010, 414-999-0020, 414-999-0030, 414-999-0040, 414-999-0050, 414-999-0060

The Department of Early Learning and Care (DELC) held a public hearing to receive public comment on a proposed ruleset for the Early Childhood Education Workforce Registry. Notice of the hearing was published by the Secretary of State in the October 1, 2025 Oregon Bulletin. Notice was also sent to interested parties and persons who requested notice pursuant to ORS 183.335(7). The hearing was presided over by Kathy Wai.

Hearing Information:

Date	*Time*	*Location*
October 27, 2025	5:00 PM	Zoom (Virtual)

Attendees who wished to comment on proposed rules were given the zoom information, informed of procedures for taking comments, and notified that the hearing was recorded. To reduce barriers to participation, registration via zoom was not required and the hearing was live streamed on DELC's YouTube.

Before receiving comment, staff briefly summarized proposed rules. A recording of the hearing will be available on the DELC website.

Summary of Oral Comments:

No members of the public attended the public hearing. There was no verbal testimony during the public hearing. No persons entered written testimony during the public hearing.

Oregon Department of
Early Learning
and Care

Early Childhood Education Workforce Registry Rule Set

Sidney Traen, Higher Education Analyst

Sierra Hake, Professional Learning System Effectiveness Coordinator

Purpose and Need for Rule Changes

The rulemaking process, as instructed by HB 2991 (2023), aims to improve access to jobs in Oregon's early childhood workforce by addressing barriers such as:

- The cost of translation,
- Unclear and inconsistent qualification evaluation,
- Inability to transfer professional development from outside the state, and
- Inability of employers to access registry records.

Engagement Recap

2023

- A study and subsequent report was submitted by the National Workforce Registry Alliance on possible improvements to the registry system.

2024

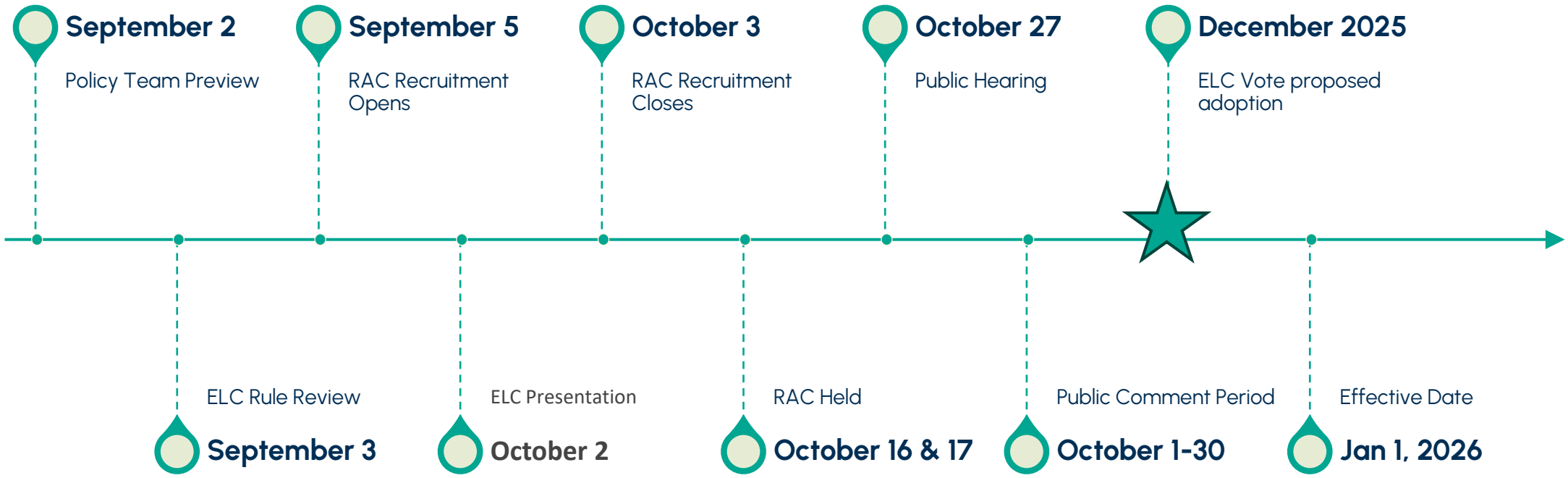
- The research done by the Early Childhood Equity Collaborative that informed the direction of these rules engaged 153 ethnically and culturally diverse participants through collective interviews and listening sessions (in-person and virtual) in addition to the review of more than 120 documents.
- The Oregon Center for Career Development facilitated community engagement on barriers within the Oregon Registry system.

