



Oregon Child Care Providers Together

American Federation of State, County & Municipal Employees, Local132

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TO: House Committee on Education

RE: HB2166-1

Date: February 23, 2021

Dear Chair Alonso Leon and members of the House Education Committee:

Our union represents licensed in home family child care providers throughout the state. Our providers are deeply and personally invested in their communities, in their client families and in those families' children. Providers truly care about the children. We want the very best for these children. We know that Oregon can do better.

A provider never wants to suspend or expel a child and often is the best and only advocate for a child to receive the services they need to coordinate accommodations, intervention services, supports and parent education so every child can be successful in the programs their family chooses. All too often providers are put in the difficult position of providing care for a child with high behavioral needs without being properly resourced or supported by the state or the family. The failure of the system to fund, support and provide resources to early care and education programs as well as children with higher needs puts providers and the rest of the children in their care, in harm's way.

We welcome improvements but call on you to ensure coordinated services are fully resourced, evaluated for function and success first and that no ban amendment be added to HB2166-1 that could be harmful for children, families and providers. Additionally, we ask that the Bill prohibit ELC and/or ELD from creating a ban by rule promulgation.

We are calling on you to make specific changes to the current amended draft of this bill to:

- Add on page 6 after lines 8-9 to read 'The Early Learning Council (ELC) may adopt any rules necessary for the administration of this section but may not create a ban by rule.'
- On same page, page 6 strike lines 25-26: 'The rules must require compliance with the provisions of Section 1 of this 2021 Act.' And replace with, 'The rules must comply with the provisions of Section 1 of this 2021 Act.'

These changes would remove the mandate as it is currently written which instructs the ELC to promulgate a rule to ban suspension/expulsions prematurely and prior to a necessary audit of state early intervention

programs, the creation of parent education and advocacy/representation programs as well as protections for providers to ensure safety and well-being of all children in their care and to hold their small businesses harmless if a child's care is ended.

Additionally, it seems as though there has been a lack of consideration for contradicting current language in law and administrative rule which holds child care programs and providers accountable and responsible for the health, safety and welfare of all the children in care. The needs of one cannot outweigh the needs of all in every case. Only a practitioner – a professional – can make those determinations based upon the unique and specific circumstances on a case-by-case basis.

This bill fails to consider the real world implications for child care programs around liability. This bill, if it creates any type of ban or if it mandates a ban be promulgated by administrative rule, puts child care programs and providers at higher risk for being sued. Additionally, it also will have a ripple effect throughout the child care business supports industries – specifically the insurance industry. We expect that some companies will refuse to underwrite policies which is already a growing problem here in Oregon. We also know that as insurance companies utilize questions around caring for special needs children in their application process (for daycare liability insurance) that a ban would also increase premium costs to programs. As the ADA prohibits discrimination against children and families with special needs already, any ban places financial burden beyond a sustainable level on child care programs by raising insurance premiums, placing the burden ultimately on child care providers to fund special education services (contrary to IDEA) funding program modifications as well as accommodations and special education staffing.

Did you know that currently Inclusive Partners provides no funding to child care programs and no services to children and their families if the family is not currently eligible for ERDC? The State does not fund special education services for young children unless they are on an ERDC case. That must change.

Many things need to happen first before this program is passed and implemented:

It is apparent that what is missing from the latest version of draft language is any plan to evaluate if the technical assistance solutions proposed in the bill are successfully accommodating children with high needs before any ban should even be considered.

The bill needs a much closer look -- to propose comprehensive systems of support that include placing a trained Special Needs specialist, when needed, in the classroom along with the provider as part of the special education services mirroring supports that K-12 teachers receive in their professional environment. In many of the most challenging behavior situations, the family and provider need the specialist to work with the children, in their place of care, full time, while also coordinating with the existing IFSP team or working towards placing an IFSP.

The bill fails to create any system of evaluation and accountability from the state and partner agencies that would be administering and contracting to implement the proposed support programs with resources.

What needs to be added to this bill:

- More in depth data collection examining where, who and why suspensions and expulsions have occurred in early care;
- An audit of Inclusive Partners (IP) and other current agencies delivering services including data collection from the agencies, the caregivers and the providers with the children with higher needs and special education services in early care and education settings;

- Audits of all special education programs and funding related to ELD and Birth-to-School programs available across the state including accessibility and availability data to identify underserved geographic areas and populations;
- Audit of DHS special needs rate -- including timeliness on application, intake and decision, AND study on family intake rates and rates of families who decline; and
- Creates additional Parent Education and Advocacy/Representation Programs.

Thank you for considering the voices and input of Oregon's family child care providers because we know that together we are part of the solution. We are experts in our field, professionals advocating for children and families. We know complex problems call for complex solutions and hope you and your committee members will allow for a comprehensive study of current services and that Oregon will draft a plan that creates a holistic approach to meet children's, providers' and families' needs instead of fast-tracking a ban which places the burden and the blame on child care programs/providers while creating several unintended consequences and collateral damage.

Respectfully,

Sincerely,

Aimee Olin

Council Representative