

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3234

By JOINT COMMITTEE ON WAYS AND MEANS

June 26

1 On page 1 of the printed A-engrossed bill, line 3, after “326.021,” insert “326.604,”.

2 In line 4, after “417.793,” insert “417.795,”.

3 On page 12, delete line 24.

4 In line 25, delete “28” and insert “27”.

5 After line 38, insert:

6 “**SECTION 28. The Early Learning Division shall enter into contracts with relief nurs-**
7 **eries beginning July 1, 2013, in order to ensure service continuity and efficient delivery of**
8 **contracted services.”.**

9 On page 13, after line 34, insert:

10 “**SECTION 32a.** ORS 417.795, as amended by section 53, chapter 37, Oregon Laws 2012, is
11 amended to read:

12 “417.795. (1) The Early Learning [*Council*] **Division** shall establish Healthy Start Family Support
13 Services programs through contracts entered into by local commissions on children and families in
14 all counties of this state as funding becomes available.

15 “(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate
16 early childhood benchmarks and shall:

17 “(a) Ensure that express written consent is obtained from the family prior to any release of in-
18 formation that is protected by federal or state law and before the family receives any services;

19 “(b) Ensure that services are voluntary and that, if a family chooses not to accept services or
20 ends services, there are no adverse consequences for those decisions;

21 “(c) Offer a voluntary comprehensive screening and risk assessment of all newly born children
22 and their families;

23 “(d) Ensure that the disclosure of information gathered in conjunction with the voluntary com-
24 prehensive screening and risk assessment of children and their families is limited pursuant to ORS
25 417.728 (7) to the following purposes:

26 “(A) Providing services under the programs to children and families who give their express
27 written consent;

28 “(B) Providing statistical data that are not personally identifiable;

29 “(C) Accomplishing other purposes for which the family has given express written consent; and

30 “(D) Meeting the requirements of mandatory state and federal disclosure laws;

31 “(e) Ensure that risk factors used in the risk assessment are limited to those risk factors that
32 have been shown by research to be associated with poor outcomes for children and families;

33 “(f) Identify, as early as possible, families that would benefit most from the programs;

34 “(g) Provide parenting education and support services, including but not limited to community-
35 based home visiting services and primary health care services;

1 “(h) Provide other supports, including but not limited to referral to and linking of community
2 and public services for children and families such as mental health services, alcohol and drug
3 treatment programs that meet the standards promulgated by the Oregon Health Authority under
4 ORS 430.357, child care, food, housing and transportation;

5 “(i) Coordinate services for children consistent with the voluntary local early childhood system
6 plan developed pursuant to ORS 417.777;

7 “(j) Provide follow-up services and supports from zero through six years of age;

8 “(k) Integrate data with any common data system for early childhood programs;

9 “(L) Be included in a statewide independent evaluation to document:

10 “(A) Level of screening and assessment;

11 “(B) Incidence of child abuse and neglect;

12 “(C) Change in parenting skills; and

13 “(D) Rate of child development;

14 “(m) Be included in a statewide training program in the dynamics of the skills needed to provide
15 early childhood services, such as assessment and home visiting; and

16 “(n) Meet voluntary statewide and local early childhood system quality assurance and quality
17 improvement standards.

18 “(3) The Healthy Start Family Support Services programs, local health departments and other
19 providers of prenatal and perinatal services in counties, as part of the voluntary local early child-
20 hood system, shall:

21 “(a) Identify existing services and describe and prioritize additional services necessary for a
22 voluntary home visit system;

23 “(b) Build on existing programs;

24 “(c) Maximize the use of volunteers and other community resources that support all families;

25 “(d) Target, at a minimum, all first birth families in the county; and

26 “(e) Ensure that home visiting services provided by local health departments for children and
27 pregnant women support and are coordinated with local Healthy Start Family Support Services
28 programs.

29 “(4) Through a Healthy Start Family Support Services program, a trained family support worker
30 or nurse shall be assigned to each family assessed as at risk that consents to receive services
31 through the worker or nurse. The worker or nurse shall conduct home visits and assist the family
32 in gaining access to needed services.

33 “(5) The services required by this section shall be provided by hospitals, public or private enti-
34 ties or organizations, or any combination thereof, capable of providing all or part of the family risk
35 assessment and the follow-up services. In granting a contract, a local commission may utilize
36 collaborative contracting or requests for proposals and shall take into consideration the most ef-
37 fective and consistent service delivery system.

38 “(6) The family risk assessment and follow-up services for families at risk shall be provided by
39 trained family support workers or nurses organized in teams supervised by a manager and including
40 a family services coordinator who is available to consult.

41 “(7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for
42 family support workers, nurses and other employees of the program. The procedures shall provide
43 appropriate disciplinary actions for family support workers, nurses and other employees who violate
44 federal or state law or the policies of the program.

45 “**SECTION 32b.** ORS 417.795, as amended by sections 53 and 95, chapter 37, Oregon Laws 2012,

1 is amended to read:

2 "417.795. (1) The Early Learning [*Council*] **Division** shall establish Healthy Start Family Support
3 Services programs in all counties of this state as funding becomes available.

4 "(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate
5 early childhood benchmarks and shall:

6 "(a) Ensure that express written consent is obtained from the family prior to any release of in-
7 formation that is protected by federal or state law and before the family receives any services;

8 "(b) Ensure that services are voluntary and that, if a family chooses not to accept services or
9 ends services, there are no adverse consequences for those decisions;

10 "(c) Offer a voluntary comprehensive screening and risk assessment of all newly born children
11 and their families;

12 "(d) Ensure that the disclosure of information gathered in conjunction with the voluntary com-
13 prehensive screening and risk assessment of children and their families is limited pursuant to ORS
14 417.728 (7) to the following purposes:

15 "(A) Providing services under the programs to children and families who give their express
16 written consent;

17 "(B) Providing statistical data that are not personally identifiable;

18 "(C) Accomplishing other purposes for which the family has given express written consent; and

19 "(D) Meeting the requirements of mandatory state and federal disclosure laws;

20 "(e) Ensure that risk factors used in the risk assessment are limited to those risk factors that
21 have been shown by research to be associated with poor outcomes for children and families;

22 "(f) Identify, as early as possible, families that would benefit most from the programs;

23 "(g) Provide parenting education and support services, including but not limited to community-
24 based home visiting services and primary health care services;

25 "(h) Provide other supports, including but not limited to referral to and linking of community
26 and public services for children and families such as mental health services, alcohol and drug
27 treatment programs that meet the standards promulgated by the Oregon Health Authority under
28 ORS 430.357, child care, food, housing and transportation;

29 "(i) Coordinate services for children consistent with other services provided through the Oregon
30 Early Learning System;

31 "(j) Provide follow-up services and supports from zero through six years of age;

32 "(k) Integrate data with any common data system for early childhood programs;

33 "(L) Be included in a statewide independent evaluation to document:

34 "(A) Level of screening and assessment;

35 "(B) Incidence of child abuse and neglect;

36 "(C) Change in parenting skills; and

37 "(D) Rate of child development;

38 "(m) Be included in a statewide training program in the dynamics of the skills needed to provide
39 early childhood services, such as assessment and home visiting; and

40 "(n) Meet statewide quality assurance and quality improvement standards.

41 "(3) The Healthy Start Family Support Services programs, local health departments and other
42 providers of prenatal and perinatal services in counties shall:

43 "(a) Identify existing services and describe and prioritize additional services necessary for a
44 voluntary home visit system;

45 "(b) Build on existing programs;

1 “(c) Maximize the use of volunteers and other community resources that support all families;
2 “(d) Target, at a minimum, all first birth families in the county; and
3 “(e) Ensure that home visiting services provided by local health departments for children and
4 pregnant women support and are coordinated with local Healthy Start Family Support Services
5 programs.

6 “(4) Through a Healthy Start Family Support Services program, a trained family support worker
7 or nurse shall be assigned to each family assessed as at risk that consents to receive services
8 through the worker or nurse. The worker or nurse shall conduct home visits and assist the family
9 in gaining access to needed services.

10 “(5) The services required by this section shall be provided by hospitals, public or private enti-
11 ties or organizations, or any combination thereof, capable of providing all or part of the family risk
12 assessment and the follow-up services. In granting a contract, collaborative contracting or requests
13 for proposals may be used and must include the most effective and consistent service delivery sys-
14 tem.

15 “(6) The family risk assessment and follow-up services for families at risk shall be provided by
16 trained family support workers or nurses organized in teams supervised by a manager and including
17 a family services coordinator who is available to consult.

18 “(7) Each Healthy Start Family Support Services program shall adopt disciplinary procedures for
19 family support workers, nurses and other employees of the program. The procedures shall provide
20 appropriate disciplinary actions for family support workers, nurses and other employees who violate
21 federal or state law or the policies of the program.”.

22 On page 16, line 8, delete “Child Care Office” and insert “Office of Child Care”.

23 On page 17, line 1, delete “THE CHILD CARE OFFICE” and insert “THE OFFICE OF CHILD
24 CARE”.

25 On page 18, delete lines 17 through 45 and delete pages 19 through 49.

26 On page 50, delete lines 1 through 9 and insert:

27 “**SECTION 38.** ORS 657A.010, as amended by section 117, chapter 37, Oregon Laws 2012, is
28 amended to read:

29 “657A.010. (1) There is established within the [*Employment Department a Child Care Division*]
30 **Early Learning Division the Office of Child Care.**

31 “(2)(a) The **Office of Child Care** [*Division*], as designated by the Governor, shall be responsible
32 for administering funds received by the State of Oregon pursuant to the federal Child Care and
33 Development Block Grant Act of 1990, the Dependent Care Planning and Development Grant and
34 other federal child care funds and grants received by the State of Oregon.

35 “(b) **Through the legislative budgeting process, the Legislative Assembly shall identify the**
36 **portion of the funds received by the State of Oregon pursuant to the federal Child Care and**
37 **Development Block Grant Act of 1990 to be spent to provide quality child care, to provide**
38 **child care subsidies and for administrative expenditures. The Office of Child Care shall ad-**
39 **minister the funds according to the portions identified by the Legislative Assembly.**

40 “(c) **The Office of Child Care shall submit an annual report to the Legislative Fiscal Of-**
41 **fice regarding the expenditures of the funds received by the State of Oregon pursuant to the**
42 **federal Child Care and Development Block Grant Act of 1990 and the most recent estimate**
43 **of the balance of the funds.**

44 “(3) The **Office of Child Care** [*Division*] shall comply with directives of the Early Learning
45 Council established in section 4, chapter 519, Oregon Laws 2011, in the [*division’s*] **office’s** imple-

1 mentation of the provisions of ORS 657A.250 to 657A.450.

2 “(4) There is established in the State Treasury, separate and distinct from the General Fund, the
3 Child Care Fund. The Child Care Fund shall consist of moneys collected and received by the **Office**
4 **of Child Care** [*Division*] pursuant to subsection (2) of this section, ORS 657A.310 and 657A.992 and
5 such moneys as may be otherwise made available by law. Interest earned on the fund shall be
6 credited to the fund. The moneys in the Child Care Fund are appropriated continuously to the **Office**
7 **of Child Care** [*Division*] and shall be used in a manner consistent with the grant of funds or for the
8 administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450.

9 “**SECTION 39. (1) The amendments to ORS 657A.010 by section 38 of this 2013 Act are**
10 **intended to change the name of the ‘Child Care Division’ to the ‘Office of Child Care.’**

11 “**(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
12 **may substitute for words designating the ‘Child Care Division,’ wherever they occur in stat-**
13 **utory law, other words designating the ‘Office of Child Care.’**

14 “**SECTION 40.** ORS 657A.020 is amended to read:

15 “657A.020. (1) The **Office of Child Care** [*Division*] staff shall provide technical assistance, link-
16 age of local agencies, data collection and monitoring.

17 “(2) The **Office of Child Care** [*Division*] shall continually monitor and disseminate information
18 about federal and charitable programs for the purposes of ORS 657A.100 to 657A.190.

19 “**SECTION 41.** ORS 657A.030, as amended by section 5, chapter 348, Oregon Laws 2009, section
20 7, chapter 60, Oregon Laws 2010, and section 3, chapter 3, Oregon Laws 2012, is amended to read:

21 “657A.030. (1) The [*Child Care Division of the Employment Department*] **Office of Child Care**
22 shall establish a Central Background Registry.

23 “(2) A subject individual shall apply to and must be enrolled in the Central Background Registry
24 as part of the individual’s application to operate a program or serve in a position described in sub-
25 section (8) of this section.

26 “(3) Upon receiving an application for enrollment in the Central Background Registry, the [*di-*
27 *vision*] **office** shall complete a criminal records check under ORS 181.534 and shall complete a child
28 protective services records check with the Department of Human Services. The [*division*] **office**
29 shall enroll the individual in the registry if the individual:

30 “(a) Is determined to have no criminal or child protective services history or to have dealt with
31 the issues and provided adequate evidence of suitability for the registry;

32 “(b) Has paid the applicable fee established pursuant to ORS 657A.275; and

33 “(c) Has complied with the rules of the [*division*] **Early Learning Council** adopted pursuant to
34 this section.

