



Early Learning Council Meeting

10:00am

May 22, 2014

InterMountain ESD

Lodgepole/Ponderosa Room

2001 SW Nye Ave, Pendleton, OR 97801

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April Minutes

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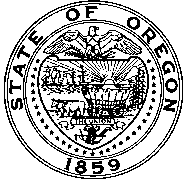
Child Care Contribution Tax Credit Rules Summary

Child Care Contribution Tax Credit Proposed Rules Changes

Migrant and Seasonal Farm Worker Child Care Subsidies Rules

Migrant and Seasonal Farm Worker Child Care Subsidies Rules
Summary

Migrant and Seasonal Farm Worker Child Care Subsidies
Proposed Rules Changes



Early Learning Council

Thursday, May 22, 2014

10:00 am*

InterMountain ESD – Lodgepole/Ponderosa Room
2001 SW Nye Ave,
Pendleton, OR 97801

Video Streaming [HERE](#)

Members of the public wanting to give public testimony must sign in.

There will only be one speaker from each group.

Each individual spokesperson will have 2 minutes.

Members of the public may provide testimony electronically to EarlyLearning.OEIB@state.or.us

PAM CURTIS
ELC Chair

HARRIET ADAIR

VIKKI BISHOP

JANET
DOUGHERTY- SMITH

DANA HARGUNANI

CHARLES McGEE

EVA RIPPETEAU

CHRISTA RUDE

LYNNE SAXTON

NORM SMITH

TERI THALHOFER

JIM TIERNEY

ROBERTA WEBER

KIM WILLIAMS

DICK WITHNELL

MARLENE YESQUEN

ROB SAXTON

JADA RUPLEY
Early Learning
System Director

AGENDA

1. Board Welcome and Roll Call
2. Approval of Minutes from March and April Council Meetings
Action Item
3. Council Member Updates
All Council Members
4. Early Learning Council Work
Equity Subcommittee – Marlene Yesquen
Early Learning Council/Oregon Health Policy Board Subcommittee – Dana Hargunani
Child Care and Education Workgroup – Bobbie Weber
5. OEIB Subcommittee Updates
Outcomes and Investments – Dick Withnell, Pam Curtis
Best Practices and Student Transitions – Lynne Saxton, Kim Williams
Equity and Partnerships – Janet Dougherty-Smith, Harriet Adair
6. Lynne Angland Award
Bobbie Weber, ELC
7. Early Learning Hubs Update
Megan Irwin, ELD
8. Break and Working Lunch
9. Rules Update
Lisa Harnisch
Action Item

10. Head Start / QRIS Awards
Christa Rude, ELC
11. ELC Master Strategy and Scorecard
Dovetailing – Garrison Kurtz
12. Kindergarten Partnership & Innovation Grant Program Awards
Lynne Saxton, Award Team Chair
Action Item
13. Chair Report
Chair Curtis
14. Director's Report
Jada Rupley, Early Learning System Director
15. Public Testimony
16. Adjournment

****Times are approximate & breaks may be added as needed***

All meetings of the Early Learning Council are open to the public and will conform to Oregon public meetings laws. The upcoming meeting schedule and materials from past meetings are posted [online](#). A request for an interpreter for the hearing impaired or for accommodations for people with disabilities should be made to Alyssa Chatterjee at 503-373-0066 or by email at Alyssa.Chatterjee@state.or.us. Requests for accommodation should be made at least 48 hours in advance. Testimony may be submitted electronically to EarlyLearning.OEIB@state.or.us.



EARLY LEARNING COUNCIL
March 20, 2014 - 10:00am – 2:35pm
Youth Villages, Christie Campus
2nd Floor Training Room
2507 Christie Drive, Lake Oswego, OR 97034

ELC Members Present

Pam Curtis, Chair; Harriet Adair; Vikki Bishop; Janet Dougherty-Smith; Dana Hargunani; Charles McGee; Eva Rippeteau; Christa Rude; Lynne Saxton; Norm Smith; Teri Thalhofer; Jim Tierney; Roberta Weber; Kim Williams; Dick Withnell; Rob Saxton

Members Excused

All members present

Staff/Other Participants

Jada Rupley, Early Learning System Director
Karen Twain, Oregon Department of Education
Garrison Kurtz, Dovetailing
Bea Kalleigh, Dovetailing
Lisa Harnisch, ELD Staff
Megan Irwin, ELD Staff
Christa Shively, ELD Staff
Brett Walker, ELD Staff
Alyssa Chatterjee, ELD Staff
Annie Fitts, ELD Staff
Teresa Waite, ELD Staff

[Video of Meeting](#)

[Meeting Materials](#)

1. Board Welcome and Call to Order

The meeting is called to order at 10:30am.

2. Approval of February Meeting Minutes

Action Item

[DRAFT February Meeting Minutes](#)

MOTION: Lynne Saxton moves to approve January minutes as presented, Kim Williams seconds the motion. No discussion. The motion passes unanimously.

3. Council Member Updates

4. Early Learning Council Work

Equity Workgroup – Marlene Yesquen

Early Learning Council/Oregon Health Policy Board Workgroup – Dana Hargunani

Child Care and Education Workgroup – Bobbie Weber

5. OEIB Subcommittee Updates

Outcomes and Investments – Dick Withnell, Pam Curtis

Best Practices and Student Transitions - Lynne Saxton, Kim Williams

Equity and Partnerships – Janet Dougherty-Smith, Harriet Adair

6. Full Day Kindergarten

Karen Twain, Oregon Department of Education

7. Break and working lunch

8. ELC Master Plan & Vision

Dovetailing, Garrison Kurtz & Bea Kalleigh

9. Rules Approval

Action Item

Lisa Harnisch, ELD

Healthy Families Oregon

MOTION: Dick Withnell moves to adopt the proposed changes to the Healthy Families Oregon Rules as presented. Lynne Saxton seconds the motion. The motion passes unanimously.

Early Literacy Grant

MOTION: Kim Williams moves to adopt Early Literacy Grant and Kindergarten Innovation Grant temporary rules as permanent with the caveat that “among” be substituted for “between” in the first section. Lynne Saxton seconds the motion. The motion passes unanimously.

Kindergarten Partnership & Innovation Program

MOTION: Lynne Saxton moves to adopt Kindergarten Readiness Partnership & Innovation Program temporary rules as permanent with the caveat that “among” be substituted for “between” in the first section. Eva Rippeteau seconds the motion. The motion passes unanimously.

10. Chair Report

Pam Curtis, Chair

11. Director’s Report

Jada Ruple, Early Learning System Director

12. Public Testimony

The Early Learning Council heard in-person testimony from Kathy Ems, President of Parent Child Preschools of Oregon

13. Adjournment

DRAFT



EARLY LEARNING COUNCIL

April 16, 2014 – 7:30-8:35am

Conference Call

1-888-251-2909

Code: 9089304

ELC Members Present

Pam Curtis, Chair; Harriet Adair; Vikki Bishop; Janet Dougherty-Smith; Dana Hargunani; Charles McGee; Eva Rippeteau; Christa Rude; Lynne Saxton; Norm Smith; Teri Thalhofer; Jim Tierney; Roberta Weber; Kim Williams; Marlene Yesquen; Rob Saxton

Members Excused:

Dick Withnell

Staff/Other Participants

Jada Rupley, Early Learning System Director

Brett Walker, ELD Staff

Alyssa Chatterjee, ELD Staff

[Audio Recording of meeting](#)

[Meeting Materials](#)

1. Board Welcome and Roll Call

The meeting is called to order at 7:30am.

2. Early Literacy Grant Award Recommendations

Lynne Saxton, Award Team Chair

Action Item

[Early Literacy Grant Award Team Recommendations](#)

[Early Literacy Grant Distribution](#)

DECLARATION OF POTENTIAL CONFLICT OF INTEREST:

Lynne Saxton – Klamath SMART; Volunteers of America

Kim Williams – North Central ESD

Bobbie Weber – Old Mill Center

Jim Tierney – Cedar Creek; Oregon Coast Community Action

Dana Hargunani – Reach out and Read; Yamhill Early Learning Hub

Teri Thalhofer – Child Care Partners; North Central ESD

Charles McGee – Black Parent Initiative

MOTION: Jim Tierney moves to approve the Early Literacy Grant award recommendations. Norm Smith seconds the motion. The Chair requests a roll call vote:

Pam Curtis	Aye
Harriet Adair	Aye
Vikki Bishop	Aye
Janet Dougherty-Smith	Aye
Dana Hargunani	Abstain
Charles McGee	Abstain
Eva Rippeteau	Aye
Christa Rude	Aye
Lynne Saxton	Aye
Norm Smith	Aye
Teri Thalhofer	Aye
Jim Tierney	Aye
Roberta Weber	Abstain
Kim Williams	Abstain
Marlene Yesquen	Aye
Rob Saxton	Aye

The motion passes.

3. Oregon Response to National Report on Suspensions

Christa Rude, ELC

[State response to National Report on racial and ethnic disparities in access to quality education](#)

4. Council Business

Chair Curtis

Jada Rupley, Early Learning System Director

5. Public Testimony

The Early Learning Council receives no electronic public testimony.

6. Adjourn

The meeting is adjourned at 8:35 am.

Child Care Contribution Tax Credit Rules

Child Care Contribution Tax Credit Rules Summary,
Child Care Contribution Tax Credit Proposed Rules
Changes

Early Learning Council – Administrative Rule Summary

Title/OAR #: Child Care Contribution Tax Credit

Date: April 24, 2014

Staff/Office: Early Learning Division, Office of Child Care

☐ 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

PROPOSED/AMENDED RULE SUMMARY:

The Child Care Contribution Tax Credit (Tax Credit) rules have not been revised since 2004. Some of the rules are outdated and need to be modified to reflect changes to program administration. During the initial pilot program, some of the basic principles of the original statute were found to be unscalable on a statewide basis. Those changes will need to be made through the legislative process. The rules that can be modified have been reviewed by a Child Care Contribution Tax Credit Rule Advisory Committee with their recommendations going forward to the Early Learning Council.

BACKGROUND:

The original Tax Credit concept was developed by a broad coalition of public and private entities with leadership and staff assistance provided by then Rep. Deborah Kafoury. The coalition proposed a tax credit pilot program to support the child care system through direct financial support for child care providers and low-income working families. As a pilot, stakeholders hoped to gain knowledge on the true cost of child care, how to improve compensation to the child care workforce, and improve the quality of care environments.

