



## Early Learning Council

April 9, 2020

9:30 AM – 10:45 AM

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Audio PIN: 465-857-997

### Agenda

SUE MILLER

Early Learning Council  
Chair

PATRICK ALLEN

Director, Oregon Health  
Authority

ANGELA BLACKWELL

PETER BUCKLEY

KATY BROOKS

COLT GILL

Deputy Superintendent,  
Oregon Department of  
Education

ANNE KUBISCH

GEORGE MENDOZA

MARGARET MILLER

EVA RIPPETEAU

MARGARET SALAZAR

Executive Director,  
Oregon Housing and  
Community Services

KALI THORNE LADD

LIESL WENDT

Deputy Director, Oregon  
Department of Human  
Services

MIRIAM CALDERON

Early Learning System  
Director

Staff

Remy Watts,  
Council Administrator &  
Rule Coordinator

*Due to social distancing measures, this will be a virtual meeting. Only written comments will be accepted as public testimony. Please submit all testimony electronically by 9:30 AM on April 9, 2020 to [Remy.Watts@state.or.us](mailto:Remy.Watts@state.or.us).*

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|------|--|------------------|
| I.   | Board Welcome & Roll Call<br>Sue Miller, Chair   | 9:30 – 9:35 AM   |
|      |  |                  |
| II.  | Public Testimony – <i>Written Only</i>   | 9:35 – 9:40 AM   |
|      |  |                  |
| III. | Update from Early Learning System Director on Emergency Child Care and Q&A <ul style="list-style-type: none"><li>• Status of Emergency Child Care</li><li>• Opportunities in CARES Act to Support Providers &amp; Families</li></ul> Miriam Calderon, Early Learning System Director, ELD<br>Amy Joyce, Director, Office of Child Care, ELD<br>Sara Mickelson, Chief of Staff, ELD | 9:40 – 10:10 AM  |
|      |  |                  |
| IV.  | Discussion of Council's Role in Emergency Child Care & COVID-19 Response<br>Council Members' Activities & Involvement  | 10:10 – 10:40 AM |
|      |  |                  |
| V.   | Adjournment<br>Sue Miller, Chair   | 10:40 – 10:45 AM |

*\*Times are approximate; items may be taken out of order, meetings may conclude early and 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 Remy Watts at 503-947-0674 or by email at [Remy.Watts@state.or.us](mailto:Remy.Watts@state.or.us). Requests for accommodation should be made at least 48 hours in advance.*



## Temporary Changes to Child Care Rules in Response to COVID-19 State of Emergency

**Amended March 24, 2020**

As authorized by Executive Orders [20-08](#) and [20-12](#) and as a necessary response to developments in the COVID-19 State of Emergency, the Early Learning System Director hereby orders temporary changes to child care rules. This order supersedes the [order issued on March 18, 2020](#). This order continues rule changes from the prior order pertaining to emergency background checks, expedited training, and exception requests but (a) narrows and clarifies the scope of operation of emergency child care as required by Executive Order 20-12 and revised health guidance, (b) adds recorded programs to groups that must receive approval to serve as Emergency Child Care Facilities in order to remain open, and (c) modifies the social distancing requirements as per the revised directive from the Governor.

On March 23, 2020, Governor Brown issued [Executive Order 20-12](#). This order requires that all licensed child care facilities close from March 25, 2020 through April 28, 2020.<sup>1</sup> However, licensed facilities and other groups may seek permission from OCC to operate as an Emergency Child Care Facility if they meet certain requirements in addition to any currently applicable regulations. These requirements are that facilities must limit all group sizes in child care to a maximum of 10 children, and that facilities must prioritize providing child care for certain categories of critical workers.

These temporary changes are effective immediately and expire after the Governor lifts the emergency declaration. These changes do not apply to any person or facility previously denied, suspended, or removed from the Central Background Registry, or under an Office of Child Care (OCC) legal order, settlement agreement, or currently in the administrative hearing process.

### **1. Emergency Child Care Facilities**

While licensed child care facilities are directed by the Governor to close on March 25, 2020, the facilities may remain open if they submit an application to become an Emergency Child Care Facility and are approved by OCC. Recognizing the need to consult with families and staff about their willingness and ability to serve in Emergency Child Care, providers shall submit their application to provide emergency care, as described below, by Friday March 27, 2020. Further, Recorded Programs under ORS 329A.255 and 329A.257—both preschool and school-age—may not operate without applying and being approved to operate as an Emergency Child Care

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<sup>1</sup> That period may be extended or terminated earlier by the Governor.

Facility. These changes also do not apply to license-exempt individuals that provide care that is not considered child care under ORS 329A.250(4)(a)-(i) such as care “by a person who cares for no more than three children other than the person’s own children.”

Any Licensed Child Care or Recorded Program that does not apply, applies and does not receive approval, or does not abide by the requirements, must close.

Groups who can apply for approval as Emergency Child Care Facilities include licensed child care providers, schools, and experienced child care providers opening additional sites for emergency care. Currently, Recorded Programs are among the experienced child care providers that would qualify to be considered for approval.

Any group that is approved as an Emergency Child Care Facility must adhere to all the following requirements, in the following order of priority:

- *Group Size and Priority Enrollment Requirements*
  - Executive Order 20-12’s directives to limit group size, maintain consistent groupings, and prioritize child care for critical workers, available [here](#).
- *COVID-19 Safety Requirements*
  - ELD and OHA’s Safety Procedures and Guidance for Child Care Facilities Operating During COVID-19, available [here](#).
  - Note: Following these procedures is now required (it was previously a recommendation). These procedures may continually be updated. Providers will be notified of updates via email and will be expected to update procedures to comply with updates.
- *Basic Requirements*
  - If child care is provided by a public school or an experienced child care provider at a new site, then the rules detailed below under the heading of “Basic Requirements” apply.
  - If a licensed facility is providing child care, then they should continue to follow existing child care rules for the type of facility. The exception to this is the modified guidance on Group Size and Priority Enrollment Requirements, and the COVID-19 Safety Requirements.

These requirements are explained in detail below.

