

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

Measure: SB 490 - 6

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Adds individuals who have operated child care facility in violation of child care facility or Central Background Registry law to list of individuals who are prohibited from providing child care for five years.

Government Unit(s) Affected:

Oregon Department of Education (ODE), Oregon Employment Department (OED)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

SB 490 with the -6 amendment expands the list of individuals prohibited from being enrolled in the Office of Child Care's Central Background Registry and from providing license-exempt child care to non-relatives, including babysitting or watching a child in the child's home, for five years to include:

- Individuals who have their certification or registration to provide child care suspended.
- Individuals whose enrollment in the Central Background Registry was suspended.
- Individuals who have voluntarily surrendered certification, registration or enrollment in the Central Background Registry while under investigation by the Office of Child Care or after the office has given notice of an administrative proceeding against the individual or the individual child care facility.
- Individuals who have operated a child care facility in violation of applicable statutes.
- Individuals who are required to report as sex offenders. The measure imposes a permanent ban based on a criminal conviction for child abuse that resulted in the death or serious injury to the victim.

The measure requires these individuals to apply to and be enrolled in the Central Background Registry before providing license-exempt care. In addition, the measure allows the Office of Child Care to impose a civil penalty and seek an injunction against a person who provides child care in violation of applicable statutes.

Oregon Department of Education (ODE)

The fiscal impact of this measure on ODE is indeterminate. The expanded list of individuals, along with the requirement to be enrolled in the Central Background Registry before providing license-exempt care, is anticipated to increase staff workload related to performing suitability determinations in enrollment and monitoring to ensure the above providers are not offering license-exempt care without Central Background Registry enrollment. Additionally, any individual who is denied enrollment in the Central Background Registry can request a contested case hearing, which will have an additional fiscal impact in both staff time and attorney fees. Furthermore, the measure does not put a limit on the retroactive application of this statute; individuals who have received founded or substantiated reports of child abuse for as long as DHS maintains records, would be included in this list. At this time, ODE cannot quantify the impact on its workload because the agency cannot predict: (1) the number of individuals who would be prohibited from providing license-exempt child care under this measure; (2) the number of individuals who would subsequently apply for enrollment in the Central Background Registry; and (3) the number of individuals who would pursue a contested care hearing if their enrollment were denied.

Oregon Employment Department (OED)

The fiscal impact of this measure on OED, Office of Administrative Hearings is anticipated to be minimal.