35 “(4) The [*division*] **office** may conditionally enroll an individual in the registry pending the re-
36 sults of a nationwide criminal records check through the Federal Bureau of Investigation if the in-
37 dividual has met other requirements of the [*division*] **office** for enrollment in the registry.

38 “(5) An enrollment in the Central Background Registry shall expire two years from the date of
39 enrollment and may be renewed upon application to the [*division*] **office**, payment of the fee estab-
40 lished pursuant to ORS 657A.275 and compliance with rules adopted by the [*division*] **Early**
41 **Learning Council** pursuant to this section. However, an individual who is determined to be ineli-
42 gible for enrollment in the registry after the date of initial enrollment shall be removed from the
43 registry by the [*division*] **office**.

44 “(6)(a) A child care facility shall not hire or employ an individual if the individual is not en-
45 rolled in the Central Background Registry.

1 “(b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a
2 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

3 “(7) The [division] **Early Learning Council** may adopt any rules necessary to carry out the
4 purposes of this section and the criminal records check program.

5 “(8) For purposes of this section, ‘subject individual’ means a subject individual as defined by
6 the [division] **Early Learning Council** by rule or a person who applies to be:

7 “(a) The operator or an employee of a child care or treatment program;

8 “(b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to
9 329.200;

10 “(c) The operator or an employee of a federal Head Start program regulated by the United
11 States Department of Health and Human Services;

12 “(d) An individual in a child care facility who may have unsupervised contact with children as
13 identified by the [division] **office**;

14 “(e) A contractor or an employee of the contractor who provides early childhood special edu-
15 cation or early intervention services pursuant to ORS 343.455 to 343.534;

16 “(f) A child care provider who is required to be enrolled in the Central Background Registry
17 by any state agency;

18 “(g) A contractor, employee or volunteer of a metropolitan service district organized under ORS
19 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
20 in the Central Background Registry by the metropolitan service district; or

21 “(h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly
22 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with
23 a private agency or organization that facilitates the provision of such respite services.

24 “(9)(a) Information provided to a metropolitan service district organized under ORS chapter 268
25 about the enrollment status of the persons described in subsection (8)(g) of this section shall be
26 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
27 vide for the recovery of administrative, including direct and indirect, costs incurred by the
28 [division] **office** from participation in the agreement. Any moneys collected under this paragraph
29 shall be deposited in the Child Care Fund established under ORS 657A.010.

30 “(b) Information provided to a private agency or organization facilitating the provision of respite
31 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
32 under ORS 109.056 about the enrollment status of the persons described in subsection (8)(h) of this
33 section shall be subject to an agreement with the private agency or organization. The agreement
34 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
35 [division] **office** from participation in the agreement. Any moneys collected under this paragraph
36 shall be deposited in the Child Care Fund established under ORS 657A.010.

37 “**SECTION 42.** ORS 657A.180, as amended by section 118, chapter 37, Oregon Laws 2012, is
38 amended to read:

39 “657A.180. (1) The **Office of Child Care [Division]** shall create an advisory committee to advise
40 the [division] **office** on the development and administration of child care resource and referral pol-
41 icies and practices. The **Office of Child Care [Division]** shall, in consultation with the advisory
42 committee, establish criteria for proposals, prepare requests for proposals, receive proposals and
43 award grants for the establishment of resource and referral programs.

44 “(2) The **Office of Child Care [Division]** shall collect and report data concerning resource and
45 referral programs.

1 “(3)(a) The local resource and referral agencies shall match grant funds in an amount not less
2 than 10 percent of grant funds received. Matching financial support includes, but is not limited to,
3 in-kind contributions.

4 “(b) As used in this subsection, ‘in-kind contributions’ means nonmonetary contributions that
5 include but are not limited to:

6 “(A) Provision of rent-free program space;

7 “(B) Provision of utilities;

8 “(C) Provision of custodial services;

9 “(D) Provision of secretarial services;

10 “(E) Provision of liability insurance or health insurance benefits;

11 “(F) Administrative services; and

12 “(G) Transportation services.

13 “(4) The **Office of** Child Care [*Division*] shall provide to the Early Learning Council a report
14 that summarizes the development and administration of child care resource and referral policies and
15 practices under this section. The report must be provided at least twice a year and as otherwise
16 required by the Early Learning Council.

17 “**SECTION 43.** ORS 657A.190 is amended to read:

18 “657A.190. (1) The criteria for the renewal of a resource and referral program shall include the
19 following:

20 “(a) Current and continuous satisfactory performance as a resource and referral agency provid-
21 ing the full range of services required by ORS 657A.100 to 657A.190.

22 “(b) Full fiscal and program compliance with contract requirements established by the **Office**
23 **of** Child Care [*Division*].

24 “(c) Cost effectiveness.

25 “(d) Extent and quality of service to the community.

26 “(2) The [*division*] **office** shall reallocate any funds made available through nonrenewal of a
27 contract for resource and referral programs.

28 “(3) Satisfactory contract performance by a resource and referral agency shall be a condition
29 for the renewal of that contract in the subsequent fiscal year.

30 “**SECTION 44.** ORS 657A.250 is amended to read:

31 “657A.250. As used in ORS 657A.030 and 657A.250 to 657A.450, unless the context requires oth-
32 erwise:

33 “(1) ‘Babysitter’ means a person who goes into the home of a child to give care during the
34 temporary absence of the parent or legal guardian or custodian.

35 “(2) ‘Certification’ means the certification that is issued under ORS 657A.280 by the **Office of**
36 Child Care [*Division*] to a family child care home, child care center or other child care facility.

37 “(3) ‘Child’ means a child under 13 years of age or a child under 18 years of age who has special
38 needs or disabilities and requires a level of care that is above normal for the child’s age.

39 “(4) Subject to ORS 657A.440, ‘child care’ means the care, supervision and guidance on a regular
40 basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part
41 of the 24 hours of the day, in a place other than the child’s home, with or without compensation.

42 ‘Child care’ does not include care provided:

43 “(a) In the home of the child;

44 “(b) By the child’s parent, guardian, or person acting in loco parentis;

45 “(c) By a person related to the child by blood or marriage within the fourth degree as deter-

1 mined by civil law;

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

3 “(e) By providers of medical services;

4 “(f) By a babysitter;

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

6 “(h) By a person who cares for no more than three children other than the person’s own chil-

7 dren; or

8 “(i) By a person who is a member of the child’s extended family, as determined by the

9 [division] **office** on a case-by-case basis.

10 “(5) ‘Child care facility’ means any facility that provides child care to children, including a day

11 nursery, nursery school, child care center, certified or registered family child care home or similar

12 unit operating under any name, but not including any:

13 “(a) Preschool recorded program.

14 “(b) Facility providing care for school-age children that is primarily a single enrichment activity,

15 for eight hours or less a week.

16 “(c) Facility providing care that is primarily group athletic or social activities sponsored by or

17 under the supervision of an organized club or hobby group.

18 “(d) Facility operated by:

19 “(A) A school district as defined in ORS 332.002;

20 “(B) A political subdivision of this state; or

21 “(C) A governmental agency.

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

23 “(f) Babysitters.

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

25 “(h) Facility providing care while the child’s parent remains on the premises and is engaged in

26 an activity offered by the facility or in other nonwork activity.

27 “(i) Facility operated as a school-age recorded program.

28 “[6] *‘Division’ means the Child Care Division of the Employment Department.*]

29 “[7] **(6)** ‘Family’ has the meaning given that term in ORS 329.145.

30 “[8] **(7)** ‘Occasional’ means that care is provided for no more than 70 days in any calendar

31 year.

32 “[9] **(8)** ‘Parent cooperative’ means a child care program in which:

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

34 “(b) Membership in the cooperative includes parents;

35 “(c) There are written policies and procedures; and

36 “(d) A board of directors that includes parents of the children cared for by the cooperative

37 controls the policies and procedures of the program.

38 “[10] **(9)** ‘Preschool recorded program’ means a facility providing care for preschool children

39 that is primarily educational for four hours or less per day and where no child is present at the

40 facility for more than four hours per day.

41 “[11] **(10)** ‘Record’ means the record that is issued under ORS 657A.255 to a preschool recorded

42 program or under ORS 657A.257 to a school-age recorded program.

43 “[12] **(11)** ‘Registration’ means the registration that is issued under ORS 657A.330 by the **Office**

44 **of Child Care** [Division] to a family child care home where care is provided in the family living

45 quarters of the provider’s home.

1 “[(13)] (12) ‘School age’ means of an age eligible to be enrolled in the first grade or above and,
2 during the months of summer vacation from school, means of an age eligible to be enrolled in first
3 grade or above in the next school year.

4 “[(14)] (13) ‘School-age recorded program’ means a program for school-age children:

5 “(a) That is not operated by a school district as defined in ORS 332.002;

6 “(b) That is not required to be certified under ORS 657A.280 or registered under ORS 657A.330;
7 and

8 “(c) In which youth development activities are provided to children during hours that school is
9 not in session and does not take the place of a parent’s care.

10 “[(15)] (14) ‘Youth development activities’ means care, supervision or guidance that is intended
11 for enrichment, including but not limited to teaching skills or proficiency in physical, social or ed-
12 ucational activities such as tutoring, music lessons, social activities, sports and recreational activ-
13 ities.

14 “**SECTION 45.** ORS 657A.252 is amended to read:

15 “657A.252. (1) Notwithstanding ORS 657A.250 (4), care provided to children other than the chil-
16 dren of the person providing the care by a person whose enrollment in the Central Background
17 Registry established by ORS 657A.030 has been denied for cause, has been revoked or is under sus-
18 pension, or whose certification or registration has been denied for cause, has been revoked or is
19 under suspension, or who has voluntarily surrendered the person’s certification or registration while
20 under investigation by the **Office of Child Care** [*Division*], is ‘child care’ for purposes of ORS
21 657A.030 and 657A.250 to 657A.450.

22 “(2) Notwithstanding ORS 657A.250 (5), a facility providing care for four hours or less per day
23 that is primarily educational to preschool children that is operated by a person whose enrollment
24 in the Central Background Registry established by ORS 657A.030 has been denied for cause, has
25 been revoked or is under suspension, or whose certification or registration has been denied for
26 cause, has been revoked or is under suspension, or who has voluntarily surrendered the person’s
27 certification or registration while under investigation by the **Office of Child Care** [*Division*], is a
28 ‘child care facility’ for purposes of ORS 657A.030 and 657A.250 to 657A.450.

29 “**SECTION 46.** ORS 657A.255 is amended to read:

30 “657A.255. (1) A person operating a preschool recorded program may not operate the program
31 without performing criminal background checks for all staff and volunteers and becoming recorded
32 with the [*Child Care Division of the Employment Department*] **Office of Child Care** as provided in
33 this section.

34 “(2) To obtain recording, the person must apply to the [*division*] **office** by submitting a com-
35 pleted record application form and a nonrefundable fee as established by the [*division*] **office**. The
36 [*division*] **office** shall determine and apply the fee through rules adopted by the [*division*] **Early**
37 **Learning Council** under ORS 657A.275. The [*division*] **office** shall deposit fees received under this
38 subsection as provided in ORS 657A.310 (2).

39 “(3) The [*division*] **office** shall issue a record to a person operating a preschool recorded pro-
40 gram if the [*division*] **office** determines that the applicant meets the requirements of ORS 657A.250
41 to 657A.450 and the rules adopted pursuant to ORS 657A.250 to 657A.450 and subsection (9) of this
42 section.

43 “(4) Unless the record is revoked as provided in subsection (8) of this section, the record is valid
44 for a period of two years from the date of issuance.

45 “(5) A record authorizes operation of the preschool recorded program only on the premises de-

1 scribed in the record and only by the person named in the record.

2 “(6) The [division] **office** shall create and maintain a database of preschool recorded programs
3 recorded under this section and shall update the database annually. The database shall include, but
4 need not be limited to, the following information:

5 “(a) Name and address of the program;

6 “(b) Name of operator; and

7 “(c) Significant program information, as determined by the [division] **Early Learning Council**
8 by rule.

9 “(7) A preschool recorded program recorded under this section must post, and provide parents
10 with, a notice that the preschool recorded program is not certified under ORS 657A.280 or registered
11 under ORS 657A.330.

12 “(8) An initial application or renewal application for recording of a preschool recorded program
13 may be denied, revoked or suspended, if the [division] **office** finds:

14 “(a) That the program or its operation does not comply with ORS 657A.250 to 657A.450, with
15 applicable rules and with any term or condition imposed under the record; or

16 “(b) That visitation, on-site investigation or inspection of a program or its records authorized
17 by ORS 657A.390 has not been permitted.

18 “(9) The [division] **Early Learning Council** shall adopt any rules necessary to carry out the
19 provisions of this section.

20 “(10) A person who violates any provision of this section or any term or condition of a record
21 is subject to a civil penalty not to exceed \$100.

