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House Early Childhood and Family Supports Committee
HB 2259 and -3 Amendments

Background: The Office of Child Care (OCC) supports families through a statewide child care system that promotes safe, quality, and accessible child care. Licensing staff in nine field offices are responsible for inspecting child care facilities, assessing complaints against facilities, and providing technical assistance to child care providers. OCC licenses approximately 1,300 Certified Child Care Centers; over 750 Certified Family Child Care Homes; and 2,070 Registered Family Child Care homes. Licensing processes includes criminal history background checks of all individuals that work or are associated with the facility.

Current Oregon statutes designates the Office of Child Care as the state agency responsible for administering funds received by the State of Oregon pursuant to the federal Child Care and Development Block Grant Act (ORS 329A.010) and further authorizes the OCC to establish a Central Background Registry (CBR), conduct background checks and enroll qualified subject individuals in a central background registry (ORS 329A.030).

The Child Care and Development Block Grant Act of 2014 imposed new background check requirements for child care providers. These requirements include fingerprinting of all child care staff members, including staff members who don't directly care for children but have unsupervised access to children; specifies disqualifying crimes; and requires fingerprinting every five years. The Act designates the required registries and databases states must search.

The new federal requirements for background checks include:

- ❖ Checks of state criminal and sex offender registries or repositories
- ❖ Checks of state-based child abuse and neglect registries and databases in the state where the subject individual resides and each state where the subject individual resided during the preceding five years
- ❖ A search of the National Crime Information Center
- ❖ Federal Bureau of Investigation fingerprint check
- ❖ A check of the National Sex Offender Registry

Need for HB 2259: HB 2259 revises Oregon statutes in response to and in compliance with the new federal requirements and provides the Office of Child Care and the Early Learning Council the authority to carry out federal Child Care and Development Fund requirements.

Current Oregon law establishes the state databases and registries to be accessed in conducting criminal background checks; establishes a two year Central Background Registry enrollment period; and, requires the OCC to conduct criminal background checks for renewal.

The bill provides authorization for the Office of Child Care to conduct the required criminal records checks in accordance with the federal law.

Section 1 of HB 2259:

- ❖ Removes the two year expiration and renewal requirement from statute and authorizes the Early Learning Council to set expiration and renewal for the Central Background Registry through administrative rule.
- ❖ Allows the Office of Child Care to fingerprint subject individuals upon initial and renewal applications, and conduct background checks through the databases and registries required under federal law.
- ❖ Authorizes the Early Learning Council to adopt rules to define the databases and registries by rule. Establishing the databases and registries in rule will provide flexibility in meeting and maintaining compliance with federal requirements.
- ❖ Prohibits the OCC from enrolling an individual who has a disqualifying condition. Disqualifying conditions shall be identified in administrative rule to conform to the federal list of criminal convictions that automatically disqualify an individual from providing child care.

Need for Amendments: -3 Amendments

The proposed amendments in HB 2259-3 clarify and specify the duties and responsibilities of the OCC to support the health and safety of children in child care settings.

Section 1

- ❖ Authorizes the OCC to maintain information in the Central Background Registry through electronic records systems.
- ❖ Adds foster care certification checks and adult protective services checks to the background checks conducted by the OCC.
- ❖ Authorizes the OCC to limit enrollment and suspend enrollment.
- ❖ Provides that an individual may be enrolled in the Registry if an individual has been completed a background check by the Department of Human Services and has been approved by DHS to provide child care.
- ❖ Gives the Early Learning Council rulemaking authority regarding Registry expiration and renewal periods and limitations to enrollment.
- ❖ Adds the ability to enroll operators or employees of other early learning programs, to be defined by the Council by rule.

Section 2

- ❖ Technical amendments to DHS statutes, ORS 419B.035(1)(j), to conform cross references and additions of language in 329A.030.
- ❖ Amends and renumbers Section 2 (of the original bill) to allow the OCC to conduct the required criminal fingerprint background checks on all subject individuals applying for initial or renewed enrollment before, on or after the effective date of the measure.

