

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**

01/31/2023 4:09 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Proposed Changes about TANF Eligibility, Treatment of WIOA Payments, and Child Care Hour Calculations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/20/2023 11:55 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Meorah Solar  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 03/02/2023

TIME: 1:00 PM - 2:30 PM

OFFICER: Meorah Solar

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2343

CONFERENCE ID: 199300029

SPECIAL INSTRUCTIONS:

Meeting ID for Teams app or online (non-phone): 289 545 500 831

SPECIAL INSTRUCTIONS: Everyone has a right to know about and use Oregon Department of Human Services (ODHS) programs and services. DHS provides free help. Some examples of the free help ODHS can provide are: sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need help or have questions, please contact Meorah Solar at (503) 602-7545, 711 TTY, or meorah.a.solar@dhsosha.state.or.us at least 48 hours before the meeting.

NEED FOR THE RULE(S)

OAR 461-135-0070 about "Specific Requirements; TANF" needs to be amended to make TANF eligibility provisions for pregnant applicants at risk of further or future domestic violence more clear in rule. Having the provision in the TADVS rule and the TANF rule will increase awareness for staff, applicants, and the public.

OAR 461-145-0300 about " Workforce Innovation and Opportunity Act" needs to be amended to implement a recent Department decision to exclude WIOA payments for certain individuals for certain program eligibility. The amendment

will align rule with new policy.

OAR 461-155-0150 about "Child Care Provider Eligibility Standard, Payment Rates, Payment Limits, and Payable Hours" needs to be amended as the January 1, 2023, version did not include a recent update from Child Care policy analysts. A temporary rule is in place to fix this error and needs to be made permanent.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OARs 461-135-0070 and 461-155-0150 - No documents relied upon.

OAR 461-145-0300 - Written approval documentation from Self-Sufficiency Program leadership can be requested from and provided by the TANF Program Policy Analyst Team.

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#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has not identified any ways in which the changes to OARs 461-135-0070, 461-145-0300, and 461-155-0150 will affect Oregon racial equity.

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#### FISCAL AND ECONOMIC IMPACT:

The Department estimates that the amendments to OARs 461-135-0070 and 461-155-0150 will have no fiscal impact on those applying for or receiving benefits or services, the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

Regarding changes to OAR 461-145-0300, the Department was unable to provide a specific fiscal impact for all parties who will experience an impact due to lack of available data and because WIOA payments received, as well as how those payments impact program benefits, are unique to each individual and are dependent on variables like the size of the group and other income or resources of the group.

The Department estimates a negative fiscal impact to the Department as this income will now be excluded for REF, REFM, and TANF benefit eligibility, regardless of age. This means that recipients who receive this income source will see their benefits remain the same and not experience a closure or reduction. Due to the populations that are eligible to receive REF and REFM benefits, and the services available to them, the fiscal impact would be very small, if any at all. The Department estimates a positive fiscal impact to REF, REFM, and TANF benefit recipients who receive WIOA payments that used to be counted against their benefit eligibility, previously causing benefit reductions or closure. The Department estimates no fiscal impact to other state agencies, local government, and business including small business. There is no cost of compliance for small business.

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#### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

See Fiscal and Economic Impact

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#### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules but are invited to provide input during the public comment period.

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RULES PROPOSED:

461-135-0070, 461-145-0300, 461-155-0150

AMEND: 461-135-0070

RULE SUMMARY: OAR 461-135-0070 is being changed to make clear that, in the TANF program, the requirement for a pregnant individual to reach late pregnancy to be eligible for benefits is waived if the applicant is at risk of further or future domestic violence. This waiver is already in OAR 461-135-1200 (5), a TA-DVS rule, but is being repeated in OAR 461-135-0070 to make sure readers are aware the waiver applies to the TANF program. It is also being changed to make clear what "SSI," an acronym not defined in Chapter 461, means.

