

**Early Learning Council  
Business Meeting  
Materials**

September 28, 2017  
1:00-4:00pm

# Early Learning Council Best Beginnings Committee Report

**Committee Charge:** Advise the Early Learning Council on the issues, challenges, successes and priorities related to serving at risk families who are pregnant and/or have children age of 3 years old or under. Areas of responsibility include, but not limited to:

- Increasing access to home-based services
- Identifying state level policy changes that support family well-being and stability
- Increasing focus on critical aspects of development and attachment for children aged 0-3 and their families
- Finalizing and implementing a statewide screening tool and assessment protocol for family risk factors
- Developing best practice referral pathway for 0-3 services statewide

**Committee Membership:** Chair Martha Brooks, Vice Chair Elena Rivera, James Barta, Cindy Bond, Jessica Britt, Christy Cox, Donalda Dodson, Beth Green, Marguerite Kenagy, Lindsey Manfrin, Janet Dougherty-Smith.

## Report on Best Beginnings Meeting on September 21, 2017:

### Chair's Update:

Miriam Calderon has officially started her work as ELD Director. ELC retreat is coming up next week.

MIECHV is up for re-authorization, set to expire by 9/30. CHIP is also set to expire. ACA is facing continued challenges in Congress and now has Medicaid looking at significant changes. That is putting MIECHV and CHIP into a "stall" situation. New bill on the House side for MIECHV includes a match requirement for MIECHV programs. Senate bill does not include a match requirement.

HFO at Coffee Creek – SB241 - Bill of rights for children of incarcerated parents.

Erin Deahn informed the group that starting January 2018, HFO services will be offered at Coffee Creek Correctional Facility. A great meeting took place between CCCF leadership, Erin Deahn and Beth Dasher (PM for Washington County HFO) to determine if HFO services would be welcomed to incarcerated moms with young children (and who intend to parent them upon release). HFO and ELD is very excited about this step forward in supporting mothers and children farthest from opportunity. Members of BB were also very excited and are hopeful that this program can grow to include some of their jails and incarcerated parents.

Benjamin Hazelton suggested that we work with DHS to see if children who enter the foster care system, whose mothers are incarcerated and wanting to participate in HFO, could be placed in homes within reasonable driving distances to CCCF, so that the child could attend home visits with their mother.



*Early Head Start presentation:*

Shawna Rodriguez gave a presentation on the design and creation on Early Head Start (EHS). This presentation included creation timeline of program, eligibility requirements for EHS, description of EHS Home-Based services, funding investments into EHS Oregon and who/how many families were served in 2016. This presentation also included information on the federal match requirement (20%), program delivery items that are consistent and those which can vary across sites and an explanation of priority points. Additionally, discussion among committee members and presenters included level of intensity of services (weekly HVs, 2x month socializations, etc.), coaching requirements for EHS staff, changes within the EHS program standards such as expanded requirements for background checks, duration of classroom services and curriculum for parents.

Presenters gave a comprehensive overview of the Head Start Early Learning Outcomes Framework.

*Healthy Families Oregon:*

BB members reviewed the “Summary of Substantive HFP Program Policy and Procedure Manual Revisions”; revisions stemming from the newly revised HFA Best Practice Standards, along with suggestions gathering from HFO program staff, Central Admin staff and the feedback to the HFO Central Admin Office received at a recent national site visit.

Move to accept proposed changes in the PPPM – Elena Rivera  
2<sup>nd</sup> – Beth Green  
Anyone opposed: no

*Other Updates:*

*Professional Development:*

As directed by the Chair, Linda Jones asked for volunteers of members to be on the Professional Development committee. BB needs to provide 3-4 members and a Chair for PD. Others outside of the committee will be added. An email will be sent out for those volunteers.

*BB Committee Governing Rules/Membership:*

A charter exists for the MIECHV Steering Subcommittee of BB. With this change, BB determined they would like consistency and will develop a charter for the HFO Subcommittee rather than having HFO reference in the bi-laws for the BB Committee. BB looked at a few changes for the Governing Rules and will continue to work on those revisions based on the charters for both MIECHV and HFO Subcommittees. BB will also receive a word document of the BB Charge for review and suggested changes. These changes will be brought forward to the ELC when completed. Estimated for Nov or Dec 2017.



