

Office of Child Care Findings Review Procedures



Purpose and Rights

The purpose of the findings review is to provide an opportunity for a child care license-holder or other individual against whom a finding has been issued (herein referred to as “individual”) to offer additional information and documentation regarding Office of Child Care (OCC) findings of noncompliance or regarding a complaint.

- Individuals have a right to a review of OCC’s findings issued to them. This review can include either or both an internal findings review by OCC pursuant to these procedures and a judicial review pursuant to ORS 183.484.
- If an individual has timely requested a findings review or petitioned for judicial review, the finding will remain in effect during the review process.
- Findings review procedures are explained during the license application process, and a copy of these procedures is available upon request and is posted on the Early Learning Division (ELD) website.

Findings Review Procedures – First Level

1. An individual may initiate a first level findings review by submitting the [form OCC-0126, Request for a Findings Review](#), to Office of Child Care by emailing it to OCC.Findings.Review@ode.oregon.gov, mailing to 700 Summer St NE, Salem OR 97301, Attn: Findings Review, or faxing to 503-947-1428 Attn: Findings Review within 45 calendar days of the date of the finding letter. An individual should submit one *Request for a Findings Review* per finding letter. The *Request for a Findings Review* may include any supporting documentation or statements the individual wants considered in connection with the first level findings review.
2. A panel of Office of Child Care staff (the First Level Panel) will consider all information and documentation received, determine whether to change or affirm the findings(s) reviews, and mail their Findings Review Decision Letter to the individual generally within 60 calendar days from receipt of a complete *Request for a Findings Review*.
 - The First Level Panel will be selected from OCC managers and staff who were not the direct supervisor or staff member that issued the findings.

Findings Review Procedures – Second Level

If there continues to be a disagreement about the conclusions of the first level findings review, the individual may request a second level findings review. The request, along with any additional supporting documentation, must be made in writing within 15 calendar days of the date of the first level Findings Report, mailed to the attention of the Legal and Enforcement Director, Office of Child Care, 700 Summer St. NE, Ste 350, Salem, OR 97301 or emailed to OCC.Findings.Review@ode.oregon.gov.

Upon receipt of the written request, the Office of Child Care will schedule a second level findings review to evaluate the information submitted by the individual via phone or virtual conference. The individual’s appearance at this conference is optional; and if attending, the individual may be accompanied by an attorney at their expense. The second level review will generally be scheduled for 30 minutes per findings letter. The Second Level Panel will then issue a Second Level Findings Review Decision Letter to the individual generally within 30 business days of the review. The second level findings review decision is final. The individual may seek further review of the Second Level Findings Review Decision by filing a petition for judicial review of the Second Level Findings Review Decision Letter pursuant to ORS 183.484.

The second level panel will generally consist of the Field Operations Director and the Legal and Enforcement Director. A regional manager that did not participate in the first level review may substitute for the Field Operations Director in the event of a conflict or an unexpected absence. The Enforcement Officer may

substitute for the Legal and Enforcement Director in the event of a conflict or an unexpected absence. The Office of Child Care Director may substitute for either Field Operations Director or Legal and Enforcement Director. [The second level review will be staffed by the Regional Compliance Specialist.]

Translations

All findings review documents supplied by the Office of Child Care will be translated into the individual's primary language. If the individual chooses to appear via a conference for the second level findings review, the Office of Child Care will provide interpretation of the panel's oral communications into the individual's primary language. The Office of Child Care will provide interpretation services to the individual, if requested.

Late Findings Review Requests

Any request for a first level or second level findings review that is not submitted in writing within the time periods provided in these procedures must include an explanation for the individual's failure to submit a timely request. OCC will grant a late findings review request if the explanation, in OCC's evaluation, establishes good cause for such failure. OCC's denial of a late findings review request is an order in other than contested case for which the individual may seek judicial review pursuant to ORS 183.484.

OCC cannot extend the time period by which a petition for judicial review must be filed pursuant to ORS 183.484.

Standard For Findings

Valid: There is evidence that the noncompliance occurred.

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

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

Judicial Review

These procedures do not create a right to challenge a finding in a contested case. The Office of Child Care's findings, and its Findings Review Decision and Second Level Findings Review Decisions, are orders in other than contested cases for which judicial review is available pursuant to ORS 183.484. Nothing in these procedures will affect any other rights of an individual or entity to seek independent redress in the courts under state or federal law.

Cost and Attorney Fees

If an 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 seeking a findings review under these procedures.

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Office of Child Care at 503-947-1400.
