

# Enrolled House Bill 3558

Sponsored by Representative REYNOLDS (at the request of Early Learning Division of Department of Education)

CHAPTER .....

## AN ACT

Relating to child care; creating new provisions; amending ORS 183.459, 307.145, 307.490, 307.495, 315.204, 315.208, 315.213, 326.430, 329A.010, 329A.020, 329A.025, 329A.030, 329A.250, 329A.252, 329A.255, 329A.261, 329A.263, 329A.270, 329A.275, 329A.280, 329A.290, 329A.300, 329A.310, 329A.330, 329A.340, 329A.342, 329A.344, 329A.346, 329A.348, 329A.350, 329A.360, 329A.370, 329A.390, 329A.400, 329A.410, 329A.420, 329A.450, 329A.500, 329A.505, 329A.700, 329A.703, 329A.706, 329A.712, 329A.992, 329A.994, 343.507, 419B.005, 419B.020, 419B.035, 609.652, 646A.504 and 646A.506 and section 1, chapter 195, Oregon Laws 2019, sections 64 and 68, chapter 631, Oregon Laws 2021, and section 28, chapter 27, Oregon Laws 2022; and declaring an emergency.

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

### DEFINITIONS

**SECTION 1.** ORS 329A.250, as amended by section 6, chapter 90, Oregon Laws 2022, is amended to read:

329A.250. As used in ORS 329A.030 and 329A.250 to 329A.450, unless the context requires otherwise:

(1) "Babysitter" means a person who goes into the home of a child to give care during the temporary absence of the parent, [or] legal guardian or custodian.

(2) "Certification" means the certification that is issued under ORS 329A.280 [by the Office of Child Care] to a family child care home, child care center or other child care facility.

(3) "Child" means a child under 13 years of age or a child under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child's age.

(4)(a) "Child care" means the **provision, on a regular basis and with or without compensation, of care, supervision and guidance [on a regular basis of a child,] to a child who is unaccompanied by a parent, legal guardian or custodian[, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation.] when that care, supervision and guidance are provided:**

**(A) At a location that is not the child's home and are provided at any time during the 24 hours of the day, unless the care, supervision and guidance are provided by a person described in paragraph (b)(A) to (H) of this subsection in a manner not described in subparagraph (B) of this paragraph; or**

**(B) At a location for which the Office of Child Care has issued a certification or registration if:**

(i) **The care, supervision and guidance are provided during the location’s regular operating hours; and**

(ii) **The location is not the child’s home.**

(b) “Child care” does not include [*care provided:*] **the provision, with or without compensation, of care, supervision and guidance to a child when that care, supervision and guidance are provided:**

(A) **By a babysitter or other person** in the home of the child;

(B) By the child’s parent, **legal guardian**[, *or person acting in loco parentis*] **or custodian;**

(C) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;

[*D*] *On an occasional basis by a person not ordinarily engaged in providing child care;*

[*E*] **(D) By [providers] a provider** of medical services;

[*F*] *By a babysitter;*

[*G*] **(E) By a person who cares for children from only one family [other than the person’s own family] in addition to any children who reside with the person;**

[*H*] **(F) By a person who cares for no more than three children [other than the person’s own children] in addition to any children who reside with the person; [or]**

[*I*] **(G) By a person who is a member of the child’s extended family, as determined by the office on a case-by-case basis[.]; or**

**(H) On an occasional basis.**

**(c) For purposes of this subsection, the provision of care, supervision and guidance that does not fit entirely within a single subparagraph of paragraph (b) of this subsection is considered “child care” unless otherwise authorized by the Early Learning Council by rule.**

(5) “Child care facility” means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

(a) Preschool recorded program.

(b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.

(c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

(d) Facility operated by:

(A) A school district as defined in ORS 332.002;

(B) A political subdivision of this state; or

(C) A governmental agency.

(e) Residential facility licensed under ORS 443.400 to 443.455.