**MIECHV:**

HRSA has suspended definition of caseload that included any family with at least 25% of their fte being paid for by MIECHV funding. The BB Committee is thankful that Benjamin Hazelton was so persistent on behalf of the whole MIECHV system.

*Some unspent MIECHV funds will go to NARA to invest into the Family Spirit curriculum  
Expanding NFP Caseloads, to an additional 200 families.*

MIECHV staff is working on reassembling the advisory committee.

**Key Issues Discussed & Uncovered:**

- BB Committee voted that an official letter go to ELC requesting to prioritize progress on the THEO and HFO Data Systems and that this is the number 1 priority of the BB Committee. This is an urgent matter.

**Upcoming Key Decisions:**

The next meeting will be held October 19, 2017.

**Staffed by:** Nakeshia Knight-Coyle, Erin Deahn, Elisabeth Underwood – ELC  
Cate Wilcox, Benjamin Hazelton - OHA



# Early Learning Council CCEC Committee Report

**Committee Charge:** The Child Care and Education Committee (CCEC) is chartered to advise the Early Learning Council (ELC) on the issues, challenges, successes and priorities related to affordable, quality child care and early education programs in Oregon, to provide outreach and act as a liaison between citizens and the ELC through community forums and surveys to engage parents, early care and education providers and union representatives and to prioritize outcome based policies for child care and early education issues related to quality, affordability and system coordination.

## Report:

The CCEC serves as the Early Learning Council's rule advisory committee for all rules related to early learning and development programs in Oregon under its authority.

## Key Issues Discussed & Uncovered:

CCEC committee met August 10, 2017.

### Required Training for Staff of Licensed Child Care Programs

- Committee requested a table of staff training and qualifications for easy review.
- The committee recommended pursuing rules that would require ongoing training be completed throughout the license period with periodic submission dates, perhaps every six months or maybe annually. The idea is to prevent providers from cramming in all the training right before their expiration date.
- Concerns about how low the required training hours are compared to the national standards recommended by Caring For Our Children.
  - Discussion about increasing training hours incrementally over a several year period.
- Concerns about the proposal requiring that all training be verified by ORO.
  - What about other trainings that may not fit within ORO's training criteria?
  - ORO can be a cumbersome process with providers submitting training and not getting it verified in a timely manner. Want to hear back about ORO barriers and how it can be addressed.

### Minimum Qualifications for Staff of Licensed Child Care Programs

- Committee recommended that the qualifications for Director of certified centers include increasing two Step levels in the Oregon Registry every two years until at least a Step 9 is attained in addition to the current requirements for training and education.



- The consensus was that qualification requirements for teachers and head teachers in certified centers include a minimum Step level in the Oregon Registry in addition to training and education requirements.
- Modify the minimum qualifying hours of experience for Aide II's in certified centers to incorporate experience gained while working at certified facilities other than where they currently are employed.
- The committee would like to see a grid comparing the continuum of qualifications of staff across all licensed types of care.

### **Caregiver to Child Ratio Tables for Certified Centers**

- The committee discussed deleting Table B as an option for caregiver/child ratios. Recommended pursuing rules phasing out the Table over a five year period to lessen the impact on programs that are currently using Table B.

### **Caregiver to Child Ratio Tables for Certified Family Child Care Homes**

- Committee recommended an emphasis be placed on encouraging a stable continuum of care when developing ratio tables.
- Discussed further limiting screen time for children in care. Possibly research other states' rules for comparison.

### **Increasing Rules for Children That Sleep in Child Care**

- Committee discussed not allowing blankets to be in cribs with sleeping infants. This would follow national standards. Possible provider conflicts with parents that would like their infants to have a comfort blanket.
- Committee discussed not allowing swaddling of infants and the possible conflicts between providers and parents.
- Committee recommended following national standards by moving infants that arrive to care asleep in a car seat to a safe, flat sleeping surface. Possible provider and parent conflicts.

