



Oregon

Kate Brown, Governor

Early Learning Division



SB 757: Conditional Enrollment and “For Cause” Prohibition from the Central Background Registry

Chair Gelser and members of the committee, I am Troy Duker, the government affairs manager for the Early Learning Division (ELD) of the Department of Education. I wanted to offer the agency’s support for SB 757—particularly as it relates to the proposed changes to the Central Background Registry (CBR). In the 2019 session, Chair Gelser introduced SB 490—which expanded the list of individuals prohibited from providing child care for five years to include those who have a suspended certification, registration, or enrollment in the registry and those whose certification or registration has been revoked or denied. SB 757 proposes some fixes to the work from that session, as well as providing for a conditional enrollment that will assist in getting candidates employed in a more timely manner.

First, a little background. Child care providers must be licensed, registered, or certified with the Office of Childcare. To provide licensed child care in Oregon, a person must be enrolled in the Central Background Registry. This process involves completing an Oregon check of criminal record, Child Protective Services record, among other requirements. Also, the applicant must clear a FBI national background check and out of state check if the applicant has lived outside of Oregon in the last five years. All child care staff and any person who may have unsupervised access to children, such as adults living in the home, volunteers and maintenance staff, must enroll in the registry. Typically, the Oregon record check is completed quickly. However, the FBI check can take 2 weeks to a month. Out of state checks can take many months depending on the state.

SB 757 proposes a couple of changes to the statues governing the CBR. First, it expands conditional enrollment to include those who have passed the Oregon background check and, secondly, requires that removal from the CBR would need to be “for cause.”

Current Oregon law allows a person “conditional enrollment” – meaning they can work in child care but cannot have unsupervised access to children – while awaiting the FBI check. However, the Office of Child Care cannot even grant conditional enrollment while awaiting the out of state check. This means people who want to work in child care, and the child care providers who want to hire those people, may spend months waiting for the out of state checks to come through and therefore allow us to enroll the person in the CBR. SB 757 will allow OCC to conditionally enroll a person when they have cleared the Oregon check, and are still awaiting an out of state check.

Each of the 36 counties in Oregon is classified as a child care desert—meaning that there is fewer than one regulated early care and education slot for every three children, especially for

infants and toddlers. Expanding conditional enrollment will help in alleviating the shortage in the early care and education work force, while helping to reduce the cost of care in the long run. Additionally, imposing a five year prohibition on enrollment in the CBR only on those removed “for cause” can have a similar effect on access to affordable child care.

Current law prohibits a person from being enrolled in the registry for five years if they are removed from the CBR or they are denied enrollment for a criminal conviction, CPS case or other malfeasance. These applicants are identified in statute as “Exempt Prohibited Individuals.” However, sometimes, people are removed from the registry for reasons unrelated to background checks or the safety of children, like incomplete paperwork.

One scenario could be that a person applied and was conditionally enrolled into the registry, but the FBI requests a new set of fingerprints because they were not clear enough. We reach out to follow up with no response from the applicant.

Maybe the applicant moved and didn’t update their address. Or maybe they took a different job so they ignore the letter. Regardless, if we remove them now they are legally prohibited from the CBR for five years for factors like an address change or failing to follow-up with OCC.

SB 757 would clarify that removal from CBR would need to be “for cause.” That is, some sort of bad behavior, a criminal conviction or CPS case. The current standard is counter to our efforts to develop a robust early care and education workforce and provide more opportunity for child care facilities to become established and thrive so parents can have a safe, quality place for their children.

I urge your aye vote. I am happy to answer any questions from the committee.