2025

- The Oregon Center for Career Development submitted a proposal for a revised registry system.
- Meetings on *rules* internal to DELC with Professional Learning System Office, DELC Policy Team, Spark Specialists, Office of Tribal Affairs, Administrative Rules and Legislative Coordinator, and Child Care Licensing Division.
- Meetings on *rules* external to DELC with the Department of Justice and the Early Childhood Equity Collaborative.
- Additional meetings in response to the *registry revisions* with Program and Design Administration Office, Professional Learning System Office, and Child Care Licensing Division informed the rules.
- Feedback in response to a 'Dear Tribal' letter.

Timeline

House Bill 2991 requires DELC begin adoption of rules by December 31, 2025.



RAC Participants

Name	Affiliation
Audra Lambert	Early Childhood Educators and Employers/Owners
Stacy Hoffman	Community Based, Advocacy, and Philanthropic Organizations
Julie Siestreem	Government Agencies- Tribal Member
Jessica Porter	Statewide/County Early Childhood Education Agencies
Karen Prow	Statewide/County Early Childhood Education Agencies
Tiffany Busby	Secondary and Postsecondary Education, Statewide/County Early Childhood Education Agencies
Mercedes Elizalde	Community Based, Advocacy, and Philanthropic Organizations
Anneliese Sheahan	Community Based, Advocacy, and Philanthropic Organizations- Union Representative
Vanessa Brown	Early Childhood Educators and Employers/Owners- Union Representative
Jemiah Wassman	Government Agencies- Tribal Member
Nica Kelly	Early Childhood Educators and Employers/Owners
Ty Morris	Community Based, Advocacy, and Philanthropic Organizations, Early Childhood Educators and Employers/Owners
Sandy Brar	Early Childhood Educators and Employers/Owners
Robert Kleng	Early Childhood Educators and Employers/Owners
Vy- "V" Le	Statewide/County Early Childhood Education Agencies

Early Childhood Education Workforce Registry Rule Set

OAR 414-999-0000 Purpose

- Defines the purpose of the workforce registry.

OAR 414-999-0010 Definitions

- Provides definitions for implementation.

OAR 414-999-0020 Administration

- Defines how the workforce registry and related components will be administered.

OAR 414-999-0030 Career Pathways

- Creates a career pathway system, expanding professional development options and reducing inefficiencies in the professional development recognition system (OCCD Career Lattice).

OAR 414-999-0030 Foreign Language Translation

- Ensures that the early learning workforce may have registry related documents translated free of charge.

OAR 414-999-0050 Verifying Out-of-State Professional Development

- Ensures that there is a system to accept early childhood related training originating from out-of-state and country.

OAR 414-999-0060 Training Record Access

- Ensures that a system is created for employers to have access to staff professional development records for the purposes of technical assistance, with permission from the professional.

Rules Feedback Purpose (RAC & Public Comment)

Feedback Received	DELC Response
"The Department may coordinate with education and workforce partners to align data and verification processes."	Added; "reduces "system duplication"
"Want to ensure language is explicit it is including diverse pathways (apprentices, CTE, etc)."	Added; "through diverse pathways"
Asking for clarity on efficiency so it is not just a faster process, but more geared toward reduction of redundancy and greater equity.	Added; "inequities"

Rules Feedback Definitions (RAC & Public Comment)

Feedback Received	DELC Response
"Added definitions that I would recommend: Apprenticeship Career and Technical Education (CTE) Technical Assistance"	Not added: "Apprenticeship" because we refer to 'Boli approved' in the rule language and will defer to their definition Added; a CTE definition (from ODE CTE staff)
"Suggested language to make sure the language in def of training to include training or professional development "	Not added; references to "technical assistance" have been removed from the rule language
"would this include cohorts, CCNs, etc? CCRR uses them all independently, so maybe include broader verbiage (adjust language with broader work) Suggested "facilitated peer learning group" and follow up with "means learning communities, such as...." And switch the wording around "	Added; "coaching means a 'form of professional development that is a"
The ages used to describe young children are confusing and don't align with Oregon systems	Added; changed to "Facilitated Peer Learning Groups". Change meant the removal of references to CoPs in the rule language. Added: "children who are zero through six years of age or those in out of school time care." Changed throughout document for consistency.