Legislation, which passed with 100 percent legislative support, went into effect in 2001 with a cap of \$500,000. Technical issues with implementation language were discovered by the Department of Justice and corrective legislation was proposed and passed in 2003. The first tax year contributions were received was 2004 and, with the exception of one year, the division has received the maximum amount of contributions available.

The Tax Credit had a three-pronged approach to meet the original legislative intent and funded two pilot programs over a period of five years. The approaches were:

- 1) Increase provider compensation by providing direct financial assistance for additional education investments. Providers were given cash awards for their movement up the career ladder 'steps' on the Oregon Registry;¹
- 2) Increase the quality of learning environments by providing financial supports to purchase play and educational equipment, educational materials, and upgrade health and safety improvements; and
- 3) Provide child care assistance funds to parents to help with the cost gap between 10 percent of their income and the care providers monthly rate.

Implementation of the original tax credit vision has transitioned from a small, regional pilot to a statewide program that supports both the professional development of the childhood care and education workforce and quality improvements

¹ The Oregon Registry: Pathways for Professional Recognition in Childhood Care and Education is a statewide program that records and recognizes the professional development growth and achievement of people who work with and for children and family. Participation in the Oregon Registry is increasing seen as an important tool for a professional development in our state.

to learning environments. Because of the limited amount of revenue generated, the child care assistance approach is not scalable on a statewide basis.

TIMELINE OF KEY ACTIVITIES

- Early Learning Division, Office of Child Care staff reviewed and marked up the current administrative rules into a side-by-side draft for external review.
- Convened the Tax Credit Rule Advisory Committee, which met in February 2014.
- The Tax Credit Rule Advisory Committee discussed and approved changes to the administrative rules with the recognition that rules regarding child care assistance cannot be modified until statutory changes are made by the Legislature.
- Draft administrative rules go before the Early Learning Council for review and adoption.
- Dates for notification to the Legislature and Office of the Secretary of State to be determined by the Department of Education administrative rules coordinator.
- Public hearing dates to be determined by Department of Education administrative rules coordinator.

BENEFITS

- Current Tax Credit revenue provides statewide financial supports and incentives to childhood care and education (CCE) providers for professional development.
- The professional development and education levels of the CCE workforce supports improved quality of adult/child interactions with children in care.
- Tax Credit revenues also support quality improvements to CCE facilities and the environments in which children receive care.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

Language that provides funding for child care assistance for parents to meet the cost gap cannot be implemented on a statewide basis within current Tax Credit revenues. This language cannot be changed through an administrative rule revision process. This recommendation from the Tax Credit Rules Advisory Committee has been put into a Department of Education Policy Option Package for the 2015-17 biennium.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

- ☐ Adopt administrative rule as prepared this month
- ☒ Adopt administrative rule next month – During May 2014 meeting
- ☐ No recommendation at this time

Comments:

CHILD CARE CONTRIBUTION TAX CREDIT PROGRAM
Rules review and revision

NOTE: A Community Agency may be a state agency, university, or other unit of local government, in addition to non-profit and other community-based organizations.

ORS 329A	OAR 414-700-000 to 090	Proposed change to OAR	Rules with changes
<p>329A.700 Definitions for ORS 329A.700 to 329A.718. As used in ORS 329A.700 to 329A.718:</p> <p>(1) “Child care provider” means a provider, for compensation, of care, supervision or guidance to a child on a regular basis in a center or in a home other than the child’s home. “Child care provider” does not include a person who is the child’s parent, guardian or custodian.</p> <p>(2) “Community agency” means a nonprofit agency that:</p> <p>(a) Provides services related to child care, children and families, community development or similar services; and</p> <p>(b) Is eligible to receive contributions that qualify as deductions under section 170 of the Internal Revenue Code.</p> <p>(3) “High quality child care” means child care that meets standards for high quality child care established or approved by the Early Learning Council.</p> <p>(4) “Qualified contribution” means a contribution made by a taxpayer to the Office of Child Care or a selected community agency for the purpose of promoting child care, and for which the taxpayer will receive a tax credit certificate under ORS 329A.706.</p> <p>(5) “Tax credit certificate” means a certificate issued by the Child Care Division to a taxpayer to qualify the taxpayer for a tax credit under ORS 315.213.</p> <p>(6) “Tax credit marketer” means an individual or entity selected by the Child Care Division to market tax credits to taxpayers. [Formerly 657A.700]</p> <p>Note: 329A.700 to 329A.718 were enacted into</p>	<p>414-700-0010 Definitions</p> <p>(1) "Child care provider" means a provider, for compensation, of care, supervision or guidance to a child on a regular basis in a center or in a home other than the child's home. Child care provider does not include a person who is the child's parent, guardian or custodian.</p> <p>(2) "Community" means a recognized unit of government, service delivery area other commonly recognized area or region within the state of Oregon.</p> <p>(3) "Community agency" means a nonprofit agency that:</p> <p>(a) Provides services related to child care, children and families, community development or similar services; and</p> <p>(b) Is eligible to receive contributions that qualify as deductions under section 170 of the Internal Revenue Code.</p> <p>(4) "High quality child care" means child care that meets standards for high quality child care established or approved by the Commission for Child Care.</p> <p>(5) "Qualified contribution" means a contribution made by a taxpayer to the Child Care Division of the Employment Department or a selected community agency for the purpose of promoting child care, and for which an application is submitted for a tax credit certificate.</p> <p>(6) "Tax credit certificate" means a certificate issued by the Child Care Division to a taxpayer to qualify the taxpayer for a tax credit.</p> <p>(7) "Tax credit marketer" means an individual or</p>	<p>414-700-0010 Definitions</p> <p>(2) "Community" means a recognized unit of government, service delivery area <u>or</u> other commonly recognized area or region within the state of Oregon.</p> <p>(4) "High quality child care" means child care that meets standards for high quality child care established or approved by the <u>-Early Learning Council, Commission for Child Care.</u></p> <p>(5) "Qualified contribution" means a contribution made by a taxpayer to the <u>Office of</u> Child Care Division of the Employment Department or a selected community agency for the purpose of promoting child care, and for which an application is submitted for a tax credit certificate.</p> <p>(6) "Tax credit certificate" means a certificate issued by the <u>Office of</u> Child Care Division to a taxpayer to qualify the taxpayer for a tax credit.</p> <p>(7) "Tax credit marketer" means an individual or</p>	<p>414-700-000-900</p> <p>(1) "Child care provider" means a provider, for compensation, of care, supervision or guidance to a child on a regular basis in a center or in a home other than the child's home. Child care provider does not include a person who is the child's parent, guardian or custodian.</p> <p>(2) "Community" means a recognized unit of government, service delivery area or other commonly recognized area or region within the state of Oregon.</p> <p>(3) "Community agency" means a nonprofit agency that:</p> <p>(a) Provides services related to child care, children and families, community development or similar services; and</p> <p>(b) Is eligible to receive contributions that qualify as deductions under section 170 of the Internal Revenue Code.</p> <p>(4) "High quality child care" means child care that meets standards for high quality child care established or approved by the Early Learning Council.</p> <p>(5) "Qualified contribution" means a contribution made by a taxpayer to the Office of Child Care for the purpose of promoting child care, and for which an application is submitted for a tax credit certificate.</p> <p>(6) "Tax credit certificate" means a certificate issued by the Office of Child Care to a taxpayer to qualify the taxpayer for a tax credit.</p> <p>(7) "Tax credit marketer" means an individual or entity selected by the Office of Child Care to market</p>

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ORS 329A	OAR 414-700-000 to 090	Proposed change to OAR	Rules with changes
law by the Legislative Assembly but were not added to or made a part of ORS chapter 329A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.	entity selected by the Child Care Division to market tax credits to taxpayers. Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03	entity selected by the <u>Office of</u> Child Care Division to market tax credits to taxpayers.	tax credits to taxpayers. Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03
<p>329A.703 Program established; purposes. (1) The Office of Child Care, in collaboration with an advisory committee established by the office, shall establish a program to:</p> <p>(a) Allocate tax credit certificates to taxpayers that make qualified contributions to the Office of Child Care; and</p> <p>(b) Distribute to child care providers moneys from qualified contributions and other contributions.</p> <p>(2) The purposes of the program are to:</p> <p>(a) Encourage taxpayers to make contributions to the Office of Child Care by providing a financial return on qualified contributions and by soliciting other contributions.</p> <p>(b) Achieve specific and measurable goals for targeted communities and populations.</p> <p>(c) Set standards for the child care industry concerning the cost of providing quality, affordable child care.</p> <p>(d) Strengthen the viability and continuity of child care providers while making child care more affordable for low and moderate income families. [Formerly 657A.703]</p> <p>Note: See note under 329A.700.</p>	<p>414-700-0000 Purpose</p> <p>The purpose of these rules is provide guidance for administration of the child care contribution tax credit program as authorized in ORS 314.752, 315.202 and 318.031 and Section 10, chapter 682, Oregon Laws 1987, Section 87, chapter 625, Oregon Laws 1989 and ORS Chapter 657A.700 to 657A.718. The child care contribution tax credit was enacted by the 2003 legislature to:</p> <p>(1) Encourage taxpayers to make contributions to the Child Care Division by providing a financial return on qualified contributions and by soliciting other contributions.</p> <p>(2) Achieve specific and measurable goals for targeted communities and populations.</p> <p>(3) Set standards for the child care industry concerning the cost of providing quality, affordable child care.</p> <p>(4) Strengthen the viability and continuity of child care providers while making child care more affordable for low and moderate income families.</p> <p>Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0020 Advisory Committee</p> <p>(1) The Child Care Division shall guide and direct the implementation of this program in collaboration with an Advisory Committee appointed by the Division.</p>	<p>414-700-0000 Purpose</p> <p>The purpose of these rules is provide guidance for administration of the child care contribution tax credit program as authorized in ORS 314.752, 315.202 and 318.031 and Section 10, chapter 682, Oregon Laws 1987, Section 87, chapter 625, Oregon Laws 1989 and ORS Chapter 329657A 329657A.700 to 329657A 329657A.718. The child care contribution tax credit was enacted by the 2003 legislature to:</p> <p>1) Encourage taxpayers to make contributions to the <u>Office of Child Care Division</u> by providing a financial return on qualified contributions and by soliciting other contributions.</p> <p>(2) Achieve specific and measurable goals for targeted communities and populations.</p> <p>(3) Set standards for the child care industry concerning the cost of providing quality, affordable child care.</p> <p>(4) Strengthen the viability and continuity of child care providers while making child care more affordable for low and moderate income families.</p> <p>Stat. Auth: ORS 329657A 329657A.706 Statutes Implemented: ORS 329657A 329657A.700-329657A 329657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0020 Advisory Committee</p> <p>(1) The <u>Office of</u> Child Care Division shall guide and direct the implementation of this program in collaboration with an aAdvisory cCommittee establishedappointed by the <u>office</u>Division.</p>	<p>414-700-0000 Purpose</p> <p>The purpose of these rules is provide guidance for administration of the child care contribution tax credit program as authorized in ORS 314.752, 315.202 and 318.031 and Section 10, chapter 682, Oregon Laws 1987, Section 87, chapter 625, Oregon Laws 1989 and ORS Chapter 329A.700 to 329A.718. The child care contribution tax credit was enacted by the 2003 legislature to:</p> <p>(1) Encourage taxpayers to make contributions to the Office of Child Care by providing a financial return on qualified contributions and by soliciting other contributions.</p> <p>(2) Achieve specific and measurable goals for targeted communities and populations.</p> <p>(3) Set standards for the child care industry concerning the cost of providing quality, affordable child care.</p> <p>(4) Strengthen the viability and continuity of child care providers while making child care more affordable for low and moderate income families.</p> <p>Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0020 Advisory Committee</p> <p>(1) The Early Learning Division shall guide and direct the implementation of this program in collaboration with an advisory committee established by the Office of Child Care.</p> <p>(2) The advisory committee shall be comprised of</p>

