

**HB 3558 STAFF MEASURE SUMMARY**  
**House Committee On Early Childhood and Human Services**

**Carrier:** Rep. Reynolds

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**Action Date:** 03/29/23  
**Action:** Do Pass.  
**Vote:** 6-4-0-0  
**Yeas:** 6 - Andersen, Hartman, Nelson, Neron, Nguyen H, Reynolds  
**Nays:** 4 - Cramer, Elmer, Hieb, Scharf  
**Fiscal:** Has minimal fiscal impact  
**Revenue:** No revenue impact  
**Prepared By:** Matthew Perreault, LPRO Analyst  
**Meeting Dates:** 3/15, 3/29

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**WHAT THE MEASURE DOES:**

Modifies statutory definitions of "child care" and related terms and authorizes Early Learning Council to further define terms by rule. Grants Department of Early Learning and Care (DELIC) discretion to organize into administrative divisions or offices. Abolishes Office of Child Care and transfers responsibilities of office to DELIC. Prohibits child care facility from interfering with actions taken by parent, guardian, or current or former employee to report abuse at facility by terminating or conditioning provision of care upon nondisclosure agreement. Authorizes internal disclosure of identifying information of complainant within department for purposes of investigating providers that are subject to certification, registration, or recording with department. Replaces references to "regulated subsidy facilities" to "subsidized care facilities" for the purposes of Employment Related Day Care (ERDC) program. Requires DELIC to accept background check performed by Department of Human Services (DHS) for purposes of ERDC between July 1, 2023 and July 1, 2025. Declares emergency, effective July 1, 2023.

**ISSUES DISCUSSED:**

- Transition of Early Learning Division into DELIC
- Administration of ERDC between DHS and DELIC
- Exemptions to child care regulations
- Enrollment in Central Background Registry

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The Early Learning Division of the Oregon Department of Education (ODE) was established by passage of House Bill 3234 in 2013. That measure transferred certain duties previously assigned to the Early Learning Council to the Division. Since that time, the Division has served to govern and manage most of the state's early child care and education programs and services. House Bill 3073 (2021) made the Early Learning Division into an independent state agency called the Department of Early Learning and Care (DELIC) and transferred responsibility of administration of the Employment Related Day Care program from the Department of Human Services to DELIC. House Bill 4005 (2022) extended the date by which the transition to independence would take place to July 1, 2023 and centralized responsibility for background checks for ERDC providers in DELIC's Central Background Registry alongside other early learning program providers.

The Office of Child Care (OCC) within DELIC is responsible for regulating child care providers. Providers are required by law to comply with OCC's regulations, including requirements to apply for certification, registration, or recording with the office. All staff and volunteers are required to be enrolled in the Central Background

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Registry. OCC may also conduct investigations of programs and facilities to ensure compliance.

House Bill 3558 grants discretion to DELC to organize itself into administrative divisions and modifies definitions and provisions relating to regulation of child care providers.