



April 29, 2021

Dear providers and partners,

With the 2021 legislative session underway, the Governor's Office has asked the Early Learning Division (ELD) and Oregon Department of Human Service (ODHS) to provide information on an important piece of legislation related to early learning and child care.

Governor Brown remains committed to supporting a strong early learning and child care system in Oregon that promotes racial justice for our providers, children, and families. This includes supporting **House Bill (HB) 3073 -4**, which elevates early learning and child care by establishing the Early Learning Division as a standalone agency. HB 3073, which is sponsored by Representatives Power, Zika, Alonso Leon, Neron, and Senator Taylor, establishes the new Department of Early Learning and Care to:

- Support children and families to access affordable, high-quality early learning and child care;
- Ensure a strong, robust mixed-delivery system that includes family, friend, and neighbor care; family child care; center-based care, Head Start, school-age care partners, and K-12 partners; and
- Operate strong, efficient, and responsive programs, such as child care licensing, professional development, and publicly funded programs, including ELD's existing programs, as well as child care subsidy programs (e.g., Employment Related Day Care (ERDC)).

We hope this bill will create a stronger early learning and child care system for our state and offer additional supports to you as a child care provider in the process. This bill is subject to change during the course of the legislative process. As a result, the Governor's Office has asked both of our agencies to support providers and partners by giving you an opportunity to ask questions. You are encouraged to submit questions at the following:

<https://www.surveymonkey.com/r/D7RQ9YY>.

ELD and ODHS will join a webinar hosted by the Governor's Office to share information and offer resources, such as FAQs, bill summaries, and opportunities for continued discussion on HB 3073.

**Tuesday, May 11, 2021**

**6 – 7 p.m.**

Join the webinar: <https://zoom.us/j/97960874011>

Or Telephone: +1 669 900 6833

Webinar ID: 979 6087 4011

If you need translation services for the webinar, please email [troy.duker@state.or.us](mailto:troy.duker@state.or.us) to make the request.

We look forward to working together on ways to support the Governor's vision for creating equitable opportunities for children and families in our state. Thank you for all you do and the opportunities for continued partnership.

Thank you,

Alyssa Chatterjee  
Acting Early Learning System Director

Fariborz Pakseresht  
Oregon Department of Human Services Director



## **Frequently Asked Questions: New Department of Early Learning and Care, House Bill 3073**

Visit <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB3073> to learn more about House Bill (HB) 3073, including testimony and bill status.

### **Q: What are the steps for creating a new Department of Early Learning and Care?**

Creating the Department of Early Learning and Care includes four steps:

1. When the legislature passes HB 3073, it will establish legislative intent and timelines to create a new Department of Early Learning and Care.
2. The Early Learning Division, Oregon Department of Education, and Oregon Department of Human Services will report to the Oregon Legislature by September 15, 2021 with a plan for organizing early learning programs under a new, independent agency.
3. By February 2022, the agencies will submit to the Legislature a legislative concept and budget request for the new agency.
4. Following passage on March 15, 2022, agencies will begin making program changes. By June 30, 2023, the Department of Early Learning and Care will be a fully independent agency, administering child care programs and having the authority to make policies for those programs.

### **Q: How will HB 3073 impact children and families?**

HB 3073 will connect ways of accessing early childhood services and give families the tools to make child care choices that best meet their needs. By organizing early childhood services under one agency, HB 3073 will make it easier for families to search for and find high-quality and affordable early care and education.

### **Q: How will HB 3073 impact child care providers?**

HB 3073 will provide additional opportunities to better serve all types of providers, including license-exempt providers. Oregon currently separates licensed and license-exempt providers in program monitoring and in the ways it supports high-quality programs. Bringing together all child care program types under the new Department of Early Learning and Care would increase professional learning opportunities for license-exempt providers who may be less involved with the Early Learning Division at this time.



License-exempt providers would have access to a variety of supports that are available to licensed providers. These changes would build on the diversity of providers and program types. The new system would continue to value and prioritize the mixed-delivery system in early care and education.

**Q: How will HB 3073 impact child care programs, including publicly-funded programs such as Preschool Promise and Oregon Pre-Kindergarten? How will HB 3073 impact licensing or the background check process?**

HB 3073 will not change the administration of publicly funded early care and education programs such as Preschool Promise or Oregon Pre-Kindergarten. The bill will not disrupt the licensing or background check process.

**Q: Why does HB 3073 move the Employment Related Day Care (ERDC) program to the Department of Early Learning and Care?**

Currently, Oregon does not have a central agency for early care and education policy and program administration. The Oregon Department of Human Services has administered ERDC even though the Office of Child Care at the Early Learning Division is the lead agency for the federal funds. Children, families and providers deserve a more simple and organized system for early care and education services.

**Q: How does HB 3073 change the Employment Related Day Care (ERDC) program?**

Besides moving the ERDC program to the new Department of Early Learning and Care, HB 3073 would make the following changes to the ERDC program:

- Expands basic eligibility requirements and guarantees 12-month program eligibility
- Limits family copayments at 7% of their income
- Provides child care providers reimbursement based on enrollment and not attendance
- Allows the new agency to use the “true cost of care” rate methodology to determine provider reimbursement rate instead of the market rate
- Provides for a variety of financial incentives for special services



**Q: What will happen to my payments for families who receive ERDC?**

If HB 3073 passes, ERDC's providers will not see an immediate change to payments. However, the bill does create a process for setting provider reimbursement rates based on the true cost of care instead of the market rate. The bill would attempt to maintain family placements by requiring payments to be based on enrollment and not attendance, so providers can count on a consistent income despite a child's absence. Also, the bill expands opportunities for higher reimbursements and financial incentives for child care providers.

**Q: Will I need to go through another process to become approved for ERDC with the new agency?**

No, HB 3073 does not interrupt provider eligibility to participate in the ERDC program.

**Q: Does HB 3073 change who needs to be licensed to provide early care and education services?**

No, the bill does not change which programs need to be licensed.

**Q: Does HB 3073 change the roles and responsibilities for the Early Learning Council and the Office of Child Care?**

Yes.

When the Early Learning Division was formed in 2013, the Legislature did not align all the related statutes according to the new agency structure. HB 3073 clarifies the roles and responsibilities to align with the Legislature's intent in HB 3234 (2013) and the current practice at ELD.

**Q: What does this bill mean for programs serving children with intellectual or developmental disabilities and/or long-term special health care needs?**

HB 3073 strengthens coordination between Early Intervention/Early Childhood Special Education and the Early Learning Division along with the State Board of Education and Oregon Department of Education. The bill does not move these programs, but ensures that the Early System Director collaborates with the department that administers the program.



**Q: How do I learn about other policy proposals before the legislature?**

The 2021 legislative session brought back the House Early Childhood Committee. Most of the bills related to this area have been referred to this committee. Visit <https://olis.oregonlegislature.gov/liz/2021R1/Committees/HEC/AssignedMeasures> to learn more about the legislation referred to this committee and to view the hearings

Questions? Please submit your question through the following link:  
<https://www.surveymonkey.com/r/D7RQ9YY>