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ORS 329A	OAR 414-700-000 to 090	Proposed change to OAR	Rules with changes
	(2) The Advisory Committee shall be comprised of representatives of state agencies, local organizations, advocates, and consumers with experience or interest in tax credit programs, high quality child care, or community development. Members shall serve staggered terms of either one or two years. A member may be re-appointed upon completion of their term. Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03	(2) The a <u>A</u> c <u>c</u> ommittee shall be comprised of representatives of state agencies, local organizations, advocates, and consumers with experience or interest in tax credit programs, high quality child care, or community development. Members shall serve staggered terms of either one or two years. A member may be re-appointed upon completion of their term. Stat. Auth: ORS 329657 <u>A</u> .706 Statutes Implemented: ORS 329657 <u>A</u> .700- 329657 <u>A</u> .718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03	representatives of state agencies, local organizations, advocates, and consumers with experience or interest in tax credit programs, high quality child care, or community development. Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 6329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03
329A.706 Program implementation; community agency applications; tax credit certificates; rules. (1) For the purpose of implementing the program established under ORS 329A.703, the Early Learning Council, in collaboration with an advisory committee established by the Office of Child Care, shall: (a) Adopt rules. (b) Select a tax credit marketer who agrees to market tax credits to taxpayers. (c) Identify child care goals that are consistent with the purposes provided in ORS 329A.703 (2). The goals identified under this paragraph shall take into account state resources and needs. (d) Develop by rule the application process an entity must complete to be designated as a community agency under ORS 329A.700 to 329A.718, and any process for the renewal of that designation. (e) Select one or more community agencies. (f) Enter into an agreement with each selected community agency to perform the functions specified in ORS 329A.715. (g) Determine the total value of moneys to be available to each selected community agency to distribute to providers based on goals identified under paragraph (c) of this subsection, and distribute those moneys in the manner provided in ORS	414-700-0090 Taxpayer Requirements (1) A credit against the taxes otherwise due under ORS Chapter 316 or, if the taxpayer is a corporation, under ORS Chapter 317 or 318, is allowed to a taxpayer for certified contributions made to the Child Care Division under OAR 414-700-0080. (a) The amount of a tax credit available to a taxpayer for a tax year shall equal the amount stated in the tax credit certificate. (b) The tax credit may not exceed the tax liability of the taxpayer for the tax year in which the credit is claimed. (2) Any tax credit not used by the taxpayer in a particular tax year may be carried forward and offset the taxpayer's tax liability in any of the four succeeding tax years. The credit cannot be carried forward for any tax year thereafter. (a) A taxpayer shall retain the tax credit certificate received under OAR 414-700-0080 with their copy of their tax return filed with the state Department of Revenue for the tax year in which the tax credit certificate applies. (b) A credit under this section may be claimed by a non-resident or part-year resident without proration.	414-700-0090 Taxpayer Requirements (1) A credit against the taxes otherwise due under ORS Chapter 316 or, if the taxpayer is a corporation, under ORS Chapter 317 or 318, is allowed to a taxpayer for certified contributions made to the <u>Office of Child Care</u> Division under OAR 414-700-0080.	414-700-0090 Taxpayer Requirements (1) A credit against the taxes otherwise due under ORS Chapter 316 or, if the taxpayer is a corporation, under ORS Chapter 317 or 318, is allowed to a taxpayer for certified contributions made to the Office of Child Care under OAR 414-700-0080. (a) The amount of a tax credit available to a taxpayer for a tax year shall equal the amount stated in the tax credit certificate. (b) The tax credit may not exceed the tax liability of the taxpayer for the tax year in which the credit is claimed. (2) Any tax credit not used by the taxpayer in a particular tax year may be carried forward and offset the taxpayer's tax liability in any of the four succeeding tax years. The credit cannot be carried forward for any tax year thereafter. (a) A taxpayer shall retain the tax credit certificate received under OAR 414-700-0080 with their copy of their tax return filed with the state Department of Revenue for the tax year in which the tax credit certificate applies. (b) A credit under this section may be claimed by a non-resident or part-year resident without proration.

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ORS 329A	OAR 414-700-000 to 090	Proposed change to OAR	Rules with changes
<p>329A.712 to the selected community agencies. The total value of moneys available to all selected community agencies in this state may not exceed the amount of contributions received from taxpayers during the tax year minus any reasonable administrative costs incurred by the Office of Child Care and the selected community agencies.</p> <p>(2) The Early Learning Council may adopt rules that establish a fixed percentage that is less than 100 percent by which the amount contributed by a taxpayer will be certified for a tax credit by the Office of Child Care. The purpose of the grant of rulemaking authority under this subsection is to permit the Early Learning Council to calibrate the amount of the tax credit to interpretations of the deductibility of qualified contributions under section 170 of the Internal Revenue Code for federal tax purposes.</p> <p>(3)(a) The Office of Child Care shall issue tax credit certificates in the chronological order in which the contributions are received by the office. The office shall issue tax credit certificates to contributors until the total value of all certificates issued by the office for the calendar year equals \$500,000. Each issued certificate shall state the value of the contribution being certified as eligible for the tax credit allowed under ORS 315.213. Except as provided in rules adopted under subsection (2) of this section, the certified value shall equal the amount of the contribution.</p> <p>(b) The Office of Child Care may not issue a tax credit certificate to a taxpayer to the extent the credit value to be certified, when added to the total credit value previously certified by the Child Care Division under paragraph (a) of this subsection for the calendar year exceeds \$500,000.</p> <p>(c) The Office of Child Care shall send a copy of all tax credit certificates issued under this section to the Department of Revenue.</p> <p>(d) Qualified contributions shall be deposited in</p>	<p>(3) The credit allowed under this section is in addition to, and not in lieu of, any credit or deduction allowable under ORS chapters 316, 317, or 318 for charitable contributions and contributions made in relation to child care.</p> <p>(4) If a taxpayer makes a contribution to the Child Care Division but does not want to receive a tax credit, the taxpayer may receive only deductions and credits otherwise allowed for a charitable contribution.</p> <p>(5) Contributions made under this program shall be deposited in the Child Care Fund established under ORS 657A.010.</p> <p>Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0080 Allocation of Certificates</p> <p>(1) Tax credit certificates shall be available to taxpayers on a statewide basis. The Child Care Division shall allocate tax credit certificates to taxpayers that make qualified contributions Child Care Fund.</p> <p>(2) If a taxpayer makes a contribution to the Child Care Division for the purpose of receiving a tax credit under this program, the taxpayer shall submit an application for a tax credit certificate with the contribution. The applications shall:</p> <p>(a) Be available to taxpayers from the Child Care Division; and</p> <p>(b) Be submitted by December 31 of each year.</p> <p>(3) Contributions made under this subsection shall be deposited in the Child Care Fund.</p> <p>(4) The Child Care Division shall consider applications for tax credit certificates in the chronological order in which the applications are received by the Child Care Division. The division shall issue tax credit certificates to applicants until the total credit value</p>	<p>(4) If a taxpayer makes a contribution to the <u>Office of Child Care</u> Division but does not want to receive a tax credit, the taxpayer may receive only deductions and credits otherwise allowed for a charitable contribution.</p> <p>414-700-0080 Allocation of Certificates</p> <p>(1) Tax credit certificates shall be available to taxpayers on a statewide basis. The <u>Office of Child Care</u> Division shall allocate tax credit certificates to taxpayers that make qualified contributions <u>to the</u> Child Care Fund.</p> <p>(2) If a taxpayer makes a contribution to the <u>Office of Child Care</u> Division for the purpose of receiving a tax credit under this program, the taxpayer shall submit an application for a tax credit certificate with the contribution. The applications shall:</p> <p>(a) Be available to taxpayers from the <u>Office of Child Care</u> Division; and</p> <p>(4) The <u>Office of Child Care</u> Division shall consider applications for tax credit certificates in the chronological order in which the applications are received by the <u>office</u> Child Care Division. The</p>	<p>(3) The credit allowed under this section is in addition to, and not in lieu of, any credit or deduction allowable under ORS chapters 316, 317, or 318 for charitable contributions and contributions made in relation to child care.</p> <p>(4) If a taxpayer makes a contribution to the Office of Child Care but does not want to receive a tax credit, the taxpayer may receive only deductions and credits otherwise allowed for a charitable contribution.</p> <p>(5) Contributions made under this program shall be deposited in the Child Care Fund established under ORS 329A.010.</p> <p>Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0080 Allocation of Certificates</p> <p>(1) Tax credit certificates shall be available to taxpayers on a statewide basis. The Office of Child Care shall allocate tax credit certificates to taxpayers that make qualified contributions to the Child Care Fund.</p> <p>(2) If a taxpayer makes a contribution to the Office of Child Care for the purpose of receiving a tax credit under this program, the taxpayer shall submit an application for a tax credit certificate with the contribution. The applications shall:</p> <p>(a) Be available to taxpayers from the Office of Child Care; and</p> <p>(b) Be submitted by December 31 of each year.</p> <p>(3) Contributions made under this subsection shall be deposited in the Child Care Fund.</p> <p>(4) The Office of Child Care shall consider applications for tax credit certificates in the chronological order in which the applications are received by the office. The office shall issue tax credit certificates to applicants until the total credit</p>