[*f*] *Babysitters.*

[*g*] **(f) Facility operated as a parent cooperative for no more than four hours a day.**

[*h*] **(g) Facility providing care while the child’s parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.**

[*i*] **(h) Facility operated as a school-age recorded program.**

(6) “Family” has the meaning given that term [*in ORS 329.145*] **by the Early Learning Council by rule.**

(7) “Occasional” [*means that care is provided for no more than 70 days in any calendar year*] **has the meaning given that term by the Early Learning Council by rule.**

(8) “Parent cooperative” means a child care program in which:

(a) Care is provided by parents on a rotating basis;

(b) Membership in the cooperative includes parents;

(c) There are written policies and procedures; and

(d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.

(9) “Preschool recorded program” means a facility providing care for preschool children that is primarily educational for four hours or less per day and where no child is present at the facility for more than four hours per day.

(10) “Record” means the record that is issued under ORS 329A.255 to a preschool recorded program or a school-age recorded program.

(11) “Registration” means the registration that is issued under ORS 329A.330 [by the Office of Child Care] to a family child care home where care is provided in the family living quarters of the provider’s home.

(12) “School age” means of an age eligible to be enrolled in kindergarten or above on or before the first day of the current school year.

(13) “School-age recorded program” means a program for school-age children:

(a) That is not operated by a school district as defined in ORS 332.002;

(b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330; and

(c) In which youth development activities are provided to children during hours that school is not in session and does not take the place of a parent’s care.

(14) “Youth development activities” means care, supervision or guidance that is intended for enrichment, including but not limited to teaching skills or proficiency in physical, social or educational activities such as tutoring, music lessons, social activities, sports and recreational activities.

**SECTION 2.** ORS 329A.250, as amended by section 40, chapter 631, Oregon Laws 2021, section 23, chapter 27, Oregon Laws 2022, and section 5, chapter 90, Oregon Laws 2022, is amended to read:

329A.250. As used in ORS 329A.030, 329A.250 to 329A.450 and 329A.500, unless the context requires otherwise:

(1) “Babysitter” means a person who goes into the home of a child to give care during the temporary absence of the parent, [or] legal guardian or custodian.

(2) “Certification” means the certification that is issued under ORS 329A.280 [by the Office of Child Care] to a family child care home, child care center or other child care facility.

(3) “Child” means a child under 13 years of age or a child under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child’s age.

(4)(a) “Child care” means the **provision, on a regular basis and with or without compensation, of care, supervision and guidance [on a regular basis of a child,] to a child who is unaccompanied by a parent, legal guardian or custodian[, provided to a child during a part of the 24 hours of the day, in a place other than the child’s home, with or without compensation.] when that care, supervision and guidance are provided:**

**(A) At a location that is not the child’s home and are provided at any time during the 24 hours of the day, unless the care, supervision and guidance are provided by a person described in paragraph (b)(A) to (H) of this subsection in a manner not described in subparagraph (B) of this paragraph; or**

**(B) At a location for which the Department of Early Learning and Care has issued a certification or registration if:**

**(i) The care, supervision and guidance are provided during the location’s regular operating hours; and**

**(ii) The location is not the child’s home.**

**(b) “Child care” does not include [care provided:] the provision, with or without compensation, of care, supervision and guidance to a child when that care, supervision and guidance are provided:**

**(A) By a babysitter or other person** in the home of the child;

**(B) By the child’s parent, legal guardian[, or person acting in loco parentis] or custodian;**

**(C) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;**

**[(D) On an occasional basis by a person not ordinarily engaged in providing child care;]**

**[(E)] (D) By [providers] a provider of medical services;**

*[(F) By a babysitter;]*

*[(G)] (E)* By a person who cares for children from only one family *[other than the person's own family]* **in addition to any children who reside with the person;**

*[(H)] (F)* By a person who cares for no more than three children *[other than the person's own children]* **in addition to any children who reside with the person;** *[or]*

*[(I)] (G)* By a person who is a member of the child's extended family, as determined by the *[office]* **department** on a case-by-case basis*.[.]; or*

**(H) On an occasional basis.**

**(c) For purposes of this subsection, the provision of care, supervision and guidance that does not fit entirely within a single subparagraph of paragraph (b) of this subsection is considered "child care" unless otherwise authorized by the Early Learning Council by rule.**

(5) "Child care facility" means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

(a) Preschool recorded program.

