

HOUSE AMENDMENTS TO B-ENGROSSED HOUSE BILL 3073

By JOINT COMMITTEE ON WAYS AND MEANS

June 23

1 On page 1 of the printed B-engrossed bill, delete lines 14 through 17 and insert:

2 “Whereas access to continuous, high-quality child care, early care and education and out-of-
3 school programs is critical to a child’s success in school and life; and”.

4 On page 2, delete lines 7 and 8.

5 On page 11, line 45, after “developmental” insert “, disability and neurodiversity”.

6 On page 57, line 10, delete “July 1, 2022” and insert “January 1, 2023”.

7 On page 59, delete lines 29 through 45 and delete page 60.

8 On page 61, delete line 1 and insert:

9 “**SECTION 73.** ORS 329A.500, as amended by section 8 of this 2021 Act, is amended to read:

10 “329A.500. (1) As used in this section, ‘family’ means any individual who is responsible for the
11 care, control and supervision of a child.

12 “(2) The [*Department of Human Services and the*] Early Learning Council shall adopt rules for
13 the operation of the Employment Related Day Care subsidy program administered by the Depart-
14 ment **of Early Learning and Care**.

15 “(3) The rules adopted under this section must support equitable access to a supply of diverse
16 child care providers that meet the needs of families, as those needs are defined by the [*department*]
17 **council** by rule, including:

18 “(a) Cultural diversity;

19 “(b) Linguistic diversity;

20 “(c) Racial and ethnic diversity; and

21 “(d) Diversity of provider types.

22 “(4) The rules adopted under this section must provide that:

23 “(a) A child’s eligibility to participate in the Employment Related Day Care subsidy program
24 must be based on:

25 “(A) The household income of a child’s family; and

26 “(B) Any other criteria established by the [*department*] **council**.

27 “(b) A child must be able to receive care that:

28 “(A) Meets the child’s developmental, disability and neurodiversity needs; and

29 “(B) Enables the child’s family to complete activities that relate to family well-being, which may
30 include the family’s work hours, education hours, commute time, study time and other activities that
31 support family well-being.

32 “(c) Payment to child care providers must be based on enrollment instead of attendance.

33 “(d) **A child care provider may be eligible to receive a higher rate of reimbursement or
34 other financial incentives for:**

35 “(A) **Participating in quality improvement measures;**

1 “(B) Providing culturally or linguistically specific or appropriate care;

2 “(C) Providing evening, overnight or weekend care;

3 “(D) Providing care to children with a diagnosed disability;

4 “(E) Providing infant or toddler care;

5 “(F) Providing care to a population that has been identified as historically having an in-
6 adequate child care provider supply; or

7 “(G) Providing any other specialized care that justifies a higher rate of reimbursement.

8 “(5) Taking into account the availability of funds, the rules adopted under this section [*must*
9 *establish*]:

10 “(a) **Must establish** a sliding scale for copayment, with the requirement that a copayment may
11 not exceed seven percent of the household income of the child’s family.

12 “(b) **Must provide that eligibility to participate in the Employment Related Day Care**
13 **subsidy program:**

14 “(A) **May not be based on the citizenship or legal status of a child or a child’s family; and**

15 “(B) **Shall, for a child who met the initial eligibility requirements prescribed under sub-**
16 **section (4) of this section, continue for a minimum of 12 months from the date of initial el-**
17 **igibility unless the child’s family leaves this state or requests a termination of benefits or**
18 **for any other reason identified by the council. Rules adopted under this subparagraph shall**
19 **give priority to families receiving temporary assistance under the temporary assistance for**
20 **needy families program described in ORS 412.006.**

21 “(c) **May provide that a determination of eligibility to participate in the Employment**
22 **Related Day Care subsidy program consider the availability of family to attend to the child,**
23 **regardless of the family’s physical presence.**

24 “(6) In developing rules under this section, the [*department*] **council** shall consider policies for
25 increasing the stability and continuity of a child’s access to a family’s preferred child care provider.