Rules Feedback Definitions

Feedback Received	DELC Response
Change 'related' to 'allied'	Added; changed to "'Early Childhood Education Allied Higher Education" rather than related degrees and certificates
"room to include language on anti-bias education?"	Added: 'anti-bias education'
"Perhaps change from higher ed-related degree to higher ed, so could include anything recognized by HECC (community colleges, etc)"	Added
"have we thought about adding director or administrative roles?"	Added; 'Educational Leadership"
"The implementation of how this experience will be validated and how experience recognized aligns with other standards is most critical. We recommend thorough engagement with providers and trainers. We need to ensure a process is going to recognize experience that is grounded in best and approved practices. We recommend reviewing and aligning with other standards for teacher experience qualifications in rules and policies with Certified Child Care Centers and Preschool for All in Multnomah County	Not added; implementation note Added recommended language; "Early Childhood Education Work Experience" means time spent providing learning experiences and a range of early childhood services to children who are zero through six years of age or those in out-of-schooltime care.

Rules Feedback Definitions

Feedback Received	DELC Response
"instead of 'or' use "also known as"""	Added; changed "or" to "also known as"
"what about other competencies?" – has a behavioral technician and none of her competencies have been accepted in ORO, "might want to consider 'behavioral and physical health care', "another field that might need to be added is nutrition", "have we thought about adding director or administrative roles? "	Added
"Mentor means an early learning professional who has demonstrated competency and the ability to guide, model, and support the professional growth of others through relationship-based and reflective practice, consistent with recognized standards for effective mentorship." We don't use the word mentor so not sure if we need this. even if we added credit for doing the mentoring not sure we would need this - thoughts?	Added; "as defined by the department" and further defined in implementation planning *DOJ recommended changing 'as defined' to 'as approved' in a couple of sections – after these slides were created.*
"How that competency and professionalism and the ability to support others growth is really calculated and clarified within that definition. "	Not Added: This will be clarified in implementation

Rules Feedback Definitions

Feedback Received	DELC Response
"The Oregon Registry is a significant bureaucratic system that heavily influences the delivery and experience of childcare and early learning in Oregon. We believe the rules should reflect its consequential impacts on the early childhood workforce" "ORO isn't voluntary -- not in practice -- for most of us add something about how it is used in some places for pay increases or documentation of qualifications...".	Added; removed 'voluntary' Added; "There exist DELC programs and policies that may require engagement with the registry to obtain or sustain employment." Added; definition congruency
Suggests adding "ceremony" to the language	Added; "ceremonies"

Rules Feedback Administration (RAC & Public Comment)

Feedback Received	DELC Response
"Explaining how documentation is being reviewed, verified will be important."	Not added; will be part of the implementation decisions.
Could clarify what "public" means – could consider putting back in language around "public-facing website" & "Published should also include info to employers."	No change; published means that it is available to the public. The piece on employers will be determined later in the implementation and policies,
"We recommend adding language that further clarifies communication outreach alongside publication expectations."	Added; "using multilingual and multimodal tools" (language suggested by commentor)
"Suggest adding a notice component to this rule."	Added: "The Oregon Registry shall ensure notice of any changes to procedures at least 2 weeks prior to changes taking effect".

Rules Feedback Career Pathways (RAC & Public Comment)

Feedback Received	DELC Response
"We share a few comments in this section to modify language for clarity and to ensure equitable access. Suggestions made for readability include rewording portions of (2) and separating sentences."	Added; suggested language
"In (3) "verify" is more true to the authorities and responsibilities of the registry, there are other parts of the system that are responsible for developing and evaluating training for the workforce."	Added; changed 'evaluate' to 'verify'.
"add language to say evaluating transparent criteria - change evaluate to verify" Suggested language, "(4) Verified documentation may include, but is not limited to, transcripts, completion certificates, employer or Department-approved agent attestations, portfolios, or other evidence recognized by the Department. (5) The verification process shall ensure equitable access for all providers by recognizing multiple credible forms of documentation reflective of diverse learning and professional experiences."	Added: Suggested language
"the word 'consult' should say 'will engage in consultation'." "Suggestions to Tribal consultation was to clarify authorities and roles."	Added; "engage", changed "consult to "consultation'.