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<p>the Child Care Fund.</p> <p>(4) A taxpayer that receives a notice of denial of a tax credit certificate or that receives a tax credit certificate issued for an amount that is less than the amount contributed may request a refund for the amount contributed within 90 days of the denial or issuance of the certificate by the Office of Child Care. The Office of Child Care must send notice of a denial or changed amount and refund the amount for which a tax credit will not be granted within 30 days after receiving the request. The refund shall be made from the Child Care Fund.</p> <p>(5) The Early Learning Council may establish by rule any other provisions required to implement the program established under ORS 329A.700 to 329A.718. [Formerly 657A.706]</p> <p>Note: See note under 329A.700.</p>	<p>of all certificates issued by the division for the calendar year equals \$500,000. Each issued certificate shall state the value of the contribution being certified as eligible for the tax credit allowed under ORS 315.213.</p> <p>(5) The Child Care Division may not issue a tax credit certificate to a taxpayer to the extent the claim for credit in the application, when added to the total credit value previously certified by the Child Care Division exceeds the \$500,000 tax credit value available for the calendar year requested.</p> <p>(6) A taxpayer who receives a notice of denial of a tax credit certificate or that receives a tax credit certificate issued for an amount that is less than the amount contributed may request a refund for the amount contributed within 90 days of the Child Care Division's denial or issuance of the certificate.</p> <p>(a) The Child Care Division shall send notice of a denial or changed amount and refund the amount for which a tax credit will not be granted within 30 days after receiving the request.</p> <p>(b) The refund shall be made from the Child Care Fund.</p> <p>(7) The Child Care Division shall send a copy of all tax credit certificates issued to the Department of Revenue.</p> <p>Stat. Auth: ORS 657A.706</p> <p>Statutes Implemented: ORS 657A.700-657A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>	<p>officedivision shall issue tax credit certificates to applicants until the total credit value of all certificates issued by the division for the calendar year equals \$500,000. Each issued certificate shall state the value of the contribution being certified as eligible for the tax credit allowed under ORS 315.213.</p> <p>(5) The <u>Office of</u> Child Care-Division may not issue a tax credit certificate to a taxpayer to the extent the claim for credit in the application, when added to the total credit value previously certified by the <u>Office of</u> Child Care-Division, exceeds the \$500,000 tax credit value available for the calendar year requested.</p> <p>(6) A taxpayer who receives a notice of denial of a tax credit certificate or that receives a tax credit certificate issued for an amount that is less than the amount contributed may request a refund for the amount contributed within 90 days of the <u>Office of</u> Child Care-Division's denial or issuance of the certificate.</p> <p>(a) The <u>Office of</u> Child Care-Division shall send notice of a denial or changed amount and refund the amount for which a tax credit will not be granted within 30 days after receiving the request.</p> <p>(b) The refund shall be made from the Child Care Fund.</p> <p>(7) The <u>Office of</u> Child Care-Division shall send a copy of all tax credit certificates issued to the Department of Revenue.</p> <p>Stat. Auth: ORS <u>329</u>657A.706</p>	<p>value of all certificates issued by the division for the calendar year equals \$500,000. Each issued certificate shall state the value of the contribution being certified as eligible for the tax credit allowed under ORS 315.213.</p> <p>(5) The Office of Child Care may not issue a tax credit certificate to a taxpayer to the extent the claim for credit in the application, when added to the total credit value previously certified by the Office of Child Care exceeds the \$500,000 tax credit value available for the calendar year requested.</p> <p>(6) A taxpayer who receives a notice of denial of a tax credit certificate or that receives a tax credit certificate issued for an amount that is less than the amount contributed may request a refund for the amount contributed within 90 days of the Office of Child Care's denial or issuance of the certificate.</p> <p>(a) The Office of Child Care shall send notice of a denial or changed amount and refund the amount for which a tax credit will not be granted within 30 days after receiving the request.</p> <p>(b) The refund shall be made from the Child Care Fund.</p> <p>(7) The Office of Child Care shall send a copy of all tax credit certificates issued to the Department of Revenue.</p> <p>Stat. Auth: ORS 329A.706</p> <p>Statutes Implemented: ORS 329A.700-329A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>
<p>329A.709 Community agency selection. (1) In selecting a community agency under ORS 657A.706, the Office of Child Care shall consider:</p> <p>(a) A prospective agency's financial soundness, net worth, cash flow and accounting capacity to manage the tax credit program;</p> <p>(b) A prospective agency's demonstrated ability to</p>	<p>414-700-0040 Application and Renewal Process for Community Agencies</p> <p>(1) A community agency desiring to represent a community described in OAR 414-700-0030 shall submit an application to the Child Care Division, in a form prescribed and provided by the Child Care</p>	<p>414-700-0040 Application and Renewal Process for Community Agencies</p> <p>(1) A community agency desiring to represent a community described in OAR 414-700-0030 shall submit an application to the <u>Office of</u> Child Care Division, in a form prescribed and provided by the</p>	<p>414-700-0040 Application and Renewal Process for Community Agencies</p> <p>(1) A community agency desiring to represent a community described in OAR 414-700-0030 shall submit an application to the Office of Child Care, in a form prescribed and provided by the Office of Child</p>

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<p>serve low and moderate income families;</p> <p>(c) The degree to which the governing board of the prospective agency is representative of the community in which the agency is located, has a low turnover rate of board members, has experience with financial matters and has a demonstrated history of collaboration with other community agencies; and</p> <p>(d) The experience and expertise of the executive or managing officer and staff of the prospective agency in child care business management and small business development.</p> <p>(2) The office shall select the community agency that, in the judgment of the division and based on the criteria set forth in subsection (1) of this section, will best serve the interests of the community for which it is selected. [Formerly 657A.709]</p> <p>Note: See note under 329A.700.</p>	<p>Division. The application will demonstrate and describe the agency's experience and abilities in the following areas:</p> <p>(a) Financial soundness, net worth, cash flow, and accounting capacity to manage a tax credit program.</p> <p>(b) Demonstrated ability to serve low- and moderate- income families.</p> <p>(c) A governing board that is stable, has experience with financial matters, is representative of the community, and has a history of collaboration with other agencies in the community.</p> <p>(d) An executive officer and staff with skill and experience in child care business management and small business development.</p> <p>(2) The Child Care Division, in collaboration with the Advisory Committee established in OAR 414-700-0020, shall select a community agency to represent a community.</p> <p>(3) A selected community agency shall enter into a written agreement with the Child Care Division that specifies the duties and performance expectations required of the agency.</p> <p>(4) A selected community agency shall represent a community for a period of two years, unless earlier terminated by the Child Care Division for cause or by mutual consent of the parties as specified in the written agreement.</p> <p>(5) A community agency may apply to continue as a selected community agency for subsequent two-year periods by submitting a renewal application to the Child Care Division.</p> <p>(6) In deciding whether to renew an application, the Child Care Division and the Advisory Committee shall consider community satisfaction with services delivered and the agency's performance of responsibilities under the written agreement.</p> <p>Stat. Auth: ORS 657A.706</p> <p>Statutes Implemented: ORS 657A.700-657A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>	<p>office. Child Care Division. The application will demonstrate and describe the agency's experience and abilities in the following areas:</p> <p>(2) The Office of Child Care Division, in collaboration with the aAdvisory cCommittee established in OAR 414-700-0020, shall select a community agency to represent a community.</p> <p>(4) Delete</p> <p>(5) Delete</p> <p>(6) Delete</p>	<p>Care. The application will demonstrate and describe the agency's experience and abilities in the following areas:</p> <p>(a) Financial soundness, net worth, cash flow, and accounting capacity to manage a tax credit program.</p> <p>(b) Demonstrated ability to serve low- and moderate- income families.</p> <p>(c) A governing board that is stable, has experience with financial matters, is representative of the community, and has a history of collaboration with other agencies in the community.</p> <p>(d) An executive officer and staff with skill and experience in child care business management and small business development.</p> <p>(2) The Office of Child Care, in collaboration with the aAdvisory cCommittee established in OAR 414-700-0020, shall select a community agency to represent a community.</p> <p>(3) A selected community agency shall enter into a written agreement with the Child Care Division that specifies the duties and performance expectations required of the agency.</p> <p>Stat. Auth: ORS 329A.706</p> <p>Statutes Implemented: ORS 329A.700-329A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>

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<p>329A.712 Revenue distribution to community agencies; disbursement to child care providers; rules. (1) The Office of Child Care shall distribute revenues in the Child Care Fund that are derived from contributions, minus the amounts needed to make refunds under ORS 329A.706 (4) and to cover expenses of the Office of Child Care in administering ORS 329A.700 to 329A.718.</p> <p>(2) Distributions shall be made to community agencies selected under ORS 329A.706 in the proportion that the Office of Child Care determines best promotes the provision of child care in this state.</p> <p>(3) Moneys distributed to selected community agencies shall be disbursed to child care providers, consistent with rules adopted by the Early Learning Council relating to the disbursement of moneys by selected community agencies. The Council shall consider the factors described in ORS 329A.715 (2)(h) when adopting rules under this subsection. [Formerly 657A.712]</p> <p>Note: See note under 329A.700.</p>	<p>414-700-0050 Distribution of Funds to Community Agencies</p> <p>(1) The Child Care Division shall determine the total value of moneys to be available to each selected community agency to distribute to providers based on goals established for the program by the Child Care Division, in collaboration with the Advisory Committee appointed in OAR 414-700-0020 and transmit those determinations to the selected community agencies of each year.</p> <p>(2) The Child Care Division shall distribute moneys to the community agencies in a manner that will facilitate timely implementation of the program in that community.</p> <p>(3) The total value of moneys available to all selected community agencies may not exceed the amount of contributions received from taxpayers during the tax year, minus any reasonable administrative costs incurred by the Child Care Division and the selected community agencies.</p> <p>(4) Distributions shall be made to selected community agencies in the proportion that the Child Care Division determines best promotes the provision of child care in the state. Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>	<p>(1) The <u>Office of</u> Child Care Division shall determine the total value of moneys to be available to each selected community agency to distribute to providers based on goals established for the program by the <u>office Child Care Division</u>, in collaboration with the <u>a</u>Advisory <u>c</u>Committee establishedappointed in OAR 414-700-0020 and transmit those determinations to the selected community agencies of each year.</p> <p>(2) Delete</p> <p>(3) <u>(2)</u>The total value of moneys available to all selected community agencies may not exceed the amount of contributions received from taxpayers during the tax year, minus any reasonable administrative costs incurred by the <u>Office of</u> Child Care Division and the selected community agencies.</p> <p>(4)<u>(3)</u> Distributions shall be made to selected community agencies in the proportion that the <u>Office of</u> Child Care Division determines best promotes the provision of child care in the state.</p>	<p>414-700-0050 Distribution of Funds to Community Agencies</p> <p>(1) The Office of Child Care shall determine the total value of moneys to be available to each selected community agency to distribute to providers based on goals established for the program by the office, in collaboration with the advisory committee established in OAR 414-700-0020 and transmit those determinations to the selected community agencies of each year.</p> <p>(2) The total value of moneys available to all selected community agencies may not exceed the amount of contributions received from taxpayers during the tax year, minus any reasonable administrative costs incurred by the Office of Child Care and the selected community agencies.</p> <p>(3) Distributions shall be made to selected community agencies in the proportion that the Office of Child Care determines best promotes the provision of child care in the state. Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>
<p>329A.715 Community agency duties; disbursement of moneys to child care providers. (1) Each community agency selected under ORS 329A.706 shall disburse moneys to child care providers, pursuant to ORS 329A.712 and rules adopted thereunder.</p> <p>(2) A selected community agency must:</p> <p>(a) Coordinate an application process by which persons may apply to be participating providers;</p> <p>(b) Enter into agreements with participating</p>	<p>414-700-0030 Community Agencies</p> <p>(1) The Child Care Division shall select one or more community agencies that, in the judgment of the Child Care Division and based on the criteria set forth in OAR 414-700-0050(a) through (d), will best serve the interests of their community.</p> <p>(2) Community agencies shall:</p> <p>(a) Disburse moneys to child care providers in their community;</p>	<p>414-700-0030 Community Agencies</p> <p>(1) The <u>Office of</u> Child Care Division shall select one or more community agencies that, in the judgment of the <u>office Child Care Division</u> and based on the criteria set forth in OAR 414-700-0050(a) through (d), will best serve the interests of their community.</p> <p>Statute paragraphs 657A.715 (2)(e)-(h) are no</p>	<p>414-700-0030 Community Agencies</p> <p>(1) The Office of Child Care shall select one or more community agencies that, in the judgment of the office and based on the criteria set forth in OAR 414-700-0050(a) through (d), will best serve the interests of their community.</p> <p>(2) Community agencies shall:</p> <p>(a) Disburse moneys to child care providers in their community;</p>