#### **a. Group Size and Priority Enrollment Requirements**

##### **i. Child Care Facilities Must Limit Group Size to a Maximum of 10 Children**

Child care must be carried out in maximum “stable” groups of 10 or fewer children. “Stable” means the same 10 or fewer children are in the same group each day. Further, this group of ten children must be cared for in a room that cannot be accessed by children outside the stable group. Emergency child care providers may serve new children in care.

## **ii. Child Care Facilities Must Prioritize Providing Care for Certain Categories of Workers**

Facilities must prioritize providing child care for individuals employed in certain critical jobs. Among these jobs, Governor Brown has designated two levels of priorities. Guidance on how to determine whether a worker falls into one of these categories can be found in the March 19, 2020 guidance from the U.S. Department of Homeland Security (“Homeland Security Guidance”), and summarized [here](#) by ELD.

The first priority level is first responders, emergency workers, and health care professionals. The jobs included in this priority level are detailed on page 5 of the Homeland Security Guidance under the “Healthcare / Public Health” heading and on page 6 under the “Law Enforcement, Public Safety, First Responders” heading.

The second priority level is critical operations staff and essential personnel. The jobs included in this priority level are detailed on pages 6 through 11 of the Homeland Security Guidance, starting with the “Food and Agriculture” heading on page 6.

You may continue to serve the children in your care. If you are at capacity and are asked to care for the child of essential workforce, you should ask the other families in care who have other options for care to give that slot to someone who needs it during this state of emergency.

Facilities do not have to provide child care services to parents/caregivers who are working from their home. There may be exceptions to this, for example, a parent/caregiver is providing telehealth services from home. Providers may choose to prioritize families with these extenuating circumstances.

### **b. COVID-19 Safety Requirements**

The practices detailed in the COVID-19 Safety Requirements must be followed at all times. The practices will likely continue to evolve as new information becomes available on how best to prevent the spread of COVID-19 or more specific guidance in response to questions from providers.

### **c. Basic Requirements**

Currently licensed child care facilities providing emergency child care should continue to follow their applicable rules. However, if any of those rules conflict with either the Group and Priority Enrollment Requirements or the COVID-19 Safety Requirements, the requirements supersede the rule.

For all other groups providing emergency child care, the following basic standards from the March 18, 2020 order remain in place:

- Child care providers must adhere to specific social distancing guidelines as directed by the governor.

- Staff may use the emergency background check process authorized above if they do not have sufficient staff enrolled in the CBR.
- Staff must complete basic online training. At least one person on site must have First Aid/Infant CPR (online acceptable) and Intro to Child Care Health and Safety; any staff caring for infants must complete Safe Sleep, and all staff must complete Recognizing and Reporting Child Abuse and Neglect.
- To the extent it furthers opening emergency care facilities, OCC will allow child care to open without seeking other approval from local jurisdictions.
- Equipment (e.g., cribs, playpens, and high chairs) must meet U.S. Consumer Product Safety Commission or equivalent standards.
- Smoking, vaping, alcohol, marijuana, and illegal substances are prohibited.
- Building, grounds, and water supply must be maintained and hazard-free.
- Toilets, sinks, smoke detectors, fire extinguishers, phone (mobile acceptable) on site and in working condition.
- Children must be supervised, and adults must provide positive guidance/discipline, hand washing and other hygiene practices enforced, toxics and weapons must be child-safety locked, safe sleep and safe bottle-feeding rules enforced.
- Home-based care may have 10 children total. Of the 10, there may be no more than 6 children ages preschool and younger and of the 6, no more than 2 under 24 months.
- Center-based care may have the following ratios:

Age	Caregiver to Child ratio	Max children in group
6 weeks – 23 months	1:4	8
24 months – 35 months	1:5	10
36 months – Kindergarten	1:10	10
Attending Kindergarten and older	1:10	10

- OCC accepts reports from parents or others who may report concerns. OCC may inspect and investigate at any time. If OCC determines there is danger to children, the agency may close the facility.

#### **d. Application Required to Operate as an Emergency Child Care Facility**

Any group that wants to provide emergency child care, including licensed facilities, recorded programs, schools and experienced child care providers must submit an Emergency Child Care Facility application to OCC whereby the facility agrees to follow the applicable rules including the Group Size and Priority Enrollment Requirements. The application is available [here](#). For licensed facilities, recorded programs, and experienced child care providers opening additional sites for emergency care, OCC will review the application and determine whether to approve the request. For school districts, ODE/ELD staff will review the application and provide direct follow up.

If a group has submitted an Emergency Child Care Facility application and agreed to abide by all applicable requirements, the group may continue to provide emergency child care in compliance with all applicable requirements, pending OCC's decision on whether to approve the application.

## **2. Social Distancing**

The Governor's early directive on social distancing has been strengthened by her "Stay Home, Save Lives" Executive Order, available [here](#). Social distancing has been adapted for child care and will be updated as part of the COVID-19 Safety Requirements.

## **3. Licensed Care Exceptions on a Case-by-Case Basis**

OCC will consider case-by-case exceptions to current licensing requirements, as is already provided for in law, on an expedited timeframe. Examples could include allowing mixed-age groupings in Certified Center facilities, or allowing existing child care centers to open additional temporary rooms without seeking approval from local jurisdictions or other state agencies.

Approval of an exception will be based on the size of facility, staffing, compliance history, and guidance from public health officials.

## **4. Expedited Training**

OCC will adapt training requirements so that staff can begin working more quickly, without sacrificing safety. OCC will grant extensions for completing training for license renewals. For example, staff who have unsupervised access to children will complete online training that addresses health and safety, child abuse reporting, First Aid/CPR, and safe sleep practices.

## **5. Emergency Background Check**

To expedite filling the child care need for essential workforce during this declared emergency, and due to the significant time required to achieve enrollment in the Central Background Registry (CBR), OCC is establishing an emergency background check process for those not already enrolled in the CBR. Applicants will be subject to LEDS (Law Enforcement Data System) check for Oregon criminal and sex offender registry, Child and Protective Services check for child abuse, National Sex Offender Registry Public web site check, and run against the CBR.

Emergency Child Care Facilities located at public schools and staffed by school district employees may continue using their existing background checks to qualify staff.