22 “**SECTION 47.** ORS 657A.257 is amended to read:

23 “657A.257. (1) A person operating a school-age recorded program may not operate the program
24 without performing criminal background checks for all staff and volunteers and becoming recorded
25 with the [*Child Care Division of the Employment Department*] **Office of Child Care** as provided in
26 this section.

27 “(2) To obtain recording, the person must apply to the [division] **office** by submitting a com-
28 pleted record application form and a nonrefundable fee as established by the [division] **office**. The
29 [division] **office** shall determine and apply the fee through rules adopted by the [division] **Early**
30 **Learning Council** under ORS 657A.275. The [division] **office** shall deposit fees received under this
31 subsection as provided in ORS 657A.310 (2).

32 “(3) The [division] **office** shall issue a record to a person operating a school-age recorded pro-
33 gram if the [division] **office** determines that the applicant meets the requirements of ORS 657A.250
34 to 657A.450 and the rules adopted pursuant to ORS 657A.250 to 657A.450 and subsection (9) of this
35 section.

36 “(4) Unless the record is revoked as provided in subsection (8) of this section, the record is valid
37 for a period of two years from the date of issuance.

38 “(5) A record authorizes operation of the school-age recorded program only on the premises
39 described in the record and only by the person named in the record.

40 “(6) The [division] **office** shall create and maintain a database of school-age recorded programs
41 recorded under this section and shall update the database annually. The database shall include, but
42 need not be limited to, the following information:

43 “(a) Name and address of the program;

44 “(b) Name of operator; and

45 “(c) Significant program information, as determined by the [division] **Early Learning Council**

1 by rule.

2 “(7) A school-age recorded program recorded under this section must post, and provide parents
3 with, a notice that the school-age recorded program is not certified under ORS 657A.280 or regis-
4 tered under ORS 657A.330.

5 “(8) An initial application or renewal application for recording of a school-age recorded program
6 may be denied, revoked or suspended, if the [division] **office** finds:

7 “(a) That the program or its operation does not comply with ORS 657A.250 to 657A.450, with
8 applicable rules and with any term or condition imposed under the record; or

9 “(b) That visitation, on-site investigation or inspection of a program or its records authorized
10 by ORS 657A.390 has not been permitted.

11 “(9) The [division] **Early Learning Council** shall adopt any rules necessary to carry out the
12 provisions of this section.

13 “(10) A person who violates any provision of this section or any term or condition of a record
14 is subject to a civil penalty not to exceed \$100.

15 “**SECTION 48.** ORS 657A.260 is amended to read:

16 “657A.260. (1) After consultation with appropriate agencies and interested persons, the [Child
17 Care Division] **Early Learning Council** by rule shall establish minimum standards for child care
18 facilities and the operation thereof and for the administration of ORS 657A.030 and 657A.250 to
19 657A.450.

20 “(2) In establishing minimum standards of health and safety, the [division] **council** shall consult
21 with the Oregon Health Authority and the State Fire Marshal and shall give consideration to their
22 recommendations and to all basic requirements for the protection of the children to receive child
23 care, including the criteria prescribed in ORS 657A.290, and may adopt rules applicable to different
24 categories of child care facilities, considering:

25 “(a) The numbers and ages of the children to receive care in the child care facility.

26 “(b) The number, experience and training of the staff of the child care facility.

27 “(c) The types and qualities of equipment and other factors in the physical plant of the child
28 care facility.

29 “(d) Any other factor affecting the care provided in the child care facility.

30 “**SECTION 49.** ORS 657A.263 is amended to read:

31 “657A.263. (1) As used in this section:

32 “(a) ‘Certified child care facility’ means a child care facility that has been certified under ORS
33 657A.280 by the [Child Care Division of the Employment Department] **Office of Child Care.**

34 “(b) ‘Child care facility’ has the meaning given that term in ORS 657A.250 (5).

35 “(c) ‘Registered child care facility’ means a child care facility that has been registered under
36 ORS 657A.330 by the [Child Care Division of the Employment Department] **Office of Child Care.**

37 “(2) Every certified child care facility and registered child care facility shall:

38 “(a) Adopt a plan to provide for the safety of children who are receiving child care at a child
39 care facility in the event of an emergency that requires immediate action by the staff of the facility
40 due to conditions of imminent danger that pose a threat to the life, health or safety of children who
41 are receiving child care at the facility; and

42 “(b) Provide training to all employees of the child care facility about the responsibilities of the
43 employees to implement the plan required by this section.

44 “(3) The [Child Care Division of the Employment Department] **Early Learning Council** shall
45 adopt by rule the requirements for the plan and training required by this section. The rules adopted

1 shall include, but are not limited to, procedures for the evacuation of the children who are receiving
2 child care at the child care facility to a place of safety when the conditions of imminent danger
3 require relocation of those children.

4 “**SECTION 50.** ORS 657A.270 is amended to read:

5 “657A.270. (1) A certification or registration authorized by ORS 657A.030 and 657A.250 to
6 657A.450 and issued to a child care facility may be renewed upon submission of an application and
7 payment of the required fee not later than 30 days prior to the expiration date of the current cer-
8 tification or registration if the [*Child Care Division of the Employment Department*] **Office of Child**
9 **Care** finds that the child care facility that is seeking renewal of the certification or registration is
10 in compliance with the requirements of ORS 181.537, 657A.030 and 657A.250 to 657A.450 and the
11 rules promulgated pursuant to ORS 181.534, 181.537, 657A.030 and 657A.250 to 657A.450.

12 “(2) Upon submission of an application for renewal in proper time, manner and form, and pay-
13 ment of the required fee, the current certification or registration, unless officially revoked, shall
14 remain in force until the **Office of Child Care** [*Division*] has acted on the application for renewal
15 and has given notice of the action taken.

16 “**SECTION 51.** ORS 657A.275 is amended to read:

17 “657A.275. (1) The [*Child Care Division of the Employment Department*] **Early Learning Council**
18 shall adopt rules establishing fees for certification, registration and recording under ORS 657A.250
19 to 657A.450.

20 “(2) Subject to prior approval of the Oregon Department of Administrative Services and a report
21 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established
22 under ORS 181.534, 657A.030 and 657A.250 to 657A.450 may not exceed the cost of administering the
23 program of the [*division*] **Office of Child Care** pertaining to the purpose for which the fee is es-
24 tablished, as authorized by the Legislative Assembly within the budget of the [*division*] **office**.

25 “(3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the
26 following fees established by the [*division*] **Early Learning Council** under ORS 657A.030 and
27 657A.250 to 657A.450 may not exceed:

28 “(a) For Certified Family Child Care Home Initial Certification, \$25;

29 “(b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

30 “(c) For Child Care Center Initial Certification, \$100;

31 “(d) For Child Care Center Annual Fee Per Certified Space, \$2;

32 “(e) For Registered Family Child Care Home Registration, \$30;

33 “(f) For Preschool Recorded Program Recording, \$20;

34 “(g) For School-Age Recorded Program Recording, \$20;

35 “(h) For administering a class on child care abuse and neglect issues, \$10; and

36 “(i) For enrollment in the Central Background Registry, the cost of administering the program,
37 including fees for:

38 “(A) Duplicate enrollment in the Central Background Registry;

39 “(B) Law Enforcement Data System criminal records check; and

40 “(C) Federal Bureau of Investigation fingerprint check.

41 “**SECTION 52.** ORS 657A.280 is amended to read:

42 “657A.280. (1) A person may not operate a child care facility, except a facility subject to the
43 registration requirements of ORS 657A.330, without a certification for the facility from the **Office**
44 **of Child Care** [*Division*].

45 “(2) The [*Child Care Division*] **Early Learning Council** shall adopt rules for the certification

1 of a family child care home caring for not more than 16 children. The rules shall be specifically
2 adopted for the regulation of certified child care facilities operated in a facility constructed as a
3 single-family dwelling. Notwithstanding fire and other safety regulations, the rules that the [*Child*
4 *Care Division*] **council** adopts for certified child care facilities shall set standards that can be met
5 without significant architectural modification of a typical home. In adopting the rules, the [*Child*
6 *Care Division*] **council** may consider and set limits according to factors including the age of children
7 in care, the ambulatory ability of children in care, the number of the provider's children present, the
8 length of time a particular child is continuously cared for and the total amount of time a particular
9 child is cared for within a given unit of time.

10 “(3) In addition to rules adopted for and applied to a certified family child care home providing
11 child care for not more than 16 children, the [*Child Care Division*] **council** shall adopt and apply
12 separate rules appropriate for any child care facility that is a child care center.

13 “(4) Any person seeking to operate a child care facility may apply for a certification for the
14 facility from the **Office of Child Care** [*Division*] and receive a certification upon meeting certifi-
15 cation requirements.

16 “**SECTION 53.** ORS 657A.290 is amended to read:

17 “657A.290. A person applying for a certification for a child care facility shall demonstrate to the
18 satisfaction of the **Office of Child Care** [*Division*] that:

19 “(1) The moral character and habits of the person will not endanger the well-being of children
20 for whom the person is to provide care.

21 “(2) The attitude of the person toward children and understanding of their needs qualify the
22 person to care for children.

23 “(3) The person is physically and mentally capable of caring for children.

24 “(4) The facility and its operation are adequate to protect the health, the safety and the phys-
25 ical, moral and mental well-being of the children to be cared for in the facility, including but not
26 limited to:

27 “(a) Adequate staffing by suitable persons qualified by education or experience to meet their
28 respective responsibilities in the care of children.

29 “(b) Adequate physical facilities for the care of children, such as building construction, sanita-
30 tion, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire
31 protection.

32 “(c) A program of activities conforming to recognized practices in the areas of child welfare,
33 education and physical and mental health to provide opportunity for development and recreation.

34 “(d) Exclusion from the facility of individuals whose presence may be detrimental to the welfare
35 of children, including exclusion of any individual with a criminal record indicating conviction of any
36 crime which would bar the individual from operating or being employed in a child care facility under
37 ORS 657A.260.

38 “**SECTION 54.** ORS 657A.300 is amended to read:

39 “657A.300. (1) Upon receipt of an application for a certification, accompanied by the required
40 fee, the **Office of Child Care** [*Division*] shall issue a certification if the [*division*] **office** finds that
41 the child care facility and its operations are in compliance with the requirements of ORS 181.537,
42 657A.030 and 657A.250 to 657A.450 and the rules promulgated pursuant to ORS 181.534, 181.537,
43 657A.030 and 657A.250 to 657A.450.

44 “(2) The **Office of Child Care** [*Division*] may issue a temporary certification, subject to reason-
45 able terms and conditions, for a period not longer than 180 days to a child care facility that does

1 not comply with the requirements and rules if the [division] **office** finds that the health and safety
2 of any child will not be endangered thereby. Not more than one temporary certification shall be is-
3 sued for the same child care facility in any 12-month period.

4 “(3) The **Office of Child Care** [Division] shall serve as the state agency authorized, upon re-
5 quest, to certify compliance with applicable federal child care standards or requirements by any fa-
6 cility providing child care in the state.

7 “**SECTION 55.** ORS 657A.310, as amended by section 119, chapter 37, Oregon Laws 2012, is
8 amended to read:

9 “657A.310. (1) Application for a certification or for the annual renewal thereof shall be made to
10 the **Office of Child Care** [Division] on forms provided by the [division] **office** and accompanied by
11 a nonrefundable fee. The fee shall vary according to the type of facility and the number of children
12 for which the facility is requesting to be certified, and shall be determined and applied through rules
13 adopted by the [division] **Early Learning Council** pursuant to ORS 657A.275.

14 “(2) All fees received under subsection (1) of this section shall be deposited in the Child Care
15 Fund established under ORS 657A.010 (4) and may be used for the administration of ORS 181.537,
16 657A.030 and 657A.250 to 657A.450.

17 “(3) Any certification issued pursuant to ORS 657A.030 and 657A.250 to 657A.450 authorizes
18 operation of the facility only on the premises described in the certification and only by the person
19 named in the certification.

20 “(4) Unless sooner revoked, a temporary certification expires on the date specified therein. Un-
21 less sooner revoked and except as provided in ORS 657A.270 (2), an annual certification expires one
22 year from the date of issuance.

23 “**SECTION 56.** ORS 657A.330 is amended to read:

24 “657A.330. (1) A provider operating a family child care home where care is provided in the
25 family living quarters of the provider’s home that is not subject to the certification requirements
26 of ORS 657A.280 may not operate a child care facility without registering with the [Child Care Di-
27 vision of the Employment Department] **Office of Child Care**.

28 “(2) A child care facility holding a registration may care for a maximum of 10 children, including
29 the provider’s own children. Of the 10 children:

30 “(a) No more than six may be younger than school age; and

31 “(b) No more than two may be 24 months of age or younger.