Rules Feedback Career Pathways (RAC & Public Comment)

Feedback Received	DELC Response
Recommendation for these specific changes	Added; added 'Evidence of', removed 'verified', and changed 'approved' to 'defined'
"peer learning language change above: B) don't want to limit to just communities of practice."	Added; changed "Communities of Practice" to "Facilitated Peer Learning Groups"
"adding "focused" when referring to the CTE approved programs ensures that even if a program has a broader title, like "Education CTE" as long as the curriculum and hands-on experience was in an early childhood setting, it would still qualify."	Added; changed "Oregon Department of Education-Approved, Secondary, Career Technical Education (CTE) Program of Study in Education and Training, General or Early Childhood Education, state approved program of study"
"want to make sure if high school is calling it something broader that they are included".	

Rules Feedback Foreign Language (RAC & Public Comment)

Feedback Received	DELC Response
"I recommend ensuring translation covers training certificates and college transcripts for staff with international credentials."	Not added; existing language covers this.
"suggests to say develop and implement processes in multiple languages so actual 'how to' will be available to everyone "	Not added; already in the administration section.

Rules Feedback Out-of-State PD (RAC & Public Comment)

Feedback Received	DELC Response
would be helpful to include that these processes and how to access them, funding available to support, will also be made available on public websites and info to employers	Not added: addressed as much as possible in the administration section
suggests "equitable and transparent process" as opposed to "streamlined"	Added; "equitable and transparent process"

Rules Feedback Record Access (RAC & Public Comment)

Feedback Received	DELC Response
"Instead of 'employer', needs to be 'employer or other authorized training partner'."	Added; "or authorized person(s)"
"To clarify, could adjust to 'having access to relevant records' so down the road, we can look at what those records are." "Employers also want to upload on their staff's behalf'	Added; "relevant" and "and the ability to upload documents on the Early Learning Workforce Member's behalf".
"We agree that more visibility into training records and some additional access for employers may be helpful, however the current rule language does not adequately address the systems needs, and may actually just displace technical assistance responsibilities from system partners like OCCD and CCR&R onto the employer... This language can be modified to better specify reasons for training record access, that does not duplicate technical assistance already available in the system, but adds transparency where it is needed..."	Added; Changed Technical Assistance to "reviewing and confirming necessary training and professional development documentation"
"Instead of 'employer', needs to be 'employer or other authorized training partner'."	Added; "or authorized person(s)"

Next Steps

Rules presented to Early Learning Council for vote	Dec. 10
Rules amendments effective *(if passed)*	Jan. 1

Questions?

Oregon Department of Early Learning and Care

Summary: Public Comments on Birth Through Five Literacy

#	Date	Source	Name	Comment
1	10/27/25	*Email*	Shannon M. Blood Reach Out and Read Northwest	See attached letter.

Response to public comments here

October 27, 2025

Kathy Wai
Rules Coordinator
Department of Early Learning and Care
700 Summer St NE #350
Salem, OR 97301

RE: Public input on chapter 414 Birth Through Five Early Literacy administration

Dear Kathy:

Thank you for the opportunity to provide input on the Department of Early Learning and Care's (DELC) proposed rulemaking clarifying how the Birth Through Five Early Literacy fund will be administered. Reach Out and Read Northwest partners directly with 1,300 pediatric clinicians in 160 program sites across Oregon to support early literacy and healthy relationships through parent-child shared reading.

Reach Out and Read is a long-established part of Oregon's continuum of early childhood literacy services. The many programs engaged in helping build home libraries and encouraging a love of reading ensures families have entry points in places and ways that work best for their needs and interest. Each program plays a unique role in Oregon's system of early childhood literacy services and supports.

In reviewing the proposed rules, Reach Out and Read offers the following consideration with respect to 414-576-0020 (1) (c) which states eligible grantees for early childhood literacy services must be current grantees of the Department of Early Learning and Care:

> This proposed rule places limits on accessibility and reach for early childhood literacy programs and service providers, and may impede the development of a coordinated, robust and sustainable system. If early childhood literacy supports and services are funded in a piecemeal manner, they remain on shaky ground. Oregon's early childhood literacy initiative relies on the strength of the whole system, working together. **Reach Out and Read recommends removing 414-576-0020 (1) (c) from the proposed rules.**

Oregon has taken many proactive steps to support early childhood literacy and kindergarten readiness. Reach Out and Read looks forward to continuing to work in partnership with the Department of Early Learning and Care, and Oregon's system of early childhood literacy service providers.