(b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.

(c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

(d) Facility operated by:

(A) A school district as defined in ORS 332.002;

(B) A political subdivision of this state; or

(C) A governmental agency.

(e) Residential facility licensed under ORS 443.400 to 443.455.

*[(f) Babysitters.]*

*[(g)] (f)* Facility operated as a parent cooperative for no more than four hours a day.

*[(h)] (g)* Facility providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.

*[(i)] (h)* Facility operated as a school-age recorded program.

(6) "Family" has the meaning given that term *[in ORS 329.155]* **by the Early Learning Council by rule.**

(7) "Occasional" *[means that care is provided for no more than 70 days in any calendar year]* **has the meaning given that term by the Early Learning Council by rule.**

(8) "Parent cooperative" means a child care program in which:

(a) Care is provided by parents on a rotating basis;

(b) Membership in the cooperative includes parents;

(c) There are written policies and procedures; and

(d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.

(9) "Preschool recorded program" means a facility providing care for preschool children that is primarily educational for four hours or less per day and where no child is present at the facility for more than four hours per day.

(10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded program or a school-age recorded program.

(11) "Registration" means the registration that is issued under ORS 329A.330 *[by the Office of Child Care]* to a family child care home where care is provided in the family living quarters of the provider's home.

(12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before the first day of the current school year.

(13) "School-age recorded program" means a program for school-age children:

(a) That is not operated by a school district as defined in ORS 332.002;

(b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330; and

(c) In which youth development activities are provided to children during hours that school is not in session and does not take the place of a parent's care.

(14)(a) "Subsidized care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, **legal** guardian or custodian, provided to a child during a part of the 24 hours of a day, paid for in whole or in part by public funds **that are allocated to subsidy programs administered by the department.**

(b) "Subsidized care" does not include care provided:

(A) By the child's parent, **legal** guardian or [*person acting in loco parentis*] **custodian**;

(B) By a sibling living in the same home as the child;

(C) By a person on the same subsidized care case of a child in care; or

(D) By a provider of medical services, as determined by the [*office*] **department** on a case-by-case basis.

(15) "Subsidized care facility" means any facility that provides subsidized care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any program or facility identified by the Early Learning Council by rule.

(16) "Youth development activities" means care, supervision or guidance that is intended for enrichment, including but not limited to teaching skills or proficiency in physical, social or educational activities such as tutoring, music lessons, social activities, sports and recreational activities.

## DEPARTMENT'S AUTHORITY OVER CHILD CARE

**SECTION 3.** ORS 326.430, as amended by section 11, chapter 631, Oregon Laws 2021, is amended to read:

326.430. (1)(a) The Department of Early Learning and Care is established.

**(b) The functions of the department may be divided into administrative divisions or offices. Each division or office shall be under the supervision of a person appointed by the Early Learning System Director. The appointees serve at the pleasure of the director.**

(2) The purposes of the department are to:

(a) Ensure that every child in this state is given the best opportunity to succeed in school, work and life by providing:

(A) High-quality early childhood education programs for children from birth through five years of age and child care for children from birth through 12 years of age; and

(B) Care for children who have a physical or developmental disability or who require other specialized care from birth through 17 years of age;

(b) Administer laws and perform functions related to early childhood to ensure that children enter school ready to learn and families are healthy, stable and attached; and

(c) Administer programs in a manner that supports parents' and providers' needs and considers the economic security and well-being of parents and providers.

(3) The department shall function under and be coordinated by the Early Learning Council.

(4) The Early Learning System Director appointed under ORS 326.432 shall serve as the administrative officer of the department.