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<p>providers under which the duties and responsibilities of participating providers and the community agency are stated;</p> <p>(c) Provide or coordinate required training for participating providers;</p> <p>(d) Monitor participating providers, through visits to providers and otherwise;</p> <p>(e) Oversee the process by which a participating provider verifies the income of a family and establishes the total child care fee charged to a family;</p> <p>(f) Report on participating provider compliance with ORS 329A.718 and other applicable requirements to contributors and the Office of Child Care;</p> <p>(g) Establish a maximum family income level for the region for purposes of the child care fee limitation to which participating providers are subject under ORS 329A.718 (1)(g); and</p> <p>(h) Determine, consistently with rules adopted by the Early Learning Council, the amount of moneys to be disbursed to a participating provider based on the incomes of the families the provider serves, the child care fees the provider charges and the actual cost to the provider of providing quality, affordable child care.</p> <p>(3)(a) A selected community agency must distribute to participating child care providers all moneys that are available to the agency as a result of the determination made by the Office of Child Care under ORS 329A.706 (1)(g). Each selected community agency shall distribute a substantial portion of the moneys to participating child care providers that are home-based businesses.</p> <p>(b) Distributions shall be based on the actual costs of providing quality, affordable child care in the community for which distributions are being made, including training costs, operating costs and wages.</p> <p>(4) For the purpose of making distributions to child</p>	<p>(b) Coordinate an application process by which persons may apply to be participating providers as described in 414-700-0060;</p> <p>(c) Enter into agreements with participating providers under which the duties and responsibilities of providers and the community agency are stated;</p> <p>(d) Provide or coordinate required training for participating providers;</p> <p>(e) Monitor providers through on-site visits and other appropriate means;</p> <p>(f) Oversee the process by which a provider verifies the income of a family and establishes the total child care fee charged to a family;</p> <p>(g) Report on provider compliance with OAR 414-700-0080 and other applicable requirements to contributors and the Child Care Division; and,</p> <p>(h) Establish a maximum family income level for the region for purposes of the child care fee limitation to which providers are subject under OAR 414-700-0080.</p> <p>Stat. Auth: ORS 657A.706</p> <p>Statutes Implemented: ORS 657A.700-657A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0070</p> <p>Distribution of Funds to Participating Providers</p> <p>(1) The selected community agency shall identify providers in the community that meet the requirements of OAR 414-700-0060 for the purpose of distribution of moneys. The selected community agency shall develop a process by which child care providers apply to receive distributions of moneys from contributions made by taxpayers.</p> <p>(2) By the end of each calendar year, the selected community agency must distribute to participating child care providers all moneys available to the community as a result of this program. Distributions shall be based on:</p>	<p>longer applicable to the CCTC program being implemented statewide. This section applied to the tax credit program when it was a pilot. The subsidy portion of the tax credit program has not been in place since 2008 as it cannot be economically taken to scale on a statewide basis.</p> <p>(e) Monitor providers through on-site visits and other appropriate means;</p> <p>(f) Oversee the process by which a provider verifies the income of a family and establishes the total child care fee charged to a family;</p> <p>(g) Report on provider compliance with OAR 414-700-0080 and other applicable requirements to contributors and the Child Care Division; and,</p> <p>(h) Establish a maximum family income level for the region for purposes of the child care fee limitation to which providers are subject under OAR 414-700-0080.</p> <p>Sections 3 and 4 of ORS 657A.715 are no longer being applied to the tax credit program. The subsidy portion of statute was part of a pilot program and is not economically scalable on a statewide basis.</p> <p>414-700-0070 is no longer being applied as criteria for community disbursement of funds.</p> <p>Changes to ORS 657a.715 will need to be done in the 2015-2017 legislative session. A program option package will be developed for submission to DAS/BAM by April 15, 2014.</p>	<p>(b) Coordinate an application process by which persons may apply to be participating providers as described in 414-700-0060;</p> <p>(c) Enter into agreements with participating providers under which the duties and responsibilities of providers and the community agency are stated;</p> <p>(d) Provide or coordinate required training for participating providers;</p> <p>Stat. Auth: ORS 329A.706</p> <p>Statutes Implemented: ORS 329A.700-329A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p> <p>414-700-0070</p> <p>Distribution of Funds to Participating Providers</p> <p>(1) The selected community agency shall identify providers in the community that meet the requirements of OAR 414-700-0060 for the purpose of distribution of moneys. The selected community agency shall develop a process by which child care providers apply to receive distributions of moneys from contributions made by taxpayers.</p> <p>(2) By the end of each calendar year, the selected community agency must distribute to participating child care providers all moneys available to the community as a result of this program. Distributions shall be based on:</p> <p>(a) The actual costs of providing quality, affordable child care in the community for which distributions are being made, including training costs, operating expenses and wages.</p> <p>(b) The incomes of the families the provider serves and the child care fees the provider charges.</p> <p>(3) The selected community agency shall, through a process approved by the Office of Child Care, determine the amount of moneys each eligible provider receives.</p> <p>(4) A substantial portion of the moneys shall be</p>

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<p>care providers, a selected community agency shall identify child care providers in the community that meet the requirements of ORS 329A.718. The selected community agency may develop a process through which child care providers apply to receive distributions of moneys from contributions made by taxpayers. [Formerly 657A.715]</p> <p>Note: See note under 657A.700.</p>	<p>(a) The actual costs of providing quality, affordable child care in the community for which distributions are being made, including training costs, operating expenses and wages.</p> <p>(b) The incomes of the families the provider serves and the child care fees the provider charges.</p> <p>(3) The selected community agency shall, through a process approved by the Child Care Division, determine the amount of moneys each eligible provider receives.</p> <p>(4) A substantial portion of the moneys shall be distributed to providers who operate home-based child care businesses.</p> <p>Stat. Auth: ORS 657A.706 Statutes Implemented: ORS 657A.700-657A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>		<p>distributed to providers who operate home-based child care businesses.</p> <p>Stat. Auth: ORS 329A.706 Statutes Implemented: ORS 329A.700-329A.718 Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03</p>
<p>329A.718 Child care provider requirements; selection. (1) Each selected community agency shall select participating child care providers that meet the following requirements:</p> <p>(a) If a home-based business, the provider must enter into an agreement with the community agency to continue to provide child care services for at least an additional two years.</p> <p>(b) If a home-based business, the provider must serve at least two families that have incomes that are 85 percent or less of the median income for the region. If a center, at least 25 percent of the families the provider serves must have incomes that are 85 percent or less of the median income for the region.</p> <p>(c) The provider must accept children for whom child care is paid for through a Department of Human Services subsidy.</p> <p>(d) The provider and the employees of the provider must provide high quality child care.</p> <p>(e) The provider, if the provider is an individual, and the employees of the provider must comply with Early Learning Council rules and requirements for</p>	<p>414-700-0060 Participating Provider Eligibility Requirements</p> <p>(1) To be eligible for disbursements under this program, child care providers shall:</p> <p>(a) Be regulated by the Child Care Division;</p> <p>(b) Accept children for whom child care is paid for through Department of Human Services subsidy;</p> <p>(c) Provide high quality child care as defined by the Child Care Division in collaboration with the Advisory Council;</p> <p>(d) Maintain adequate liability insurance, financial records and parent policies and contracts; and</p> <p>(e) Permit the community agency to conduct visits for monitoring purposes.</p> <p>(2) If the provider is a home-based business, the provider shall meet the following requirements in addition to those in subsection (1) of this section:</p> <p>(a) Enter into an agreement with the community agency to continue to provide child care services for at least two additional years; and</p> <p>(b) Provide care to children from at least two families that have incomes of 85 percent or less of</p>	<p>414-700-0060 Participating Provider Eligibility Requirements</p> <p>(a) Be regulated by the <u>Office of</u> Child Care Division;</p> <p>(c) Provide high quality child care as defined by the <u>Early Learning Council</u> Child Care Division in collaboration with the aAdvisory cCouncil <u>established by the Office of Child Care</u>;</p> <p>ORS 657A.178 was applicable when Oregon Program of Quality was under development. None of the income criteria is being applied for QRIS although, as with OPQ, the facilities that receive tax credit funds must be licensed.</p> <p>To bring the use of tax credit funds into compliance with current statute, we should be funding contracted slots under OPQ, and eventually QRIS facilities, with these funds.</p>	<p>414-700-0060 Participating Provider Eligibility Requirements</p> <p>(1) To be eligible for disbursements under this program, child care providers shall:</p> <p>(a) Be regulated by the Office of Child Care;</p> <p>(b) Accept children for whom child care is paid for through Department of Human Services subsidy;</p> <p>(c) Provide high quality child care as defined by the Early Learning Council in collaboration with the advisory council established by the Office of Child Care;</p> <p>(d) Maintain adequate liability insurance, financial records and parent policies and contracts; and</p> <p>(e) Permit the community agency to conduct visits for monitoring purposes.</p> <p>(2) If the provider is a home-based business, the provider shall meet the following requirements in addition to those in subsection (1) of this section:</p> <p>(a) Enter into an agreement with the community agency to continue to provide child care services for at least two additional years; and</p> <p>(b) Provide care to children from at least two</p>