26 “(7) Rules adopted by the [*department*] **council** under this section establish minimum require-
27 ments pertaining to the Employment Related Day Care subsidy program and may not be construed
28 to preempt, limit or otherwise diminish the applicability of any policy, standard or collective bar-
29 gaining agreement that provides for an increased subsidy or a child care provider reimbursement
30 amount under state or federal law.

31 “(8)(a) The [*department*] **council** shall work to meet federal recommendations for income eli-
32 gibility and market access in regard to the Employment Related Day Care subsidy program adminis-
33 tered by the [*department*] **council.**

34 “(b) Notwithstanding any provision of this section or any rule adopted by the [*department*]
35 **council** pursuant to this section, the laws and regulations applicable to the federal funds shall
36 govern when any aspect of child care is funded by federal funds.”.

37 On page 64, line 32, delete “June 30” and insert “July 1”.

38 On page 66, delete lines 27 through 45.

39 On page 67, delete lines 1 through 11 and insert:

40 “**SECTION 85.** (1) **No later than September 30, 2021, the Early Learning Division, in col-**
41 **laboration with the Department of Education and the Department of Human Services, shall**
42 **report to the appropriate interim committees of the Legislative Assembly. The report shall**
43 **address the progress on the plans required to be developed and implemented as provided by**
44 **sections 64 and 78 of this 2021 Act, including:**

45 “(a) **Progress on the transfer of child care assistance programs, including the Employ-**

1 **ment Related Day Care subsidy program, to the Early Learning Division.**

2 **“(b) Progress on efforts to strengthen the alignment of the early childhood special edu-**
3 **cation and early intervention services within the statewide early learning system.**

4 **“(c) Progress on the adoption of rules related to school-age child care.**

5 **“(2) No later than January 15, 2022, the Department of Human Services, in collaboration**
6 **with the Early Learning Division, shall report to the appropriate interim committees of the**
7 **Legislative Assembly. The report shall address the timelines and fiscal impact of the eligi-**
8 **bility requirements as provided by the amendments to ORS 329A.500 by section 73 of this 2021**
9 **Act.**

10 **“(3) No later than January 15, 2022, the Early Learning Division, in collaboration with the**
11 **Department of Education and the Department of Human Services, shall report to the ap-**
12 **propriate interim committees of the Legislative Assembly. The report shall address the**
13 **progress on the plans required to be developed and implemented as provided by sections 64**
14 **and 78 of this 2021 Act, including:**

15 **“(a) Progress on the transfer of background checks inspections for the Employment Re-**
16 **lated Day Care subsidy program to the Early Learning Division, including any recommen-**
17 **dations for legislation or other authority necessary for the collection of subsidy**
18 **overpayments made under the program.**

19 **“(b) Progress on the transfer of child care assistance programs, including the Employ-**
20 **ment Related Day Care subsidy program, to the Early Learning Division, and any recom-**
21 **mended changes related to the transfer.**

22 **“(c) Recommendations to strengthen the alignment of the early childhood special educa-**
23 **tion and early intervention services within the statewide early learning system, including any**
24 **recommended changes to governance, policymaking or other oversight of the system.**

25 **“(d) Progress on the adoption of rules related to school-age child care.**

26 **“(e) Any fiscal impacts of the plan and any conflicts of the plan with federal statute that**
27 **must be resolved.**

28 **“(f) Any budgetary impacts or recommendations for legislation related to the plan.**

29 **“(4) No later than September 30, 2022, the Early Learning Division, in collaboration with**
30 **the Department of Education and the Department of Human Services, shall report to the**
31 **appropriate interim committees of the Legislative Assembly. The report shall include updates**
32 **on the implementation of the plan required to be developed and implemented as provided by**
33 **section 64 of this 2021 Act and the progress on the plan required to be developed and imple-**
34 **mented as provided by section 78 of this 2021 Act.”.**

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