

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 490 - B

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

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

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Date: May 16, 2019

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 B-Engrossed prohibits permanently individuals who have been subject of substantiated report of child abuse in which victim suffered serious harm or death and individuals who are required to report as sex offenders from providing child care. The bill requires certain individuals who have been subject of founded or substantiated report of child abuse to apply and be enrolled in Central Background Registry prior to providing certain types of care. The bill authorizes Office of Child Care to impose civil penalty and file for injunctive relief if subject individual has not applied to and been enrolled in Central Background Registry and the individual provides child care or has child in individual’s care. The -A11 amendment resolves conflicts with HB 2027.

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. At this time, ODE cannot accurately 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. If these numbers are significant, ODE may need to return to an Emergency Board or 2020 Legislative Session to request additional funding for Attorney General fees and administrative hearing judge expenses, as well as additional staffing to process applications, communicate with individuals with founded child abuse, prepare documents and notices for appeals of denial of entry into the Central Background Registry.

Oregon Employment Department (OED)

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