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<p>registration or certification.</p> <p>(f) The provider must maintain adequate liability insurance, financial records and parent policies and contracts, and permit the selected community agency to conduct visits.</p> <p>(g) For care provided to children of families whose income does not exceed the level established by the selected community agency under ORS 329A.715 (2)(g), the provider must agree to limit the total child care fees charged to a family to a percentage established by the Early Learning Council by rule.</p> <p>(2) In selecting participating child care providers, selected community agencies must give preference to providers that provide child care to low and moderate income families. [Formerly 657A.718]</p> <p>Note: See note under 329A.700.</p>	<p>the median income for the region.</p> <p>(3) If the provider is a child care center, at least 25 percent of the families served by the center must have incomes that are 85 percent or less of the median income for the region.</p> <p>(4) In selecting participating child care providers, selected community agencies must give preference to providers that provide child care to low and moderate income families.</p> <p>(5) For care provided to children of families whose income does not exceed the level established by the community agency pursuant to ORS 657A.715(2)(g), the fee charged to the family by an eligible provider shall not exceed ten percent of the family's gross monthly income.</p> <p>Stat. Auth.: ORS 657A.706</p> <p>Stats. Implemented: ORS 657A.700 - 657A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03; CCD 2-2005(Temp), f. & cert. ef. 6-16-05 thru 12-13-05; CCD 4-2005(Temp), f. 12-2-05, cert. ef. 12-15-05 thru 6-11-06; CCD 2-2006, f. 4-21-06, cert. ef. 4-23-06</p>	<p>Rules paragraph 5 pertains to the subsidy portion of the tax credit. We cannot delete it, but we could change the percentage to conform to OPQ/QRIS requirements.</p> <p>Statutory changes are required and will become part of the program option package submitted by April 15, 2014.</p>	<p>families that have incomes of 85 percent or less of the median income for the region.</p> <p>(3) If the provider is a child care center, at least 25 percent of the families served by the center must have incomes that are 85 percent or less of the median income for the region.</p> <p>(4) In selecting participating child care providers, selected community agencies must give preference to providers that provide child care to low and moderate income families.</p> <p>(5) For care provided to children of families whose income does not exceed the level established by the community agency pursuant to ORS 329A.715(2)(g), the fee charged to the family by an eligible provider shall not exceed ten percent of the family's gross monthly income.</p> <p>Stat. Auth.: ORS 329A.706</p> <p>Stats. Implemented: ORS 329A.700 - 329A.718</p> <p>Hist.: CCD 4-2003, f. 12-5-03 cert. ef. 12-7-03; CCD 2-2005(Temp), f. & cert. ef. 6-16-05 thru 12-13-05; CCD 4-2005(Temp), f. 12-2-05, cert. ef. 12-15-05 thru 6-11-06; CCD 2-2006, f. 4-21-06, cert. ef. 4-23-06</p>

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Migrant and Seasonal Farm Worker Child Care Subsidies Rules

Migrant and Seasonal Farm Worker Child Care
Subsidies Rules Summary, Migrant and Seasonal Farm
Worker Child Care Subsidies Proposed Rules Changes

Early Learning Council – Administrative Rule Summary

Title/OAR #: Migrant and Seasonal Farm Worker child care subsidies

Date: April 28, 2014

Staff/Office: Office of Child Care

☐ 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

PROPOSED/AMENDED RULE SUMMARY:

The Migrant and Seasonal Farm Worker (MSFW) child care subsidy program is one of four subsidy programs administered by the Office of Child Care. The administrative rules for this program are outdated, contain language that references entities that no longer exist, and need to reflect changes to the MSFW workforce statewide. Additionally, over the 25 years the MSFW program has been in place, there have been program changes that are reflected in policy but should be operationalized in administrative rule.

BACKGROUND:

The Special Populations Subsidy Program, which is administered by the Office of Child Care, serves child care needs for four different high-risk, high-need populations. The four populations are:

- Teen parents attending school and completing coursework that leads to a high school diploma or GED;
- Migrant and Seasonal Farm Workers employed in agricultural labor;
- Parents in alcohol and drug treatment programs; and
- Parents of children with special needs.

Migrant and Seasonal Farm Workers must reside either temporarily or permanently in Oregon and be employed in agricultural labor as defined in administrative rule. Most, but not all, of the MSFW subsidies provide wrap-around care for MSFW Head Start programs (before- and after-program care).

Because of the transient nature of migrant and seasonal employment, outreach to these families is difficult. Most migrant families are not aware of the MSFW child care program, which results in constant outreach through both Department of Human Services field offices and the MSFW Head Start programs. Both migrant and seasonal families connected to the MSFW Head Start programs provide word-of-mouth information to new families coming into Oregon.

TIMELINE OF KEY ACTIVITIES

- Office of Child Care staff reviewed and marked up the current administrative rules into a side-by-side draft for external review.
- Convened the MSFW Rules Advisory Committee, which met two times in April 2014.
- The MSFW Rules Advisory Committee discussed and approved substantive changes to the administrative rules.
- Draft administrative rules go before the Early Learning Council for review and adoption.
- Dates for notification to the Legislature and Office of the Secretary of State to be determined by the Department of Education administrative rules coordinator.
- Public hearing dates to be determined by Department of Education administrative rules coordinator.

BENEFITS

Migrant and Seasonal child care services through the Early Learning Division:

- Use a child care delivery system connected to Head Start programs or to regulated family child care homes, which means increased health and safety for at-risk children;
- Provide financial supports for MSFW families that do not qualify for the Employment Related Day Care (ERDC) program administered by the Department of Human Services;
- Provide child care to all age groups (Infant to 12) served with Child Care and Development Funds that ensures children are not left in vehicles, near agricultural fields, at home alone, or in the care of other child care age siblings while their parents are working long hours in agricultural labor; and
- Helps MSFW families transition to more secure employment in non-agricultural occupations.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

- Changes to program rules or policies that ensure migrant families can receive child care financial assistance the day they report to work;
- Allowing migrant families that transition to seasonal status more time on the financial services program in order to make cultural adjustments to permanent residency.
- Changing some of the rule definitions to reflect policy changes over time in both the ERDC and MSFW Special Populations child care services.
- Adjustments to the way income is calculated for program eligibility and determination of financial services co-payments.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

- ☐ Adopt administrative rule as prepared this month
- ☒ Adopt administrative rule next month – During May 2014 meeting
- ☐ No recommendation at this time

Comments: None

CHILD CARE PROGRAM FOR MIGRANT AND SEASONAL CHILD CARE UNDER THE CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT
Rules review and revision

NOTE: Targeted Populations are now referenced as Special Populations.