CHANGES TO RULE:

461-135-0070

Specific Requirements; TANF ¶¶

(1) To be eligible for TANF program benefits:¶¶

(a) An individual must be one of the following:¶¶

(A) A dependent child (see OAR 461-001-0000). However, a dependent child for whom foster care payments are made is not eligible while the payments are being made for the dependent child.¶¶

(B) A caretaker relative (see OAR 461-001-0000) of an eligible dependent child when the caretaker relative:¶¶

(i) Is receiving TANF program benefits for the dependent child, or¶¶

(ii) Is applying for TANF program benefits for the dependent child.¶¶

(C) A caretaker relative of a dependent child, when the dependent child is ineligible for TANF program benefits because of one of the following reasons:¶¶

(i) The child is receiving Supplemental Security Income (SSI).¶¶

(ii) The child is in foster care, but is expected to return home within 30 days.¶¶

(D) A parent (see OAR 461-001-0000) of an unborn, as follows:¶¶

(i) For the TANF program, any parent whose only child is an unborn child once the pregnancy has reached the calendar month before the month in which the due date falls.¶¶

~~(ii) For the TANF program, the Department of an unborn child, if there is another dependent child in the filing group.¶¶~~

~~(b) Unless the individual is exempt from JOBS participation and JOBS disqualification under OAR 461-130-0310, an individual must demonstrate two consecutive weeks of cooperation in appropriate activities (see OAR 461-001-0025) if:¶¶~~

~~(A) TANF program benefits had closed within the prior three consecutive calendar months from the filing date waives the requirement for a pregnant individual to have reached late pregnancy if an applicant is at risk of further or future domestic violence (see OAR 461-115001-00400) for TANF with an active level 1 through level 4 TANF program disqualification (see OAR 461-130-0330 and 461-135-0085); or¶¶~~

~~(B) The filing date for TANF program benefits is within the prior three consecutive calendar months after the end of a two consecutive month period of TANF ineligibility according to OAR 461-130-0330(5)(e).¶¶~~

~~(ii) For the TANF program, the parent of an unborn child, if there is another dependent child in the filing group.¶¶~~

(eb) The TANF program monthly benefit amount determined under OAR 461-160-0100 must be \$10 or greater.¶¶

(2) As used in this rule:¶¶

(a) Except as provided otherwise in this section, "good cause" means a reasonable person of normal sensitivity, exercising ordinary common sense under similar circumstances, would have --¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(b) For an individual with a physical or mental impairment (as defined at 29 CFR 1630.2(h)), except as provided otherwise in subsection (c) of this section, "good cause" for leaving work means that a reasonable person with the characteristics and qualities of such individual under similar circumstances would have --¶¶

(A) Quit work, including in anticipation of discharge;¶¶

(B) Participated in behavior leading to the individual's discharge; or¶¶

(C) Voluntarily reduced work hours.¶¶

(c) There is no "good cause" if the reason for separation from employment is a labor dispute.¶¶

(3) Except as provided under section (4) of this rule, a need group (see OAR 461-110-0630) is not eligible for TANF program benefits for 120 days from the date a parent or caretaker relative was separated from or voluntarily reduced work hours at their last employment in which a parent or caretaker relative in the need group was hired to work 100 or more hours per month or worked or was scheduled to work 100 or more hours in the last full calendar month of employment. This applies at initial certification, recertification, and is a condition of ongoing eligibility (see OAR 461-001-0000).¶

(4) A need group (see OAR 461-110-0630) may not be reduced or denied TANF program benefits based on section (3) of this rule if the parent or caretaker relative is one of the following:¶

(a) A teen parent (see OAR 461-001-0000) returning to high school or equivalent.¶

(b) An individual fleeing from or at risk of domestic violence (see OAR 461-001-0000).¶

(c) An individual who is pregnant and the pregnancy has reached the first of the calendar month prior to the month in which the due date falls.¶

(d) An individual who is pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.¶

(e) An individual unable to work due to a disability or medical condition documented by a qualified and appropriate professional, and which is expected to last for 30 days or more from the filing date for TANF program benefits.¶

(f) An individual who was separated from employment for a reason the Department determines is good cause as defined in section (2) of this rule.¶

(g) An individual who was separated from employment as a result of a layoff.¶

(5) Members of The Klamath Tribes may apply for either The Klamath Tribes TANF program or the ODHS TANF program.¶

(a) A Level 1 or Level 2 Klamath Tribes TANF program benefit disqualification does not establish an ODHS TANF program disqualification.¶

(b) For families whose Klamath Tribes TANF program benefits have been closed due to failure to comply with program requirements:¶

(A) The Klamath Tribes TANF program shall decide if the family may receive TANF from the ODHS TANF program (if eligible under Chapter 461).¶

