

HB 3558 STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser Blouin**Senate Committee On Human Services**

Action Date: 05/01/23
Action: Do pass.
Vote: 3-2-0-0
Yeas: 3 - Gelser Blouin, Manning Jr, Prozanski
Nays: 2 - Robinson, Weber
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Iva Sokolovska, LPRO Analyst
Meeting Dates: 4/24, 5/1

WHAT THE MEASURE DOES:

Modifies the definition of “child care” and permits the Early Learning Council to define by rule the definitions of “family” and “occasional.” Modifies the definition of “subsidized care” and specifies that subsidized care is paid public funds allocated to subsidy programs administered by the Department of Early Learning and Care (DELIC). Replaces references to “regulated subsidy facilities” to “subsidized care facilities.” Permits division of the functions of DELIC into administrative divisions or offices under the supervision of a person appointed by the Early Learning System Director. Removes the establishment of the Office of Child Care from statute and transfers responsibilities, rights, and obligations to DELIC. Directs DELIC to comply with the rules of the Early Learning Council. Permits DELIC to act through any division or office. Assigns administration of Child Care Fund to DELIC. Directs the Early Learning Council to administer by rule information sharing between DELIC, the Department of Human Services, and any other state agency providing support to families and children. Permits DELIC to enroll in the Central Background Registry individuals who qualify for limited enrollment per Early Learning Council rules. Permits DELIC to grant limited enrollment in the Central Background Registry to a relative caretaker of a child for whom care is provided in a subsidized care facility. Directs child care providers not subject to certification or registration, who receive funds from DELIC for subsidized care, to attend an orientation provided by the department. Prohibits child care facilities to interfere with the good faith disclosure of information by a parent, legal guardian, current or former employee or volunteer concerning abuse or mistreatment of a child in the child care facility, violations of licensing or certification requirements, criminal activity at the facility, violations of state or federal laws or any practice that threatens the health and safety of a child. Adds terminating or threatening to terminate care of a child or asking a parent or legal guardian of a child to sign a nondisclosure or similar agreement as actions identified as a child care facility interfering with the disclosure of the information. Permits information about an individual or entity that made a complaint regarding certified or registered child care facilities, subsidized care facilities, preschool recorded programs or school-age recorded programs, to only be disclosed within DELIC. Directs DELIC to accept the Department of Human Service’s background check of an individual for the purposes of the Employment Related Day Care subsidy program from July 1, 2023, until July 1, 2025. Declares emergency, effective July 1, 2023.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

HB 3558 STAFF MEASURE SUMMARY

The Early Learning Division of the Oregon Department of Education 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 the Employment Related Day Care program providers in DELIC's Central Background Registry alongside other early learning program providers.

The Office of Child Care within DELIC is responsible for regulating child care providers. Providers are required by law to comply with Office of Child Care 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 Registry. The Office of Child Care may also conduct investigations of programs and facilities to ensure compliance.

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