OCC will work with organizations that are filling the child care gap during this public health emergency – child care providers, Child Care Resource and Referral (CCR&R) agencies, 211 Info, and others – to supply information on applicants who have passed the emergency background check. OCC may cancel or revoke an emergency background authorization at any time, due to any concern that the person poses a risk to children. Once the emergency declaration is lifted, the authorization provided by this emergency background check is canceled. That person will need to be enrolled in the CBR to continue work in child care.

Child care must operate in a safe manner, while being made accessible to Oregonians in the critical workforce.

So ordered by \_\_\_\_\_ on \_\_\_\_\_  
Miriam Calderon, Early Learning System Director March 24, 2019

# Oregon Child Care Provider Relief Guide.

## COVID-19 Emergency Financial Resources for Child Care Providers

Child care providers across Oregon are experiencing significant challenges and difficult decisions as a result of the COVID-19 pandemic. To help providers remain in business through this uncertain time, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) provides loans and grants to small businesses with fewer than 500 employees. *Nonprofit and for-profit child care providers (home and center-based) are eligible to apply for these funds.*

You may access a link to the Main Street Alliance's detailed "[Small Business Guide to COVID-19 Policies](#)" but we are first calling attention to one of the five main programs available, the Paycheck Protection Program (PPP). The PPP is *expected to be the most popular program for child care providers and other small businesses*. Given that PPP loans will be granted on a first-come, first-served basis and that there will not be enough for all eligible businesses, **it is important to move quickly if your organization is eligible and interested.**

### Paycheck Protection Program.

**The Paycheck Protection Program (PPP)** loans created in the CARES Act will be available through banks and credit unions that already participate in what is known as the Small Business Administration's (SBA) 7(a) program. Applications are expected to become available to lenders as soon as **Friday, April 3, 2020.**

The PPP allows forgiveness (up to 2.5x monthly payroll) of loan funds used to pay salaries of staff making less than \$100,000 per year, costs related to paid sick or family leave, health insurance benefits, retirement benefits, rent or mortgage, or utilities.

To apply for a PPP loan:

1. **Contact your bank or credit union TODAY** and ask if they participate in the 7(a) program.
  - Applications may be more likely to be approved by a lender who knows you, your organization and your banking history.
  - If your financial institution does not participate, ask them to connect you to a bank or credit union that does.
  - If you are not able to receive a direct referral from your bank or credit union, [click on this link to view the top 100 SBA 7\(a\) participating financial institutions.](#)
  - Note: The lender's fee is paid by the program and the lender or their agents may not collect any fees from you, the applicant.



2. You may expect to produce the following documentation during your application:
  - [Paycheck Protection Program Application Form](#) – Sample linked here
  - [SBA form 1919 & 1920](#)
  - 2019 IRS forms (tax return or 990) or 2018 forms if you haven't filed 2019 taxes
  - Complete end-of-year income, expense, and asset statements with payroll detail

## Other Programs.

In addition to the Paycheck Protection Program, there are four additional programs summarized below\*:

### Refundable Employee Retention Credit

- “Up to \$5,000/employee/month refundable tax credit for wages paid by businesses with significant gross receipt declined due to Covid-19”
- Section 2301 of the CARES Act (H.R. 748, “3<sup>rd</sup> Relief Bill”)
- [Administered by the IRS](#)
- Cannot be combined with PPP, only 50% of wages

### Economic Injury Disaster Loan (EIDL)

- “Up to \$2m (<4%, 30yr) loan to alleviate specific economic injury. Not forgivable”
- Advance of up to \$10,000
- Part of the FFCRA (H.R. 6201, “2<sup>nd</sup> Relief Bill”)
- [Administered by SBA](#)
- Must document specific injury

### Emergency EIDL Grants

- “Up to \$10k paid out in < 3 days”
- Section 1110 of the CARES Act (H.R. 748, “3<sup>rd</sup> Relief Bill”)
- [Administered by the SBA](#)
- Part of the EIDL process

### Emergency Family and Medical Leave

- “Government requires you to provide 2 week sick leave and 10 week family leave for employees impacted by Covid-19. Government will cover up to \$500/day sick leave, and up to \$200/day family leave”
- Division C of the FFCRA (H.R. 6201, “2<sup>nd</sup> Relief Bill”)
- [Administered by the IRS](#)

\*Summaries provided here are not intended to be legal advice and are based on publicly available information. Please do your own research to evaluate these programs and lenders based on your specific situation and needs.

\*Summary items sourced from [microconf.com overview](https://microconf.com/overview)

See the latest resources and Frequently Asked Questions at [www.orproviderrelief.org](https://www.orproviderrelief.org)

## ***COVID-19 and State Child Care Assistance Programs: Immediate Considerations for State CCDF lead Agencies***

The bipartisan **Coronavirus Aid, Relief, and Economic Security (CARES) Act**, which was passed by Congress and enacted on March 27, 2020, includes resources specifically targeted to individuals and families with low incomes affected by the public health and economic crises. The package includes a number of provisions of particular importance to children and families and those who work with them, including policymakers and other stakeholders in child care and early education systems.

States should immediately leverage the provisions in the bill to stabilize child care providers, establish emergency child care for children of essential workers, and provide supports for families and child care providers. These efforts are especially critical for providers—who are often low income themselves, and **disproportionately women of color**—and for families of color who may be more likely to be facing financial instability due to **employment and wage inequities**. This fact sheet describes key provisions, considerations, and action steps for how state child care agencies can make the most of resources provided through the Act.

### **Child Care and Development Block Grant (CCDBG)**

The CARES Act includes \$3.5 billion in new CCDBG **discretionary funds** that the Administration for Children and Families' (ACF) Office of Child Care (OCC) will distribute according to the typical state formula with some minor adjustments to better target the funds. These new CCDBG funds do not require matching funds from states, are not expected to fall under set-aside requirements or direct service requirements, and can be used in a variety of ways.

According to the Act, the funds can be used to:

- provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure providers are able to remain open or reopen as appropriate;
- provide child care assistance, without regard to income, to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus; and
- provide funding to child care providers who were not participating in subsidy prior to the public health emergency for the purposes of cleaning and sanitation and other activities necessary to maintain or resume the operation of programs.

Until the OCC issues its forthcoming guidance, it is not yet clear what types of expenses may fall under the third use of funding, which is available to providers not connected to state subsidy systems. While we expect the dollars to be distributed through traditional mechanisms, OCC has not yet confirmed that or established a timeline for getting funds to states. CLASP will continue to update materials as we learn more.

