



Oregon

Kate Brown, Governor

Early Learning Division
Office of Child Care



ELC Ad Hoc Committee: Child Care Safety Portal

October 22, 2019
3:00 p.m. – 5:30 p.m.

Meeting Agenda

Welcome	3:00 – 3:05
Summary Report Overview	3:05 – 3:10
Unable to Substantiate Findings	3:10 – 3:55
<ul style="list-style-type: none">• Discussion and Final Recommendation	
Child Fatality Information	
<ul style="list-style-type: none">• Final Recommendation	3:55 – 4:05
Child Abuse Information	
<ul style="list-style-type: none">• Discussion and Final Recommendations	4:05 – 4:30
Break	4:30 – 4:45
Final Review and Confirmation	
<ul style="list-style-type: none">• Confirm each month's recommendation	4:45 – 5:10
Next Steps and Closing/Reflection	5:10 – 5:30

Early Learning Council Child Care Safety Portal Ad Hoc Committee: Summary Report (June - Sept 2019)

Committee Charge: Advise the Early Learning Council on the issues, challenges, and expectations related to providing accurate, timely, and relevant information to parents via the Child Care Safety Portal. This includes, but is not limited to, the federal requirements for posting information in accordance with the Child Care Development Fund (CCDF).

Specifically, the Committee is charged with delivering recommendations to the Early Learning Council related to the breadth and depth of information in the portal, how the information is represented, and other considerations for what information is available via the Child Care Safety Portal (CCSP). These recommendations will be delivered no later than November 1, 2019.

June

1. Should the portal display licensed care complaints found invalid?

Staff Recommendation	The portal should not display licensed care complaints found invalid.
Committee Discussion and/or Rationale	That invalid findings would still be available through public records requests.
Committee Recommendation	The portal should not display licensed care complaints found invalid.
Technology Considerations	None. This is current practice.

2. Should the portal display licensed care complaints found unable to substantiate?

Staff Recommendation	The portal should not display licensed care complaints found unable to substantiate.
Committee Discussion and Rationale	<p>The Committee did not have initial agreement on the staff recommendation to remove unable to substantiate findings from the portal.</p> <p>The rationales offered for removing unable to substantiate findings from the portal included:</p> <ul style="list-style-type: none"> - that parents are confused by these findings, - that providers don't like having something displayed on the portal that isn't proven,

	<ul style="list-style-type: none"> - that unable to substantiate findings can be provided to parents via alternative means (such as through a telephone inquiry to OCC or by capturing the data from these findings elsewhere on the ELD website in the form of trends), and - that because complaint visits are listed on the portal as required by the federal government (see OCC Update: this was found not to be the case), even if unable to substantiate findings were not shown on the portal, the licensing history would still show on the provider page in the form of a history of complaint visits. <p>The rationales offered for keeping unable to substantiate findings on the portal included:</p> <ul style="list-style-type: none"> - that parents want access to everything that is available and the more information the better, and - that a large number of unable to substantiate against a provider might trigger a “where there’s smoke, there’s fire” evaluation by parents. <p>The Committee requested that OCC gather additional clarification from the federal Office of Child Care regarding what, if any, are the CCDF requirements for making available information for complaint visits that do not result in a valid finding.</p> <p>OCC Update: The federal Office of Child Care clarified that states have the discretion as whether or not to show that a complaint visit occurred if there were no valid findings. This means that it is not requirement to show a visit has occurred in the portal when a complaint has no valid findings.</p>
Updated Staff Recommendation	The portal should not display that a complaint visit occurred if the allegations were found unable to substantiate and unable to substantiate findings would not be displayed as part of complaint visits with valid findings.
Committee Recommendation	
Technology Considerations	

3. How many years of a licensed facility’s history should be represented on the portal?

Staff Recommendation	Monitoring and inspection reports and complaints with valid findings display on the portal for the past three years, from 1/1/2016 – 12/31/2018 plus current year, then increase to and remain at five years of information plus the current year.
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Committee Discussion and/or Rationale	Five years seemed like the appropriate amount of history necessary for a parent to evaluate a child care provider. However, one group thought that the portal should display serious violations for ten years because those types of violations are likely to weigh more heavily in a parent’s evaluation of a child care provider.
Committee Recommendation	Monitoring and inspection reports and complaints with valid findings display on the portal for the past three years, from 1/1/2016 – 12/31/2018 plus current year, then increase to and remain at five years of information plus the current year.
Technology Considerations	The level of difficulty to implement the Committee recommendation is low and could be completed in the near future.