(B) If the Klamath Tribes TANF program decides the family may receive TANF from ODHS, the ODHS TANF benefits shall be initially approved with no ODHS TANF program disqualification.¶

(6) For the Confederated Tribes of Siletz Indians of Oregon, a family is ineligible for ODHS TANF program benefits if all of the following subsections apply to the family:¶

(a) A parent, caretaker relative, or child is a member of The Confederated Tribes of Siletz Indians of Oregon and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.¶

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:¶

(A) A two-parent family with one enrolled Siletz ¶Tribal member with a shared dependent child.¶

(B) A single-parent family with one enrolled Siletz ¶Tribal member.¶

(C) A non-needy caretaker relative or essential person with one enrolled Siletz ¶Tribal member who is a minor.¶

(D) A pregnant enrolled Siletz ¶Tribal member in their eighth month of pregnancy.¶

(c) The family is eligible for ~~the Siletz Tribes~~ The Confederated Tribes of Siletz Indians of Oregon TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.¶

(7) If a parent or caretaker relative covered by section (6) of this rule fails to follow through with a Department referral to The Confederated Tribes of Siletz Indians of Oregon TANF program, the entire filing group is ineligible for ODHS TANF program benefits.¶

(8) Notwithstanding sections (6) and (7) of this rule, a family who requests to apply for TANF through the ODHS TANF program rather than The Confederated Tribes of Siletz Indians TANF program due to a safety concern is not ineligible for ODHS TANF program benefits.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.124

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.400, 411.404, 412.006, 412.016, 412.049, 412.064, 412.124

AMEND: 461-145-0300

RULE SUMMARY: OAR 461-145-0300 is being amended to remove "Workforce Investment Act (WIA)," leaving just the current name, "Workforce Innovation Opportunity Act (WIOA)." The OAR is also being amended to exclude income from Title I-B WIOA for REF, REFM, and TANF program eligibility, regardless of the age of the individual. Additionally, the rule is being amended to exclude support service payments made under Title I-B of WIOA for both ERDC, REF, REFM, and TANF. Minor edits are also being made to the rule to update general words, like "client" to "individual."

CHANGES TO RULE:

461-145-0300

~~Workforce Investment Act~~; Workforce Innovation and Opportunity Act ¶

Payments to ~~client~~ individuals made under Title I-B of the ~~Workforce Investment Act (WIA, see OAR 589-020-0210) or its successor~~, the Workforce Innovation and Opportunity Act (WIOA) are treated as provided in this rule.¶

(1) ~~Need-based (stipend) payments are treated as unearned income except as follows:¶~~

~~(a) In the SNAP program, these payments are excluded.¶~~

~~(b) The payments are excluded in the REF, REFM, SNAP, and TANF programs for clients under the age of 19 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000).¶~~

(2) ~~OJT (On-the-Job Training (OJT) and work experience payments are counted as earned income, except as follows:¶~~

~~(a) The payments are excluded in the REF, REFM, and TANF programs for clients under the age of 18 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000);¶~~

~~(b) The payments are excluded for an SNAP client excluded.¶~~

~~(b) The payments are excluded in the SNAP program for an individual who is:¶~~

~~(A) Under the age of 19 years and under the control of an adult member of the filing group (see OAR 461-110-0370); or¶~~

~~(B) Receiving OJT payments under the Summer TANF Youth Employment and Training Program.¶~~

(3) A support service payment for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) ~~is excluded in the ERDC, REF, REFM, and TANF programs. In all other programs the support service payment~~ is treated as unearned income. All other support service payments (including lunch payments and clothing allowances) are excluded.¶

(4) A reimbursement (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.¶

(5) In the SNAP program, if the YouthBuild Program participant is under age 19 and under parental control of another filing group member, the payments are excluded. If the participant is age 19 or older or not under parental control of another filing group member, the payments are treated as follows:¶

(a) Incentive payments that are reimbursements for specific expenses not covered by program benefits, for instance transportation and school supplies, are excluded.¶

~~(b) On-the-job training (OJT) and work experience payments are treated as earned income.¶~~

(c) The bonus payment (the incentive payment for attendance) is treated as unearned income.¶

(6) In all programs except the SNAP program, YouthBuild Program payments are excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.049, 29 USC 3226

AMEND: 461-155-0150

RULE SUMMARY: OAR 461-155-0150 is being changed in permanent rule filing to correct child care coverage for working shift hours and sleep hours when there is more than one caretaker. The language for this provision was not accurate as filed in the January 1, 2023, permanent rule change and was corrected in a January 9, 2023, temporary rule change.