### **Adding Minimum Square Footage Requirements for Registered Family Child Care Homes**

- Minimum Qualifications for Staff of Licensed Child Care Programs
- Presented proposed rule language that would require directors go up two levels in the registry every two years until at least a Step 9 is attained. The committee wanted further information on the child development knowledge requirement.
- Pending licensing staff feedback, committee members reached consensus to remove the head teacher designation.
- Rules were presented that would require teachers to have a combination of training and experience. Committee reached consensus to move forward with the proposed rule language.



- Rules were presented that would require a staff person to have 240 hours of experience in any certified facility before they would qualify to be an Aide II. Committee reached consensus to move forward with the proposed rule language.

**Upcoming Key Decisions:**

ELC will begin deliberation of these rule changes in registered family child care, certified family child care, certified center child care and school-age only rules in December 2017.

**Staffed by:**

Lisa Pinheiro, Policy Analyst and Cassandra Ferder, Executive Assistant



# Early Learning Council ELC Committee Report

## Committee Charge:

### ELC Charge to Equity Implementation Committee

The Equity Implementation Committee is chartered to educate and provide leadership for the Early Learning Council (ELC) on the issues, challenges, successes and priorities related to implementing the [equity recommendations](#) for children and families furthest from opportunity, originally adopted by the Council on March 18, 2015. They are chartered to create an evidence-based, data driven plan relating to aligning early learning policy and practice with the equity lens, with a focus on culturally responsive practice, operating systems and data/resource allocation. The committee will assist the ELC in understanding equity issues from a data programmatic and social standpoint to support the ELC in:

1. Actualize issues of disparity in setting policy for the early learning system.
2. Recognize the value that diversity brings to the early learning environment and acknowledging the benefits of self-worth, empathy and success that it brings to all children.
3. Champion closure of development, opportunity and achievement gaps for young children and their families.

### Committee Membership:

Eva Rippeteau, Chair; Cade Burnette; Carmen Ellis; Joyce Harris; Kelly Poe; Lennie Bjornsen; Lynne Saxton; Nicole Briggs; Carmen Urbina; Patricia Alvarado; Rashelle Chase; Richard Hines Norwood; Sadie Feibel Holmes; Sue Miller

## Report:

The Equity Implementation committee (EIC) met on September 19<sup>th</sup> to discuss: SPARK revisions and review the EIC.

### Key Issues Discussed & Uncovered:

Introductions and welcome

Minutes of the July 2017 meeting accepted

### Year-in-Review: (Presenter: Lillian Green)

Lillian highlighted some of the work the committee accomplished in 2016-2017. A few of the highlights included working with the Best Beginnings Committee, the Child Care and Education Committee, the Measuring Success Committee, and the Spark Ad Hoc Committee.

- Members stated they have really felt a sense of accomplishment in the amount and quality of work the committee has accomplished.

### Spark Presentation: (Presenter: Shawna Rodrigues)

Spark is the new QRIS for the State of Oregon. They are coming out with new improvements – a lot of which are related to equity.

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Document presented: Criteria for Prioritization

- A. Geographic Location of Program
- B. Population Served by Program
- C. Special Services Provided
- D. Provider Professional Development Needs

- Member asked who designed the poverty hot spots? Reply: information came from the hubs. Discussion held on definition of “hot spots.” The definition by the US Census Bureau read and discussed.

Discussion held on the rates being paid to providers for areas A, B, & C. These are established by the average of what is paid for daycare in these communities. There is a market rate survey that happens every other year that checks what people are charging for childcare. Then DHS uses that data to set the A, B, & C rates. The A rates get paid more than B and C.

Shawna covered the population served by the program section of the document. Her committee is trying to determine how to collect the data listed in section B on the Criteria for Prioritization document (children with special needs; first language not English; attending Head Start or Relief Nurseries; in foster care; homeless or from migrant families). Discussion held on data collection.

- Member stated: they are currently working with other states on how to collect data from providers.
- Member asked: if the data questions can be added to the intake provider forms?
- Member asked: if any of this data being collected is in the Spark star levels? Response: not currently – proposal is to ask providers for additional information. Discussion held.
- Member stated: they would like to suggest prioritizing support to providers of color.
- Member asked: what about providing prioritization to small community-based organizations serving local families of color?