## State Policy Considerations

State agencies overseeing child care can work now to ensure they have the policies in place to expedite the distribution of this very flexible CCDBG funding to those who need it. Based on regular CCDBG law and federal [guidance](#) on flexibility during the COVID-10 pandemic, states can:

- Ensure that the definition of essential workers in state emergency plans embraces the full range of the sectors in which parents can continue to work, including individuals employed in child care and early education programs that remain open or have been opened to serve other essential sectors. This will ensure those parents, including child care workers, are eligible for services paid for by the new CCDBG dollars.
- Adjust payment policies so they are based on enrollment of children rather than actual attendance—as allowed under Section 98.45(l)(2) of the final CCDBG rule—and pay providers in the subsidy system for periods when they are closed for reasons related to COVID-19. This will allow sick children and parents to stay home without disrupting revenue for providers who already experience precarious operating budgets. It may also help prevent some programs from closing permanently.
- Waive any state policies that terminate child eligibility based on a specific number of absent days within the state’s 12-month eligibility policy.
- Temporarily suspend redetermination of family eligibility for child care services, and work with partner agencies to do the same for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Supplemental Nutrition Assistance Program (SNAP), Medicaid, and Temporary Assistance for Needy Families (TANF). This suspension will ensure that temporary changes in family workforce participation, earnings, or other factors due to COVID-19 do not impact family eligibility or the continuation of revenue to providers being paid based on enrollment.
- Create mechanisms to help providers not currently in the subsidy system access CCDBG funds, state funds, private funds, and other resources described below to cover the costs of maintaining their operations safely during this time. These costs include necessary sanitation equipment, supplies and services; substitute caregivers; paid leave for affected staff; copayments for coronavirus tests; or grants to cover operational costs while closed.

## Other provisions

Beyond additional discretionary CCDBG funding, the CARES Act includes other supports for families, children, and child care providers. CCDBG administrators should work with other state government agencies and partner with community-based organizations to ensure all eligible people and programs have the information they need to benefit from these provisions, including accessible materials in appropriate languages that are targeted to families’ and providers’ needs.

### Head Start

The CARES Act includes \$750 million to support ongoing operations of Head Start programs as they accommodate their work to meet community needs. This funding will support programs that remain open to meet public health necessities, which can include mental health and other services for families, food that isn’t paid for through federal food programs, and other expenses related to the pandemic. Additional guidance about Head Start funds

in the CARES Act is expected from the ACF Office of Head Start. Read more [here](#).

## ***Unemployment Compensation***

The U.S. Department of Labor (DOL) [issued guidelines](#) on March 12 encouraging states to expand their unemployment insurance (UI) eligibility provisions to cover people who are unable to work or who have left their jobs due to certain coronavirus-related issues. The Families First Coronavirus Response Act (FFCRA), an earlier coronavirus stimulus bill, provided an additional **\$1 billion in funding** to help states expand access to their UI programs. The CARES Act further expands support for people who have lost their jobs or cannot work through no fault of their own by creating three federally funded unemployment compensation programs:

- **Pandemic Unemployment Assistance (PUA)** provides up to 39 weeks of unemployment compensation for those who typically do not qualify for state UI, including people who are self-employed or people seeking part-time work.
- **Pandemic Unemployment Compensation (PUC)** provides an additional \$600 per week on top of regular benefits to workers receiving state UI benefits (including those receiving partial benefits) or PUA through July 31, 2020.<sup>1</sup>
- **Pandemic Emergency Unemployment Compensation (PEUC)** provides workers receiving state UI benefits an additional 13 weeks of compensation in addition to the maximum number of weeks available through their state programs (26 weeks in most states).<sup>2</sup>

States must “opt in” to providing these federally funded benefit programs by signing an agreement with DOL. Find out more [here](#).

## ***Small Business Loans and Supports***

The CARES Act dedicates significant resources to the Small Business Administration (SBA) to help small businesses, nonprofit organizations, and self-employed individuals stay afloat and incentivize them to retain their workers. The small business loans available to the child care and early education field include emergency cash advances through the SBA’s Emergency Economic Injury Disaster Loan (EIDL) program. EIDL applications are currently being accepted at <https://covid19relief.sba.gov/>. The CARES Act also establishes a new loan called the Paycheck Protection Program (PPP), which provides eligible small businesses, nonprofit organizations, and self-employed individuals with a loan of up to roughly 2.5 times an average months’ worth of total payments for payroll costs, not to exceed \$10 million. PPP loans can be forgiven entirely if employers maintain their staff and wages and spend most of the loan funds on payroll costs. Child care providers can start applying for PPP loans at participating banks and credit unions on April 3, 2020. For more details, read [here](#).

## ***Paid Sick Days and Family and Medical Leave***

Through provisions in FFCRA—with additional changes made through the CARES Act—some employees are now eligible for up to roughly 10 paid sick days and up to 10 weeks of paid family and medical leave. These provisions generally apply to employees working for private employers with 500 or fewer employees and certain public employers. These provisions are only available to employers and employees until December 31, 2020. For more details, read [here](#).

<sup>1</sup> Note that PUC benefits will **not** count as income when determining eligibility for Medicaid or CHIP.

<sup>2</sup> Workers must be actively searching for work to receive these benefits, but the provision includes flexibility to waive job search requirements for people who are unable to do so because of COVID-19.

## ***Nutrition Assistance***

FFCRA also included provisions to help families keep food on the table during the coronavirus pandemic. One provision offers additional state flexibility in the Supplemental Nutrition Assistance Program (SNAP) to request emergency benefit increases for current recipients and to request changes in how SNAP is administered to manage increased demand for benefits. The CARES Act provides \$15.5 billion in additional SNAP funding to cover the current caseload—including benefit increases available through FFCRA—and anticipated increases in caseloads due to the pandemic. Read more [here](#).

## **Conclusion**

As state child care agencies await guidance from ACF and others, providers are scrambling to serve children of essential workers, remain viable through closures, and support their staff and families. By understanding the resources provided through the law and taking preliminary steps, state child care leaders can ensure that the assistance included in the CARES Act and FFCRA reaches the child care field as quickly as possible and helps stabilize access to child care for families who need it now and in the future.