Sincerely,

Shannon M. Blood

Shannon M. Blood, MA
Associate Director, Policy & Partnerships
Reach Out and Read Northwest

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

MEMORANDUM

To: Executive Leadership Team, Department of Early Learning and Care

From: Kathy Wai, Administrative Rules and Legislative Coordinator

Date: December 10, 2025

Re: Presiding Officer's Report on Rulemaking Hearing

Proposed Ruleset: OAR 414-576-0000, 414-576-0010, 414-576-0020, 414-576-0030, 414-576-0040

The Department of Early Learning and Care (DELC) held a public hearing to receive public comment on a proposed ruleset for the Birth Through Five Literacy Fund. Notice of the hearing was published by the Secretary of State in the October 1, 2025 Oregon Bulletin. Notice was also sent to interested parties and persons who requested notice pursuant to ORS 183.335(7). The hearing was presided over by Kathy Wai.

Hearing Information:

Date	*Time*	*Location*
October 27, 2025	5:00 PM	Zoom (Virtual)

Attendees who wished to comment on proposed rules were given the zoom information, informed of procedures for taking comments, and notified that the hearing was recorded. To reduce barriers to participation, registration via zoom was not required and the hearing was live streamed on DELC's YouTube.

Before receiving comment, staff briefly summarized proposed rules. A recording of the hearing is available on the DELC website.

Summary of Oral Comments:

One member of the public attended the public hearing. Shannon M. Blood of Reach Out and Read Northwest offered verbal testimony to recommend removing OAR 414-576-0020 (1)(c) which states eligible grantees for early childhood literacy services must be current grantees, noting the proposed language limits accessibility for programs and can lead to an uncoordinated early learning system.

Oregon Department of
Early Learning
and Care

BT5 Rulemaking Update

Liz Hauck, Early Literacy Policy Analyst

Birth Through Five Literacy Ruleset

Goal: to establish a single, comprehensive ruleset to clarify the purpose of the grant funds and outline how funding will be administered through grants streamlining guidance across programs.

Title: **Birth Through Five Literacy**

- 414-576-0000 Purpose
- 414-576-0010 Definitions
- 414-576-0020 Eligibility Criteria
- 414-576-0030 Administration
- 414-576-0040 Evaluation

