

House Bill 3487

Sponsored by Representative BOONE; Representatives BAILEY, BARKER, BARNHART, BARTON, BUCKLEY, DEMBROW, D EDWARDS, GALIZIO, GARRETT, GELSER, GREENLICK, HARKER, HOLVEY, HUFFMAN, HUNT, KAHL, MATTHEWS, NATHANSON, NOLAN, OLSON, READ, ROBLAN, SCHAUFLE, TOMEI, WHISNANT, WITT, Senators BONAMICI, BOQUIST, DINGFELDER, JOHNSON, MONNES ANDERSON, MONROE, MORRISSETTE, MORSE, ROSENBAUM, SCHRADER, VERGER, WINTERS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "child care facility" to include preschool facility and delete provision regarding number of hours of care provided per day.

A BILL FOR AN ACT

1 Relating to child care facilities; creating new provisions; and amending ORS 657A.250.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 657A.250 is amended to read:

4 657A.250. As used in ORS 657A.030 and 657A.250 to 657A.450, unless the context requires otherwise:

5 (1) "Babysitter" means a person who goes into the home of a child to give care during the
6 temporary absence of the parent or legal guardian or custodian.

7 (2) "Certification" means the certification that is issued under ORS 657A.280 by the Child Care
8 Division to a family child care home, child care center or other child care facility.

9 (3) "Child" means a child under 13 years of age or a child under 18 years of age who has special
10 needs or disabilities and requires a level of care that is above normal for the child's age.

11 (4) Subject to ORS 657A.440, "child care" means the care, supervision and guidance on a regular
12 basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part
13 of the 24 hours of the day, in a place other than the child's home, with or without compensation.
14 "Child care" does not include care provided:

15 (a) In the home of the child;

16 (b) By the child's parent, guardian, or person acting in loco parentis;

17 (c) By a person related to the child by blood or marriage within the fourth degree as determined
18 by civil law;

19 (d) On an occasional basis by a person not ordinarily engaged in providing child care;

20 (e) By providers of medical services;

21 (f) By a babysitter;

22 (g) By a person who cares for children from only one family other than the person's own family;

23 (h) By a person who cares for no more than three children other than the person's own children;

24 or

25 (i) By a person who is a member of the child's extended family, as determined by the division
26 on a case-by-case basis.

27 (5) "Child care facility" means any facility that provides child care to children, including a day
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 nursery, nursery school, **preschool**, child care center, certified or registered family child care home
2 or similar unit operating under any name, but not including any:

3 (a) Facility providing care that is primarily educational[, *unless provided to a preschool child for*
4 *more than four hours a day*].

5 (b) Facility providing care that is primarily supervised training in a specific subject, including
6 but not limited to dancing, drama, music or religion.

7 (c) Facility providing care that is primarily an incident of group athletic or social activities
8 sponsored by or under the supervision of an organized club or hobby group.

9 (d) Facility operated by:

10 (A) A school district as defined in ORS 332.002;

11 (B) A political subdivision of this state; or

12 (C) A governmental agency.

13 (e) Residential facility licensed under ORS 443.400 to 443.455.

14 (f) Babysitters.

15 (g) Facility operated as a parent cooperative for no more than four hours a day.

16 (h) Facility providing care while the child's parent remains on the premises and is engaged in
17 an activity offered by the facility or in other nonwork activity.

18 (6) "Division" means the Child Care Division of the Employment Department.

19 (7) "Family" has the meaning given that term in ORS 329.145.

20 (8) "Occasional" means that care is provided for no more than 70 days in any calendar year.

21 (9) "Parent cooperative" means a child care program in which:

22 (a) Care is provided by parents on a rotating basis;

23 (b) Membership in the cooperative includes parents;

24 (c) There are written policies and procedures; and

25 (d) A board of directors that includes parents of the children cared for by the cooperative con-
26 trols the policies and procedures of the program.

27 (10) "Registration" means the registration that is issued under ORS 657A.330 by the Child Care
28 Division to a family child care home where care is provided in the family living quarters of the
29 provider's home.

30 (11) "School age" means of an age eligible to be enrolled in the first grade or above and, during
31 the months of summer vacation from school, means of an age eligible to be enrolled in first grade
32 or above in the next school year.

33 **SECTION 2. The amendments to ORS 657A.250 by section 1 of this 2009 Act apply to child**
34 **care facilities providing child care on or after the effective date of this 2009 Act.**

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