## Provider FAQs



For questions regarding COVID-19, providers can call 1-800-342-6712 or their local Child Care Resource & Referral (CCR&R).

Providers can also submit questions by emailing [ProviderContact@state.or.us](mailto:ProviderContact@state.or.us).

### Q: How is ELD communicating with licensed providers?

With the coronavirus situation developing quickly, ELD has been sending regular communication by email to licensed providers and posting the letters to the COVID-19 page. Providers should check their spam folder to make sure they are receiving these updates. If you have questions regarding regulations and licensing, please call 1-800-556-6166. Providers can also submit questions by emailing [ProviderContact@state.or.us](mailto:ProviderContact@state.or.us). ELD wants to support you getting up-to-date information as quickly as possible. If you have not previously provided us your email, please email your licensing specialist with the best email address for you.

## Frequently Asked Questions: On Closing

### Q: Even though schools are closed, are child care facilities (home based or center based) required to close?

Yes, on March 23, 2020, Governor Brown issued [Executive Order 20-12](#). This order requires that all licensed child care facilities close from **March 25, 2020 through April 28, 2020** (This period may be extended or terminated earlier by the Governor.).

**Facilities may remain open if they submit an application to become an [Emergency Child Care Facility](#)** and are approved by OCC. Providers offering emergency child care must also follow [specific guidance](#) released by the ELD, in partnership with Oregon Health Authority. Click [here](#) to read the most recent update to providers.

### Q: Are publicly funded programs, such as Preschool Promise, Oregon Pre-Kindergarten and Relief Nurseries required to close?

These programs should be closed unless they are converting to emergency child care. Click [here](#) to learn more and apply.

### Q: Do I have to provide parents a refund if I close my child care? Should I refund the lost tuition?

Consult the agreement or contract you have with parents. The Office of Child Care does not regulate this area. We ask that child care providers use discretion with their billing policies and practices so as not to penalize families who may be under financial stress due to the current situation.

## Provider FAQs

### Q: What if my emergency child care facility has to close?

Please reach out to your licensing specialist to notify them of closure. Contact your local Child Care Resource & Referral (CCR&R) by calling 1-800-342-6712.

## Frequently Asked Questions: On General Operations

### Q: What financial assistance is available to support my small business?

To help providers remain in business through this uncertain time, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) provides loans and grants to small businesses with fewer than 500 employees. Nonprofit and for-profit child care providers (home and center-based) are eligible to apply for these funds. The [Paycheck Protection Program](#), fully forgivable loans created through a newly-created federal program, will be granted on a first-come, first-served basis. As a result, it is important to move quickly if your organization is eligible and interested.

Find resources for child care providers and Frequently Asked Questions at [www.orproviderrelief.org](http://www.orproviderrelief.org). Providers can also contact [Oregon Small Business Development Center advisors](#).

### Q: Does business interruption insurance ensure coverage for me because of COVID-19?

According to [this memo](#) issued by the Department of Consumer and Business, most business interruption policies only cover loss of income that results from physical damage to your property. These policies typically exclude coverage for a pandemic or epidemic. A State of Emergency declaration does not change the terms of your business interruption policy and is unlikely to lead to business interruption coverage. Some policies may cover loss of income due to a pandemic or epidemic, but only for a limited amount of time. Contact your insurance company or agent to see if your policy covers a pandemic or epidemic.

### Q: Will there be an extension on completing the required training and CPR renewals for licensing renewal?

If the renewal application is not timely, for Certified Family/Certified Center, a temporary license will be issued and you will be provided additional time to complete the training. For Registered Family, the license will be issued with additional time to complete the training. If CPR certifications are expired, online CPR certification is allowed. **OCC suggests that you reach out to your local Child Care Resource and Referral Agency.** They may have hybrid courses available. This can help you avoid paying fees twice. Completing the online portion is sufficient for your renewal. If the CCR&R does not have a hybrid option, you and your staff can select

## Provider FAQs

another online option. You will have 60 days from when the state of emergency is lifted to complete the in person skills testing.

### **Q: How are renewal appointments and other licensing visits processed during this time?**

If the renewal application was submitted timely, your program will not expire and you may request the appointment be rescheduled. If the application was not submitted timely, the licensing specialist will work to conduct the visit virtually and renew the license.

### **Q: How will the COVID-19 outbreak affect the Request for Application process underway for Preschool Promise and Oregon Pre-Kindergarten?**

At this point in time, the economic impact of COVID-19 is unknown. Until the ELD is instructed otherwise, the agency is following through with the legislative requirements associated with the Student Success Act and [the Early Learning Account](#).

## **Frequently Asked Questions: On Emergency Child Care Facility Applications**

### **Q: I am interested in converting my facility to emergency child care. What is the process?**

Miriam Calderon, ELD's Early Learning System Director, recently shared a [message to providers](#) that provides some questions to consider before opening an Emergency Child Care Facility. To provide emergency child care, visit [oregonearlylearning.com/COVID-19-Resources/Emergency-Child-Care](http://oregonearlylearning.com/COVID-19-Resources/Emergency-Child-Care), download the registration form to notify the Office of Child Care, and utilize the resources and toolkit included on the webpage.

### **Q: Can I still submit an application to operate Emergency Child Care even though I missed the deadline?**

If you missed the March 31, 2020 deadline, you must close. After closing, you may submit an application to re-open as an Emergency Child Care, which requires you to:

- Prioritize child care for first responders, emergency workers, health care professionals and other [Essential Workers](#)
- Provide care to "stable" groups of 10 or fewer children. "Stable" means the same 10 or fewer children are in the same home or classroom.
- Follow the [Safety Procedures and Guidance for Child Care Facilities Operating During COVID-19](#) developed by the Early Learning Division and Oregon Health Authority.



## Provider FAQs



You will need to remain closed unless/until approved and timely applications will be processed first.

### **Q: I need assistance with the emergency child care site application, who can I contact?**

If you have any questions or need assistance with the application, you can contact your licensing specialist, call 1-800-556-6166, or email [ProviderContact@state.or.us](mailto:ProviderContact@state.or.us).