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
414-499-0000 Purpose The purpose of these rules is to define key terms, describe eligibility criteria, and rate payment policies related to Child Care Division Migrant and Seasonal Child Care Program. Expenditures by CCD under these rules are subject to availability of state and federal funds, as applicable, and are subject to immediate curtailment by CCD if the necessary state or federal authorizations or funding are curtailed. Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0300	414-400-0000 Purpose The purpose of these rules is to define key terms, describe eligibility criteria, payment rate determination, and rate payment policies related to the Early Learning Division (ELD) Migrant and Seasonal Farmworker Child Care Program. Expenditures by ELD under these rules are subject to availability of state and federal funds, as applicable, and are subject to immediate curtailment by ELD if the necessary state or federal authorizations or funding are curtailed.		
414-400-0010 Definitions (1) “Authorized Absence” means the temporary absence from the facility by a child who is expected to return to care. (2) “Agricultural Labor” means: (a) Any activity related to crop production, including soil preparation, planting, cultivating, crop protection or harvesting,	414-400-0010 Definitions (1) “Agricultural Labor” means: (a) Any activity related to crop production, including soil preparation, planting, cultivating, crop protection or harvesting, preparing crops for market, irrigation work, operating farm machinery, or general farm work; or (b) Any activity directly related to the		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>preparing crops for market, irrigation work, operating farm machinery, or general farm work; or</p> <p>(b) Any activity directly related to the processing of crops, including freezing, canning and drying; or</p> <p>(c) Any activity directly related to the cultivation of trees and shrubs, or tree farming.</p> <p>(3) “Migrant Family” means a family that moves its residence for the purpose of employment in agricultural labor. A migrant family makes a series of moves or an annual move which results in either an absence of at least two months from the area, or a cumulative total of 150 miles, each component being a minimum distance of 50 miles, travel for the period of a particular crop’s seasonal work.</p> <p>(4) “Seasonal Family” is a family:</p> <p>(a) Whose wage earners make their living from agricultural labor on a seasonal basis in the same area as their residence; and</p> <p>(b) That has fit the definition of a “migrant family” within the last 36 months; and</p> <p>(c) That has settled, or is in the process of settling, from migrant status.</p> <p>(5) “Available to care for children” means not working, attending or enrolled in school, and being physically and emotionally capable of caring for children.</p> <p>Stat. Auth: ORS 657A</p>	<p>processing of crops, including freezing, canning, and drying; or</p> <p>(c) Any activity directly related to the cultivation of trees and shrubs or tree farming, including wreath making.</p> <p>(d) Labor that does not fall under “Agricultural Labor” includes, but is not limited to: landscaping, fishing, reforestation, and animal husbandry.</p> <p>(2) “Authorized Absence” means the temporary absence from the facility by a child who is expected to return to care.</p> <p>(3) “Available to care for children” means not working, attending or enrolled in school, and being physically and emotionally capable of caring for children.</p> <p>(4) “Contractor” means the non-profit or other type of organization that does outreach to and performs administrative functions for Migrant and Seasonal farmworker families seeking child care financial assistance.</p> <p>(5) “Early Learning Division (ELD) Special Populations” means the child care subsidy program administered by the Oregon Department of Education, Early Learning Division.</p> <p>(6) “Employment Related Day Care (ERDC)” means the child care subsidy program administered by the Oregon Department of Human Services.</p> <p>(7) “Migrant Family” means:</p> <p>(a) A family who is employed in farm labor as defined in ‘Agricultural Labor,’ and</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0310; CSD 3-1994, f. & cert. ef. 3-1-94	(b) An entire family that moves their residence at least once in twelve months for the purpose of employment in agricultural labor, and the move or moves result in either: (i) an absence of at least two months from the geographical service area OR (ii) A cumulative total of at least 150 miles. (8) “Seasonal Family” is a family: (a) Whose wage earners make their living from agricultural labor on a seasonal basis in the same area as their residence; and (b) That at the time of application as a seasonal family, has fit the definition of a “migrant family” within the last 36 months; and (c) That has settled, or is in the process of settling, from migrant status; and (d) Was not employed in agricultural labor year round by the same employer.		
414-150-0080 Eligibility Criteria (1) Migrant family eligibility criteria includes: (a) The migrant family wage earners make their living doing farm labor as defined in “agricultural labor”; and (b) The parents are working in, or reporting for, farm work in Oregon which they expect to be available at the time of reporting; and (c) At least 50 percent of the family income for the preceding 12 months was earned from agricultural labor; and (d) The family earns less than 75 percent of	414-150-0080 Eligibility Criteria (1) Migrant family eligibility criteria include: (a) The migrant family wage earners make their living doing farm labor defined as Agricultural Labor; and (b) Are residing in Oregon; and (c) The parents are working in, or reporting for, farm work for which they expect to be available at the time of reporting; and (d) At least 50 percent of the family income for the preceding 12 months was earned from agricultural labor; and (e) The family earns 185 percent or less of the		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>State Median Income; and</p> <p>(e) The entire family moves their residence at least once in twelve months for the purpose of employment in agricultural labor; and</p> <p>(f) There is no family member in the household who is 16 years of age or older available to care for the children needing child care.</p> <p>(2) Seasonal Family eligibility criteria includes:</p> <p>(a) The seasonal wage earners make their living doing agricultural labor; and</p> <p>(b) The parents are currently working in agricultural labor; and</p> <p>(c) At least 50 percent of the family income for the preceding 12 months was earned from such work; and</p> <p>(d) The family earns less than 75 percent of State Median Income; and</p> <p>(e) The entire family has moved their residence at least once in the last 36 months for the purpose of employment in agricultural labor; and</p> <p>(f) There is no family member in the household who is 16 years of age or older available to care for the children needing care.</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f.</p>	<p>current Federal Poverty Level; and</p> <p>(f) The entire family moves their residence at least once in twelve months for the purpose of employment in agricultural labor; and</p> <p>(g) There is no capable family member in the household who is 18 years of age or older available to provide child care.</p> <p>(2) Seasonal Family eligibility criteria include:</p> <p>(a) The seasonal wage earners make their living doing agricultural labor; and</p> <p>(b) Are residing in Oregon; and</p> <p>(c) At least one parent is currently working in agricultural labor; and</p> <p>(d) At least 50 percent of the family income for the preceding 12 months was earned from such work; and</p> <p>(e) The family earns 185 percent or less of the current Federal Poverty Level; and</p> <p>(f) At the time of application as a Seasonal Family, has fit the definition of a Migrant Family within the last 36 months; and</p> <p>(g) There is no capable family member in the household who is 18 years of age or older available to provide child care.</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
& cert. ef. 1-12-94; Renumbered from 412-011-0320			
<p>414-400-0031 Eligibility Verification (1) To be eligible for subsidized child care benefits, clients must do all of the following: (2) Eligibility shall be documented on forms supplied by the division. The applicant shall declare their family size and membership, current and previous places of residence, employment history and family income for the past 12 months if applying as a migrant, or for the past 36 months, if applying as a seasonal. The income that determines family co-pay shall be for the 12 full months just prior to application, or for the most recent tax year, and shall be for all wage earners who function as parents to children in child care. (3) An application shall be completed or updated, and eligibility factors must be verified in all of the following situations: (4) Intake staff must ask for and review documents that verify income, employment, movement and residence. Files must contain copies of documents or a record verifying documents were viewed: (5) The division may verify any factors affecting eligibility or benefit when they are considered questionable by the Child Care Division. Reported information or information on the application is questionable if it is inconsistent with any of</p>	<p>414-400-0031 Eligibility Verification (1) To accommodate the immediate need for child care by Migrant Families and to be eligible for ELD subsidized child care benefits, Migrant Family clients must do all of the following: (a) Apply for the ELD Special Populations subsidy program using forms provided by the ELD and document: (i) Applicant's family size and membership, current and previous places of residence, employment history and family income for the past 12 months. (ii) The income that determines family co-pay shall be for the 12 full months just prior to application, or for the most recent tax year, and shall be for all wage earners age 18 and above in the family membership. (b) Apply for the Department of Human Services Employment Related Day Care (ERDC) program within five (5) Business days of applying for the ELD subsidy program. (i) If the family is accepted into the ERDC program, Contractor must bill ERDC for their child care hours and not seek reimbursement from the ELD subsidy program. (ii) Contractor may bill the ELD subsidy for any child care hours provided prior to ERDC acceptance for ELD-eligible families. (c) An ELD program application shall be</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>the following:</p> <p>(6) Verification provided for one program may be used as verification for all Child Care Division programs in which the client participates.</p> <p>(7) The division may deny an application, or end ongoing benefits, when acceptable verification is not provided, or if inconsistencies cannot be resolved.</p> <p>(8) A family will be notified by the provider in writing at least ten days prior to the end of the 12 months' eligibility, or if funds are no longer available.</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CCD 1-1994, f. & cert. ef. 1-14-94</p>	<p>completed or updated, and eligibility factors must be verified by the Contractor for all of the following:</p> <p>(i) Contractor intake staff must ask for and review documents that verify income; employment, entire family movement. and current residence in Oregon.</p> <p>(ii) Contractor files must contain copies of documents or a record verifying documents were viewed;</p> <p>(d) The ELD may verify any factors affecting eligibility or benefit when they are considered questionable.</p> <p>(e) If reported information or information on the application is questionable or if it is inconsistent, the following conditions may apply:</p> <p>(i) The ELD may deny an application, or</p> <p>(ii) Immediately end ongoing benefits to the Migrant Family when acceptable verification is not provided or if inconsistencies cannot be resolved; and</p> <p>(iii) Require the Contractor to reimburse the ELD for a portion or all of benefits that have been paid for child care that has been paid in error.</p> <p>(f) A Migrant Family will be notified by the Contractor in writing at least ten days prior to the end of the 12 month eligibility or if funds are no longer available.</p> <p>(g) Verification provided for one program may be used as verification for all Early Learning Division programs in which the Migrant Family</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
	<p>participates.</p> <p>(2) To be eligible for ELD subsidized child care, Seasonal Families must do all of the following:</p> <p>(a) Apply for the Department of Human Services ERDC program and follow all eligibility, determination, and copayment rules.</p> <p>(b) If applicant does not qualify for or is put on the reservation list for the ERDC program, the Seasonal Family may apply for the ELD Special Populations subsidy program. On forms provided by the ELD, applicant will document:</p> <p>(i) Applicant’s family size and membership, current and previous places of residence, employment history and family income for the past 12 months; and</p> <p>(ii) Verification of the family qualifying for Migrant Family status within the past 36 months at time of application.</p> <p>(iii) The income that determines family co-pay shall be for the 12 full months just prior to application, or for the most recent tax year, and shall be for all wage earners age 18 and above in the family membership group.</p> <p>(c) An application shall be completed or updated and eligibility factors must be verified by the Contractor for all of the following:</p> <p>(i) Contractor intake staff must ask for and review documents that verify income, employment, and current residence in Oregon; and</p> <p>(ii) Contractor files must contain copies of documents or a record verifying documents were viewed.</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
	<p>(d) The ELD may verify any factors affecting eligibility or benefit when they are considered questionable.</p> <p>(e) If reported information or information on the application is questionable or if it is inconsistent, the following conditions may apply:</p> <p>(i) The Early Learning Division may deny an application, or</p> <p>(ii) Immediately end ongoing benefits to the Seasonal Family when acceptable verification is not provided or if inconsistencies cannot be resolved, or</p> <p>(iii) Require the Contractor to reimburse the ELD for a portion or all of benefits that have been paid for child care that has been paid in error.</p> <p>(f) A Seasonal Family will be notified by the Contractor in writing at least ten days prior to the end of the 12 month eligibility, or if funds are no longer available.</p> <p>(g) Verification provided for one program may be used as verification for all Early Learning Division programs in which the client participates.</p>		
<p>414-400-0040</p> <p>Payment Process</p> <p>CCD payment is subject to CCD established eligibility conditions described in these rules.</p> <p>(1) CCD will pay only for child care authorized by the CCD. Payment is made to providers who are registered or certified and</p>	<p>414-400-0040</p> <p>Payment Process</p> <p>Early Learning Division payment is subject to ELD established eligibility conditions described in these rules.</p> <p>(1) ELD will pay only for child care authorized by the ELD.</p>	<p>Contractor, subcontractors and all persons providing care must:</p> <p>1. Provide child care services and receive instructions from the Contractor on how to handle illness and medical emergencies,</p>	

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>hold a valid Child Care Contract, with CCD.</p> <p>(2) If a child is in child care when the service plan is made, payment shall be made only from the date the service is authorized.</p> <p>(3) CCD will make payments for temporary absence if required by the provider, subject to the following requirements and limits:</p> <p>(a) The provider must use the same policy for both CCD and non-CCD families;</p> <p>(b) The child must be expected to continue in child care with the same provider after the absence;</p> <p>(c) CCD will make payment for actual absence(s) not to exceed a total of five days in any calendar month; and</p> <p>(d) Absence days, or portions thereof, will include on the time(s) for which care has been authorized by CCD.</p> <p>(4) CCD payment will only be made to a child care facility which is certified or registered by CCD and which has a valid contract with CCD.</p> <p>[ED. NOTE: The form(s) referred to or incorporated by reference in this rule are available from the agency.]</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0340</p>	<p>(2) Payment is made only to providers who are registered or certified by the ELD and hold a valid Contract with the ELD.</p> <p>(3) If a child is in child care when the service plan is made, payment shall be made only from the date the service is authorized.</p> <p>(4) ELD will make payments for temporary absence if required by the provider, subject to the following requirements and limits:</p> <p>(a) The provider must use the same policy for both ELD subsidy and non- subsidy families;</p> <p>(b) The child must be expected to continue in child care with the same provider after the absence;</p> <p>(c) ELD will make payment for actual absence(s) up to a total of five (5) working days in any calendar month, not to exceed 40 hours of authorized absences per month; and</p> <p>(d) Absence days, or portions thereof, will include the time(s) for which care has been authorized by the ELD.</p> <p>[ED. NOTE: The form(s) referred to or incorporated by reference in this rule are available from the agency.]</p>	<p>special needs, evacuation procedures, discipline policy, complaints, and parent/child rights issues in accordance with OAR 414-205-0000 through 414-205-0170 for Registered Family Child Care providers or OAR 4 14-350-0000 through 414-350-0250 for Certified Family Child Care providers.</p> <p>2. Provide parents unlimited access to their children as well as access to staff members caring for their children during the hours the child is in care.</p> <p>3. Notify parents of any unusual signs of child behavior, any changes in child care needs identified by staff, and any other problems or information which may affect the delivery of services to their child.</p>	

