

A-Engrossed
House Bill 4032

Ordered by the House February 8
Including House Amendments dated February 8

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Early Childhood for Representative Karin Power)

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.

Directs Early Learning Division to develop and maintain informational resources relevant for children with disability. Requires child care providers and early childhood educators to receive training related to informational resources.

A BILL FOR AN ACT

1
2 Relating to informational resources relevant for children with a disability; creating new provisions;
3 and amending sections 64 and 68, chapter 631, Oregon Laws 2021.

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

5 **SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 329A.250 to**
6 **329A.450.**

7 **SECTION 2. (1) As used in this section, "child with a disability" means a child with a**
8 **disability who is 17 years of age or younger.**

9 **(2) The Early Learning Division shall develop and maintain informational resources that**
10 **are relevant for a child with a disability. Informational resources must be prepared for child**
11 **care providers and early childhood educators and for parents or guardians of a child with a**
12 **disability.**

13 **(3) Informational resources provided for child care providers and early childhood educa-**
14 **tors under this section must include information about nonschool programs and services**
15 **that are available for a child with a disability.**

16 **(4) Informational resources provided for parents or guardians of a child with a disability**
17 **under this section must include:**

18 **(a) Information about nonschool programs and services that are available for a child with**
19 **a disability;**

20 **(b) A description of the rights and protections provided to a child under the Americans**
21 **with Disabilities Act, the public accommodation laws of this state, the Individuals with Dis-**
22 **abilities Education Act and any other federal or state laws related to access to child care**
23 **and education for children with a disability;**

24 **(c) A description of the processes and contact information for enforcing the rights and**
25 **protections described in paragraph (b) of this subsection; and**

26 **(d) Any other information identified by the division that may be relevant for parents or**
27 **guardians of children with a disability.**

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 (5) The division must ensure that informational resources described in subsections (3)
2 and (4) of this section are made available:

3 (a) In a concise, physical format;

4 (b) In an electronic format; and

5 (c) In languages most commonly spoken and written in this state, as identified by the
6 Early Learning Council by rule.

7 (6) The division shall consult with the State Interagency Coordinating Council, the Bu-
8 reau of Labor and Industries, the Oregon Health Authority, the Department of Education,
9 the Department of Human Services and any other relevant state agencies for the purposes
10 of:

11 (a) Developing and maintaining the informational resources required under this section;
12 and

13 (b) Identifying methods and processes for ensuring that parents and guardians of a child
14 with a disability can easily access the informational resources when requested.

15 (7) The division shall consult with the Oregon Medical Board, the Oregon State Board of
16 Nursing, the Oregon Board of Naturopathic Medicine and any other state boards identified
17 by the Early Learning Council to ensure that informational resources described in subsection
18 (4) of this section are provided to parents and guardians of children with a disability when
19 either of the following occur:

20 (a) A child is diagnosed with a medical condition that may qualify the child for nonschool
21 programs or services for children with a disability or that may qualify the child for pro-
22 tections under federal and state laws described in subsection (4)(b) of this section; or

23 (b) A parent or guardian of a child with a disability requests informational resources.

24 (8)(a) The council shall adopt by rule requirements to ensure that child care providers
25 and early childhood educators receive training related to the informational resources devel-
26 oped and maintained under this section, including training on:

27 (A) Nonschool programs and services that are available for a child with a disability and
28 how best to advise parents and guardians about how to access the programs and services;
29 and

30 (B) The responsibilities of child care providers and early childhood educators to comply
31 with federal and state laws described in subsection (4)(b) of this section.

32 (b) Training required under this subsection must be received:

33 (A) At the time of initial certification, registration, recording or licensure; and

34 (B) Periodically, as determined by the council by rule.

35 (c) Training required under this subsection shall be developed and periodically revised by
36 the division after any necessary consultation with the state agencies identified in subsection
37 (6) of this section.

38 (9) The Early Learning Council shall adopt any rules necessary for the administration
39 of this section.

40 **SECTION 3.** Section 2 of this 2022 Act is amended to read:

41 **Sec. 2.** (1) As used in this section, “child with a disability” means a child with a disability who
42 is 17 years of age or younger.

43 (2) The [*Early Learning Division*] **Department of Early Learning and Care** shall develop and
44 maintain informational resources that are relevant for a child with a disability. Informational re-
45 sources must be prepared for child care providers and early childhood educators and for parents or

1 guardians of a child with a disability.

2 (3)(a) Informational resources provided for child care providers and early childhood educators
3 under this section must include information about nonschool programs and services that are avail-
4 able for a child with a disability.

5 (4) Informational resources provided for parents or guardians of a child with a disability under
6 this section must include:

7 (a) Information about nonschool programs and services that are available for a child with a
8 disability;

9 (b) A description of the rights and protections provided to a child under the Americans with
10 Disabilities Act, the public accommodations laws of this state, the Individuals with Disabilities Ed-
11 ucation Act and any other federal or state laws related to access to child care and education for
12 children with a disability;

13 (c) A description of the processes and contact information for enforcing the rights and pro-
14 tections described in paragraph (b) of this subsection; and

15 (d) Any other information identified by the *[division]* **department** that may be relevant for
16 parents or guardians of children with a disability.

17 (5) The *[division]* **department** must ensure that informational resources described in subsections
18 (3) and (4) of this section are made available:

19 (a) In a concise, physical format;

20 (b) In an electronic format; and

21 (c) In languages most commonly spoken and written in this state, as identified by the Early
22 Learning Council by rule.