4. Should the Office of Child Care provide guidelines to child care providers regarding provider responses?

Staff Recommendation	Yes, the Office of Child Care should give providers guidelines for submitting a provider response to a finding.
Committee Discussion and/or Rationale	It would make the process clearer for providers, make it easier for the providers to submit a response, and lead to more focused and professional responses.
Committee Recommendation	Yes, the Office of Child Care should give providers guidelines for submitting a provider response to a finding.
Technology Considerations	None.

July

5. Should the portal only show information for regulated programs?

Staff Recommendation	The portal shows information for programs that are Licensed or Regulated Subsidy Providers only. Information about individuals that have a valid finding of illegal care is made available online within the child care safety tools overview web page.
Committee Discussion and/or Rationale	There was agreement as to the need for the website to be clear about the differences between the types of providers such as by providing definitions of the care types and noting the different levels of oversight exerted by OCC on each type.

	<p>The Committee was split as to whether the information should be provided in one search tool (the portal) or through multiple specialized search tools grouped together as a list of hyperlinks on a single webpage (the Child Care Safety Tools page).</p> <p>The general rationale presented for these positions was that parents should be provided all of the available information, but in a way that is user friendly and easy to understand.</p>
Committee Recommendation	All the provider information discussed that is gathered by OCC—licensed care providers, recorded programs, regulated subsidy providers, along with illegal care complaints—should be made available somewhere on the ELD website in an easily understandable format such that the types of care can be readily distinguished by parents.
Technology Considerations	The committee’s recommendation can be implemented in the near future. There is a medium level of difficulty for displaying all the information more clearly through multiple tools grouped together on the website.

6. Should the portal only show information for programs that have a current license?

Staff Recommendation	<p>The portal only shows information for programs that have current licenses.</p> <p>A list of programs that were closed related to legal action is made available online within the child care safety tools overview web page.</p>
Committee Discussion and/or Rationale	<p>The general rationale presented was that without the history provided through the inclusion of programs that no longer have a current license, ELD website users would be denied access to potentially useful information.</p> <p>Some committee members also recommended that only providers that expired three or fewer years ago should be included.</p>
Committee Recommendation	Some information about programs that do not have a current license should be displayed somewhere on the ELD website with a clear description of why the program’s license is not current (e.g., expired, revoked, suspended, etc.).
Technology Considerations	The Committee’s recommendation can be implemented in the near future. There is a medium level of difficulty for displaying all the information more clearly in the portal.

7. When should a child fatality be made available in the portal and on ELD’s website?

Staff Recommendation	Make a child fatality available on the portal within 48 hours of ELD’s notification, regardless of the source of the information.
Committee Discussion and/or Rationale	<p>There was general agreement across the three groups that basic factual information (date of death, license number, facility name, owner/provider name, city, zip code) about the fatality should be posted within 48 hours of OCC’s notification of the fatality, barring any extenuating circumstances.</p> <p>The Committee received more clarity about notifying law enforcement and whether there needs to be an exception for an extreme case. Information reported back to the Committee confirmed that the norm for sharing the basic facts on the portal within 48 hours of notification would be acceptable to law enforcement and district attorneys.</p>
Updated Staff Recommendation	<p>Make a child fatality available on the portal within 48 hours of ELD’s notification, barring any extenuating circumstances.</p> <p>It will remain in the portal for the length of time that the Office of Child Care must retain all records.</p>
Committee Recommendation	Basic factual information about the fatality should be posted within 48 hours of OCC’s notification of the fatality, barring any extenuating circumstances.
Technology Considerations	None.

8. What information about a child fatality should be made available in the portal and on ELD’s website? In addition, should it be made available going forward or retroactively?

Staff Recommendation	<p>ELD makes available only factual information: date of death, license number, facility name, owner/provider name, city, zip code, and any other regulated information available on the portal as part of the provider’s individual page, including any health and safety violations.</p> <p>When no health and safety violations are found as part of the investigation, the ELD will add a prominent statement to a provider’s history page to indicate that no violations were found. This information will be made available retroactively.</p>
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Committee Discussion and/or Rationale	OCC should post the available information as soon as possible, with the understanding that investigations take time to complete.
Committee Recommendation	<p>ELD makes available only factual information: date of death, license number, facility name, owner/provider name, city, zip code, and any other regulated information available on the portal as part of the provider’s individual page, including any health and safety violations.</p> <p>When no health and safety violations are found as part of the investigation, the ELD will add a prominent statement to a provider’s history page to indicate that no violations were found. This information will be made available retroactively.</p> <ul style="list-style-type: none"> • But noting that while the basic factual information of the child fatality would be known within 48 hours, the results of OCC’s health and safety investigations would not be determined until later.
Technology Considerations	The Committee recommendation could be implemented in the near future. Revising the portal has a medium level of difficulty.

