



Brief

Title: **New Requirements for Regulating License-exempt Child Care providers who accept Subsidy.**

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ISSUE:

The Child Care and Development Block Grant Act of 2014 (CCDBG) requires states to develop health and safety requirements for all child care facilities that accept reimbursement through Child Care and Development Fund subsidy payments.

Due to these new requirements, the Early Learning Council must adopt administrative rules for regulation and monitoring of health and safety standards for programs that have been exempt from licensing due to the small numbers of children in care. The requirement becomes operative on November 19, 2016.

The Department of Human Services (DHS) is also promulgating administrative rules for requirements regarding eligibility and training which DHS is charged with regulating. Division staff is coordinating efforts with DHS to align Oregon Administrative Rules governing the program. DHS representatives serve on the CCEC workgroup making recommendations on Regulated Subsidy rules to ELC.

BACKGROUND:

The Child Care and Development Block Grant Act of 2014 requires states and territories to conduct health and safety monitoring inspections for all child care providers who accept federal funding from the Child Care and Development Fund. Currently, Oregon only inspects licensed facilities. The new law will require inspection of license-exempt child care homes and centers. The Early Learning Council will promulgate new rules covering the on-site health and safety monitoring of license-exempt providers serving families receiving ERDC, now referred to as "Regulated Subsidy Providers".

The larger categories of requirements imposed by the new law are shown in the table below. *(A complete list of the specific requirements in these categories is attached to this brief)*

Required under CCDBG
Health and safety requirements
Child to provider ratio standards (for centers)
Compliance with state and local health and safety requirements
Compliance with child abuse reporting requirements – in rule at DHS
Training and professional development requirements – in rule at DHS

In addition to these required areas, the federal Office of Child Care suggests optional areas to consider when developing rules in states and territories. Optional areas where the council may adopt rules that are consistent or align with other sets of administrative rules for child care are requirements relating to:

- Nutrition
- Access to physical activity, or
- Other subject area determined by the state to be necessary to promote child development or to protect children’s health and safety.

ENGAGEMENT:

The Early Learning Division and the Department of Human Services conducted a series of engagement activities throughout the state on implementation of the new federal law. The primary goals of the engagement activities were to receive feedback on policy and rule considerations for the areas in which the state has interpretation flexibility. Input was gathered from diverse groups of stakeholders through open-ended questions on inspection approach and health and safety requirements; resources and supports for effective technical assistance; how standards might differ from licensed standards; concerns of providers and parents; training requirements; best methods of communication for parents and providers; and for centers, adult/child ratio.

The Child Care and Education Committee, serving as the Council’s Rules Advisory Committee, reviewed the feedback received through the statewide engagement activities already held and is developing further strategies and communication and outreach plans to solicit additional input from parents and providers.

POLICY ANALYSIS:

The most recent Child Care and Education Committee Child Care Workgroup discussion of administrative rules identified and considered a number of policy issues. The workgroup discussed the need for sufficient regulation to protect the health and safety of *all* children in child care settings balanced against the need to provide clear choices for families to access culturally relevant providers and/or providers who offer “off-hours” care that meets family work schedules.

The workgroup discussed the new federal requirements to regulate and monitor license-exempt centers accepting subsidies. It was pointed out that the requirement to adopt rules for a relatively small segment of child care providers creates a new regulatory class of providers.

The Workgroup has identified a desire to balance sufficient regulations for all children while not imposing overly burdensome requirements.

CONCLUSION:

Areas for consideration by the Early Learning Council include 1) whether it is appropriate or necessary to create an additional set of rules setting out health and safety requirements for license-exempt child care centers accepting subsidies when only a small percentage of children are served by these centers; 2) balancing the need to protect the health and safety of *all* children with the recognition that an additional set of regulations can be confusing and complicated for providers.

The Council's input will be helpful to the Child Care and Education Committee as it continues its discussion of administrative rules for Regulated Subsidy Providers.

Required under CCDBG
Health and safety requirements
The prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services while their families are taking the necessary action to comply with immunization and other health and safety requirements.
Prevention of SIDS and use of safe sleeping practices.
The administration of medication, consistent with standards for parental consent.
The prevention of and response to emergencies due to food and allergic reactions.
Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
Prevention of shaken baby syndrome and abusive head trauma.
Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility).
The handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
Appropriate precautions in transporting children.
First aid and cardiopulmonary resuscitation (DHS rule)
Minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training that addresses each of the requirements described above in the health and safety section. (DHS Rule)