Discussion held on family engagement. Is it a special service or a standard? Shawna reviewed the 3, 4, and 5 star Spark requirements - which include family engagement.

- Member asked: how do you require family engagement when a provider is doing evening and weekend care?
- Member stated: they should use organizations that provide strong family engagement opportunities for families of color as a priority criteria. Family engagement plans help when children enter school – they are more prepared.

Discussion held on family engagement and the Spark star requirements. Shawna will note that EIC members are interested in continuing the family engagement portion.

Discussion on section Special Services Provided. Shawna asked if we should incorporate culturally specific on the list? Discussion held.

- Member suggested: we define what culturally specific is. Stated there has been some good work done on this subject already.

Discussion on specific questions brought to EIC for input:

*Can we ask providers to collect race/ethnicity data from their families? If so, what is the least burdensome way?*

*How can workforce data be helpful as a marker?*

*What are some parent groups/organizations that represent communities of color and can provide feedback to this work?*

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- Member stated: the best way to communicate with families is to talk in person. Next week will be a group of parents meeting in Washington County. Member will send information to Lillian to provide to Spark Committee.
- Member stated: they are bringing parents together in 12 different areas. Could set a time to reach parents on this subject.
- Member stated: in Eastern Oregon it would be better to make a one-on-one phone call to obtain this information.

Discussion on different groups that Spark Committee could reach out to.

**Work Plan: (Presenter: Lillian)**

Our work is largely driven by the work of other committees.

Lillian reviewed the plan for the next six months. The intent is to ask some of the committees that have presented to us, how they have implemented our ideas.

Discussion on how we can create a space where other organizations and communities can come to us with their body of work.

Membership Recommendation Form reviewed. Discussion on open positions within the committee, and how finding parents to join ELC may present challenges.

- Rashelle stated: she is no longer with her organization and can now transition into one of the parent openings.
- Member stated: we need to look in other areas of the State in filling the vacancies on the committee.
- Member stated: possibly we could have a parent that represents many parents.
- Member stated: we need a document we can share to explain the various open positions we currently have.

Discussion on how to fill tribal positions. Lillian will work on recruitment during her Gov to Gov Educational Cluster meeting this week in Canyonville.

Committee will wait until next month to develop a recruitment strategy.  
Next meeting is October 17, 2017, which will be a GoToMeeting meeting.  
November 21, 2017, will be an in-person and GoToMeeting in Portland.

ELD DACA statement distributed.

**Upcoming Key Decisions:**

- Finalization of the Committee work plan.
- Review and provide feedback on:
  - Spark revisions ( Spark Ad Hoc)
  - Professional development alignment with ELD & OHA

**Staffed by:**

**ELD -** Lillian M. Green, ELD Equity Director

**ELD-** Alyssa Chatterjee, ELD Early Learning Council Administrator

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# Early Learning Council Measuring Success Committee Report

**Committee Charge:**

Advise the Early Learning Council on the issues, challenges, successes and priorities related to measuring the success of the early learning system and ensuring equitable outcomes for all children, including but not limited to the Early Learning Hubs

**Committee Membership:**

Present: Kristi May, Colleen Reuland, Bobbie Weber, Holly Mar-Comte, Emily Berry, Debbie Jones (by phone)

**Report:**

The Measuring Success Committee met on Wednesday, September 6, 2017, for its first meeting since the summer break. New Committee Chair, Holly Mar-Comte, welcomed the committee and reviewed the agenda. She had a chance to check in with several Committee members prior to the meeting to get perspectives on how the Committee was progressing and to get thoughts on how to move forward in the most effective manner. A few themes and guiding questions emerged:

- How do we start looking across the ELD and the Early Learning System (ELS) to align efforts?  
How do we get where we need to go?
- Need to start looking at patterns emerging as we're building this system.
- What does a healthy child and family look like?
- What do measures look like that would be suitable for accountability looking forward?
- How will the indicators of success for Hubs be implemented, and how can we refine them to best capture what healthy and successful children and families look like?
- What is the role of quantitative and qualitative data in informed decision-making?