32 “(3)(a) To obtain a registration, a provider must apply to the **Office of Child Care** [Division] by
33 submitting a completed application work sheet and a nonrefundable fee. The fee shall vary according
34 to the number of children for which the facility is requesting to be registered, and shall be deter-
35 mined and applied through rules adopted by the [division] **Early Learning Council** under ORS
36 657A.275. The fee shall be deposited as provided in ORS 657A.310 (2). The [division] **office** may
37 waive any or all of the fee if the [division] **office** determines that imposition of the fee would impose
38 a hardship on the provider.

39 “(b) Upon receipt of an initial or renewal application satisfactory to the [division] **office**, the
40 [division] **office** shall conduct an on-site review of the child care facility under this section. The
41 on-site review shall be conducted within 30 days of the receipt of a satisfactory application.

42 “(4) The [division] **office** shall issue a registration to a provider operating a family child care
43 home if:

44 “(a) The provider has completed a child care overview class administered by the [division]
45 **office**;

1 “(b) The provider has completed two hours of training on child abuse and neglect issues;

2 “(c) The provider is currently certified in infant and child first aid and cardiopulmonary resus-

3 citation;

4 “(d) The provider is certified as a food handler under ORS 624.570; and

5 “(e) The [division] **office** determines that the application meets the requirements of ORS 181.537,

6 657A.030 and 657A.250 to 657A.450 and the rules promulgated pursuant to ORS 181.534, 181.537,

7 657A.030 and 657A.250 to 657A.450, and receives a satisfactory records check, including criminal

8 records and protective services records.

9 “(5) Unless the registration is revoked as provided in ORS 657A.350, the registration is valid for

10 a period of two years from the date of issuance. The [division] **office** may renew a registration of

11 a provider operating a family child care home if the provider:

12 “(a) Is currently certified in infant and child first aid and cardiopulmonary resuscitation;

13 “(b) Has completed a minimum of eight hours of training related to child care during the most

14 recent registration period; and

15 “(c) Is certified as a food handler under ORS 624.570.

16 “(6) A registration authorizes operation of the facility only on the premises described in the

17 registration and only by the person named in the registration.

18 “(7) The [division] **Early Learning Council** shall adopt rules:

19 “(a) Creating the application work sheet required under subsection (3) of this section;

20 “(b) Defining full-time and part-time care;

21 “(c) Establishing under what circumstances the adult to child ratio requirements may be tem-

22 porarily waived; and

23 “(d) Establishing health and safety procedures and standards on:

24 “(A) The number and type of toilets and sinks available to children;

25 “(B) Availability of steps or blocks for use by children;

26 “(C) Room temperature;

27 “(D) Lighting of rooms occupied by children;

28 “(E) Glass panels on doors;

29 “(F) Condition of floors;

30 “(G) Availability of emergency telephone numbers; and

31 “(H) Smoking.

32 “(8) The [division] **office** shall adopt the application work sheet required by subsection (3) of this

33 section. The work sheet must include, but need not be limited to, the following:

34 “(a) The number and ages of the children to be cared for at the facility; and

35 “(b) The health and safety procedures in place and followed at the facility.

36 “(9) The [division] **office**, upon good cause shown, may waive one or more of the registration

37 requirements. The [division] **office** may waive a requirement only if appropriate conditions or safe-

38 guards are imposed to protect the welfare of the children and the consumer interests of the parents

39 of the children. The [division] **office** may not waive the on-site review requirement for applicants

40 applying for an initial registration or renewal of a registration.

41 “(10) The [division] **Early Learning Council**, by rule, shall develop a list of recommended

42 standards consistent with standards established by professional organizations regarding child care

43 programs for child care facilities. Compliance with the standards is not required for a registration,

44 but the [division] **office** shall encourage voluntary compliance and shall provide technical assistance

45 to a child care facility attempting to comply with the standards. The child care facility shall dis-

1 tribute the list of recommended minimum standards to the parents of all children cared for at the
2 facility.

3 “(11) In adopting rules relating to registration, the [division] **Early Learning Council** shall
4 consult with the appropriate legislative committee in developing the rules to be adopted. If the rules
5 are being adopted during a period when the Legislative Assembly is not in session, the [division]
6 **Early Learning Council** shall consult with the appropriate interim legislative committee.

7 “**SECTION 57.** ORS 657A.350 is amended to read:

8 “657A.350. An initial application from a child care facility for certification or registration or a
9 renewal application from a child care facility for certification or registration may be denied, or a
10 temporary or regular certification or regular registration may be revoked or suspended, if the [Child
11 Care Division of the Employment Department] **Office of Child Care** finds:

12 “(1) That the facility or its operation does not comply with ORS 181.537, 657A.030 and 657A.250
13 to 657A.450 or with applicable rules or with any term or condition imposed under the certification
14 or registration; or

15 “(2) That visitation, on-site review or inspection of a facility or its records authorized by ORS
16 657A.390 or 657A.400 has not been permitted.

17 “**SECTION 58.** ORS 657A.360 is amended to read:

18 “657A.360. (1) Upon deciding to deny, revoke, suspend or not to renew a certification or regis-
19 tration, the [Child Care Division of the Employment Department] **Office of Child Care** shall give
20 notice and opportunity for hearing as provided in ORS chapter 183.

21 “(2) The **Office of Child Care** [Division] shall make the final decision and notice thereof shall
22 be sent by certified mail to the address of the child care facility as shown on the records of the
23 [division] **office**. The decision of the [division] **office** is reviewable by the Court of Appeals in the
24 manner provided in ORS 183.480 for the review of orders in contested cases.

25 “**SECTION 59.** ORS 657A.370 is amended to read:

26 “657A.370. Without the necessity of prior administrative proceedings or hearing and entry of an
27 order or at any time during such proceedings if they have been commenced, the **Office of Child Care**
28 [Division] may institute proceedings to enjoin the operation of any child care facility operating in
29 violation of ORS 181.537, 657A.030 and 657A.250 to 657A.450 or the rules promulgated pursuant to
30 ORS 181.534, 181.537, 657A.030 and 657A.250 to 657A.450.

31 “**SECTION 60.** ORS 657A.390 is amended to read:

32 “657A.390. (1) Whenever an authorized representative of the **Office of Child Care** [Division] is
33 advised or has reason to believe that child care that is subject to regulation by the [division] **office**
34 is being provided without a certification, registration or record, the authorized representative may
35 visit and conduct an on-site investigation of the premises of the facility at any reasonable time to
36 determine whether the facility is subject to the requirements of ORS 181.537, 657A.030 and 657A.250
37 to 657A.450.

38 “(2) At any reasonable time, an authorized representative of the **Office of Child Care**
39 [Division] may conduct an on-site investigation of the premises of any certified or registered child
40 care facility to determine whether the child care facility is in conformity with ORS 181.537, 657A.030
41 and 657A.250 to 657A.450 and the rules promulgated pursuant to ORS 181.534, 181.537, 657A.030 and
42 657A.250 to 657A.450.

43 “(3) An authorized representative of the **Office of Child Care** [Division] shall conduct an on-site
44 investigation of the premises of any certified or registered child care facility or of any other child
45 care facility that is subject to regulation by the [division] **office** if the [division] **office** receives a

1 serious complaint about the child care facility. The [division] **Early Learning Council**, by rule, shall
2 adopt a definition for ‘serious complaint.’

3 “(4) Any state agency that receives a complaint about a certified or registered child care facil-
4 ity, a preschool recorded program or a school-age recorded program shall notify the **Office of Child**
5 **Care [Division]** about the complaint and any subsequent action taken by the state agency based on
6 that complaint.

7 “(5) The director and operator of a child care facility, a preschool recorded program or a
8 school-age recorded program shall permit an authorized representative of the [division] **office** to
9 inspect records of the facility or program and shall furnish promptly reports and information re-
10 quired by the [division] **office**.

11 “**SECTION 61.** ORS 657A.400 is amended to read:

12 “657A.400. (1) An authorized representative of the Oregon Health Authority may inspect the
13 premises of a child care facility certified under ORS 657A.280 to determine whether the facility is
14 in conformity with applicable laws and regulations relating to health and sanitation.

15 “(2) An authorized representative of the authority shall inspect any child care facility when re-
16 quested to do so by the **Office of Child Care [Division]** in accordance with arrangements under ORS
17 657A.420 and shall submit written findings to the **Office of Child Care [Division]**. The **Office of**
18 **Child Care [Division]** shall not issue or renew any certification for any child care facility for which
19 an inspection by the authority has been requested unless an authorized representative of the au-
20 thority submits a written finding that the facility is in compliance with applicable laws and regu-
21 lations relating to health and sanitation.

22 “(3) An environmental health specialist’s inspection may be performed by a private consultant
23 so long as the consultant is registered under ORS chapter 700.

24 “**SECTION 62.** ORS 657A.410 is amended to read:

25 “657A.410. (1) In the event that any authorized representative of the **Office of Child Care [Di-**
26 **vision]**, Oregon Health Authority or other agency is denied access to any premises for the purpose
27 of making an inspection in the administration of ORS 181.537, 657A.030 and 657A.250 to 657A.450,
28 the representative shall not inspect the premises without a search warrant.

29 “(2) Application for a search warrant to inspect the premises shall be made to any magistrate
30 authorized to issue a warrant of arrest. The application must be supported by an affidavit filed with
31 the magistrate showing probable cause for the inspection by stating the purpose and extent of the
32 proposed inspection, the statutes and rules which provide the basis for inspection, whether it is a
33 routine or periodic inspection, an on-site review or an investigation instituted by complaint and
34 other specific or general information concerning the premises.

35 “(3) If the magistrate is satisfied that there is probable cause to believe that the grounds of the
36 application exist, the magistrate shall issue the search warrant specifying the purpose and extent
37 of the inspection, on-site review or investigation of the premises covered by the warrant.

38 “**SECTION 63.** ORS 657A.420 is amended to read:

39 “657A.420. The **Office of Child Care [Division]** may enter into cooperative arrangements with
40 the Oregon Health Authority, the State Fire Marshal and other public agencies for the provision
41 of services in the inspection of child care facilities in the administration of ORS 181.537, 657A.030
42 and 657A.250 to 657A.450. The arrangements shall designate which services shall be reimbursed and
43 the rate and manner of reimbursement.

44 “**SECTION 64.** ORS 657A.450 is amended to read:

45 “657A.450. The **Office of Child Care [Division]** may consult with, advise or train the staffs of

1 child care facilities or other interested persons concerning child care programs.

2 “**SECTION 65.** ORS 657A.490, as amended by section 67, chapter 37, Oregon Laws 2012, is
3 amended to read:

4 “657A.490. If the Department of Education is able to find adequate funding under ORS 657A.493,
5 the department, in partnership with organizations including, but not limited to, the Institute on Vi-
6 olence and Destructive Behavior at the University of Oregon, the [*Child Care Division of the Em-
7 ployment Department, the*] Early Learning Council, the Youth Development Council and the Oregon
8 Center for Career Development in Childhood Care and Education:

9 “(1) Shall establish, in coordination with existing training systems, a statewide child care pro-
10 vider training program that will educate child care providers on:

11 “(a) The importance of healthy brain development in the first three years of a child’s life.

12 “(b) The identification of risk factors and behaviors that indicate that a child:

13 “(A) Needs special education or mental health treatment; or

14 “(B) Is at risk of becoming involved in the criminal justice system.

15 “(c) Appropriate referrals for intervention for the behaviors identified under paragraph (b) of
16 this subsection.

17 “(2) Shall establish an application process for child care providers who wish to attend the pro-
18 gram and may charge child care providers a fee for attending the program.

19 “(3) May adopt any rules necessary to implement this section.

20 “**SECTION 66.** ORS 657A.700, as amended by section 120, chapter 37, Oregon Laws 2012, is
21 amended to read:

22 “657A.700. As used in ORS 657A.700 to 657A.718:

23 “(1) ‘Child care provider’ means a provider, for compensation, of care, supervision or guidance
24 to a child on a regular basis in a center or in a home other than the child’s home. ‘Child care pro-
25 vider’ does not include a person who is the child’s parent, guardian or custodian.

26 “(2) ‘Community agency’ means a nonprofit agency that:

27 “(a) Provides services related to child care, children and families, community development or
28 similar services; and

29 “(b) Is eligible to receive contributions that qualify as deductions under section 170 of the
30 Internal Revenue Code.

31 “(3) ‘High quality child care’ means child care that meets standards for high quality child care
32 established or approved by the Early Learning Council.

33 “(4) ‘Qualified contribution’ means a contribution made by a taxpayer to the [*Child Care Divi-
34 sion of the Employment Department*] **Office of Child Care** or a selected community agency for the
35 purpose of promoting child care, and for which the taxpayer will receive a tax credit certificate
36 under ORS 657A.706.

37 “(5) ‘Tax credit certificate’ means a certificate issued by the **Office of Child Care** [*Division*] to
38 a taxpayer to qualify the taxpayer for a tax credit under ORS 315.213.

39 “(6) ‘Tax credit marketer’ means an individual or entity selected by the **Office of Child Care**
40 [*Division*] to market tax credits to taxpayers.