**SECTION 4.** ORS 329A.010, as amended by section 37, chapter 631, Oregon Laws 2021, and section 9, chapter 27, Oregon Laws 2022, is amended to read:

329A.010. [(1) *There is established within the Department of Early Learning and Care the Office of Child Care.*]

[(2) *The Office of Child Care shall comply with directives of the Early Learning Council established in ORS 326.425 in the office's implementation of the provisions of ORS 329A.250 to 329A.450.*]

**(1) For the purpose of implementing the provisions of ORS chapter 329A, the Department of Early Learning and Care shall comply with the rules of the Early Learning Council and may act through any division or office of the department.**

*[(3)]* **(2)** The *[Office of Child Care]* **department** may maintain information about child care facilities and providers through electronic records systems.

*[(4)]* **(3)** Except as otherwise prohibited by state or federal law, the *[Office of Child Care]* **department** may share information with[:]

*[(a)]* other public entities when the *[office]* **department** determines that sharing the information would support the health or safety of children in child care. *[: and]*

*[(b) Within the Department of Early Learning and Care for purposes of:]*

*[(A) Developing a long-range plan for serving children and families, as provided by ORS 329.165;]*

*[(B) Administering preschool programs, as provided by ORS 329.170 to 329.200; and]*

*[(C) Implementing policies and practices related to early childhood professional development systems, as provided by ORS 329.219.]*

*[(5) There is established in the State Treasury, separate and distinct from the General Fund, the Child Care Fund. The Child Care Fund shall consist of moneys collected, received and administered by the Office of Child Care and Department of Early Learning and Care pursuant to ORS 329A.310, 329A.700 to 329A.712, 329A.750 and 329A.992 and such moneys as may be otherwise made available by law. Interest earned on the fund shall be credited to the fund. The moneys in the Child Care Fund are appropriated continuously to the Department of Early Learning and Care and shall be used in a manner consistent with the grant of funds or for the administration of ORS 181A.200, 329A.030, 329A.250 to 329A.450 and 329A.700 to 329A.712.]*

**SECTION 5. Section 6 of this 2023 Act is added to and made a part of ORS 329A.250 to 329A.450.**

**SECTION 6. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Child Care Fund.**

**(2) The Child Care Fund shall consist of moneys collected, received and administered by the Department of Early Learning and Care or any divisions or offices of the department pursuant to ORS 329A.310, 329A.700 to 329A.712, 329A.750 and 329A.992 and such moneys as may be otherwise made available by law.**

**(3) Interest earned by the Child Care Fund shall be credited to the fund.**

**(4) Moneys in the Child Care Fund are continuously appropriated to the Department of Early Learning and Care and shall be used in a manner consistent with the grant of funds or for the administration of ORS 181A.200, 329A.030, 329A.250 to 329A.450 and 329A.700 to 329A.712.**

**SECTION 7.** ORS 329A.020 is amended to read:

329A.020. (1) The *[Office of Child Care]* **Department of Early Learning and Care** staff shall provide technical assistance, linkage of local agencies, data collection and monitoring **related to child care.**

**(2) The [Office of Child Care] department shall continually monitor and disseminate information about federal and charitable child care programs for the purposes of ORS 329A.100 to 329A.135.**

**(3) The [Office of Child Care] department shall maintain a website that provides information regarding certified and registered child care facilities and [regulated subsidy facilities as that term is defined by rule adopted by the Early Learning Council] subsidized care facilities, as defined in ORS 329A.250.**

**(4) The Early Learning Council, in consultation with the [Office of Child Care] department, shall adopt rules to implement the provisions of this section.**

**SECTION 8.** ORS 329A.025 is amended to read:

329A.025. The Early Learning Council shall adopt rules, policies and standards to promote information sharing between the *[Office of Child Care]* **Department of Early Learning and Care,**

[and] the Department of Human Services **and any other state agency providing support to families and children.**

**SECTION 9.** ORS 329A.030, as amended by section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual shall apply to and must be enrolled in the Central Background Registry as part of the individual's application to operate a program or serve in a position described in subsection (10) of this section.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), [(G) or (H)] **(E) or (F)** if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), **(E), (F)**[,] **or (G)**[, (H) or (I)].