Engagement Update

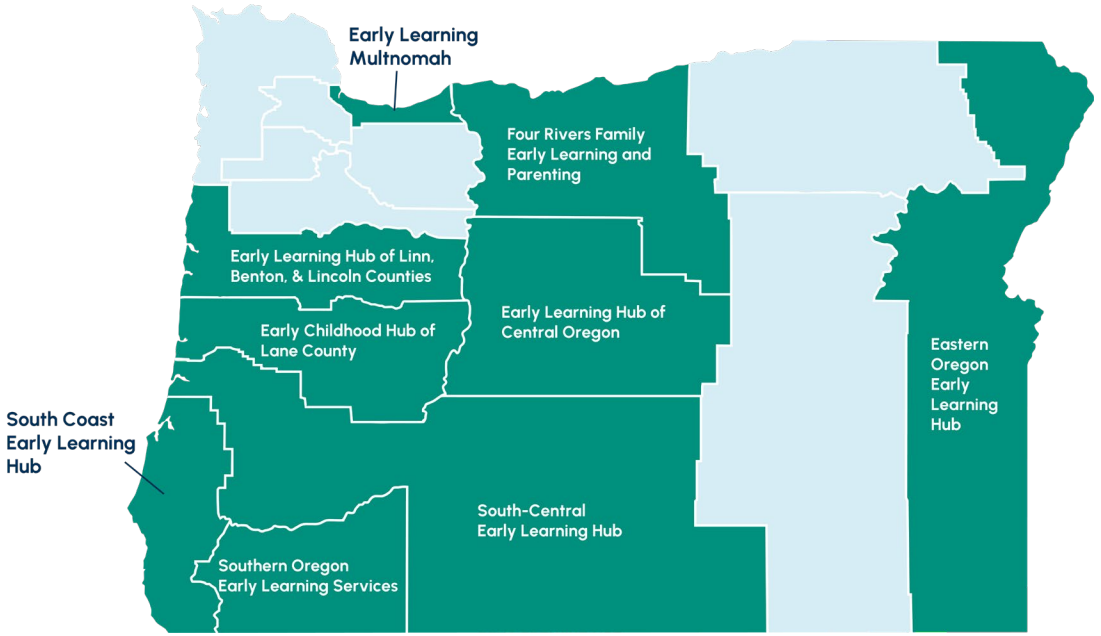
Completed Activities

- ✓ BT5 Community Engagement: Over 400 participants statewide, included surveys, interviews and community conversations
- ✓ DELC staff: consulted with DELC Grants, Government Affairs, Program Design and Administration, Social Equity, and Tribal Affairs teams
- ✓ Rulemaking Advisory Committee – October 9th, 2025
- ✓ Tribal Consultation – October 6th and November 14th
- ✓ Public Comment Period – 10/01-10/30/2025
- ✓ Public Hearing – 10/27/2025

BT5 Rules Advisory Committee

15 accepted, 9 attended

- DELC funded programs
- Organizations that deliver early literacy programing
- Tribal Nations
- Families of young children



BT5 Rules Advisory Committee

Name	Organization/Affiliation	Region
Krissa Harris	*Early Learning Hub*	Redmond
Alisha Hendrickson	*Child Care Providers Union*	Lebanon
Nancy Leon	*Early Learning Hub*	Hillsboro
Alejandra Marquez	*Parent of young children*	Dayton
Abigail Mendez	*Culturally Specific Community Based Organization*	Portland
Noemí Ochoa	*Child Care Resource and Referral*	The Dalles
Soobin Oh	*Early Learning Advocacy Organization*	Portland
Julie Scholz	*Oregon Pediatric Society*	Portland
Angela Zbikowski	*Parent of young children*	Medford

BT5 Rules Advisory Committee Feedback

Rules Section	Feedback	Response
Purpose	Clarify scope and intent – questions about whether early literacy programming is intended only for culturally specific organizations Clarify definition of "culturally specific early literacy"	Keep Purpose language as-is because it is text from HB3198
Definitions	Clarify the definition of "Early Literacy", include developmentally appropriate practice and learning through play. Ensure the definition explicitly includes the 0-3 age range. Clarify "Research-Aligned". Define what research or evidence base is being referenced. Explain what constitutes "best practice" and how alignment is determined.	Added 'starts at birth', additional feedback will be helpful for clarifying in grant agreements and in resources / tools for implementation.

BT5 Rules Advisory Committee Feedback

Rules Section	Feedback	Response
Eligibility Criteria	Provide a clearer definition of who else may be included in the eligible group Specify whether applicants must meet all listed criteria or just one. Define who qualifies as a "current DELC grantee." Define what it means to "serve" children and families—directly or indirectly.	Added "and" to clarify all criteria must be met Removed entity list because it is limited, not exhaustive and created confusion
Administration	Consider whether Early Learning Hubs should be noted here as administrators of funds instead of DELC, and if so, clarify subcontracting roles in the process.	Will not include Hubs in this section, however subcontracting requirements are detailed in grant agreement.

BT5 Tribal Consultation

Tribal Consultation on BT5 Literacy Ruleset

- The proposed BT5 Literacy Ruleset was identified as a significant agency action potentially impacting Tribes and their members.
- DELC invited formal consultation under a new policy and process established by the Office of Tribal Affairs.
- Two Tribal Nations participated in consultation, offering impactful input and collaboration.

Key Takeaways:

- Importance of codifying eligibility for Tribal Members residing out of state to be served by BT5 funds.
- Identified need for resources and support in:
    - Developing funding plans
    - Creating culturally relevant curriculum
    - Providing training
    - Supporting early literacy family engagement activities

BT5 Rules Public Engagement

DELC facilitated a public comment period and held a public hearing to gather feedback on the proposed ruleset.

One written comment and one testimony emphasized the need to clarify eligibility to avoid limiting programs and support a coordinated early literacy system.