The Committee took the opportunity to reflect back on its work over the previous year and the memo to the ELC regarding Hub indicators. It revisited discussions of some of the tensions regarding data, data processes and systems, local control vs. a universal system, monitoring vs. accountability measures, etc. Those issues weren't limited to the Hub Metrics and Indicators, and moving forward we need to be prepared to address them across the ELS.

It was mentioned that the ELC started with data being population-level data, and anything that was done was intended to result in population-level changes. However, there are not enough investments to hold people accountable to population-level changes. Yet, there is a concern that too much local control makes data, outcomes, and measurement become too messy for a consistent message, and a consistent and coherent message is critical to maintain funding. So there is a tension there, and now we're looking for the sweet spot between population-level measures and other indicators that can let us know we are making progress toward our goals.



The Committee then discussed the difference between operational (or process) data and outcome data, which tends to get confused or overlooked. The current state of data systems and processes allows for a fairly large amount of operational data (e.g., number of children served, demographics, task completion), but not much outcome data (e.g., ready for kindergarten; healthy, stable, and attached families). This issue is not limited to the ELD, but the entire ELS. For example, developmental screenings by OHA measure a step in the process (i.e., getting screened), but not the outcome (i.e., children with identified needs receive additional supports that result in improved school performance).

The Committee then reviewed the work plan for the upcoming year, starting with the Guiding Principles:

1. To impact societal issues around early learning
2. To inform early learning policy with quality data (data-driven decision making)
3. To advance professionalism of the early learning system
4. To more effectively engage programs
5. To integrate metrics vertically and horizontally (synergize/align)
6. To engage in continuous quality improvement
7. To focus work on those furthest from opportunity
8. To set up effective incentives to stimulate progress

The Committee agreed to keep principles for now, though at some point may want to refine/tighten the principles to make them more meaningful for an external audience.

Next was a discussion of the proposal to focus on ELD program reviews for much of the upcoming meetings. The goal is to have program managers conduct presentations and discussions regarding the use of data within their program. Some of the questions for program managers include: How do you use data to drive decision-making? How do you know you are making progress? What key program and policy questions are you trying to answer? What metrics/indicators are currently in use? How do you ensure data quality? The Committee agreed that a series of program reviews would be constructive, though it will be important to keep presentations and discussion targeted and focused. Very general program overviews would not be useful. Internal ELD program meetings, as well as the development of a template/protocol for the program reviews, should help with keeping presentations focused. ELD staff will draft a template/protocol for review at the next meeting.

The Committee also discussed the possibility of creating an Early Learning System Dashboard with key indicators. There was mixed interest in the idea, with some questioning the utility of such a dashboard and how it would differ from existing “dashboards” such as the Kids Count data site. One thought was to first have the program reviews, then develop an ELD program dashboard, then work out to the ELS dashboard after having a better grasp of existing data and indicators.

The Committee circled back to the need to continue work on the Hub Indicators. Work groups are being planned, with the idea that each group would work on one Hub Role and come up with potential



indicators for that role. After concern about the timeline for the process, efforts will be made by staff to speed up the process so that a few solid indicators and processes can be ready for the next biennium.

Finally, there was a discussion of the “Survey of Surveys” sent out by OHA to their stakeholders and the Measuring Success Committee regarding a Kindergarten Readiness measure(s). An opportunity arose to include a few new questions on the CAHPS Survey (The Consumer Assessment of Healthcare Providers and Systems). There was concern among the Committee about the rushed timeline of the survey and the lack of background information and discussion. It was unclear what the underlying purposes were, how results would be used, and by whom, the consistency of messages regarding what Kindergarten Readiness means to different stakeholders, and whether the ELD and/or the ELC was in agreement with this approach.