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the office shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the office is required to check under paragraph (a) of this subsection, the office may consider any other information obtained by the office that the office, by rule, determines is relevant to enrollment in the Central Background Registry.

(4)(a) The office shall enroll the individual in the Central Background Registry if the individual:

(A) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(B) Has paid the applicable fee established pursuant to ORS 329A.275; and

(C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office may enroll an individual in the registry if the Department of Human Services has completed a background check on the individual and the individual has received approval from the department for purposes of providing child care.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the office shall remove the individual from the registry.

(6)(a) The office may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse

and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The office may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) An enrollment in the Central Background Registry may be renewed upon application to the office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the office.

(8)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(10) As used in this section, "subject individual" means a subject individual as defined by the Early Learning Council by rule, an individual subject to subsection (2)(b) of this section or a person who applies to be:

(a) The operator or an employee of a child care or treatment program;

(b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to 329.200;

(c) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(d) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children as identified by the office;

(e) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534;

(f) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(g) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(i) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(j) The operator or an employee of a preschool recorded program or a school-age recorded program.

(11)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (10)(g) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the



office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (10)(i) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

**SECTION 10.** ORS 329A.030, as amended by section 26, chapter 27, Oregon Laws 2022, and section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The [*Office of Child Care*] **Department of Early Learning and Care** shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual described in subsection [(10)(a)] **(11)(a)**, (c) or (d) of this section shall apply to and must be enrolled in the Central Background Registry prior to the provision of care.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), [(G) or (H)] **(E) or (F)** if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), **(E)**, (F)[,] **or (G)**[, (H) or (I)].

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the [*office*] **department** shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the [*office*] **department** is required to check under paragraph (a) of this subsection, the [*office*] **department** may consider any other information obtained by the [*office*] **department** that the [*office*] **department**, [*by rule*] **based on rules adopted by the Early Learning Council**, determines is relevant to enrollment in the Central Background Registry.

(4) The [*office*] **department** shall enroll the individual in the Central Background Registry if the individual:

(a) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(b) Has paid the applicable fee established pursuant to ORS 329A.275; and

(c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the [*office*] **department** may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252, **unless the individual qualifies for limited enrollment pursuant to rules adopted by the Early Learning Council.**

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the [office] **department** shall remove the individual from the registry.

(6)(a) The [office] **department** may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The [office] **department** may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

**(7) The department may grant limited enrollment in the Central Background Registry to a subject individual who is a relative caretaker of a child for whom care is provided in a subsidized care facility, regardless of whether the individual was previously denied enrollment in the Central Background Registry, if the individual otherwise meets the criteria established in rule by the Early Learning Council.**

[(7)] **(8)** An enrollment in the Central Background Registry may be renewed upon application to the [office] **department**, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the [office] **department**.

[(8)(a)] **(9)(a)** A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

[(9)] **(10)** The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

[(10)] **(11)** As used in this section, "subject individual" means:

(a) A subject individual as defined by the Early Learning Council by rule;

(b) An individual subject to subsection (2)(b) of this section;

(c) A person who applies to be:

(A) The operator or an employee of a child care or treatment program;

(B) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to 329.200;

(C) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(D) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children, as determined by the council by rule;

(E) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534;

(F) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(G) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(I) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(J) The operator or an employee of a preschool recorded program or a school-age recorded program; or

(d)(A) An individual who operates a subsidized care facility;

(B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

(C) An individual in a subsidized care facility who has attained 18 years of age and who may have unsupervised contact with children, as determined by the council by rule.