### **Q: What if I don't have access to a computer, printer, or scanner for filling out and submitting the Emergency Child Care facility application?**

Please contact your licensing specialist for assistance. They can help you troubleshoot. Your licensing specialist may opt to mail you a form with return postage or assist you by filling out the form over the phone. In the situation where a provider is struggling to submit an application, the licensing specialist will work with them on the application process and deadline.

### **Q: Can I begin or continue providing emergency child care for families if I have submitted an application but haven't received feedback or approval?**

According to [this March 24 temporary order](#), if you completed and submitted an [Emergency Child Care facility application](#), you may continue providing Emergency Child Care. Emergency Child Care providers must follow all applicable requirements, pending OCC's decision on whether to approve the application. If OCC later informs you that your application is not approved, you must cease care immediately.

## **Frequently Asked Questions: On Emergency Child Care Operations**

### **Q: Will operating emergency child care impact my insurance liability?**

No, insurance companies will be prohibited from withdrawing, failing to renew or cancelling any commercial liability line of insurance for providers operating an approved emergency child care program by the Office of Child Care. The Oregon Department of Consumer and Business Services' Division of Financial Regulation issued a [memo](#) outlining this policy.

### **Q: Who can apply for Emergency Child Care?**

Groups who can apply for approval as Emergency Child Care Facilities include licensed child care providers, schools, and experienced child care providers opening additional sites for emergency care. Click [here](#) for more information.

### Q: Is it safe for me to provide child care?

COVID-19 is in the community. We all need to take the same basic steps to protect ourselves and our families from becoming ill. There is no evidence that children of an essential worker are any more likely to have or to transmit COVID-19 than other children.

The best way to protect yourself is to clean hands regularly and, to the extent possible, limit close contact with others, including children. Cleaning hands with soap and water or with alcohol-based hand sanitizer after close contact with kids or others is a good strategy to prevent infection. If children you are caring for develop symptoms of respiratory illness, they should be separated from others in the child care setting and be sent home. When people with COVID-10 are symptomatic, there is the highest likelihood of spreading illness.

### Q: I don't have enough staff to remain open for child care. What should I do?

If you would like to convert to emergency child care but don't have enough staff to do so, please indicate this on your site application form. This form is included on the Emergency Child Care webpage: <https://oregonearlylearning.com/COVID-19-Resources/Emergency-Child-Care>.

### Q: How can providers find a substitute to support Emergency Child Care operations?

If you need additional staff in order to continue services to children of [Essential Workers](#) please contact Child Care Resource and Referral (CCR&R) at [crr@wou.edu](mailto:crr@wou.edu) or 1-800-342-6712. Each Emergency Child Care provider will be responsible for working with substitutes to determine their compensation during this time. **NOTE:** This is not a recommendation. It is a referral to available people. It is your responsibility to decide if they are an appropriate match for your facility and Emergency Child Care services.

### Q: I'm currently out of work and willing to be a substitute caregiver in Emergency Child Care. How can I get involved?

If you are currently not working in child care, but are willing to serve your community during this time, you can [apply to be a substitute](#). The ELD will work closely to match you with a provider, setting, and schedule that most aligns with your preferences. The program or individual you are matched with will be responsible for paying you.

### Q: Is there any way to enroll in the Central Background Registry more quickly?

OCC established an emergency background check process for those not already enrolled in the CBR. Applicants will be subject to LEDS (Law Enforcement Data System) check for Oregon criminal and sex offender registry, Child and Protective Services check for child abuse, National Sex Offender Registry Public web site check, and run against the CBR. To start this process, fill out and submit this form: [https://oregonearlylearning.com/form\\_sets/emergency-background-check-application/](https://oregonearlylearning.com/form_sets/emergency-background-check-application/)

## Provider FAQs



**Q: I run a family child care in my home and I may be at higher risk due to my age or medical condition. What should I do?**

Per [this guidance](#), the ELD recommends exclusion of staff who are considered part of a higher risk population. Please consult with your licensing specialist if you have any questions.

**Q: What are the emergency child care requirements for group size?**

[Executive Order 20-12](#)'s directives to limit group size and maintain consistent groupings. Child care must be carried out in maximum **"stable" groups of 10 or fewer children per classroom or home.**

**Q: What is a "stable" group? Does that mean I'm never allowed to add new children to the group?**

**"Stable"** means the same 10 or fewer children are in the same group each day. Emergency child care providers may serve new children in care.

**Q: What are the ratio requirements for Emergency Child Care?**

Ratio and group sizes must be adjusted to the requirements for Emergency Child Care.

Age	Caregiver to Child ratio	Max children in group
6 weeks – 23 months	1:4	8
24 months – 35 months	1:5	10
36 months – Kindergarten	1:10	10
Attending Kindergarten and older	1:10	10

Home-based care may have 10 children total. No more than 6 age kindergarten and younger. Of the 6, no more than two are under 24 months. Certified Family care may operate under normal caregiver/child ratios, not to exceed 10 children in the home.

**Q: Can I have my own children home together with the child care children while schools are closed?**

If your children are under the age of 13 they count as child care children. They must be factored into your overall group size of 10 if you are offering emergency child care.

**Q: As an Emergency Child Care Facility, can I continue to serve the children in my care?**

If you currently serve families that meet the [definitions of those that must be prioritized under emergency child care](#), you can continue to serve your current families without accepting new ones. However, you must complete the [Emergency Child Care facility application](#) to notify and be approved by the Office of Child Care.

## Provider FAQs



### Q: How do I determine if someone is an essential worker?

The ELD has provided an overview and the full list from the federal Department of Homeland Security, which helps to define “essential.” [This list](#) provides an expansive view of who is essential during Oregon’s COVID-19 emergency.

The ELD is **not** requiring programs to keep documentation of the professions of families. Rather, child care providers should prioritize slots for these families, meaning they should serve current families who are essential workers or they must accept referrals for healthcare, emergency, and other essential personnel received from 211, their local Child Care Resource and Referral, other sources, or directly from families. More information can be found in the [March 24 Temporary Order](#).

### Q: Do I need to serve parents working from home?

Facilities do not have to provide child care services to parents/caregivers who are working from home. There may be exceptions to this. For example, a parent/caregiver may be providing telehealth services from home. Providers may choose to prioritize families with these extenuating circumstances.