CHANGES TO RULE:

461-155-0150

Child Care Provider Eligibility Standard, Payment Rates, Payment Limits, and Payable Hours ¶¶

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:¶¶

(1) The following definitions apply to the rules governing child care rates:¶¶

(a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.¶¶

(b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.¶¶

(c) Preschool: A child aged 3 years to 6 years.¶¶

(d) School: A child aged 6 years or older.¶¶

(e) Special Needs: A child who meets the age requirement of the program and who requires a level of care over and above the norm for their age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:¶¶

(A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.¶¶

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.¶¶

(C) Eligibility for SSI.¶¶

(2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:¶¶

(a) The Standard Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.¶¶

(b) The Enhanced Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.¶¶

(c) The Registered Family Rate applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.¶¶

(d) The Certified Family Rate applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.¶¶

(e) The Standard Center Rate applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).¶¶

(f) The Enhanced Center Rate applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:¶¶

(A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.¶¶

(B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.¶¶

(C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.¶¶

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.¶¶

(h) The Certified Center Rate applies to child care provided in a center that is certified by the Office of Child Care or participating in the Alternative Pathway program through the Office of Child Care.¶¶

(3) The following provisions apply to child care payments:¶¶

(a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.¶¶

- (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.¶
- (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.¶
- (d) Unless required by the circumstances of the caretaker or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.¶
- (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.¶
- (f) The Department will pay for absent days each month the child is absent. Absent days can be billed if:¶
  - (A) It is the provider's policy to bill all families for absent days; and¶
  - (B) The child was scheduled to be in care, the provider bills for the amount of time the child was scheduled to be in care, and the child has not been absent for a calendar month.¶
- (g) Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.¶
  - (A) The incentive payment is in addition to the Department maximum rate.¶
  - (B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).¶
  - (C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments, with the exception of Early Head Start providers.¶
  - (D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.¶
  - (E) The incentive payment amount is based on the provider's star QRIS rating as follows: ¶
 

|             |        |
|-------------|--------|
| Star Rating | Amount |
| 3           | \$54   |
| 4           | \$72   |
| 5           | \$90   |
- (h) In the ERDC program, child care providers eligible for the licensed rate may receive payment from the Department for registration and other fees if they are required by the facility for a child to begin or continue care and the fees are also required of the general public. Fees related to penalties, fines, charges exceeding approved ERDC hours or rates (see section (4) of this rule), or advance payment for cost of care are not eligible for payment. ¶
- (4) Effective June 1, 2022, the following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):¶
  - (a) [see attached table]¶
  - (b) [see attached table]¶
  - (c) [see attached table]¶
- (5) OAR 461-160-0300 establishes ERDC financial eligibility, allowable child care cost, and the copay calculation, except for child care under a contract between a Head Start agency and the Department, which is covered under OAR 461-135-0405.¶
- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:¶
  - (a) The monthly rate provided in section (4) of this rule.¶
  - (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.¶
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:¶
  - (a) The amount billed by the provider or providers.¶
  - (b) The monthly rate established in this rule for 215 hours of care.¶
- (8) The number of payable billed hours of care for a child is limited as follows:¶
  - (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:¶
    - (A) 125 percent of the number of child care hours authorized:¶
      - (i) Under OAR 461-160-0040(3), (6), and (7); or¶
      - (ii) To participate in activities included in a case plan (see OAR 461-001-0025) including, for caretakers in the JOBS Plus program, the time the caretaker searches for unsubsidized employment and for which the employer pays the caretaker.¶
    - (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined

by dividing the number of hours billed by 215, when the caretaker meets the criteria for extra hours under section (10) of this rule.¶

(b) In the ERDC program, for a caretaker who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).¶

(c) In the TANF program, for a caretaker who earns less than the Federal minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the caretaker's employment.¶