41 “**SECTION 67.** ORS 657A.703 is amended to read:

42 “657A.703. (1) The [*Child Care Division of the Employment Department*] **Office of Child Care**, in
43 collaboration with an advisory committee established by the [*Child Care Division*] **office**, shall es-
44 tablish a program to:

45 “(a) Allocate tax credit certificates to taxpayers that make qualified contributions to the **Office**

1 of Child Care [Division]; and

2 “(b) Distribute to child care providers moneys from qualified contributions and other contribu-
3 tions.

4 “(2) The purposes of the program are to:

5 “(a) Encourage taxpayers to make contributions to the **Office of Child Care [Division]** by pro-
6 viding a financial return on qualified contributions and by soliciting other contributions.

7 “(b) Achieve specific and measurable goals for targeted communities and populations.

8 “(c) Set standards for the child care industry concerning the cost of providing quality, affordable
9 child care.

10 “(d) Strengthen the viability and continuity of child care providers while making child care more
11 affordable for low and moderate income families.

12 “**SECTION 68.** ORS 657A.706 is amended to read:

13 “657A.706. (1) For the purpose of implementing the program established under ORS 657A.703, the
14 [Child Care Division of the Employment Department] **Early Learning Council**, in collaboration with
15 an advisory committee established by the [Child Care Division] **council and the Office of Child**
16 **Care**, shall:

17 “(a) Adopt rules.

18 “(b) Select a tax credit marketer who agrees to market tax credits to taxpayers.

19 “(c) Identify child care goals that are consistent with the purposes provided in ORS 657A.703
20 (2). The goals identified under this paragraph shall take into account state resources and needs.

21 “(d) Develop by rule the application process an entity must complete to be designated as a
22 community agency under ORS 657A.700 to 657A.718, and any process for the renewal of that desig-
23 nation.

24 “(e) Select one or more community agencies.

25 “(f) Enter into an agreement with each selected community agency to perform the functions
26 specified in ORS 657A.715.

27 “(g) Determine the total value of moneys to be available to each selected community agency to
28 distribute to providers based on goals identified under paragraph (c) of this subsection, and distrib-
29 ute those moneys in the manner provided in ORS 657A.712 to the selected community agencies. The
30 total value of moneys available to all selected community agencies in this state may not exceed the
31 amount of contributions received from taxpayers during the tax year minus any reasonable admin-
32 istrative costs incurred by the **Office of Child Care [Division]** and the selected community agencies.

33 “(2) The [Child Care Division] **Early Learning Council** may adopt rules that establish a fixed
34 percentage that is less than 100 percent by which the amount contributed by a taxpayer will be
35 certified for a tax credit by the [division] **Office of Child Care**. The purpose of the grant of
36 rulemaking authority under this subsection is to permit the [division] **Early Learning Council** to
37 calibrate the amount of the tax credit to interpretations of the deductibility of qualified contribu-
38 tions under section 170 of the Internal Revenue Code for federal tax purposes.

39 “(3)(a) The **Office of Child Care [Division]** shall issue tax credit certificates in the chronological
40 order in which the contributions are received by the [division] **office**. The [division] **office** shall is-
41 sue tax credit certificates to contributors until the total value of all certificates issued by the [di-
42 vision] **office** for the calendar year equals \$500,000. Each issued certificate shall state the value of
43 the contribution being certified as eligible for the tax credit allowed under ORS 315.213. Except as
44 provided in rules adopted under subsection (2) of this section, the certified value shall equal the
45 amount of the contribution.

1 “(b) The **Office of Child Care** [Division] may not issue a tax credit certificate to a taxpayer to
2 the extent the credit value to be certified, when added to the total credit value previously certified
3 by the [Child Care Division] **office** under paragraph (a) of this subsection for the calendar year ex-
4 ceeds \$500,000.

5 “(c) The **Office of Child Care** [Division] shall send a copy of all tax credit certificates issued
6 under this section to the Department of Revenue.

7 “(d) Qualified contributions shall be deposited in the Child Care Fund.

8 “(4) A taxpayer that receives a notice of denial of a tax credit certificate or that receives a tax
9 credit certificate issued for an amount that is less than the amount contributed may request a refund
10 for the amount contributed within 90 days of the [Child Care Division’s] denial or issuance of the
11 certificate **by the Office of Child Care**. The **Office of Child Care** [Division] must send notice of a
12 denial or changed amount and refund the amount for which a tax credit will not be granted within
13 30 days after receiving the request. The refund shall be made from the Child Care Fund.

14 “(5) The [Child Care Division] **Early Learning Council** may establish by rule any other pro-
15 visions required to implement the program established under ORS 657A.700 to 657A.718.

16 “**SECTION 69.** ORS 657A.709 is amended to read:

17 “657A.709. (1) In selecting a community agency under ORS 657A.706, the [Child Care Division
18 of the Employment Department] **Office of Child Care** shall consider:

19 “(a) A prospective agency’s financial soundness, net worth, cash flow and accounting capacity
20 to manage the tax credit program;

21 “(b) A prospective agency’s demonstrated ability to serve low and moderate income families;

22 “(c) The degree to which the governing board of the prospective agency is representative of the
23 community in which the agency is located, has a low turnover rate of board members, has experi-
24 ence with financial matters and has a demonstrated history of collaboration with other community
25 agencies; and

26 “(d) The experience and expertise of the executive or managing officer and staff of the pro-
27 spective agency in child care business management and small business development.

28 “(2) The [division] **office** shall select the community agency that, in the judgment of the
29 [division] **office** and based on the criteria set forth in subsection (1) of this section, will best serve
30 the interests of the community for which it is selected.

31 “**SECTION 70.** ORS 657A.712 is amended to read:

32 “657A.712. (1) The [Child Care Division of the Employment Department] **Office of Child Care**
33 shall distribute revenues in the Child Care Fund that are derived from contributions, minus the
34 amounts needed to make refunds under ORS 657A.706 (4) and to cover expenses of the **Office of**
35 **Child Care** [Division] in administering ORS 657A.700 to 657A.718.

36 “(2) Distributions shall be made to community agencies selected under ORS 657A.706 in the
37 proportion that the **Office of Child Care** [Division] determines best promotes the provision of child
38 care in this state.

39 “(3) Moneys distributed to selected community agencies shall be disbursed to child care provid-
40 ers, consistent with rules adopted by the [Child Care Division] **Early Learning Council** relating to
41 the disbursement of moneys by selected community agencies. The [Child Care Division] **council** shall
42 consider the factors described in ORS 657A.715 (2)(h) when adopting rules under this subsection.

43 “**SECTION 71.** ORS 657A.715 is amended to read:

44 “657A.715. (1) Each community agency selected under ORS 657A.706 shall disburse moneys to
45 child care providers, pursuant to ORS 657A.712 and rules adopted thereunder.

1 “(2) A selected community agency must:

2 “(a) Coordinate an application process by which persons may apply to be participating providers;

3 “(b) Enter into agreements with participating providers under which the duties and responsibil-

4 ities of participating providers and the community agency are stated;

5 “(c) Provide or coordinate required training for participating providers;

6 “(d) Monitor participating providers, through visits to providers and otherwise;

7 “(e) Oversee the process by which a participating provider verifies the income of a family and

8 establishes the total child care fee charged to a family;

9 “(f) Report on participating provider compliance with ORS 657A.718 and other applicable re-

10 quirements to contributors and the [*Child Care Division of the Employment Department*] **Office of**

11 **Child Care**;

12 “(g) Establish a maximum family income level for the region for purposes of the child care fee

13 limitation to which participating providers are subject under ORS 657A.718 (1)(g); and

14 “(h) Determine, consistently with rules adopted by the [*Child Care Division*] **Early Learning**

15 **Council**, the amount of moneys to be disbursed to a participating provider based on the incomes of

16 the families the provider serves, the child care fees the provider charges and the actual cost to the

17 provider of providing quality, affordable child care.

18 “(3)(a) A selected community agency must distribute to participating child care providers all

19 moneys that are available to the agency as a result of the determination made by the **Office of Child**

20 **Care** [*Division*] under ORS 657A.706 (1)(g). Each selected community agency shall distribute a sub-

21 stantial portion of the moneys to participating child care providers that are home-based businesses.

22 “(b) Distributions shall be based on the actual costs of providing quality, affordable child care

23 in the community for which distributions are being made, including training costs, operating costs

24 and wages.

25 “(4) For the purpose of making distributions to child care providers, a selected community

26 agency shall identify child care providers in the community that meet the requirements of ORS

27 657A.718. The selected community agency may develop a process through which child care providers

28 apply to receive distributions of moneys from contributions made by taxpayers.

29 “**SECTION 72.** ORS 657A.718 is amended to read:

30 “657A.718. (1) Each selected community agency shall select participating child care providers

31 that meet the following requirements:

32 “(a) If a home-based business, the provider must enter into an agreement with the community

33 agency to continue to provide child care services for at least an additional two years.

34 “(b) If a home-based business, the provider must serve at least two families that have incomes

35 that are 85 percent or less of the median income for the region. If a center, at least 25 percent of

36 the families the provider serves must have incomes that are 85 percent or less of the median income

37 for the region.

38 “(c) The provider must accept children for whom child care is paid for through a Department

39 of Human Services subsidy.

40 “(d) The provider and the employees of the provider must provide high quality child care.

41 “(e) The provider, if the provider is an individual, and the employees of the provider must com-

42 ply with [*Child Care Division*] **Early Learning Council** rules and requirements for registration or

43 certification.

44 “(f) The provider must maintain adequate liability insurance, financial records and parent poli-

45 cies and contracts, and permit the selected community agency to conduct visits.

1 “(g) For care provided to children of families whose income does not exceed the level established
2 by the selected community agency under ORS 657A.715 (2)(g), the provider must agree to limit the
3 total child care fees charged to a family to a percentage established by the [*Child Care Division*]
4 **Early Learning Council** by rule.

5 “(2) In selecting participating child care providers, selected community agencies must give
6 preference to providers that provide child care to low and moderate income families.

7 “**SECTION 73.** ORS 657A.992, as amended by section 121, chapter 37, Oregon Laws 2012, is
8 amended to read:

9 “657A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS
10 657A.260 for enforcement of the provisions of ORS chapter 657A, the **Office of Child Care**
11 [*Division*] may suspend or revoke a certification or registration issued under ORS 657A.030 and
12 657A.250 to 657A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation
13 of:

14 “(a) Any of the provisions of ORS 657A.030 and 657A.250 to 657A.450;

15 “(b) The terms and conditions of a certification or registration issued under ORS 657A.030 and
16 657A.250 to 657A.450; or

17 “(c) Any rule of the [*division*] **Early Learning Council** adopted under ORS 657A.030 and
18 657A.250 to 657A.450.

19 “(2) The [*division*] **Early Learning Council** shall adopt by rule a schedule establishing the civil
20 penalties that may be imposed under this section. The schedule must provide for categories of vio-
21 lations for which a penalty may be imposed, including ‘nonserious’ and ‘serious’ to be defined by the
22 [*division*] **council** by rule under ORS 657A.260.

23 “(3) The [*division*] **office** must issue a written warning for a nonserious or serious violation be-
24 fore assessing a civil penalty under this section. The written warning must prescribe a reasonable
25 time in which to correct a violation.

26 “(4) The [*division*] **office** may not impose a civil penalty of more than \$100 for a first violation.

27 “(5) The [*division*] **office** may not impose a civil penalty for a subsequent violation that exceeds
28 the penalty imposed for the previous violation by more than \$100. Penalties imposed under this
29 subsection may not exceed \$500 per violation, or \$1,000 total for multiple violations per quarter.

30 “(6) Notwithstanding any other provision of this section, the maximum civil penalty that may
31 be imposed:

32 “(a) For violation of ORS 657A.330 by a registered family child care home provider is \$100.

33 “(b) For violation of ORS 657A.280 by an operator of a child care facility that is not a child care
34 center is \$200.

35 “(c) For violation of ORS 657A.280 by an operator of a child care facility that is a child care
36 center is \$500.

37 “(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and
38 conditions as the [*division*] **office** considers proper and consistent with the public health and safety.

39 “(8) All moneys received under this section shall be deposited in the Child Care Fund estab-
40 lished under ORS 657A.010 (4) and may be used for the administration of ORS 181.537, 657A.030 and
41 657A.250 to 657A.450.

42 “**SECTION 74.** ORS 307.145 is amended to read:

43 “307.145. (1) If not otherwise exempt by law, upon compliance with ORS 307.162, the child care
44 facilities, schools, academies and student housing accommodations, owned or being purchased by
45 incorporated eleemosynary institutions or by incorporated religious organizations, used exclusively

1 by such institutions or organizations for or in immediate connection with educational purposes, are
2 exempt from taxation.

3 “(2) Property described in subsection (1) of this section which is exclusively for or in the im-
4 mediate connection with educational purposes shall continue to be exempt when leased to a political
5 subdivision of the State of Oregon, or to another incorporated eleemosynary institution or incorpo-
6 rated religious organization for an amount not to exceed the cost of repairs, maintenance and up-
7 keep.

