

Office of Child Care Findings Review Procedures

PURPOSE AND RIGHTS

The purpose of the review is to give the child care facility an opportunity to offer additional information and documentation regarding the incident.

- Individuals have a right to a review of any regulatory action by the Office of Child Care that affects them.
- The action or decision that is under review will remain in effect during the findings review process.
- Findings review procedures are explained to individuals during the license application process, and a copy of the procedures is available upon request.

FINDINGS REVIEW PROCEDURES- FIRST-LEVEL

1. A child care facility may initiate a findings review by submitting the form LIC-316, *Request for Findings Review* to a regional Office of Child Care manager within 30 calendar days of the date of the finding letter.
2. A panel of Office of Child Care managers will consider all information and documentation, and mail their Findings Report to the child care facility within 30 calendar days from receipt of the *Request for Findings Review*.
3. The child care facility has the right to request a second-level findings review by the Office of Child Care legal and compliance manager.

FINDINGS REVIEW PROCEDURES- SECOND-LEVEL

If there continues to be a disagreement about the conclusions of the findings review, the child care facility may request a second-level findings review. The request along with any additional supporting documentation must be made in writing within 15 calendar days from the date of the first-level Findings Report.

Upon receipt of the written request, the Office of Child Care legal and compliance manager will review the written materials within 15 business days. The provider may include a request to present the information to the legal and compliance manager by phone or in person during regular business hours at the Office of Child Care's Central Office in Salem. The review will be scheduled for approximately 20-30 minutes. The legal and compliance manager will then issue a Findings Report to the child care facility within 15 business days of the review. The second level review decision is final.

STANDARD FOR FINDINGS

Valid Finding: There is evidence that the noncompliance occurred

Invalid Finding: There is evidence that the noncompliance did not occur

Unable to Substantiate: There is conflicting evidence, or evidence is not available on whether the noncompliance occurred.

JUDICIAL REVIEW

These procedures do not create a contested case subject to judicial review under ORS Chapter 183. However, nothing in these procedures will affect any rights of an individual under state or federal law to seek independent redress in the courts.

COST AND ATTORNEY FEES

These procedures are designed to avoid the need for an attorney. However, if the individual requesting a findings review chooses to use an attorney, the individual is responsible for any expenses or attorney fees that may be incurred in presenting or resolving a grievance under these procedures.

The Oregon Department of Education is an equal opportunity program. Auxiliary aids and services are available upon request to individuals with disabilities or individuals with limited proficiency in English.