### **Key Issues Discussed & Uncovered:**

- The role of data, and the tensions, in developing Hub Indicators
- Timeline and process for the development of Hub Indicators
- Work plan for the upcoming year, focusing on program reviews
- ELD and ELS dashboards
- The “Survey of Surveys” and the development of Kindergarten Readiness measures

### **Upcoming Key Decisions:**

- Format for program reviews
- Dashboard development

**Staffed by:** Ben Tate, Tom George, Sue Parrish



## **Board Action Summary**

### **AGENDA ITEM: Lead Workgroup Recommendation**

#### **Summary of Recommended Board Action**

**ACTION:** The Early Learning Council adopts one of the recommendations outlined by the Lead Workgroup.

**ISSUE:** The harmful impact of lead exposure during a child's development, especially for the youngest children, is well known and well documented.

**BACKGROUND:** In August 2016, the Early Learning Council requested the Early Learning Division convene a workgroup of staff and stakeholders to bring recommendations to the Council on water testing and lead mitigation in child care settings. An interim report was submitted in January, with a workgroup presentation in February 2017.

**ACTION PRECEDING RECOMMENDED BOARD ADOPTION:** An interim report was accepted by the Early Learning Council at their January 2017 meeting, followed by a presentation from the Lead Workgroup in February 2017.

**CONTACT:** Kelli Walker, Child Care Policy Manager



**TO:** Early Learning Council

**FROM:** Dawn Woods, Child Care Director  
Kelli Walker, Child Care Policy Manager

**RE:** Lead in Water - Mitigation and Testing Options

**DATE:** August

## Introduction

In August 2016, the Early Learning Council requested the Early Learning Division convene a workgroup of staff and stakeholders to bring recommendations to the Council on water testing and lead mitigation in child care settings. An interim report was submitted in January, with a workgroup presentation in February 2017.

This memo outlines options for Council action. Options will include the components listed below either alone or in combination.

***Tighten regulations*** – Current regulation calls for protection from lead based paint and requires safe drinking water.

- Update child care facility rules to include stronger language as suggested through workgroup engagement (with Oregon Health Authority (OHA) and county environmental health specialists).
- Implement rules on standardized best practices in child care facilities, to include recommendations from OHA.

***Outreach and Educational Campaign*** – Develop a communication plan on lead safety in child care settings and include the following components:

- Collaborate with the OHA to update their “Lead-Safe Child Care” brochure and “Protecting Kids from Lead Paint: A guide for Child Care Providers” which provides information on lead hazards, effects of lead poisoning and how to protect children in care.
- Develop “Fact Sheet” on lead and drinking water safety requirements and recommendations for child care programs appropriate to the setting.

***Training*** – Adopt training for child care providers and licensing staff to understand the dangers of lead, actions that reduce exposure, and lead testing recommendations.

- OHA/ODE developed a healthy school facilities webinar that could be used or adapted for early learning environments and be offered to child care providers, owners and directors.



- Develop and conduct training with licensing specialists so they have a comprehensive understanding of lead exposure and will be able to identify related environmental hazards in child care facilities.

**Testing** – Mandate all child care facilities test for lead in water using an OHA accredited laboratory. The only way to confirm if lead is present in fixtures that supply water is through testing.

The Caring for Our Children standard 5.2.6.3 states: “Drinking water, including water in drinking fountains, should be tested and evaluated in accordance with the assistance of the local health authority or state drinking water program to determine whether lead and copper levels are safe”.

## Option 1

### Regulation only

Rely on current and enhanced *proposed* child care regulations that require safe drinking water and protection from lead based paint.

**Certified Center and Certified Family:** The center's water supply shall be continuous in quantity. *Private water supply systems must be approved by the Oregon Health Authority or the local county health authority.*

**Registered Family and Regulated Subsidy:** The home has safe drinking water. *Private water supply systems must be in compliance with Oregon Health Authority rules.*

### New rules for all types of care:

*To reduce the exposure of lead in water:*

1. *Flush pipes by running the tap until the water is noticeably cooler. Run tap water for at least two minutes after water sits in the pipes for six hours or more.*
2. *Use only cold water for drinking, cooking and making baby formula.*
3. *Clean the screens and aerators in faucets frequently.*

**Policy impact:** Flushing pipes and use of cold water is easily implemented through the rule revision process. The practice immediately reduces exposure to lead in water. While testing the drinking water is the only way to determine the presence of lead, change in practice will greatly reduce the risk and is easily achievable for early care and education programs.