8 “(3)(a) As used in this section, ‘child care facility’ means a child care center certified by the
9 [*Child Care Division of the Employment Department*] **Office of Child Care** under ORS 657A.280 to
10 provide educational child care.

11 “(b) Before an exemption for a child care facility is allowed under this section, in addition to
12 any other information required under ORS 307.162, the statement shall:

13 “(A) Describe the property and declare or be accompanied by proof that the corporation is an
14 eleemosynary institution or religious organization.

15 “(B) Declare or be accompanied by proof that the [*division*] **office** has issued the child care fa-
16 cility a certification to provide educational child care.

17 “(C) Be signed by the taxpayer subject to the penalties for false swearing.

18 “**SECTION 75.** ORS 307.490 is amended to read:

19 “307.490. (1) In lieu of real and personal property taxes, each nonprofit corporation eligible for
20 a tax exemption under ORS 307.485 shall pay to the treasurer of the county on or before November
21 15 an amount equal to 10 percent of the rentals for the period ending the preceding October 15,
22 submitting with the remittance a form supplied by the Department of Revenue stating the rental and
23 certifying compliance with the requirements of the State Fire Marshal, **the** local health officer or
24 [*Child Care Division*] **the Office of Child Care**, as applicable.

25 “(2) The treasurer shall, with the assistance of the assessor, allocate the money received by the
26 treasurer under subsection (1) of this section, to the districts in which the exempt property is lo-
27 cated in the same proportion that the tax rate for the current tax year for each district bears to the
28 total tax rate for all districts.

29 “(3) The moneys received by the district shall be considered as a budget resource for the next
30 ensuing fiscal year.

31 “**SECTION 76.** ORS 307.500 is amended to read:

32 “307.500. (1) Immediately upon receipt of the claim or any subsequent rental statement, the
33 county assessor shall promptly transmit one copy of the claim to the Department of Revenue. The
34 rent subsequently reported for the eligible child care facility or eligible farm labor camp for which
35 the claim is made is subject to verification and modification by the Department of Revenue.

36 “(2) The county assessor shall promptly transmit one copy of each claim or statement for ex-
37 emption to the State Fire Marshal for verification of compliance with applicable laws and rules and
38 regulations relating to safety from fire. If the State Fire Marshal refuses such verification, the
39 county assessor shall deny the claim and cause the nonprofit corporation to be billed for the real
40 and personal property taxes it would otherwise be liable to pay.

41 “(3) The county assessor shall promptly transmit one copy of each claim or statement for ex-
42 emption of an eligible farm labor camp to the appropriate authority under the Oregon Safe Em-
43 ployment Act for verification of compliance with the health code for farm labor camps. That
44 authority shall refuse to verify compliance if the farm labor camp does not comply with the health
45 code applicable to it or if access to the camp for inspection has been denied the county assessor or

1 the authorized representative of the county assessor. If verification is refused, the county assessor
2 shall deny the claim and cause the nonprofit corporation to be billed for the real and personal
3 property taxes it would otherwise be liable to pay.

4 “(4) If the claim or statement or any part thereof applies to property used for an eligible child
5 care facility, the county assessor shall promptly transmit a copy to the **Office of Child Care** [*Divi-*
6 *sion*] for verification of certification. If the [*division*] **office** refuses such verification, the county
7 assessor shall deny the claim and cause the nonprofit corporation to be billed for the real and per-
8 sonal property taxes it would otherwise be liable to pay.

9 “**SECTION 77.** ORS 315.204 is amended to read:

10 “315.204. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer
11 is a corporation, under ORS chapter 317 or 318) shall be allowed to a resident employer or to a
12 corporation that is an employer for amounts paid or incurred during the taxable year by the em-
13 ployer for dependent care assistance actually provided to an employee if the assistance is furnished
14 pursuant to a program which meets the requirements of section 129(d) of the Internal Revenue Code
15 and if the employer has received a certificate as provided in subsection (2) of this section.

16 “(2)(a) Each employer that elects to receive a credit allowed under subsection (1) of this section
17 must submit an application to the [*Child Care Division of the Employment Department*] **Office of**
18 **Child Care** each year the employer wishes to receive the credit. The [*Child Care Division*] **Early**
19 **Learning Council** shall prescribe by rule the form of the application and the information required
20 to be given on the application.

21 “(b) The **Office of Child Care** [*Division*] shall issue a certificate to each employer that submits
22 an application under this subsection.

23 “(3) The amount of the credit allowed under subsection (1) of this section shall be 50 percent
24 of the amount so paid or incurred by the employer during the taxable year but shall not exceed
25 \$2,500 of dependent care assistance actually provided to the employee.

26 “(4)(a) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is
27 a corporation, under ORS chapter 317 or 318) shall be allowed to a resident employer, or to a cor-
28 poration that is an employer, based upon amounts paid or incurred by the employer during the
29 taxable year to provide information and referral services to assist employees of the employer em-
30 ployed within this state to obtain dependent care.

31 “(b) The amount of the credit allowed under this subsection shall be 50 percent of the amounts
32 paid or incurred during the taxable year.

33 “(5) No amount paid or incurred during the taxable year of an employer in providing dependent
34 care assistance to any employee shall qualify for the credit allowed under subsection (1) of this
35 section if the amount was paid or incurred to an individual described in section 129(c)(1) or (2) of
36 the Internal Revenue Code.

37 “(6) No amount paid or incurred by an employer to provide dependent care assistance to an
38 employee shall qualify for the credit allowed under subsection (1) of this section if the amount paid
39 or incurred is paid or incurred pursuant to a salary reduction plan or is not paid or incurred for
40 services performed within this state.

41 “(7) If the credit allowed under subsection (1) or (4) of this section is claimed, the amount of any
42 deduction allowed or allowable under ORS chapter 316, 317 or 318 for the amount that qualifies for
43 the credit (or upon which the credit is based) shall be reduced by the dollar amount of the credit
44 allowed. The election to claim a credit allowed under this section shall be made at the time of filing
45 the tax return in accordance with any rules adopted by the Department of Revenue.

1 “(8) The amount upon which the credit allowed under subsection (1) of this section is based shall
2 not be included in the gross income of the employee to whom the dependent care assistance is pro-
3 vided. However, the amount excluded from the income of an employee under this section shall not
4 exceed the limitations provided in section 129(b) of the Internal Revenue Code. For purposes of ORS
5 316.162, with respect to an employee to whom dependent care assistance is provided, ‘wages’ does
6 not include any amount excluded under this subsection. Amounts excluded under this subsection
7 shall not qualify as expenses for which a credit is allowed to the employee under ORS 316.078.

8 “(9) A nonresident shall be allowed the credit allowed under subsection (1) or (4) of this section.
9 The credit shall be computed in the same manner and be subject to the same limitations as the
10 credit granted to a resident.

11 “(10) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085, or if
12 the department terminates the taxpayer’s taxable year under ORS 314.440, the credit allowed by this
13 section shall be prorated or computed in a manner consistent with ORS 314.085.

14 “(11) If a change in the status of a taxpayer from resident to nonresident or from nonresident
15 to resident occurs, the credit allowed by this section shall be determined in a manner consistent
16 with ORS 316.117.

17 “(12) Any tax credit otherwise allowable under this section which is not used by the taxpayer
18 in a particular year may be carried forward and offset against the taxpayer’s tax liability for the
19 next succeeding tax year. Any credit remaining unused in such next succeeding tax year may be
20 carried forward and used in the second succeeding tax year, and likewise any credit not used in that
21 second succeeding tax year may be carried forward and used in the third succeeding tax year, and
22 any credit not used in that third succeeding tax year may be carried forward and used in the fourth
23 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried
24 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year
25 thereafter.

26 “(13) For purposes of the credit allowed under subsection (1) or (4) of this section:

27 “(a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code
28 shall apply to the extent applicable.

29 “(b) ‘Employer’ means an employer carrying on a business, trade, occupation or profession in
30 this state.

31 “(14) In the case of an on-site facility, in accordance with any rules adopted by the department,
32 the amount upon which the credit allowed under subsection (1) of this section is based, with respect
33 to any dependent, shall be based upon utilization and the value of the services provided.

34 “**SECTION 78.** ORS 315.208 is amended to read:

35 “315.208. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer
36 is a corporation that is an employer, under ORS chapter 317 or 318) is allowed to an employer, based
37 upon costs actually paid or incurred by the employer, to acquire, construct, reconstruct, renovate
38 or otherwise improve real property so that the property may be used primarily as a dependent care
39 facility.

40 “(2) The credit allowed under this section shall be the lesser of:

41 “(a) \$2,500 multiplied by the number of full-time equivalent employees employed by the employer
42 (on the property or within such proximity to the property that any dependents of the employees may
43 be cared for in the facility) on any date within the two years immediately preceding the end of the
44 first tax year for which credit is first claimed;

45 “(b) Fifty percent of the cost of the acquisition, construction, reconstruction, renovation or other

1 improvement; or

2 “(c) \$100,000.

3 “(3) To qualify for the credit allowed under subsection (1) of this section:

4 “(a) The amounts paid or incurred by the employer for the acquisition, construction, recon-
5 struction, renovation or other improvement to real property may be paid or incurred either:

6 “(A) To another to be used to acquire, construct, reconstruct, renovate or otherwise improve
7 real property to the end that it may be used as a dependent care facility with which the employer
8 contracts to make dependent care assistance payments which payments are wholly or partially en-
9 titled to exclusion from income of the employee for federal tax purposes under section 129 of the
10 Internal Revenue Code; or

11 “(B) To acquire, construct, reconstruct, renovate or otherwise improve real property to the end
12 that it may be operated by the employer, or a combination of employers, to provide dependent care
13 assistance to the employees of the employer under a program or programs under which the assist-
14 ance is, under section 129 of the Internal Revenue Code, wholly or partially excluded from the in-
15 come of the employee.

16 “(b) The property must be in actual use as a dependent care facility on the last day of the tax
17 year for which credit is claimed and dependent care services assisted by the employer must take
18 place on the acquired, constructed, reconstructed, renovated or improved property and must be en-
19 titled to an exclusion (whole or partial) from the income of the employee for federal tax purposes
20 under section 129 of the Internal Revenue Code on the last day of the tax year for which credit is
21 claimed.

22 “(c) The person or persons operating the dependent care facility on the property acquired, con-
23 structed, reconstructed, renovated or improved must hold a certification (temporary or not) issued
24 under ORS 657A.030 and 657A.250 to 657A.450 by the **Office of Child Care** [*Division*] to operate the
25 facility on the property on the last day of the tax year of any tax year in which credit under this
26 section is claimed.

27 “(d) The dependent care facility acquired, constructed, reconstructed, renovated or otherwise
28 improved must be located in Oregon. No credit shall be allowed under this section if the dependent
29 care facility is not acquired, constructed, reconstructed, renovated or improved to accommodate six
30 or more children.

31 “(e) The employer must meet any other requirements or furnish any information, including in-
32 formation furnished by the employees or person operating the dependent care facility, to the De-
33 partment of Revenue that the department requires under its rules to carry out the purposes of this
34 section.

35 “(f) The dependent care facility, the costs of the acquisition, construction, reconstruction, reno-
36 vation or improvement upon which the credit granted under this section is based, must be placed
37 in operation before January 1, 2002.

38 “(4) The total amount of the costs upon which the credit allowable under this section is based,
39 and the total amount of the credit, shall be determined by the employer, subject to any rules adopted
40 by the department, during the tax year in which the property acquired, constructed, reconstructed,
41 renovated or otherwise improved is first placed in operation as a dependent care facility certified
42 by the **Office of Child Care** [*Division*] under ORS 657A.030 and 657A.250 to 657A.450. One-tenth of
43 the total credit is allowable in that tax year and one-tenth of the total credit is allowable in each
44 succeeding tax year, not to exceed nine tax years, thereafter. No credit shall be allowed under this
45 section for any tax year at the end of which the dependent care facility is not in actual operation

1 under a current certification (temporary or not) issued by the **Office of Child Care** [Division] nor
2 shall any credit be allowed for any tax year at the end of which the employer is not providing de-
3 pendent care assistance entitled to exclusion (whole or partial) from employee income for federal tax
4 purposes under section 129 of the Internal Revenue Code for dependent care on the property. Any
5 tax credit allowable under this section in a tax year may be carried forward in the same manner
6 and to the same tax years as if it were a tax credit described in ORS 315.204.

7 “(5) Nothing in this section shall affect the computation of depreciation or basis of a dependent
8 care facility. If a deduction is allowed for purposes of ORS chapter 316, 317 or 318 for the amounts
9 paid or incurred upon which the credit under this section is based, the deduction shall be reduced
10 by the dollar amount of the credit granted under this section.

11 “(6) For purposes of the credit allowed under this section:

12 “(a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code
13 shall apply to the extent applicable.

14 “(b) ‘Employer’ means a resident, part-year resident or full-year nonresident employer carrying
15 on a business, trade, occupation or profession in this state.

16 “(7) The department shall require that evidence that the person operating the dependent care
17 facility on the date that the taxpayer’s tax year ends holds a current certification (temporary or
18 otherwise) to operate the facility accompany the tax return on which any amount of tax credit
19 granted under this section is claimed, or that such evidence be separately furnished. If the evidence
20 is not so furnished, no credit shall be allowed for the tax year for which the evidence is not fur-
21 nished. The **Office of Child Care** [Division] shall cooperate by making such evidence, in an appro-
22 priate form, available to the person operating the facility, if the person is currently certified
23 (temporary or not) so that, if necessary, it may be made available to the taxpayer.

24 “**SECTION 79.** ORS 315.213 is amended to read:

25 “315.213. (1) A credit against the taxes otherwise due under ORS chapter 316 or, if the taxpayer
26 is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer for certified contributions
27 made to the **Office of Child Care** [Division] under ORS 657A.706.

28 “(2) The amount of a tax credit available to a taxpayer for a tax year under this section shall
29 equal the amount stated in the tax credit certificate received under ORS 657A.706.

30 “(3) The credit allowed under this section may not exceed the tax liability of the taxpayer for
31 the tax year in which the credit is claimed.

32 “(4) If the amount claimed as a credit under this section is allowed as a deduction for federal
33 tax purposes, the amount allowed as a credit under this section shall be added to federal taxable
34 income for Oregon tax purposes.

35 “(5) A credit under this section may be claimed by a nonresident or part-year resident without
36 proration.

37 “(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in
38 a particular tax year may be carried forward and offset against the taxpayer’s tax liability for the
39 next succeeding tax year. Any credit remaining unused in the next succeeding tax year may be
40 carried forward and used in the second succeeding tax year, and likewise any credit not used in that
41 second succeeding tax year may be carried forward and used in the third succeeding tax year, and
42 any credit not used in that third succeeding tax year may be carried forward and used in the fourth
43 succeeding tax year, but may not be carried forward for any tax year thereafter.

44 “(7) The definitions in ORS 657A.700 apply to this section.

45 “**SECTION 79a.** ORS 326.604 is amended to read:

1 “326.604. (1) As used in this section, ‘care’ means the provision of care, treatment, edu-
2 cation, training, instruction, supervision, placement services, recreation or support to chil-
3 dren, youth or persons with disabilities.

4 “(2) For the purpose of requesting a state or nationwide criminal records check under ORS
5 181.534, the Department of Education may require the fingerprints of a person who:

6 “[1(a)] (a)(A) Is employed or applying for employment by the department; or

7 “[b)] (B) Provides services or seeks to provide services to the department as a contractor,
8 subcontractor, vendor or volunteer; and

9 “[2)] (b) Is, or will be, working or providing services in a position:

10 “[a)] (A) In which the person [has] may have unsupervised access to children;

11 “(B) In which the person may have contact with recipients of care;

12 “[b)] (C) In which the person has access to confidential or personal information about children,
13 as may be further defined by the State Board of Education by rule;

14 “[c)] (D) In which the person is providing information technology services and has control over,
15 or access to, information technology systems that would allow the person to harm the information
16 technology systems or the information contained in the systems;

17 “[d)] (E) In which the person has access to information, the disclosure of which is prohibited
18 by state or federal laws, rules or regulations or information that is defined as confidential under
19 state or federal laws, rules or regulations;

20 “[e)] (F) That has payroll functions or in which the person has responsibility for receiving, re-
21 ceipting or depositing money or negotiable instruments, for billing, collections or other financial
22 transactions or for purchasing or selling property or has access to property held in trust or to pri-
23 vate property in the temporary custody of the department;

24 “[f)] (G) That has mailroom duties as the primary duty or job function of the position;

25 “[g)] (H) In which the person has responsibility for auditing the department;

26 “[h)] (I) That has personnel or human resources functions as one of the position’s primary re-
27 sponsibilities; or

28 “[i)] (J) In which the person has access to personal information about employees or members
29 of the public, including Social Security numbers, dates of birth, driver license numbers, medical in-
30 formation, personal financial information or criminal background information.

31 “(3) In addition to the authority granted by subsection (2) of this section and for the
32 purpose of requesting a state or nationwide criminal records check under ORS 181.534, the
33 Department of Education may require the fingerprints of a person for the purposes of li-
34 censing, certifying, registering or otherwise regulating or administering programs under the
35 authority of the department.

36 “(4) The Department of Education may make fitness determinations based on criminal
37 offender records and information furnished by the Federal Bureau of Investigation through
38 the Department of State Police as provided by ORS 181.534.

39 “SECTION 80. ORS 343.499, as amended by section 41, chapter 37, Oregon Laws 2012, is
40 amended to read:

41 “343.499. (1)(a) There is created the State Interagency Coordinating Council.

42 “(b) The Governor shall appoint members of the council from a list of eligible appointees pro-
43 vided by the council and agencies described in subsection (2) of this section and shall ensure that
44 the membership of the council reasonably represents the population of this state.

45 “(c) The Governor shall designate one member of the council to serve as the chairperson, or if

1 the Governor chooses not to name a chairperson, the council may elect one of its members to serve
2 as chairperson. However, any member of the council who represents the Department of Education
3 may not serve as the chairperson of the council.

4 “(2) The membership of the council shall be composed as follows:

5 “(a) At least 20 percent of the council members shall be parents, including minority parents, of
6 preschool children with disabilities or of children with disabilities who are 12 years of age or
7 younger who have knowledge of or experience with programs for infants and toddlers with disabili-
8 ties. At least one council member shall be a parent of an infant or toddler with a disability or of a
9 child with a disability who is six years of age or younger.

10 “(b) At least 20 percent of the council members shall be public or private providers of early
11 intervention and early childhood special education services.

12 “(c) At least one council member shall be a member of the Legislative Assembly.

13 “(d) At least one council member shall be involved in personnel preparation.

14 “(e) At least one council member shall represent the Department of Human Services.

15 “(f) At least one council member shall represent the federal Head Start program.

16 “(g) At least one council member shall represent the [*Child Care Division of the Employment*
17 *Department*] **Office of Child Care.**

18 “(h) At least one council member shall represent the Department of Education.

19 “(i) At least one council member shall represent the Department of Consumer and Business
20 Services.

21 “(j) At least one council member shall represent the Early Learning [*Council*] **Division.**

22 “(k) At least one council member shall represent the Child Development and Rehabilitation
23 Center of the Oregon Health and Science University.

24 “(L) At least one council member shall be a member of the State Advisory Council for Special
25 Education created under ORS 343.287.

26 “(m) At least one council member shall be a representative designated by the state coordinator
27 for homeless education.

28 “(n) At least one council member shall represent the state child welfare agency responsible for
29 foster care.

30 “(o) At least one council member shall represent the state agency responsible for children’s
31 mental health.

32 “(p) At least one council member shall be from the Oregon Health Authority.

33 “(q) The council may include other members appointed by the Governor, including but not lim-
34 ited to one representative from the United States Bureau of Indian Affairs or, where there is no
35 school operated or funded by the bureau, from the Indian Health Service or the tribe or tribal
36 council.

37 “(3) An individual appointed to represent a state agency that is involved in the provision of or
38 payment for services for preschool children with disabilities under subsection (2)(e) and (h) to (k)
39 of this section shall have sufficient authority to engage in making and implementing policy on behalf
40 of the agency.

41 “(4) The State Interagency Coordinating Council shall:

42 “(a) Advise the Superintendent of Public Instruction, the State Board of Education and the Early
43 Learning Council on unmet needs in the early childhood special education and early intervention
44 programs for preschool children with disabilities, review and comment publicly on any rules pro-
45 posed by the State Board of Education and the distribution of funds for the programs and assist the

1 state in developing and reporting data on and evaluations of the programs and services.

2 “(b) Advise and assist the represented public agencies regarding the services and programs they
3 provide to preschool children with disabilities and their families, including public comments on any
4 proposed rules affecting the target population and the distribution of funds for such services, and
5 assist each agency in developing services that reflect the overall goals for the target population as
6 adopted by the council.

7 “(c) Advise and assist the Department of Education and other state agencies in the development
8 and implementation of the policies that constitute the statewide system.

9 “(d) Assist all appropriate public agencies in achieving the full participation, coordination and
10 cooperation for implementation of a statewide system that includes but is not limited to:

11 “(A) Seeking information from service providers, service coordinators, parents and others about
12 any federal, state or local policies that impede timely service delivery; and

13 “(B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this
14 paragraph are resolved.

15 “(e) Advise and assist the Department of Education in identifying the sources of fiscal and other
16 support for preschool services, assigning financial responsibility to the appropriate agencies and
17 ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

18 “(f) Review and comment on each agency’s services and policies regarding services for preschool
19 children with disabilities, or preschool children who are at risk of developing disabling conditions,
20 and their families to the maximum extent possible to assure cost-effective and efficient use of re-
21 sources.

22 “(g) To the extent appropriate, assist the Department of Education in the resolution of disputes.

23 “(h) Advise and assist the Department of Education in the preparation of applications and
24 amendments thereto.

25 “(i) Advise and assist the Department of Education regarding the transition of preschool chil-
26 dren with disabilities.

27 “(j) Prepare and submit an annual report to the Governor, **the Early Learning System Di-**
28 **rector, the Early Learning Council, the Legislative Assembly** and [to] the United States Secre-
29 tary of Education on the status of early intervention programs operated within this state.

30 “(5) The council may advise appropriate agencies about integration of services for preschool
31 children with disabilities and at-risk preschool children.

32 “(6) Terms of office for council members shall be three years, except that:

33 “(a) The representative from the State Advisory Council for Special Education shall serve a
34 one-year term; and

35 “(b) The representatives from other state agencies and the representative from the Legislative
36 Assembly shall serve indefinite terms.

37 “(7) Subject to approval by the Governor, the council may use federal funds appropriated for this
38 purpose and available to the council to:

39 “(a) Conduct hearings and forums;

40 “(b) Reimburse nonagency council members under ORS 292.495 for attending council meetings,
41 for performing council duties, and for necessary expenses, including child care for parent members;

42 “(c) Pay compensation to a council member if the member is not employed or if the member must
43 forfeit wages from other employment when performing official council business;

44 “(d) Hire staff; and

45 “(e) Obtain the services of such professional, technical and clerical personnel as may be neces-

1 sary to carry out its functions.

2 “(8) Except as provided in subsection (7) of this section, council members shall serve without
3 compensation.

4 “(9) The Department of Education shall provide clerical and administrative support, including
5 staff, to the council to carry out the performance of the council’s function as described in this sec-
6 tion.

7 “(10) The council shall meet at least quarterly. The meetings shall be announced publicly and,
8 to the extent appropriate, be open and accessible to the general public.

9 “(11) No member of the council shall cast a vote on any matter that would provide direct fi-
10 nancial benefit to that member or otherwise give the appearance of a conflict of interest under state
11 law.

12 “**SECTION 81.** ORS 343.507, as amended by section 42, chapter 37, Oregon Laws 2012, is
13 amended to read:

14 “343.507. (1) Each contractor for early childhood special education and early intervention ser-
15 vices shall assist in the development of a local early intervention interagency advisory council in
16 every county within the contractor’s service area.

17 “(2) Each local early intervention interagency advisory council shall include as members at least
18 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood
19 special education and early intervention services or other services to preschool children with disa-
20 bilities, a representative of the Early Learning Council and representatives from public and private
21 agencies that serve young children and their families, including but not limited to Head Start and
22 Oregon prekindergartens, community child care, the [*Child Care Division of the Employment De-*
23 *partment*] **Office of Child Care**, local school districts, education service districts, Department of
24 Education regional special education programs, community mental health programs, community de-
25 velopmental disabilities programs, Department of Human Services health programs, child welfare
26 programs and public assistance programs, Indian education agencies, migrant programs serving
27 young children and community colleges.

28 “(3) Each local early intervention interagency advisory council shall select its own chairperson
29 and vice chairperson and fix the duties of its officers.

30 “(4) The department shall establish procedures pursuant to rules of the State Board of Education
31 for seeking and considering local council advice regarding the selection of contractors, coordination
32 of services and procedures for local resolution of disputes.

33 “**SECTION 82.** ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and
34 section 1, chapter 92, Oregon Laws 2012, is amended to read:

35 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

36 “(1)(a) ‘Abuse’ means:

37 “(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
38 which has been caused by other than accidental means, including any injury which appears to be
39 at variance with the explanation given of the injury.

40 “(B) Any mental injury to a child, which shall include only observable and substantial impair-
41 ment of the child’s mental or psychological ability to function caused by cruelty to the child, with
42 due regard to the culture of the child.

43 “(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
44 tration and incest, as those acts are described in ORS chapter 163.

45 “(D) Sexual abuse, as described in ORS chapter 163.

1 “(E) Sexual exploitation, including but not limited to:
2 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
3 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
4 in the performing for people to observe or the photographing, filming, tape recording or other ex-
5 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
6 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
7 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
8 which is designed to serve educational or other legitimate purposes; and
9 “(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize
10 a prostitute, as defined in ORS chapter 167.
11 “(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
12 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
13 welfare of the child.
14 “(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
15 to the child’s health or welfare.
16 “(H) Buying or selling a person under 18 years of age as described in ORS 163.537.
17 “(I) Permitting a person under 18 years of age to enter or remain in or upon premises where
18 methamphetamines are being manufactured.
19 “(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a
20 child to a substantial risk of harm to the child’s health or safety.
21 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline results in one of the
22 conditions described in paragraph (a) of this subsection.
23 “(2) ‘Child’ means an unmarried person who is under 18 years of age.
24 “(3) ‘Higher education institution’ means:
25 “(a) A community college as defined in ORS 341.005;
26 “(b) A public university listed in ORS 352.002;
27 “(c) The Oregon Health and Science University; and
28 “(d) A private institution of higher education located in Oregon.
29 “(4) ‘Law enforcement agency’ means:
30 “(a) A city or municipal police department.
31 “(b) A county sheriff’s office.
32 “(c) The Oregon State Police.
33 “(d) A police department established by a university under ORS 352.383.
34 “(e) A county juvenile department.
35 “(5) ‘Public or private official’ means:
36 “(a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric
37 physician and surgeon, including any intern or resident.
38 “(b) Dentist.
39 “(c) School employee, including an employee of a higher education institution.
40 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health
41 aide or employee of an in-home health service.
42 “(e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
43 [Council] **Division**, Youth Development Council, [Child Care Division of the Employment
44 Department] **Office of Child Care**, the Oregon Youth Authority, a county health department, a
45 community mental health program, a community developmental disabilities program, a county juve-

1 nile department, a licensed child-caring agency or an alcohol and drug treatment program.

2 “(f) Peace officer.

3 “(g) Psychologist.

4 “(h) Member of the clergy.

5 “(i) Regulated social worker.

6 “(j) Optometrist.

7 “(k) Chiropractor.

8 “(L) Certified provider of foster care, or an employee thereof.

9 “(m) Attorney.

10 “(n) Licensed professional counselor.

11 “(o) Licensed marriage and family therapist.

12 “(p) Firefighter or emergency medical services provider.

13 “(q) A court appointed special advocate, as defined in ORS 419A.004.

14 “(r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

15 “(s) Member of the Legislative Assembly.

16 “(t) Physical, speech or occupational therapist.

17 “(u) Audiologist.

18 “(v) Speech-language pathologist.

19 “(w) Employee of the Teacher Standards and Practices Commission directly involved in investi-

20 gations or discipline by the commission.

21 “(x) Pharmacist.

22 “(y) An operator of a preschool recorded program under ORS 657A.255.

23 “(z) An operator of a school-age recorded program under ORS 657A.257.

24 “(aa) Employee of a private agency or organization facilitating the provision of respite services,

25 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS

26 109.056.

27 “(bb) Employee of a public or private organization providing child-related services or activities:

28 “(A) Including but not limited to youth groups or centers, scout groups or camps, summer or

29 day camps, survival camps or groups, centers or camps that are operated under the guidance,

30 supervision or auspices of religious, public or private educational systems or community service

31 organizations; and

32 “(B) Excluding community-based, nonprofit organizations whose primary purpose is to provide

33 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-

34 ficking.

35 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,

36 if compensated and if the athlete is a child.

37 “**SECTION 83.** ORS 419B.020 is amended to read:

38 “419B.020. (1) If the Department of Human Services or a law enforcement agency receives a

39 report of child abuse, the department or the agency shall immediately:

40 “(a) Cause an investigation to be made to determine the nature and cause of the abuse of the

41 child; and

42 “(b) Notify the **Office of Child Care** [*Division*] if the alleged child abuse occurred in a child care

43 facility as defined in ORS 657A.250.

44 “(2) If the abuse reported in subsection (1) of this section is alleged to have occurred at a child

45 care facility:

1 “(a) The department and the law enforcement agency shall jointly determine the roles and re-
2 sponsibilities of the department and the agency in their respective investigations; and

3 “(b) The department and the agency shall each report the outcomes of their investigations to
4 the **Office of Child Care** *[Division]*.

5 “(3) If the law enforcement agency conducting the investigation finds reasonable cause to be-
6 lieve that abuse has occurred, the law enforcement agency shall notify by oral report followed by
7 written report the local office of the department. The department shall provide protective social
8 services of its own or of other available social agencies if necessary to prevent further abuses to
9 the child or to safeguard the child’s welfare.

10 “(4) If a child is taken into protective custody by the department, the department shall promptly
11 make reasonable efforts to ascertain the name and address of the child’s parents or guardian.

12 “(5)(a) If a child is taken into protective custody by the department or a law enforcement offi-
13 cial, the department or law enforcement official shall, if possible, make reasonable efforts to advise
14 the parents or guardian immediately, regardless of the time of day, that the child has been taken
15 into custody, the reasons the child has been taken into custody and general information about the
16 child’s placement, and the telephone number of the local office of the department and any after-hours
17 telephone numbers.

18 “(b) Notice may be given by any means reasonably certain of notifying the parents or guardian,
19 including but not limited to written, telephonic or in-person oral notification. If the initial notifica-
20 tion is not in writing, the information required by paragraph (a) of this subsection also shall be
21 provided to the parents or guardian in writing as soon as possible.

22 “(c) The department also shall make a reasonable effort to notify the noncustodial parent of the
23 information required by paragraph (a) of this subsection in a timely manner.

24 “(d) If a child is taken into custody while under the care and supervision of a person or organ-
25 ization other than the parent, the department, if possible, shall immediately notify the person or
26 organization that the child has been taken into protective custody.

27 “(6) If a law enforcement officer or the department, when taking a child into protective custody,
28 has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child
29 as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to
30 disappear, the court may authorize a physical examination for the purposes of preserving evidence
31 if the court finds that it is in the best interest of the child to have such an examination. Nothing
32 in this section affects the authority of the department to consent to physical examinations of the
33 child at other times.

34 “(7) A minor child of 12 years of age or older may refuse to consent to the examination de-
35 scribed in subsection (6) of this section. The examination shall be conducted by or under the
36 supervision of a physician licensed under ORS chapter 677 or a nurse practitioner licensed under
37 ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

38 “(8) When the department completes an investigation under this section, if the person who made
39 the report of child abuse provided contact information to the department, the department shall no-
40 tify the person about whether contact with the child was made, whether the department determined
41 that child abuse occurred and whether services will be provided. The department is not required to
42 disclose information under this subsection if the department determines that disclosure is not per-
43 mitted under ORS 419B.035.

44 “**SECTION 84.** ORS 419B.035, as amended by section 4, chapter 348, Oregon Laws 2009, and
45 section 2, chapter 3, Oregon Laws 2012, is amended to read:

1 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and
2 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records
3 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
4 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
5 ment of Human Services shall make the records available to:

6 “(a) Any law enforcement agency or a child abuse registry in any other state for the purpose
7 of subsequent investigation of child abuse;

8 “(b) Any physician, at the request of the physician, regarding any child brought to the physician
9 or coming before the physician for examination, care or treatment;

10 “(c) Attorneys of record for the child or child’s parent or guardian in any juvenile court pro-
11 ceeding;

12 “(d) Citizen review boards established by the Judicial Department for the purpose of periodically
13 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile
14 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
15 participants in case reviews;

16 “(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
17 that a child has been subjected to child abuse or neglect;

18 “(f) The **Office of Child Care** [*Division*] for certifying, registering or otherwise regulating child
19 care facilities;

20 “(g) The Office of Children’s Advocate;

21 “(h) The Teacher Standards and Practices Commission for investigations conducted under ORS
22 342.176 involving any child or any student in grade 12 or below;

23 “(i) Any person, upon request to the Department of Human Services, if the reports or records
24 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
25 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
26 disclosed in accordance with ORS 192.410 to 192.505; and

27 “(j) The [*Child Care Division of the Employment Department*] **Office of Child Care** for purposes
28 of ORS 657A.030 (8)(g).

29 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the
30 Department of Human Services may exempt from disclosure the names, addresses and other identi-
31 fying information about other children, witnesses, victims or other persons named in the report or
32 record if the department determines, in written findings, that the safety or well-being of a person
33 named in the report or record may be jeopardized by disclosure of the names, addresses or other
34 identifying information, and if that concern outweighs the public’s interest in the disclosure of that
35 information.

36 “(b) If the Department of Human Services does not have a report or record of abuse regarding
37 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
38 161.015, the department may disclose that information.

39 “(3) The Department of Human Services may make reports and records compiled under the
40 provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer,
41 court, agency, organization or other entity when the department determines that such disclosure is
42 necessary to administer its child welfare services and is in the best interests of the affected child,
43 or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to
44 protect children from abuse and neglect or for research when the Director of Human Services gives
45 prior written approval. The Department of Human Services shall adopt rules setting forth the pro-

cedures by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this section. The name, address and other identifying information about the person who made the report may not be disclosed pursuant to this subsection and subsection (1) of this section.

“(4) A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city attorneys with criminal prosecutorial functions and the Attorney General when the law enforcement agency determines that disclosure is necessary for the investigation or enforcement of laws relating to child abuse and neglect.

“(5) A law enforcement agency, upon completing an investigation and closing the file in a specific case relating to child abuse or neglect, shall make reports and records in the case available upon request to any law enforcement agency or community corrections agency in this state, to the Department of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release. A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement, community corrections, corrections or parole agencies in an open case when the law enforcement agency determines that the disclosure will not interfere with an ongoing investigation in the case. The name, address and other identifying information about the person who made the report may not be disclosed under this subsection or subsection (6)(b) of this section.

“(6)(a) Any record made available to a law enforcement agency or community corrections agency in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Supervision or to a physician in this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board or physician. Any record or report disclosed by the Department of Human Services to other persons or entities pursuant to subsections (1) and (3) of this section shall be kept confidential.

“(b) Notwithstanding paragraph (a) of this subsection:

“(A) A law enforcement agency, a community corrections agency, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may disclose records made available to them under subsection (5) of this section to each other, to law enforcement, community corrections, corrections and parole agencies of other states and to authorized treatment providers for the purpose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release.

“(B) A person may disclose records made available to the person under subsection (1)(i) of this section if the records are disclosed for the purpose of advancing the public interest.

“(7) An officer or employee of the Department of Human Services or of a law enforcement agency or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section may not release any information not authorized by subsections (1) to (6) of this section.

“(8) As used in this section, ‘law enforcement agency’ has the meaning given that term in ORS 181.010.

“(9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

“**SECTION 85.** ORS 646A.504 is amended to read:

“646A.504. As used in ORS 646A.500 to 646A.514:

“(1) ‘Commercial user’ means any person, firm, corporation, association or nonprofit corporation, or any agent or employee thereof, including child care facilities or family child care homes certified or registered by the **Office of Child Care [Division]** under ORS 657A.250 to 657A.450, who:

1 “(a) Deals in cribs of the kind governed by ORS 646A.500 to 646A.514;

2 “(b) By virtue of the person’s occupation, purports to have knowledge or skill peculiar to the

3 cribs governed by ORS 646A.500 to 646A.514; or

4 “(c) Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise

5 placing cribs in the stream of commerce.

6 “(2) ‘Crib’ means:

7 “(a) Any full-size crib as that term is defined in 16 C.F.R. 1508.3; or

8 “(b) Any nonfull-size crib as that term is defined in 16 C.F.R. 1509.2(b).

9 “(3) ‘Individual’ means a natural person who is not a commercial user of cribs.

10 “(4) ‘Infant’ means an individual who is less than three years of age.

11 “**SECTION 86.** Section 130, chapter 37, Oregon Laws 2012, is amended to read:

12 “**Sec. 130.** (1) In addition to the minimum standards established for child care facilities and the

13 operation of child care facilities under ORS 657A.260 and subject to available funds, the [*Child Care*

14 *Division of the Employment Department*] **Office of Child Care**, under the direction and with the ap-

15 proval of the Early Learning Council, shall initiate development of a tiered quality rating and im-

16 provement system for child care facilities.

17 “(2) The tiered quality rating and improvement system implemented under this section shall:

18 “(a) Establish a set of progressively higher standards that are used to evaluate the quality of

19 an early learning and development program and to support program improvement.

20 “(b) Consist of the following components:

21 “(A) Tiered standards that define a progression of quality for early learning and development

22 programs.

23 “(B) Monitoring of programs to evaluate quality based on established standards.

24 “(C) Support for programs and providers of programs to meet tiered quality standards, including

25 training, technical assistance and financial incentives.

26 “(D) Program quality ratings that are publicly available.”.

27 On page 51, line 21, after “326.021,” insert “326.604,”.

28 In line 23, after “417.793,” insert “417.795,”.

29 In line 28, delete “section 10, chapter 519, Oregon Laws 2011, and”.

30 In line 29, delete “89” and insert “87”.

31