23 (6) The *[division]* **department** shall consult with the State Interagency Coordinating Council,
24 the Bureau of Labor and Industries, the Oregon Health Authority, the Department of Education, the
25 Department of Human Services and any other relevant state agencies for the purposes of:

26 (a) Developing and maintaining the informational resources required under this section; and

27 (b) Identifying methods and processes for ensuring that parents and guardians of a child with
28 a disability can easily access the informational resources when requested.

29 (7) The *[division]* **Department of Early Learning and Care** shall consult with the Oregon
30 Medical Board, the Oregon State Board of Nursing, the Oregon Board of Naturopathic Medicine and
31 any other state boards identified by the Early Learning Council to ensure that informational re-
32 sources described in subsection (4) of this section are provided to parents and guardians of children
33 with a disability when either of the following occur:

34 (a) A child is diagnosed with a medical condition that may qualify the child for nonschool pro-
35 grams or services for children with a disability or that may qualify the child for protections under
36 federal and state laws described in subsection (4)(b) of this section; or

37 (b) A parent or guardian of a child with a disability requests informational resources.

38 (8)(a) The council shall adopt by rule requirements to ensure that child care providers and early
39 childhood educators receive training related to the informational resources developed and main-
40 tained under this section, including training on:

41 (A) Nonschool programs and services that are available for a child with a disability and how
42 best to advise parents and guardians about how to access the programs and services; and

43 (B) The responsibilities of child care providers and early childhood educators to comply with
44 federal and state laws described in subsection (4)(b) of this section.

45 (b) Training required under this subsection must be received:

1 (A) At the time of initial certification, registration, recording or licensure; and

2 (B) Periodically, as determined by the council by rule.

3 (c) Training required under this subsection shall be developed and periodically revised by the
4 *[division]* **department** after any necessary consultation with the state agencies identified in sub-
5 section (6) of this section.

6 (9) The Early Learning Council shall adopt any rules necessary for the administration of this
7 section.

8 **SECTION 4. For the purposes of section 2 (8) of this 2022 Act, any rules adopted by the**
9 **Early Learning Council that prescribe requirements that child care providers and early**
10 **childhood educators receive training described in section 2 (8) of this 2022 Act may not re-**
11 **quire child care providers and early childhood educators to receive that training prior to**
12 **January 1, 2024.**

13 **SECTION 5.** Section 64, chapter 631, Oregon Laws 2021, is amended to read:

14 **Sec. 64.** (1) *[Sections 12 and 13 of this 2021 Act]* **ORS 326.432 and 329A.750**, the amendments
15 to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155,
16 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841,
17 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104,
18 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827,
19 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 *[of this 2021*
20 *Act]*, **chapter 631, Oregon Laws 2021, and to section 2 of this 2022 Act by section 3 of this 2022**
21 **Act**, and the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63 *[of this*
22 *2021 Act]*, **chapter 631, Oregon Laws 2021**, become operative on January 1, 2023.

23 (2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early
24 Learning Division and the Department of Education may take any action before the operative date
25 set forth in subsection (1) of this section that is necessary for the Department of Early Learning and
26 Care to exercise, on and after the operative date set forth in subsection (1) of this section, all of the
27 duties, functions and powers conferred on the Department of Early Learning and Care by *[sections*
28 *12 and 13 of this 2021 Act,]* **ORS 326.432 and 329A.750** and the amendments to ORS 131A.360,
29 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165,
30 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845,
31 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475,
32 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829,
33 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 *[of this 2021 Act]*, **chapter**
34 **631, Oregon Laws 2021, and to section 2 of this 2022 Act by section 3 of this 2022 Act.**

35 (3) For the purpose of ensuring that the Department of Early Learning and Care may exercise,
36 on and after the operative date set forth in subsection (1) of this section, all of the duties, functions
37 and powers conferred on the Department of Early Learning and Care by *[sections 12 and 13 of this*
38 *2021 Act]* **ORS 326.432 and 329A.750**, and the amendments to ORS 131A.360, 131A.365, 183.459,
39 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172,
40 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010,
41 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781,
42 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301,
43 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 *[of this 2021 Act]*, **chapter 631, Oregon**
44 **Laws 2021, and to section 2 of this 2022 Act by section 3 of this 2022 Act**, the Early Learning
45 Division and the Department of Education shall develop and implement a plan that provides for a

1 seamless transfer of duties, functions and powers.

2 (4) The Governor shall resolve any disputes related to the plan developed and implemented un-
3 der subsection (3) of this section, and the Governor's decision is final.

4 **SECTION 6.** Section 68, chapter 631, Oregon Laws 2021, is amended to read:

5 **Sec. 68.** (1) Nothing in [*sections 12 and 13 of this 2021 Act*] **ORS 326.432 and 329A.750**, the
6 amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274,
7 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219,
8 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101,
9 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796,
10 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [*of this*
11 *2021 Act*], **chapter 631, Oregon Laws 2021, and to section 2 of this 2022 Act by section 3 of this**
12 **2022 Act**, or the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63 [*of this*
13 *2021 Act*], **chapter 631, Oregon Laws 2021**, relieves a person of a liability, duty or obligation ac-
14 cruing under or with respect to the duties, functions and powers transferred by the amendments to
15 ORS 326.430 by section 11 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**. The Department of
16 Early Learning and Care may undertake the collection or enforcement of any such liability, duty
17 or obligation.

18 (2) The rights and obligations of the Early Learning Division or the Department of Education
19 on behalf of the Early Learning Division legally incurred under contracts, leases and business
20 transactions executed, entered into or begun before the operative date of the amendments to ORS
21 326.430 by section 11 [*of this 2021 Act*], **chapter 631, Oregon Laws 2021**, are transferred to the
22 Department of Early Learning and Care. For the purpose of succession to these rights and obli-
23 gations, the Department of Early Learning and Care is a continuation of the Early Learning Divi-
24 sion and not a new authority.