### Q: What if my facility is at capacity and an Essential Worker contacts me with a request for child care?

If you are at capacity and are asked to care for the child of [Essential Workforce](#), you should ask the other families in care who have other options for care to give that slot to someone who needs it during this state of emergency. You can utilize language from Miriam Calderon’s (ELD’s Early Learning System Director) [message to providers](#).

### Q: What supports are available to me to provide emergency child care?

If you apply to offer Emergency Child Care, the ELD will provide emergency supplies and deliver them to your home or center. In addition, providers who are not an ERDC listed provider can [contact DHS](#). ERDC assistance is available to all families at or below 85% of State Median Income during this time. For more information on this change, contact the Direct Payment Unit at the Department of Human Services – 1-(800)-699-9074. The ELD is continuing to work with the Governor’s office to identify additional supports for providers.

### Frequently Asked Questions: On Employment and Benefits

**Q: If my child care center/workplace has closed or I have been laid off, what benefits are available to me?**

1. You may be eligible to use paid or unpaid sick leave provided by your employer. Please see the sick leave FAQ below for more information.
2. You may be eligible for unemployment insurance. Governor Brown has ordered an expansion of unemployment benefits to include Oregonians whose employment status has been impacted by the coronavirus outbreak. This order is retroactively effective to March 8. Visit [Employment Department Temporary Rules for Unemployment Insurance Benefits Flexibility](#) on the Employment Department website to learn more about eligibility.

**Q: Is my center or home required to offer me sick leave?**

Since the onset of the coronavirus outbreak, many employees have been required to remain at home because they may have contracted the virus, are caring for a family member who may have the virus or have to remain home because schools are closed and they have no access to child care. The Oregon legislature passed SB 454 in 2015, requiring **all employers** to allow employees to earn and use up to 40 hours of protected sick time each year. Nearly every employer in Oregon must comply with the law.

There are a couple of important factors that determine whether an employee is eligible for paid or unpaid sick leave.

1. All employers must provide up to 40 hours of unpaid protected sick time per year.
2. Employers that employ at least 10 employees in Oregon (and 6 if the employer has operations in Portland) must provide that protected sick time with pay. An employee may not be disciplined or terminated for taking protected sick time. For more information on sick leave as it applies to recent events, please visit [Bureau of Labor and Industries Facts about Sick Time](#).

### Frequently Asked Questions: On Exposure and Cleaning

**Q: What should I do if I think a child, their family, my staff, or I have been exposed to this virus?**

Tell that person to watch for fever, cough or trouble breathing. If these symptoms develop, that person should stay away from others, and not go to work or school until 72 hours after both resolution of fever (off medicine) and the resolution of cough. COVID-19, like the flu, often causes mild illness. Not everyone who gets sick needs to visit a healthcare provider. People who

## Provider FAQs



become ill can call their healthcare provider to decide together if symptoms are severe enough that a medical visit is needed. It's very important that you call ahead before going to a clinic. That way the ill person and the clinic can put together a plan for the ill person to be seen in a way that avoids exposing others.

### **Q: In the event that a child(ren) gets the virus, am I held responsible/liable for that?**

First, follow all suggested Oregon Health Authority guidelines including not allowing sick children or staff to be in attendance. Existing OCC rules address when to keep children out of care. These rules are in the [COVID-19 section of the ELD's website, organized by facility type for reference](#). You can download the information to post or share with families. Seek legal advice or consult your insurance company if you have liability concerns. This is not an area the ELD regulates.

### **Q: Are special cleaning supplies needed to kill the virus?**

OCC rules require regular cleaning, sanitizing and disinfecting of toys and materials. Click [here](#) to read the latest safety procedures and guidance. The American Chemical Council has compiled [a list of products](#) – solutions, concentrates, and wipes – that have been pre-approved by the U.S. Environmental Protection Agency (EPA) during the COVID-19 outbreak. Use all cleaning products according to directions on the label. You can also find more information at the [CDC disinfecting page](#).

### **Q: If a home-based provider has a family member who is staying home sick, must they notify their families of the fact? What if the family member was confirmed to have COVID-19?**

If there is a confirmed case of COVID-19 in the home, the provider must follow the direction of the local health authority. Family members who are ill but do not have a confirmed case should stay separate from the child care area until their fever is gone and symptoms are better for at least 72 hours.

Home-based child care providers who are ill but do not have a confirmed case should either

- (a) close the facility, or
- (b) Separate themselves from the child care and have a qualified substitute caring for the children.

In both instances providers should increase cleaning procedures.

Please report any confirmed cases to your licensing specialist.

## Provider FAQs



**Q: Can I tell parents or caregivers they are not allowed in the center and they must drop off and pick up at the door?**

To minimize contact during drop-off/pick-up, allow parents or caregivers to remain outside of the building for sign-in and -out of their children.

This procedure is outlined as part of the [social distancing guidance](#) for child care released by the Early Learning Division in partnership with the Oregon Health Authority.

## Emergency Child Care FAQs

Child care is an essential service to communities. In response to COVID-19 and the governor's Executive Orders [20-08](#) and [20-12](#), the Office of Child Care (OCC) created a process for licensed child care providers, public schools, and employers or other entities to launch new, emergency child care facilities.

### Q: Who is covered?

[Essential Workers](#) are prioritized to receive Emergency Child Care. This includes first responders, emergency workers, health care professionals, critical operations staff and essential personnel, and other individuals working outside of the home.

### Q: How do families access emergency child care?

To receive a customized referral to emergency child care programs contact 211info by:

- Calling 211. Listen to the prompt for Child Care and press the specified number.
- Texting the keyword "children" or "niños" to 898211 (TXT211).
- Emailing [children@211info.org](mailto:children@211info.org).
- [Click here](#) to visit the website. HOURS: Monday – Friday: 7 a.m. to 11 p.m.; Saturday – Sunday: 8 a.m. to 8 p.m.

Families for whom child care is not absolutely necessary should keep their children at home to ensure caregivers who remain open can serve those most in need, such as health care workers and other first responders.