**Potential fiscal impact:** Fiscal impact is zero to minimal for child care providers and to the Early Learning Division.

**Equity impact:** Implementation of this rule should have no additional impact related to equity.





## Option 2

### Regulation and Training

Rely on current and enhanced proposed child care regulations that require safe drinking water and protection from lead based paint. (Option 1)

#### PLUS

Adopt video training for early care and education providers and licensing staff with a goal of understanding the dangers of lead, actions that reduce exposure, and lead testing recommendations.

**Policy impact:** Licensing staff and early care and education professionals will be informed and understand why regulation is critical for health and safety of children and staff. Possible exposure to lead through water sources is minimal.

**Fiscal impact:** Early Learning Division and Oregon Health Authority would have some fiscal impact in revising current training and translating into several languages. Fiscal impact on early care and education providers would be minimal. There would be an investment of time to view the training video.

**Equity impact:** Implementation of this option should have minimal impact related to equity. Some family child care providers may not have access to video training offerings.

## Option 3

### Regulation, Training and Outreach

Adding an outreach component to a regulatory and training requirement would educate more of the early care and education workforce on the effects of lead exposure on children and create a more broad based effort on reducing all types of lead exposure.

**Policy impact:** Up-to-date information will be provided at numerous touch points and could reduce exposure in child care setting.

**Potential fiscal impact:** Translating written materials into languages will have fiscal impact. Minimal fiscal impact would involve Early Learning Division staff coordination with Oregon Health Authority staff to update materials and to develop an outreach and communication plan.

**Equity impact:** Implementation of this option should have minimal impact related to equity. Some family child care providers may not have access to video training offerings.



## Option 4

### Regulation and Testing

Add a testing component for all child care facilities to the regulatory changes (Option 1). As part of the licensing process, plumbing fixture lead testing would be required with results available to the Early Learning Division. Any evidence of lead would require appropriate mitigation with retesting.

**Policy impact:** The policy would assure that children in licensed child care facilities would have a low risk of lead exposure through a water source.

#### Potential fiscal impact:

There are a number of fiscal impact considerations. Requiring testing for every licensed child care facility would require small businesses to develop a plumbing profile to understand the potential sources of lead in the facility. The testing component is a relatively small cost, but the mitigation costs required to replace plumbing fixtures and plumbing could be high. The potential impact for small businesses with very low profit margins could be major.

The chart below shows the one time cost for testing all licensed child care facilities in Oregon.

# Facilities	# Tests	Test Cost	Collection Cost	Total
Registered Family				
2300	2	\$21.6	\$10	\$145,360
Certified Family				
800	2	\$21.6	\$10	\$ 50,560
Certified Center				
1310	3	\$21.6	\$10	\$124,188
				\$320,108

**Equity impact:** The option could have a disproportionate effect on low income individuals, and renters including people of color.

**Staff (or Workgroup) Recommendation:** Adopt Option 3.



## Early Learning Council – Administrative Rule Summary

**Title/OAR #:** Central Background Registry 414-061-0000 through 414-061-0120  
**Date:** September 28, 2017 **Staff/Office:** Dawn Woods, Child Care Director, Early Learning Division/Office of Child Care

☐ Temporary Rule      ☐ New Rule      ☒ Amend Existing Rule      ☐ Repeal Rule  
**Hearing Date:** \_\_\_\_\_ ☐ Hearings Officer Report Attached  
**Prompted by:** ☒ State law changes      ☐ Federal law changes      ☐ Other

**Action Requested:**  
☐ Adoption of Temporary Rule  
☐ Adoption of Final Rule

### BACKGROUND:

- Provides authorization for the OCC to conduct required criminal records checks in accordance with federal law
- Allows the OCC to fingerprint subject individuals upon initial and renewal applications, and conduct background checks through the databases and registries required under federal law
- Removes the two year Central Background Registry expiration and renewal requirement from statute and authorizes the Early Learning Council to set expiration and renewal through administrative rule
- Authorizes the Early Learning Council to define the databases and registries by rule. Establishing the databases and registries in rule will provide flexibility in meeting and maintaining compliance with federal requirements
- Prohibits the OCC from enrolling an individual who has a disqualifying condition. Disqualifying conditions shall be identified in administrative rule to conform to the federal list of criminal convictions that automatically disqualify an individual from providing child care.