(9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:¶

(a) The amount billed by the provider or providers; or¶

(b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.¶

(10) The limit allowed by section (9) of this rule is authorized once the Department has determined the caretaker has special circumstances. For the purposes of this section, a caretaker has special circumstances when it is necessary for the caretaker to obtain child care in excess of 215 hours in a month to perform the requirements of their employment or training required to keep current employment, not including self-employment. This is limited to the following situations:¶

(a) The commute time to and from work or education settings exceeds two hours per day.¶

(b) The caretaker has an overnight shift and care is necessary for both shift hours and sleep hours.¶

(c) Multiple caretakers ~~have, simultaneously or in an~~ need care for both shift hours and sleep hours when:¶

(A) There is overlapping manner, overnight shifts, and care is necessary for both shift hours and sleep hours the caretakers' reported hours, and¶

(B) At least one caretaker works an overnight shift.¶

(d) The caretaker has a split shift and it is not feasible to care for the child between shifts.¶

(e) The caretaker consistently works, participates in education hours, or both, more than 40 hours per week.¶

(11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:¶

(a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.¶

(b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485, HB 4005 2022 Reg. Sess. (Oregon), HB 3073 2021 Reg. Sess. (Oregon)

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.



461-155-0150

Child Care Provider Eligibility Standard, Payment Rates, Payment Limits, and Payable Hours

(4)

(a)

Group Area A  
STANDARD RATE MAXIMUMS (Not Licensed)

|               | Standard Family Rate  |                         | Standard Center Rate  |                         |
|---------------|-----------------------|-------------------------|-----------------------|-------------------------|
|               | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
|               | Hourly                | Monthly                 | Hourly                | Monthly                 |
| Infant        | \$4.48                | \$830                   | \$9.00                | \$1,279                 |
| Toddler       | \$4.43                | \$797                   | \$7.50                | \$1,279                 |
| Preschool     | \$4.43                | \$747                   | \$8.25                | \$1,050                 |
| School        | \$4.43                | \$740                   | \$5.63                | \$825                   |
| Special Needs | \$4.48                | \$830                   | \$9.00                | \$1,279                 |

ENHANCED RATE MAXIMUMS (Not Licensed)

|               | Enhanced Family Rate |                        |                         | Enhanced Center Rate |                        |                         |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
|               | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
|               | Hourly               | Part-time              | Monthly                 | Hourly               | Part-time              | Monthly                 |
| Infant        | \$4.82               | \$653                  | \$871                   | \$10.20              | \$1,087                | \$1,449                 |
| Toddler       | \$4.55               | \$627                  | \$835                   | \$8.50               | \$1,087                | \$1,449                 |
| Preschool     | \$4.55               | \$593                  | \$791                   | \$9.35               | \$893                  | \$1,190                 |
| School        | \$4.49               | \$559                  | \$746                   | \$6.38               | \$701                  | \$935                   |
| Special Needs | \$4.82               | \$653                  | \$871                   | \$10.20              | \$1,087                | \$1,449                 |

LICENSED RATE MAXIMUMS

|               | Registered Family Rate |                        |                         | Certified Family Rate |                        |                         | Certified Center Rate |                        |                         |
|---------------|------------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|
|               | 1-62 Hours per month   | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours per month | 136-215 Hours per month |
|               | Hourly                 | Part-time              | Monthly                 | Hourly                | Part-time              | Monthly                 | Hourly                | Part-time              | Monthly                 |
| Infant        | \$6.00                 | \$814                  | \$1,085                 | \$6.50                | \$1,238                | \$1,650                 | \$12.00               | \$1,279                | \$1,705                 |
| Toddler       | \$5.00                 | \$720                  | \$960                   | \$7.00                | \$1,176                | \$1,568                 | \$10.00               | \$1,279                | \$1,705                 |
| Preschool     | \$5.50                 | \$675                  | \$900                   | \$6.00                | \$956                  | \$1,275                 | \$11.00               | \$1050                 | \$1,400                 |
| School        | \$5.00                 | \$563                  | \$750                   | \$6.00                | \$750                  | \$1,000                 | \$7.50                | \$825                  | \$1,100                 |
| Special Needs | \$6.00                 | \$814                  | \$1,085                 | \$6.50                | \$1,238                | \$1,650                 | \$12.00               | \$1,279                | \$1,705                 |

Zip Codes for Group Area A:

Portland, Bend, Eugene, Corvallis, Springfield, Monmouth and Ashland areas

|       |       |       |       |       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97003 | 97004 | 97005 | 97006 | 97007 | 97008 | 97009 | 97010 | 97013 | 97014 | 97015 | 97019 |
| 97022 | 97023 | 97024 | 97027 | 97028 | 97030 | 97031 | 97034 | 97035 | 97036 | 97041 | 97045 |
| 97051 | 97055 | 97056 | 97060 | 97062 | 97064 | 97068 | 97070 | 97080 | 97086 | 97089 | 97106 |
| 97109 | 97112 | 97113 | 97116 | 97119 | 97123 | 97124 | 97125 | 97132 | 97133 | 97135 | 97140 |
| 97149 | 97201 | 97202 | 97203 | 97204 | 97205 | 97206 | 97209 | 97210 | 97211 | 97212 | 97213 |
| 97214 | 97215 | 97216 | 97217 | 97218 | 97219 | 97220 | 97221 | 97222 | 97223 | 97224 | 97225 |
| 97227 | 97229 | 97230 | 97231 | 97232 | 97233 | 97236 | 97239 | 97242 | 97258 | 97266 | 97267 |
| 97268 | 97286 | 97292 | 97330 | 97331 | 97333 | 97339 | 97351 | 97361 | 97371 | 97376 | 97401 |
| 97402 | 97403 | 97404 | 97405 | 97408 | 97454 | 97455 | 97477 | 97478 | 97482 | 97520 | 97525 |
| 97701 | 97702 | 97703 | 97707 | 97708 | 97709 | 97078 |       |       |       |       |       |

(b)

Group Area B  
STANDARD RATE MAXIMUMS (Not Licensed)

|               | Standard Family Rate  |                         | Standard Center Rate  |                         |
|---------------|-----------------------|-------------------------|-----------------------|-------------------------|
|               | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
|               | Hourly                | Monthly                 | Hourly                | Monthly                 |
| Infant        | \$3.88                | \$663                   | \$4.88                | \$893                   |
| Toddler       | \$3.88                | \$636                   | \$4.69                | \$812                   |
| Preschool     | \$3.68                | \$630                   | \$4.31                | \$645                   |
| School        | \$3.68                | \$611                   | \$3.86                | \$472                   |
| Special Needs | \$3.88                | \$663                   | \$4.88                | \$893                   |

ENHANCED RATE MAXIMUMS (Not Licensed)

|               | Enhanced Family Rate |                        |                         | Enhanced Center Rate |                        |                         |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
|               | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
|               | Hourly               | Part-time              | Monthly                 | Hourly               | Part-time              | Monthly                 |
| Infant        | \$4.08               | \$535                  | \$714                   | \$5.53               | \$759                  | \$1,012                 |
| Toddler       | \$4.08               | \$510                  | \$680                   | \$5.31               | \$690                  | \$921                   |
| Preschool     | \$4.08               | \$510                  | \$680                   | \$4.89               | \$548                  | \$731                   |
| School        | \$4.08               | \$478                  | \$637                   | \$4.38               | \$401                  | \$535                   |
| Special Needs | \$4.08               | \$535                  | \$714                   | \$5.53               | \$759                  | \$1,012                 |

LICENSED RATE MAXIMUMS

|           | Registered Family Rate |                        |                         | Certified Family Rate |                        |                         | Certified Center Rate |                        |                         |
|-----------|------------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|-----------------------|------------------------|-------------------------|
|           | 1-62 Hours per month   | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours per month | 136-215 Hours per month |
|           | Hourly                 | Part-time              | Monthly                 | Hourly                | Part-time              | Monthly                 | Hourly                | Part-time              | Monthly                 |
| Infant    | \$4.50                 | \$563                  | \$750                   | \$5.00                | \$750                  | \$1,000                 | \$6.50                | \$893                  | \$1,190                 |
| Toddler   | \$4.00                 | \$525                  | \$700                   | \$5.00                | \$675                  | \$900                   | \$6.25                | \$812                  | \$1,083                 |
| Preschool | \$4.00                 | \$510                  | \$680                   | \$5.75                | \$638                  | \$850                   | \$5.75                | \$645                  | \$860                   |

|               |        |       |       |        |       |         |        |       |         |
|---------------|--------|-------|-------|--------|-------|---------|--------|-------|---------|
| School        | \$4.00 | \$488 | \$650 | \$5.75 | \$563 | \$750   | \$5.15 | \$472 | \$629   |
| Special Needs | \$4.50 | \$563 | \$750 | \$5.00 | \$750 | \$1,000 | \$6.50 | \$893 | \$1,190 |

Zip Codes for Group Area B:

Salem, Medford, Roseburg, Brookings and areas outside the metropolitan areas in Eugene and Portland

|       |       |       |       |       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97002 | 97011 | 97016 | 97017 | 97018 | 97038 | 97042 | 97044 | 97048 | 97049 | 97053 |       |
| 97058 | 97067 | 97071 | 97103 | 97107 | 97108 | 97110 | 97111 | 97114 | 97115 | 97117 | 97118 |
| 97121 | 97122 | 97127 | 97128 | 97131 | 97134 | 97138 | 97141 | 97143 | 97146 | 97148 | 97301 |
| 97302 | 97303 | 97304 | 97305 | 97306 | 97307 | 97309 | 97310 | 97317 | 97321 | 97322 | 97325 |
| 97326 | 97327 | 97328 | 97336 | 97338 | 97341 | 97343 | 97344 | 97348 | 97352 | 97353 | 97355 |
| 97357 | 97362 | 97365 | 97366 | 97367 | 97370 | 97372 | 97374 | 97377 | 97378 | 97380 | 97381 |
| 97383 | 97385 | 97386 | 97389 | 97391 | 97392 | 97394 | 97415 | 97420 | 97423 | 97424 | 97426 |
| 97431 | 97444 | 97446 | 97448 | 97452 | 97456 | 97457 | 97459 | 97465 | 97470 | 97471 | 97479 |
| 97487 | 97489 | 97501 | 97502 | 97503 | 97504 | 97524 | 97534 | 97535 | 97756 | 97759 | 97760 |
| 97801 | 97812 | 97813 |       |       |       |       |       |       |       |       |       |

(c)

Group Area C  
STANDARD RATE MAXIMUMS (Not Licensed)

|               | Standard Family Rate  |                         | Standard Center Rate  |                         |
|---------------|-----------------------|-------------------------|-----------------------|-------------------------|
|               | 1-157 Hours per month | 158-215 Hours per month | 1-157 Hours per month | 158-215 Hours per month |
|               | Hourly                | Monthly                 | Hourly                | Monthly                 |
| Infant        | \$3.88                | \$663                   | \$4.88                | \$893                   |
| Toddler       | \$3.88                | \$636                   | \$4.69                | \$812                   |
| Preschool     | \$3.68                | \$630                   | \$4.31                | \$645                   |
| School        | \$3.68                | \$611                   | \$3.86                | \$472                   |
| Special Needs | \$3.88                | \$663                   | \$4.88                | \$893                   |

ENHANCED RATE MAXIMUMS (Not Licensed)

|               | Enhanced Family Rate |                        |                         | Enhanced Center Rate |                        |                         |
|---------------|----------------------|------------------------|-------------------------|----------------------|------------------------|-------------------------|
|               | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month | 63-135 Hours per month | 136-215 Hours per month |
|               | Hourly               | Part-time              | Monthly                 | Hourly               | Part-time              | Monthly                 |
| Infant        | \$4.08               | \$535                  | \$714                   | \$5.53               | \$759                  | \$1,012                 |
| Toddler       | \$4.08               | \$510                  | \$680                   | \$5.31               | \$690                  | \$921                   |
| Preschool     | \$4.08               | \$510                  | \$680                   | \$4.89               | \$548                  | \$731                   |
| School        | \$4.08               | \$478                  | \$637                   | \$4.38               | \$401                  | \$535                   |
| Special Needs | \$4.08               | \$535                  | \$714                   | \$5.53               | \$759                  | \$1,012                 |

LICENSED RATE MAXIMUMS

|  | Registered Family Rate |                        |                         | Certified Family Rate |              |                         | Certified Center Rate |                        |                         |
|--|------------------------|------------------------|-------------------------|-----------------------|--------------|-------------------------|-----------------------|------------------------|-------------------------|
|  | 1-62 Hours per month   | 63-135 Hours per month | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours | 136-215 Hours per month | 1-62 Hours per month  | 63-135 Hours per month | 136-215 Hours per month |
|  |                        |                        |                         |                       |              |                         |                       |                        |                         |

|               |        |           |         |        | per month |         |        |           |         |
|---------------|--------|-----------|---------|--------|-----------|---------|--------|-----------|---------|
|               | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly | Hourly | Part-time | Monthly |
| Infant        | \$4.50 | \$563     | \$750   | \$5.00 | \$750     | \$1,000 | \$6.50 | \$893     | \$1,190 |
| Toddler       | \$4.00 | \$525     | \$700   | \$5.00 | \$675     | \$900   | \$6.25 | \$812     | \$1,083 |
| Preschool     | \$4.00 | \$510     | \$680   | \$5.75 | \$638     | \$850   | \$5.75 | \$645     | \$860   |
| School        | \$4.00 | \$488     | \$650   | \$5.75 | \$563     | \$750   | \$5.15 | \$472     | \$629   |
| Special Needs | \$4.50 | \$563     | \$750   | \$5.00 | \$750     | \$1,000 | \$6.50 | \$893     | \$1,190 |

Zip Codes for Group Area C: Balance of State, Other State Zips

|       |       |       |       |       |       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 97001 | 97020 | 97021 | 97026 | 97029 | 97032 | 97033 | 97037 | 97039 | 97040 | 97050 | 97054 | 97057 |
| 97063 | 97065 | 97101 | 97102 | 97130 | 97136 | 97137 | 97144 | 97145 | 97147 | 97324 | 97329 | 97335 |
| 97342 | 97345 | 97346 | 97347 | 97350 | 97358 | 97359 | 97360 | 97364 | 97368 | 97369 | 97375 | 97384 |
| 97388 | 97390 | 97396 | 97406 | 97407 | 97409 | 97410 | 97411 | 97412 | 97413 | 97414 | 97416 | 97417 |
| 97419 | 97425 | 97427 | 97428 | 97429 | 97430 | 97432 | 97433 | 97434 | 97435 | 97436 | 97437 | 97438 |
| 97439 | 97441 | 97442 | 97443 | 97447 | 97449 | 97450 | 97451 | 97453 | 97458 | 97460 | 97461 | 97462 |
| 97463 | 97464 | 97466 | 97467 | 97468 | 97469 | 97472 | 97473 | 97476 | 97480 | 97481 | 97484 | 97486 |
| 97488 | 97490 | 97491 | 97492 | 97493 | 97494 | 97495 | 97496 | 97497 | 97498 | 97499 | 97522 | 97523 |
| 97526 | 97527 | 97530 | 97531 | 97532 | 97533 | 97536 | 97537 | 97538 | 97539 | 97540 | 97541 | 97543 |
| 97544 | 97601 | 97603 | 97604 | 97620 | 97621 | 97622 | 97623 | 97624 | 97625 | 97626 | 97627 | 97630 |
| 97632 | 97633 | 97634 | 97635 | 97636 | 97637 | 97638 | 97639 | 97640 | 97641 | 97710 | 97711 | 97712 |
| 97720 | 97721 | 97722 | 97730 | 97731 | 97732 | 97733 | 97734 | 97735 | 97736 | 97737 | 97738 | 97739 |
| 97740 | 97741 | 97742 | 97750 | 97751 | 97752 | 97753 | 97754 | 97758 | 97761 | 97810 | 97814 | 97817 |
| 97818 | 97819 | 97820 | 97821 | 97822 | 97823 | 97824 | 97825 | 97826 | 97827 | 97828 | 97830 | 97831 |
| 97833 | 97834 | 97835 | 97836 | 97837 | 97838 | 97839 | 97840 | 97841 | 97842 | 97843 | 97844 | 97845 |
| 97846 | 97848 | 97850 | 97856 | 97857 | 97859 | 97861 | 97862 | 97864 | 97865 | 97867 | 97868 | 97869 |
| 97870 | 97871 | 97872 | 97873 | 97874 | 97875 | 97876 | 97877 | 97880 | 97882 | 97883 | 97884 | 97885 |
| 97886 | 97901 | 97902 | 97903 | 97904 | 97905 | 97906 | 97907 | 97908 | 97909 | 97910 | 97911 | 97913 |
| 97914 | 97918 | 97919 | 97920 |       |       |       |       |       |       |       |       |       |