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
414-400-0050 Billing Method (1) CCD payments for child care are made by check to the provider on the behalf of the client after all care for the month has been given. The invoice is to be submitted by the provider on forms approved by the Child Care Division. (2) Registered family child care providers must bill at an hourly rate (with the exception that they may bill at a daily rate for before and/or after school care) not to exceed the total authorized. (3) Child care center and certified family child care providers may bill at an hourly, daily, weekly, or monthly rate not to exceed the total authorized. Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0350; CCDE 3-2004, f. 7-30-04 cert. ef. 8-1-04	414-400-0050 Billing Method (1) ELD payments for child care are made by check to the provider or Contractor on behalf of the client after all care for the month has been given. (2) The invoice is to be submitted by the provider or Contractor on forms approved by the ELD. (3) Registered and Certified family child care and Certified Center providers must bill at an hourly rate not to exceed the total authorized.	Monitor Migrant and Seasonal Child Care client use of services to ensure child care is authorized only up to the amount of funds allocated to the subcontractor for child care and have a process for notifying parents in advance of the date on which subsidy funds shall no longer be available. Monthly invoices are due 45 days after last date of service for a given month.	
414-400-0060 Determining Child Care Rates for Payment (1) The maximum rates Child Care Division pays for Migrant and Seasonal Child Care are determined by the most recent Adult and Family Services market rate survey and will be furnished upon request. CCD will pay the provider's rates within the AFS maximums as	414-400-0060 Determining Child Care Rates for Payment (1) The maximum rates the Early Learning Division pays for Migrant and Seasonal Child Care are determined by the most recent Department of Human Services (DHS) market price survey and will be furnished upon request.		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>specified in the provider contract with CCD. The provider shall not ask the family for, or accept directly or indirectly, any additional payment for care provided to a CCD eligible family other than those in section (2) of this rule.</p> <p>(2) Families are subject to copayments according to Adult and Family Services Copayment Standard except during the first month, or part thereof, of child care when all families will be charged the minimum copayment. The family shall be informed of their fee when they apply. The provider is responsible to collect the fee. The fee shall be deducted from the amount charged CCD before CCD is billed:</p> <p>(a) A reduction of 20 percent will be applied to the gross income of migrant and seasonal families. The copayment will be determined based on 80 percent of the family's gross income and family size including all members dependent on that income; except that</p> <p>(b) When all children in a family receive three or fewer hours a day of children, the minimum copayment will apply.</p> <p>(3) When a child reaches 30 months of age, the provider shall bill at the preschool rate the first month after the child reaches 30 months.</p> <p>(4) When a child 30 months or over is physically, developmentally, and/or emotionally handicapped, and functions below chronological age, CCD may authorize</p>	<p>(2) ELD will pay the provider's rates within the DHS maximums as specified in the provider contract with the ELD. Rates charged to ELD for child care services may not exceed rates charged for comparable services to non-subsidy children.</p> <p>(3) The provider shall not ask the family for, or accept directly or indirectly, any additional payment for care provided to an ELD subsidy eligible Migrant or Seasonal Family other than those in section (2) of this rule.</p> <p>(4) Families are subject to copayments according to DHS Copayment Standard:</p> <p>(a) During the first month, or part thereof, of child care, all Migrant and Seasonal Families will be charged the minimum copayment.</p> <p>(b) When all children in a family receive three or fewer hours a day of child care, the minimum copayment will apply.</p> <p>(c) For the ELD subsidy program, the copayment for each Migrant or Seasonal Family will be determined based on 50 percent of the DHS copayment Standard for the family size and monthly income. Monthly income shall be determined by dividing the annual family income by 12.</p> <p>(d) The family shall be informed of their copayment when they apply and their copayment agreement shall be included in writing on the client application.</p> <p>(e) The Contractor is responsible to collect the copayment.</p> <p>(f) The Contractor may choose not to collect</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>a special rate for the care of the identified child:</p> <p>(a) Approval for the higher rate must be requested in writing from the Child Care Division;</p> <p>(b) Documentation must describe the specific problem which requires services above the market rate.</p> <p>(5) Rates charged to CCD for child care services may not exceed rates charged for comparable services to non-CCD children:</p> <p>(a) Donations and subsidies of cash or in-kind services may be used to reduce charges which would otherwise be made for child care services;</p> <p>(b) Such donations and subsidies of cash or in-kind services must be used to reduce charges for all children in care unless the donor specifies in writing that the donation is to be used for either a specific family or category of families;</p> <p>(c) Separate records shall be kept by the provider for all donations and subsidies received and disbursed.</p> <p>(6) In-home Care. Minimum wage for care in a child's own home is governed by the state minimum wage law. It may not be negotiated to a lower rate. Overtime at one-and-one-half times the regular rate must be paid for all hours worked in excess of 40 hours in a work week (seven sequential days). Overtime shall not be paid to a provider who lives in the child's home.</p>	<p>the copayment from the family, but the copayment shall be deducted from the amount charged ELD before ELD is billed.</p> <p>(5) Copayment Subsidies. For either Migrant or Seasonal families that have been determined eligible for the ERDC program, the ELD Special Populations program will reimburse the Contractor for 50 percent of the copayment required to be paid by the family for the ERDC subsidy.</p> <p>(a) Contractor will invoice the ELD monthly for the copayment reimbursement, and will provide documentation that shows the required copayment for the Migrant and Seasonal family.</p> <p>(b) The subsidized copayment amount will be disbursed by the ELD directly to the child care provider or to the Contractor for payment to the child care provider.</p> <p>(c) ELD subsidized copayments are meant to ease the financial burden on Migrant and Seasonal Families seeking child care subsidy. Neither the Contractor nor the child care provider shall charge an applicant family any fees or copayments that have already been paid on behalf of the family to the provider by ELD.</p> <p>(6) In-home Care. Minimum wage for care in a child's own home is governed by the state minimum wage law. It may not be negotiated to a lower rate. Overtime at one-and-one-half times the regular rate must be paid for all hours worked in excess of 40 hours in a work</p>		

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<p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0360</p>	<p>week (seven sequential days). Overtime shall not be paid to a provider who lives in the child's home.</p>		
<p>414-400-0033 Limits on Disclosure (1) No employee or volunteer of the division, or other agency, may disclose information about clients except as stated in OAR 412-001-0100 through 412-001-0170, or at the direction of a court of competent jurisdiction, or upon advice of the Attorney General. (2) The division may disclose information in order to administer its programs and provide services when it is in the best interest of the applicant's family, unless specifically forbidden by statutes, these rules or by court order. Reasons for disclosure include, but are not limited to, providing information to: A social service agency, service provider or agency of State Office for Children and Families for the purpose of arranging appropriate child care services for the applicant's family.</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CCD 1-1994, f. & cert. ef. 1-14-94</p>	<p>414-400-0033 Limits on Disclosure (1) No employee or volunteer of the ELD, or other agency, may disclose information about clients except as stated in OAR 412-001-0100 through 412-001-0170, or at the direction of a court of competent jurisdiction, or upon advice of the Attorney General. (2) The ELD may disclose information in order to administer its programs and provide services when it is in the best interest of the applicant's family, unless specifically forbidden by statute, these rules or by court order. Reasons for disclosure include, but are not limited to, providing information to: A social service agency, or service provider for the purpose of arranging appropriate child care services for the applicant's family.</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CCD 1-1994, f. & cert. ef. 1-14-94</p>		
414-400-0080	414-400-0080		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
<p>Exception</p> <p>(1) Specific exception to any section of these rules may be granted for good and just cause by the Child Care Division. The exception must be requested in writing, and show how the intent of the rule will be met to the Child Care Division.</p> <p>(2) No exception will be granted which may jeopardize the health, safety, and well-being of any child in care.</p> <p>(3) All exceptions must be submitted in writing to the Child Care Division, and remain there on file. The granting of an exception shall not constitute a precedent for any other provider or client.</p> <p>Stat. Auth: ORS 657A Stat. Implemented: ORS 657A.010 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0380</p>	<p>Exception</p> <p>(1) Specific exception to any section of these rules may be granted for good and just cause by the Early Learning Division.</p> <p>(2) The exception must be requested in writing to the Early Learning Division and show how the intent of the rule(s) will be met. All exceptions will remain on file.</p> <p>(3) No exception will be granted that may jeopardize the health, safety, and well-being of any child in care.</p> <p>(4) The granting of an exception shall not constitute a precedent for any other care provider or client family.</p>		
	<p>414-400-00XX Parent Complaints</p> <p>(1) All Contractors for the Migrant and Seasonal Farmworker child care services program shall establish a process through which families may present a grievance or complaint regarding child care services.</p> <p>(2) Records of all complaints shall be maintained and the ELD must be notified in writing of all grievance and complaints within ten (10) working days of receipt.</p>		

OAR 414-150-0050 to 414-150-0130	Proposed Rules with Changes	Current Policies connected to Rule	Comments
Add rule about being a mandatory reporter? Is there anyone who is not already a mandatory reporter (some types of family child care providers maybe?)	414-400-XXXX Mandatory Reporter. As required by Oregon Revised Statutes (ORS) 419B.005 through 419B.050, Contractor must immediately inform either the local office of the Department of Human Services (DHS) or a law enforcement agency when they have reasonable cause to believe any child with whom the Contractor comes in contact has suffered abuse, or any person with whom the Contractor comes in contact has abused a child. Oregon Law recognizes child abuse to be physical injury; neglect or maltreatment; sexual abuse and sexual exploitation; threat of harm; mental injury; and child selling. Report must be made immediately upon awareness of the incident.		