The enrollment period of the CBR (2 years in Oregon statute) was inconsistent with federal requirements for fingerprinting subject individuals every five years. Authorizing the Early Learning Council to set expiration and renewal through administrative rule will allow better alignment with federal requirements and, over the long run, will reduce the expense to the state and providers by not needing to process fingerprint background checks every two years. To ensure the safety of children in child care settings, OCC will continue current practice of running quarterly criminal background checks through the law enforcement data system (LEDS).

HB 2259 also gives the ELC authority to define in rule individuals who may enroll in the CBR. This gives the Early Learning Council the ability to allow individuals, such as staff of early learning programs that don't meet the legal definition of child care, to access and utilize the CBR for its programming needs.



Oregon Administrative Rules 414-061-0000 through 414-061-0120 are the Office of Child Care's requirements for conducting background checks and enrolling adults in the Central Background Registry. The purpose of these rules is to establish regulations to protect the health, safety, and well-being of children when cared for outside their own homes. Recent changes in federal law and the adoption of HB 2259 during the 2017 legislative session requires amendment of administrative rules.

#### **PROPOSED/AMENDED RULE RECOMMENDATION OPTIONS:**

- OCC proposes adoption of a five year enrollment period in the CBR, with a mid-point check of child abuse and neglect records at the 30 month point.
- OCC proposes allowing subject individual to use their FBI fingerprint and criminal records check conducted for a DHS child care background investigation for enrollment in the CBR, provided:
  - The DHS investigation was completed within the previous 24 months, and
  - The Subject Individual has lived only within Oregon for time period since completion of their DHS background check and
  - All other requirements of OCC are met
- OCC proposes allowing agreements with related private agencies or organizations for use of OCC background checks and enrollment in the CBR.
- OCC proposes rules outlining the use of foster care and adult protective services information
- OCC proposes defining the databases and registries used for the background check

Under the Child Care Development Block Grant Act of 2014, states are required to adopt criteria related to enrollment of Subject Individuals within their background registries. Suitability criteria for CBR enrollment, currently defined in OAR 414-060-0050 will need to be aligned with these new Federal requirements.

#### **TIMELINE OF KEY ACTIVITIES & PUBLIC ENGAGEMENT:**

- Changes in federal law and the adoption of HB 2259 during the 2017 legislative session requires amendment of administrative rules.
- Briefing to CCEC on August 10, 2017.

#### **ALIGNMENT WITH RULES PRINCIPLES:**

1. Standards and rules aim to ensure that children are in safe environments that promote healthy physical, social, emotional and cognitive development and support high quality interactions among families and providers.
2. Standards and rules support and encourage diversity and equity; promoting equal access, especially for children from targeted populations.
3. Standards and rules are based on research, knowledge of child development, and best practices.
4. Standards and rules provide a foundation for high quality early learning and licensing rules serve as the first step of Oregon's Quality Rating and Improvement System.



5. In conducting its responsibilities for rule promulgation and revision, ELC is moving beyond a culture of compliance to one of continuous improvement.
6. ELC believes parents and children are primary stakeholders for all of its rules and will actively engage families and other impacted persons and organizations in rule promulgation and/or revision to ensure community/cultural norms are taken into consideration/reflected in rule.
7. ELC will aim for consistency across sets of rules over which it has authority, and will align rules with broader state goals and those of related agencies to the extent possible.

**FISCAL IMPACT:**

Fiscal impact to providers and other stakeholders will be evaluated as determinations are made on specific rules that may be amended, repealed or added.

**STAFF RECOMMENDATION:**

- ☐ Adopt Temporary administrative rule
- ☐ Adopt Final administrative rule
- ☐ Repeal Rule
- ☒ No recommendation at this time

Comments:

