

House Bill 2260

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Education)

SUMMARY

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

Directs Office of Child Care to maintain website that provides information regarding certified and registered child care facilities and regulated subsidy facilities.

Authorizes office to maintain information in Central Background Registry through electronic records systems.

Authorizes office to receive and investigate complaints regarding certified or registered child care facilities, regulated subsidy facilities, preschool recorded programs or school-age recorded programs. Authorizes office to share information with other public entities when sharing information would support health or safety of children in child care.

A BILL FOR AN ACT

1
2 Relating to child care information maintained by the Office of Child Care; amending ORS 329A.020,
3 329A.030 and 329A.390.

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

5 **SECTION 1.** ORS 329A.020 is amended to read:

6 329A.020. (1) The Office of Child Care staff shall provide technical assistance, linkage of local
7 agencies, data collection and monitoring.

8 (2) The Office of Child Care shall continually monitor and disseminate information about federal
9 and charitable programs for the purposes of ORS 329A.100 to 329A.190.

10 **(3) The Office of Child Care shall maintain a website that provides information regarding**
11 **certified and registered child care facilities and regulated subsidy facilities as that term is**
12 **defined by rule adopted by the Early Learning Council.**

13 **(4) The Early Learning Council, in consultation with the Office of Child Care, shall adopt**
14 **rules to implement the provisions of this section.**

15 **SECTION 2.** ORS 329A.030 is amended to read:

16 329A.030. (1) The Office of Child Care shall establish a Central Background Registry **and may**
17 **maintain information in the registry through electronic records systems.**

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

21 (3) Upon receiving an application for enrollment in the Central Background Registry, the office
22 shall complete a criminal records check under ORS 181A.195 and shall complete a child protective
23 services records check with the Department of Human Services. The office shall enroll the individ-
24 ual in the registry if the individual:

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

27 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

2 (4) The office may conditionally enroll an individual in the registry pending the results of a
3 nationwide criminal records check through the Federal Bureau of Investigation if the individual has
4 met other requirements of the office for enrollment in the registry.

5 (5) An enrollment in the Central Background Registry shall expire two years from the date of
6 enrollment and may be renewed upon application to the office, payment of the fee established pur-
7 suant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant
8 to this section. However, an individual who is determined to be ineligible for enrollment in the
9 registry after the date of initial enrollment shall be removed from the registry by the office.

10 (6)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled
11 in the Central Background Registry.

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

14 (7) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
15 section and the criminal records check program.

16 (8) For purposes of this section, "subject individual" means a subject individual as defined by
17 the Early Learning Council by rule or a person who applies to be:

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

19 (b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to
20 329.200;

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

23 (d) An individual in a child care facility who may have unsupervised contact with children as
24 identified by the office;

25 (e) A contractor or an employee of the contractor who provides early childhood special educa-
26 tion or early intervention services pursuant to ORS 343.455 to 343.534;

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

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

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

35 (9)(a) Information provided to a metropolitan service district organized under ORS chapter 268
36 about the enrollment status of the persons described in subsection (8)(g) of this section shall be
37 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
38 vide for the recovery of administrative, including direct and indirect, costs incurred by the office
39 from participation in the agreement. Any moneys collected under this paragraph shall be deposited
40 in the Child Care Fund established under ORS 329A.010.

41 (b) Information provided to a private agency or organization facilitating the provision of respite
42 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
43 under ORS 109.056 about the enrollment status of the persons described in subsection (8)(h) of this
44 section shall be subject to an agreement with the private agency or organization. The agreement
45 must provide for the recovery of administrative, including direct and indirect, costs incurred by the

1 office from participation in the agreement. Any moneys collected under this paragraph shall be de-
 2 posited in the Child Care Fund established under ORS 329A.010.

3 **SECTION 3.** ORS 329A.390 is amended to read:

4 329A.390. (1) Whenever an authorized representative of the Office of Child Care is advised or
 5 has reason to believe that child care that is subject to regulation by the office is being provided
 6 without a certification, registration or record, the authorized representative may visit and conduct
 7 an on-site investigation of the premises of the facility at any reasonable time to determine whether
 8 the facility is subject to the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

9 (2) At any reasonable time, an authorized representative of the Office of Child Care may conduct
 10 an on-site investigation of the premises of any certified or registered child care facility to determine
 11 whether the child care facility is in conformity with ORS 181A.200, 329A.030 and 329A.250 to
 12 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and
 13 329A.250 to 329A.450.

14 (3) An authorized representative of the Office of Child Care shall conduct an on-site investi-
 15 gation of the premises of any certified or registered child care facility or of any other child care
 16 facility that is subject to regulation by the office if the office receives a serious complaint about the
 17 child care facility. *[The Early Learning Council, by rule, shall adopt a definition for “serious com-
 18 plaint.”]*

19 **(4) Complaints, including but not limited to serious complaints, made by individuals or**
 20 **entities regarding certified or registered child care facilities, regulated subsidy facilities,**
 21 **preschool recorded programs or school-age recorded programs may be received and investi-**
 22 **gated by the Office of Child Care. The name, address and other identifying information about**
 23 **the individual or entity that made the complaint may not be disclosed unless otherwise au-**
 24 **thorized under this section or if the office determines disclosure is necessary to an investi-**
 25 **gation.**

26 [(4)] (5) Any state agency that receives a complaint about a certified or registered child care
 27 facility, **a regulated subsidy facility**, a preschool recorded program or a school-age recorded pro-
 28 gram shall notify the Office of Child Care about the complaint and any subsequent action taken by
 29 the state agency based on that complaint.

30 [(5)] (6) *[The]* **A** director *[and]* **or** operator of a child care facility, **a regulated subsidy facility**,
 31 a preschool recorded program or a school-age recorded program shall permit an authorized repre-
 32 sentative of the Office **of Child Care** to inspect records of the facility or program and shall furnish
 33 promptly reports and information required by the office.

34 **(7) The Office of Child Care may share information with other public entities when the**
 35 **office determines that sharing the information would support the health or safety of children**
 36 **in child care.**

37 **(8) The Early Learning Council shall adopt rules defining the terms “serious complaint”**
 38 **and “regulated subsidy facility” as used in this section and ORS 329A.020.**