



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington DC 20201 | www.acf.hhs.gov

Alyssa Chatterjee, Early Learning System Director
Department of Early Learning and Care
700 Summer St NE
Salem, Oregon 97301

Dear Early Learning System Director Chatterjee:

The Office of Child Care has completed its review of your federal fiscal year (FFY) 2025-2027 Child Care and Development Fund (CCDF) Plan. We appreciate your hard work and partnership in fully implementing CCDF to meet the needs of children and families.

This letter is to inform you that the Oregon CCDF Plan for the period of October 1, 2024, through September 30, 2027, has been approved with conditions. A plan “approved with conditions” is a fully approved Plan with conditions related to requirements that are non-compliant. The conditions will be deemed fully compliant once all provisions in the Child Care and Development Block Grant (CCDBG) Act and the CCDF regulations at 45 CFR 98 are fully implemented and demonstrated via a Plan amendment. At that time the Oregon CCDF Plan will be approved without conditions.

OCC looks forward to working together with you to promote the early learning and development of children and the economic stability and well-being of their families. As in prior years, OCC and its technical assistance network will offer a variety of technical assistance options and opportunities aimed at supporting the implementation of CCDF and full compliance with CCDF policies. Your Regional Office and State Systems Specialist will be reaching out to you to discuss your specific technical assistance needs and how OCC can support the innovative and important work you are doing.

Based on the information reviewed in your CCDF Plan, the OCC has determined Oregon has not fully implemented the requirements noted below. Each area of non-compliance includes a bulleted list of the specific reasons, regulations, and Plan questions associated with each non-compliance.

Eligibility and Enrollment: Continuity of Care (12-Month Eligibility)

- The Lead Agency does not always provide a minimum 12-month eligibility period for each child, as required by 98.21(a)(1). (Plan Question 2.5.2a)

Equal Access: Affordability

- The Lead Agency does not provide data on the extent to which CCDF providers charge families additional amounts above the required co-payment (including data on the size and frequency of such amounts), as required by 98.45(b)(5). (Plan Question

3.1.2eii)

Equal Access: Payment Practices

- The Lead Agency does not pay all provider types prospectively or alternatively does not demonstrate that it is not a generally-accepted practice for all provider types, as required by 98.45(m)(1). (Plan Question 4.4.1a). Please note the Lead Agency has requested a waiver for this requirement that is currently under review.
- The Lead Agency does not pay based on enrollment or alternatively does not provide justification that this is impracticable or is not a generally-accepted practice, as required by 98.45(m)(2). (Plan Question 4.4.1b). Please note the Lead Agency has requested a waiver for this requirement that is currently under review.
- The Lead Agency does not pay providers on a part-time or full-time basis or alternatively does not provide justification that this is not a generally-accepted practice, as required by 98.45(m)(3). (Plan Question 4.4.2a)

Comprehensive Background Check: Pre-Service Check Requirements (Provisional Hire)

- The Lead Agency does not require a qualifying result from an FBI criminal background check or an in-state criminal background check with fingerprints before a prospective staff member begins work, as required by 98.43(d)(4). (Plan Questions 5.7.12a and 5.7.12b)

Program Integrity: Effective Fiscal Management Practices

The Lead Agency is on a corrective action plan (CAP) for an error rate over 10% reflecting that not all of its fiscal management and internal control practices are sufficiently effective, as required by 98.68 (a). (Plan Questions 10.1.2, 10.1.3, 10.1.4, 10.1.5a, and 10.1.6a)

Consumer Education: Website and Resources for Parents

- The Lead Agency does not provide aggregate data on the number of serious injuries, number of deaths, or the total number of children in care for each provider category and licensing status, as required by 98.33(a)(5)(i), 98.33(a)(5)(ii), and 98.33(a)(5)(iv). (Plan Questions 9.2.5ai, 9.2.5aaii, and 9.2.5aiv)

Lead Agency Responsibilities: Program Administration, Plan Development, and Program/Funding Coordination

- The Lead Agency's Statewide Disaster Plan does not include all required elements, as required by 98.16(dd)(2)(ii) and 98.16(dd)(2)(ii)(B). (Plan Questions 8.5.1bvi and 8.5.1bvii)

For each requirement identified as non-compliant above, this letter serves as a preliminary notice of possible non-compliance pursuant to 45 CFR section 98.90(b). You will be subject to this notice of possible non-compliance until a Plan amendment is approved demonstrating compliance with the CCDF requirements and may be subject to enforcement via a penalty pursuant to 45 CFR section 98.92. Each Lead Agency is required to submit an implementation plan that includes general action steps and

estimated timeline for fully implementing the non-compliant requirement using Appendix I of the 2025-2027 CCDF Plan within 60 days of receipt of this notice.