Timeline

- ELC Vote – 12/10/2025
- Effective date of January 1, 2026

Thank you

Oregon Department of Early Learning and Care

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

Oregon Department of Early Learning and Care

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 for Oregon

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,

Oregon AFSCME Council 75
APANO Asian Pacific American Network of Oregon
Children's Institute
Family Forward Oregon
Imagine Black
Irco
LatinoNetwork
NAYA Action Fund
oraeyc Oregon Association for the Education of Young Children
Oregon Food Bank
Oregon Center for Public Policy
Unite Oregon
Our Children Oregon
PCUN
Urban League of Portland

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 ("DELC") 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 DELC giving DELC 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

Oregon
Tina Kotek, Governor

Oregon Department of Early Learning and Care

MEMORANDUM

To: Executive Leadership Team, Department of Early Learning and Care

From: Kathy Wai, Administrative Rules and Legislative Coordinator

Date: December 10, 2025

Re: Presiding Officer's Report on Rulemaking Hearing

Proposed Ruleset: OAR 414-175-0024, 414-175-0030, 414-175-0075, 414-175-0076

The Department of Early Learning and Care (DELC) held a public hearing to receive public comment on a proposed ruleset for the Employment Related Day Care Program. Notice of the hearing was published by the Secretary of State in the October 1, 2025 Oregon Bulletin. Notice was also sent to interested parties and persons who requested notice pursuant to ORS 183.335(7). The hearing was presided over by Kathy Wai.

Hearing Information:

Date	*Time*	*Location*
November 12, 2025	5:00 PM	Zoom (Virtual)

Attendees who wished to comment on proposed rules were given the zoom information, informed of procedures for taking comments, and notified that the hearing was recorded. To reduce barriers to participation, registration via zoom was not required and the hearing was live streamed on DELC's YouTube.

Before receiving comment, staff briefly summarized proposed rules. A recording of the hearing is available on the DELC website.

Summary of Oral Comments:

Two members of the public attended the public hearing to watch. There was no verbal testimony during the public hearing. No persons entered written testimony during the public hearing.

Oregon Department of
Early Learning
and Care

Proposed Rules for Employment Related Day Care (ERDC) Program

Jennifer Heras, CCAP Team Lead

December 10, 2025

Summary of Proposed Changes

- *414-175-0010: Waitlist for ERDC – will not be voted on Dec 10, 2025*
- 414-175-0024: Verification Requirements
- 414-175-0030: General Financial Eligibility
- 414-175-0075: Child Care Provider Eligibility Standards, Payment Rates, Payment Limits, and Payable Hours
- 414-175-0076: High Needs Child Care Payments

ELC Action: Employment Related Day Care

Proposed Effective Date: January 1, 2026

Rule #	RAC Feedback	Rule Updates
OAR 414-175-0010	• The waitlist rule language not specifying what the notice requirement would be for families when DELC turns on or off an individual waitlist exemption. • Lack of funding for ERDC. • If the Baby Promise waitlist bypass is turned off it will have serious consequences for the future of the Baby Promise program. Without reliable funds to run their programs, programs would close. • There were questions regarding DELC's authority to turn on or off individual waitlist exemptions, given current statutory language.	• Based on feedback, DELC updated the waitlist rule language to include a minimum timeline period for noticing families when turning off a waitlist bypass. • This rule will not receive a vote to adopt at the Dec 10, 2025 ELC meeting.

Feedback and Response - 0010

Proposed Effective Date: January 1, 2026

Rule #	Summary of Public Comment	Response
OAR 414-175-0010	• Opposes the proposed rule change, stating it grants DELC authority not provided by statute. • Decisions to activate or deactivate ERDC waitlist exemptions should rest solely with the Legislature due to funding impacts. • The proposed language gives DELC excessive control beyond statutory intent. • Waitlist decisions carry significant consequences for Oregon families and should remain the responsibility of lawmakers.	• This rule will not receive a vote to adopt at the Dec 10, 2025 ELC meeting and will be postponed until June 2026. • The rule not receiving a vote to adopt at the ELC meeting addresses the public comment feedback.

ELC Action: Employment Related Day Care

Proposed Effective Date: January 1, 2026

Rule #	Title	Overview of Change
OAR 414-175-0030	General Financial Eligibility	The rule will add Medical Savings Accounts (MSA), Health Reimbursement Arrangements (HRA), and Health Savings Accounts (HSA) as additional examples of gross income deductions that must be considered when determining the availability of income for ERDC.
OAR 414-175-0075	Child Care Provider Eligibility Standards, Payments, Rates, Payment Limits, and Payable Hours	This rule change moves Special Needs Rate verification requirements to 414-175-0024. SNR language updated from “the norm” to “what is typically expected”. Updating rule to reflect 2026 child care provider rates. Changed inaccurate language regarding travel time.