September

9. What information regarding incidences of substantiated child abuse in regulated child care settings should be made available in the portal and on ELD’s website?

Staff Recommendation	<p>When there is a substantiated incident of child abuse in regulated care, going forward make available as part of the provider’s portal history the following information:</p> <ul style="list-style-type: none"> • whether the finding was assigned to an individual or the facility • the substantiated type of abuse • the date that this substantiation was determined by final order <p>Continue to provide online the state-wide aggregate number of substantiated child abuse incidences in regulated child care, broken down by care type.</p>
Committee Discussion and/or Rationale	<p>The Committee members wanted more information about the context of the abuse findings than provided in the staff recommendation. Understanding that the abuse findings are DHS information, the Committee asked staff to reach out to DHS to see if DHS would provide more context for each finding.</p> <p>The rationale was that parents need as much as information as possible about substantiated abuse findings in child care facilities in order to make informed decisions about child care.</p>

	In response to the Committee’s request that additional context about the incident be provided, staff met with DHS staff and they agreed to add “a short summary describing the circumstances.”
Updated Staff Recommendation	<p>When there is a substantiated incident of child abuse in regulated care, going forward make available as part of the provider’s portal history the following information:</p> <ul style="list-style-type: none"> • whether the finding was assigned to an individual or the facility • the substantiated type of abuse • the date that this substantiation was determined by final order • a short summary describing the circumstances <p>Continue to provide online the statewide aggregate number of substantiated child abuse incidences in regulated child care, broken down by care type.</p> <p>It will remain in the portal for the length of time that the Office of Child Care must retain all records.</p>
Committee Recommendation	
Technology Considerations	

Early Learning Council Child Care Safety Portal Ad Hoc Committee Report: September 2019

Committee Charge: Advise the Early Learning Council on the issues, challenges, and expectations related to providing accurate, timely, and relevant information to parents via the Child Care Safety Portal. This includes, but is not limited to, the federal requirements for posting information in accordance with the Child Care Development Fund (CCDF).

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The following background materials were provided:

- Question #1 Recommendations with Pros and Cons
- Background Information: Making Substantiated Child Abuse Information Available in the Child Care Safety Tools and Portal
 - Roles, Decision-Making, and Due Process Procedures across Departments within State Agencies
 - Overview of Contested Case Hearing Process, Oregon DHS Office of Training, Investigations and Safety (OTIS)
 - Brochure: Office of Training, Investigations and Safety (OTIS)
 - Brochure: As a Mandatory Reporter You Must Report Child Abuse and Neglect (DHS)

Report Summary:

The Child Care Safety Portal Ad Hoc Committee of the Early Learning Council met on September 24, 2019 from 3:00 to 5:30 pm. The purpose of the meeting was to consider the question of what information regarding incidences of substantiated child abuse in regulated child care settings should be made available on ELD's website.

Prior to the meeting, the Office of Child Care (OCC) forwarded the Committee members a set of documents that provided background information on the question and the OCC staff recommendations along with pros and cons of the recommendations. This was in response to a request by the Committee at the May 2019 meeting that OCC provide staff recommendations going forward.

Discussion Outcomes: What information regarding incidences of substantiated child abuse in regulated child care settings should be made available on ELD's website?

The Committee broke into three small groups to analyze the question and the recommendations provided.

The staff recommendations were that (1) when there is a substantiated incident of child abuse in regulated care, going forward make available as part of the provider's portal history the following information: whether the finding was assigned to an individual or the facility, the substantiated type of abuse, and the date that this substantiation was determined by final order, and (2) continue to provide online the statewide aggregate number of substantiated child abuse incidences in regulated child care, broken down by care type.

In the context of the Committee's discussion, it was clarified that "substantiated child abuse," a term used by the federal law known as the Child Care and Development Fund (CCDF), refers to founded cases of child abuse as determined by the Oregon Department of Human Services (DHS).