In addition, this notice confirms that Oregon has come into compliance with the following CCDF requirement(s) for which you previously received a preliminary notice of non-compliance.

- 5.4.1f. Preservice training: Prevention of shaken baby syndrome, as required by 98.44(b)(1)(i).
- 5.4.1g. Preservice training: Emergency preparedness and response planning, as required by 98.44(b)(1)(i).
- 5.4.1m. Missing health and safety pre-service/orientation training requirements, as required by 98.44(b).
- 5.5.1a. Inspections for licensed CCDF center-based providers, as required by 98.42(b)(2)(i)(B), 98.42(b)(2)(i)(A).
- 5.5.1b. Inspections for licensed CCDF family child care providers, as required by 98.42(b)(2)(i)(B), 98.42(b)(2)(i)(A).
- 5.5.2a. Inspections for license-exempt CCDF center-based providers, as required by 98.42(b)(2)(ii).
- 5.5.2b. Inspections for license-exempt CCDF family child care providers, as required by 98.42(b)(2)(ii).
- 5.5.3a. Requirements for the annual monitoring of CCDF license-exempt in-home child care, as required by 98.42(b)(2)(iv)(B).
- 5.5.4a. Lead Agency postings, as required by 98.33(a)(4), 98.33(a)(4)(ii).
- 5.5.4b. Monitoring and inspection report contents, as required by 98.33(a)(4).
- 6.3.1c. Required hours of ongoing training: Licensed family child care homes, as required by 98.44(b)(2).
- 6.3.1f. Required hours of ongoing training: Non-regulated or registered in-home child care, as required by 98.44(b)(2).

OCC has determined it needs additional information about Oregon's grants/contracts program before making a final compliance decision about the use of grants or contracts for direct services for children in underserved geographic areas, infants/toddlers, and children with disabilities, as required by 98.30(b)(1). We will be following up with your Lead Agency to request additional details.

The CCDF Plan includes questions that encompass all requirements 45 CFR §98.16. However, the Plan does not ask about all aspects of federal requirements and does not encompass the details of how these requirements are implemented. Recognizing the information in the Plan is not exhaustive, the OCC also monitors state compliance through multiple additional mechanisms. All requirements of the CCDBG Act and the CCDF regulations at 45 CFR 98 are subject to the monitoring, compliance, and complaint actions as described in 45 CFR Subpart J, including §98.90, §98.91, and §98.92. Additionally, states and territories are subject to the error rate reporting as described in 45 CFR Subpart K, including §98.100, §98.101, and §98.102 and to audit requirements at 45 CFR §98.65 of CCDF regulations. The information and results

gathered through these activities and any other oversight activities could impact the Lead Agency's compliance status in program integrity and accountability during this Plan period.

In conjunction with this letter, you will receive a separate Notice of Grant Award from the ACF Office of Grants Management. The notice will include the amount of your award and any additional terms and conditions for the receipt of CCDF program funds. During the effective period of this Plan, any substantial changes to your CCDF program must be submitted as a Plan amendment to your Regional Office for approval in accordance with 45 CFR§98.18(b). Lead Agencies are reminded that you must post the approved Plan and any amendments on your state or territory website and assure any required links are functional. Lead Agencies also are expected to post their Appendix, which is part of the CCDF Plan, on their website.

If you have any questions, please contact Paul Noski, Regional Program Manager in our Region X Regional Office, at (206) 615-2609 or paul.noski@acf.hhs.gov. Thank you for all you do each day for children and families.

Sincerely,

Digitally signed by RUTH FRIEDMAN
Date: 11/8/2024 7:24 PM EST

Ruth Friedman, Ph.D.
Director
Office of Child Care

cc: Alyssa Chatterjee, Early Learning System Director
Jordan Pargeter, Child Care and Development Fund Administrator
Paul Noski, Regional Program Manager, Office of Child Care, Region X
Valentina Asare-Adjebeng, Program Operations Liaison, Office of Child Care