More information on rate increases

January 1, 2026

- Licensed family and center rates (FFN rates are not increasing).
- Monthly rates are increasing by 6% for area A and 12% for B/C
- Hourly rates are increasing by 6% for area A and 9% for B/C
- Area A = 65th percentile of area A from the Market Price Study
- Area B/C = 80th percentile of area B

January 1, 2027

- Area A will remain at the 65th percentile
- Area B/C = 35th percentile of area A

Feedback and Response - 0075

Proposed Effective Date: January 1, 2026

Rule #	Summary of Public Comment	Response
OAR 414-175-0075	• Opposed shifting from the two-hour commute allowance to a percentage-based (25%) threshold. • The proposed change make it harder to qualify for commute hours, making it harder for families with long/unpredictable commutes to receive adequate coverage. • The new standard would result in gaps between schedules and child care hours, forcing families to pay out of pocket. • May reduce state costs but would negatively impact ERDC families in multiple real-world situations.	• DELC has amended the rule language to clarify that the additional 25 percent allowance for travel time encompasses unpaid breaks in addition to commute time to and from employment or educational activities. • Concerns regarding reduced access to authorized hours stem from a misunderstanding of the proposed revision. The change does not reduce benefits for eligible families; rather, it aligns the rule language with current practice and ONE system functionality.

ELC Action: Employment Related Day Care

Proposed Effective Date: January 1, 2026

Rule #	Title	Overview of Change
OAR 414-175-0076	High Needs Child care Payments	Moves existing language from the high needs payment from OAR 414-175-0075. Adds a requirement for a written plan dated within the last 12 months, with flexibility when updates are delayed by the program. Requires the Department to review the supplemental payment determination at annually.
OAR 414-175-0024	Verification Requirements	This change consolidates verification requirements for the Special Needs Rate (SNR) and Special Needs Age (SNA) into one rule. Clarifies that SNA must be verified at both application and renewal, specifies the verification requirements that apply, and states that self-attestation is only permitted for SNA in cases of “other unique circumstances.”

Feedback and Response - 0076

Proposed Effective Date: January 1, 2026

Rule #	Summary of Public Comment	Response
OAR 414-175-0076	• Opposes the proposed language requiring a child to be 'enrolled' in an IFSP or IEP written within the past 12 months. • It is inconsistent with the intent of the high needs payment and with federal special education law. • Recommends revising the language to better align with program objectives and legal requirements. • Supports the remainder of the rule but encourages DELC to seek increased payment rates in a future budget cycle.	• The requests cannot be adopted. The requirement that a child be enrolled in an IFSP/IEP is a requirement for high-needs eligibility and cannot be removed. • This language is not new; it previously existed in OAR 414-175-0075 and has been relocated to OAR 414-175-0076 for clarity and alignment. • CCAP identified additional verification methods for support services that can strengthen the rule; however, they have not previously been in rule and are too substantive to add at this stage. • The additional language identified will be incorporated into the March 2026 rulemaking bundle.

ELC Action: Employment Related Day Care

Proposed Effective Date: January 1, 2026

RAC Participants	
Anneliese Sheahan	CCPT Local 132
Brittany Piazza	Child Care Provider
Ivy Major-McDowall	Family Forward, Child Care for Oregon Coalition
Lisa Duffield	CCPT Local 132
Michelle Salinas	Child Care Provider
Natasha Ilys	211 Info
Vanessa Broadley	South Coast Regional Early Learning Hub
Yessie Verbena	Child Care Provider
Florinda Moreno-Ovando	Child Care Provider

ELC Action: Employment Related Day Care

Proposed Effective Date: January 1, 2026

Next Steps and Timeline

RAC meeting	October 15, 2025
ERDC rules presented to Early Learning Council for review	November 13, 2025
Public Hearing: ERDC Rules	November 12, 2025, 5PM
Public Comment Period Ends	November 28, 2025
ERDC rules presented to Early Learning Council for vote	December 10, 2025
ERDC rules amendments effective (if passed)	January 1, 2026