The second recommendation—the provision of statewide aggregate data on substantiated child abuse, a CCDF requirement—was discussed only in the context that by itself the aggregate data provided very little useful

Early Learning Council Child Care Safety Portal Ad Hoc Committee Report: September 2019

information for parents because the aggregate data does not identify the particular child care facility where the abuse occurred.

The majority of the discussion addressed the first recommendation. This recommendation was developed by OCC staff in conjunction with staff from DHS Child Welfare and DHS Office of Training, Investigations and Safety. There was agreement among Committee members that parents needed more information about founded cases of child abuse than would be provided through the recommendation. The members felt that parents needed more details about the circumstances of each founded case instead of just being provided the type of child abuse. For example, a parent might want to know whether a DHS founded involved a single incident or a pattern of incidents. Further, a parent might want to know the date(s) the abuse occurred as opposed to just the date of the final order. Finally, it was suggested that criminal convictions of child abuse be added to the Portal.

Understanding that the child abuse findings are DHS information, the Committee asked staff to reach out to DHS to see if DHS would provide more context for each founded case of child abuse. However, if DHS would not, the Committee determined that the limited information provided as per the current staff recommendation would be better than no additional information. Staff will report back to the Committee on the results of their outreach to DHS at the October meeting.

The rationale for Committee's position is that parents need as much as information as possible about substantiated abuse findings in child care facilities in order to make informed decisions about child care.

Early Learning Council Child Care Safety Portal Ad Hoc Committee Report: September 2019

Staffed by: Dawn Taylor (ELD), Heidi McGowan (East Consulting and Associates), Angela Rodriguez (ELD), Jason Sloan (ELD), Mary McCord (ELD), Kristyn Keefer (ELD), and Jay Messenger (ELD).

ELC Ad Hoc Child Care Safety Portal Committee

Attendance 9/24/2019

Committee Participants (in alphabetical order by last name)	Perspective or Area of Expertise	Attendance
Bill Baney, DHS Self Sufficiency Deputy Administrator	DHS	Not Present
Kevin Barton	District Attorney	In Person
Representative Daniel Bonham	Legislator	Not Present
Martha Brooks, State Director	Fight Crime Invest in Kids Oregon	Not Present
Stephanie Fortner	Parent	In Person
Senator Sara Gelser	Legislator	Not Present
Regan Gray, Child Care Policy Advisor at Family Forward	Parent Advocacy Organization	Not Present
Renee Holmes	Child Care Provider	In Person
Meg Kirschnick	AFSCME Representative Back-Up	Not Present
Representative John Lively	Legislator	Not Present
Andrea Le	Parent	Not Present
Deena Loughary, DHS Child Safety Manager	DHS Child Welfare – Field Staff	Not Present
Lisa Matos, Environmental Health Specialist at Multnomah County Health Department	Local Registered Environmental Health Specialist/Supervisor	Not Present
Sue Miller, Chair	Early Learning Council	In Person
Jerry Moore, Police Chief	Local Police Chief	In Person
Veronica Ochoa	Parent	In Person
Eva Rippeteau	AFSCME Representative	In Person
Autumn David	AFSCME Representative	Not Present
Jakelinne Salgado, Care Provider Organizer, SEIU Local 503	SEIU Representative	Not Present
Kara Tachikawa	Child Care Provider	Virtual

Early Learning Council Child Care Safety Portal Ad Hoc Committee Report: September 2019

Shannon Vandehey, CCR&R Director for Marion, Polk, and Yamhill counties	Child Care Resource and Referral Organization	Virtual
Bobbie Weber, Retired Research Associate	Oregon State University	In Person
Adam Bergin, Unit Manager, OTIS	DHS Office of Trainings, Investigations and Safety	In Person
Staff		
Heidi McGowan, Facilitator	East Consulting & Associates	In Person
Miriam Calderon, Early Learning System Director	Early Learning Division	Not Present
Dawn Taylor, Child Care Director	Early Learning Division, Office of Child Care	In Person
Tamara (Tami) Scott, Field Operations Director	Early Learning Division, Office of Child Care	Not Present
Jay Messenger, Legal and Enforcement Director	Early Learning Division, Office of Child Care	In Person
Angela Rodriguez, Operations and Policy Specialist	Early Learning Division	In Person
Jason Sloan, System Design Specialist	Early Learning Division, Office of Child Care	In Person
Mary McCord, Senior Legal and Compliance Specialist	Early Learning Division, Office of Child Care	In Person
Kristyn Keefer, Operations and Policy Analyst	Early Learning Division, Office of Child Care	In Person