### Q: How is it structured?

- The following groups may provide emergency child care for families during this public health crisis:
- Licensed Child Care Providers – Many current licensed providers are reserving slots for children of Essential Workers. Families can contact 211info to access this child care. For more information, check out the "Emergency Child Care Toolkit for Currently Licensed Providers" below.
- Public Schools – Public schools are currently working to provide child care to Essential Health Workers. Workers will receive a referral from their employer to access this care. For more information, check out the "Emergency Child Care Toolkit for School Districts" below.
- Emergency Child Care Sponsored by Employers or Other Entities – With approval from the Office of Child Care, experienced providers may open additional sites for emergency child care. For more information, check out the "Emergency Child Care Toolkit for Currently Unlicensed Providers" below.



## Emergency Child Care FAQs

### Q: How are programs staffed?

Existing child care providers and public schools will be staffed by current employees and/or temporary staff and substitutes who have been vetted through a background check process and child care training. For emergency child care sites sponsored by employers or other entities, we are prioritizing staff structures with experienced child care staff from licensed providers that are currently closed, along with new or additional staff who are required to pass background checks and participate in training.

### Q: How do you apply to be a substitute caregiver in Emergency Child Care?

The Early Learning Division is actively recruiting child care substitutes. These caregivers would provide care in a child's home or emergency child care facility to support Oregon's medical personnel, emergency responders and other essential staff needed to work during this public health crisis.

If you are not currently working in child care, but are willing to be mobilized to serve your community during this time, you can apply to be a substitute. The ELD will work closely to match you with the location, setting and schedule that most aligns with your preferences.

Emergency child care will be provided in the following settings:

- In a licensed home or child care center that is open for business during this emergency
- In a school that is providing emergency child care and is registered with the Office of Child Care in the ELD
- If you indicate it is allowable, we will also provide your name to medical personnel, emergency responders or other essential staff that are interested in someone providing care in their home

The program or individual you are matched with will be responsible for paying you. If you have questions, please contact the CCR&R helpline by email at [ccrr@wou.edu](mailto:ccrr@wou.edu) or call 1-800-342-6712 for assistance.

### Q: How will child care licensure work for these programs?

At this time, many of the programs offering emergency child care slots are licensed child care providers. Public schools do not require child care licensure. Providers opening new emergency child care sponsored by employers or other entities must be experienced and participate in an expedited licensure process with the Office of Child Care.

## [Emergency Child Care FAQs](#)

### Q: What is the process for launching Emergency Child Care facilities?

The resources and toolkits below support emergency child care providers with:

- Setting up healthy and safe child care environments for children of all ages (0-12)
- Special considerations for set-up and operation related to COVID-19
- Staffing suggestions and structures

As with all resources related to COVID-19, guidance will be updated as new information becomes available.

## Parent FAQs

[Call 211](#) in Oregon if you can't find the answer you need online. They can give you general COVID-19 information.

Parents or caregivers of children ages birth to five years old can also submit questions, comments, or concerns related to COVID-19 by emailing [early.learning@state.or.us](mailto:early.learning@state.or.us).

### Frequently Asked Questions: For Families

**Q: Can my child receive care from an emergency child care facility?**

Families for whom child care is not absolutely necessary should keep their children at home to ensure caregivers who provide [Emergency Child Care](#) can serve [Essential Workers](#), such as health care workers and other first responders.

**Q: Is it safe for my child to be with children of another essential worker who may have more risk of exposure than the essential worker(s) in my household?**

There is no evidence that children of an essential worker are any more likely to have or to transmit COVID-19 than other children. You can lower risk of infection for your children if they don't play and "roughhouse" with large groups of kids. Also, they shouldn't play with other children who have fever, cough, or other respiratory symptoms or who were sick with fever or cough in the 72 hours before the play date to help decrease risk of COVID-19 infection.

**Q: Who is considered an "Essential Worker"?**

Click [here](#) for guidance on how to determine if you are an Essential Worker. Essential Workers are prioritized to receive [Emergency Child Care](#). This includes first responders, emergency workers, health care professionals, critical operations staff and essential personnel, and other individuals working outside of the home.

If you are not considered an Essential Worker and child care is not absolutely necessary, you should keep your children at home. This helps ensure caregivers can serve those most in need.

**Q: If I am considered an "Essential Worker", how do I sign up for Emergency Child Care?**

**STEP 1:** Check for eligibility to Employment Related Daycare (ERDC) assistance. ERDC assistance is available to [all families at or below 85%](#) of State Median Income (See table below). Click [here](#) to read the latest press release on the changes and [here](#) to view temporary changes.

ERDC Ongoing and Exit Income Limits	
Number in ERDC Group	Gross Income Limit
2	\$4,012
3	\$4,956
4	\$5,899
5	\$6,843
6	\$7,787
7	\$8,259
8 or more	\$9,192

**STEP 2:** If you qualify for ERDC assistance, enroll by contacting your local DHS field office or visiting the [DHS website](#) to fill out their form. For those who qualify, there is no cost for Emergency Child Care. For those you do not qualify for ERDC assistance, your Emergency Child Care provider will determine the cost of tuition.

**STEP 3:** To receive a customized referral to emergency child care programs contact [211info](#) by:

- Calling 211. Listen to the prompt for Child Care and press the specified number.
- Texting the keyword “children” or “niños” to 898211 (TXT211).
- Emailing [children@211info.org](mailto:children@211info.org).
- [Click here](#) to visit the website.

HOURS: Monday – Friday: 7 a.m. to 11 p.m.; Saturday – Sunday: 8 a.m. to 8 p.m.

From the referral list, you can choose the Emergency Child Care program that best suits your needs.

### **Q: Do I have to continue paying if my child care is closed?**

Consult the agreement or contract you have with your provider. The Office of Child Care does not regulate this area. We ask that child care providers use discretion with their billing policies and practices so as not to penalize families who may be under financial stress due to the current situation.

### **Q: Is child care still safe?**

We have instructed child care programs to follow the guidelines provided by the Oregon Health Authority, CDC, and the governor’s social distancing measures. Child care programs are experts in caring for children and meeting the needs of working families in our state. Regulated providers provide care that meets health and safety standards each day, and while child care

## Parent FAQs

businesses are operational, the Office of Child Care will continue to conduct critical health and safety inspections.

Families for whom child care is not absolutely necessary should keep their children at home to ensure caregivers who remain open can serve [those most in need](#), such as health care workers and other first responders.

Children are likely curious as they hear increased public dialogue and experience changes to their daily life regarding COVID-19. The Center for Disease Control has [resources for families](#) to talk with their children about the virus.