[(11)(a)] **(12)(a)** Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection [(10)(c)(G)] **(11)(c)(G)** of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the [office] **department** from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under [ORS 329A.010] **section 6 of this 2023 Act.**

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection [(10)(c)(H)] **(11)(c)(H)** of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the [office] **department** from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under [ORS 329A.010] **section 6 of this 2023 Act.**

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection [(10)(c)(I)] **(11)(c)(I)** of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the [office] **department** from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under [ORS 329A.010] **section 6 of this 2023 Act.**

**SECTION 11.** ORS 329A.252, as amended by section 2, chapter 90, Oregon Laws 2022, is amended to read:

329A.252. (1) As used in this section, “exempt prohibited individual” means:

(a) An individual whose record, certification or registration is suspended, has been denied for cause or has been revoked for cause under ORS 329A.255 or 329A.350.

(b) An individual whose enrollment in the Central Background Registry established by ORS 329A.030 is suspended, has been denied for cause or has been removed for cause under ORS 329A.030.

(c) An individual whose record, certification, registration or enrollment in the Central Background Registry is subject to an emergency order of suspension under ORS 183.430 (2).

(d) An individual who voluntarily surrendered the individual’s record, certification, registration or enrollment in the Central Background Registry while under investigation by the [Office of Child Care] **Department of Early Learning and Care** or at any time after the [Office of Child Care] **department** has given notice of an administrative proceeding against the individual, the individual’s child care facility, the individual’s preschool recorded program or the individual’s school-age recorded program.

(e) An individual to whom the [Office of Child Care] **department** has issued a final order to cease and desist:

(A) After a contested proceeding; or

(B) That has become effective because the individual did not request a hearing.

(2) For five years following the date on which an individual becomes an exempt prohibited individual, the exempt prohibited individual:

(a) Is ineligible for enrollment in the Central Background Registry, **except for limited enrollment as provided by rule adopted by the Early Learning Council under ORS 329A.030**; and

(b) May not provide care to a child who is not related to the exempt prohibited individual by blood or marriage within the fourth degree as determined by civil law.

(3) After the five-year period described in subsection (2) of this section, an individual ceases to be an exempt prohibited individual if the individual enrolls in the Central Background Registry.

(4) Notwithstanding the five-year period described in subsection (2) of this section, an individual shall be permanently considered an exempt prohibited individual and shall be permanently subject to the prohibitions described in subsection (2) of this section if the individual:

(a) Has been convicted of, in any state, a crime in which a child suffered serious physical injury, as defined in ORS 161.015, or death; or

(b) Is required to report as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025 or the laws of another jurisdiction.

**SECTION 12.** ORS 329A.255, as amended by section 3, chapter 90, Oregon Laws 2022, is amended to read:

329A.255. (1) A person may not operate a preschool recorded program or a school-age recorded program unless the program is recorded with the [*Office of Child Care*] **Department of Early Learning and Care** as provided in this section.

(2) To obtain recording, the person operating the program must apply to the [*office*] **department** by submitting a completed record application form and a nonrefundable fee as established by the [*office*] **department**. The [*office*] **department** shall determine and apply the fee through rules adopted by the Early Learning Council under ORS 329A.275. The [*office*] **department** shall deposit fees received under this subsection as provided in ORS 329A.310 (2).

(3) The [*office*] **department** shall issue a record to the applicant if the [*office*] **department** determines that the applicant meets the requirements of ORS 329A.030 and 329A.250 to 329A.450 and the rules adopted pursuant to ORS 329A.030 and 329A.250 to 329A.450 and subsection (9) of this section.

(4) Unless the record is revoked as provided in subsection (8) of this section, the record is valid for a period of two years from the date of issuance.

(5) A record authorizes operation of the program only on the premises described in the record and only by the person named in the record.

(6) The [*office*] **department** shall create and maintain a database of programs recorded under this section and shall update the database annually. The database must include, but need not be limited to, the following information:

(a) Name and address of the program;

(b) Name of operator; and

(c) Significant program information, as determined by the Early Learning Council by rule.

(7) A program recorded under this section must post, and provide parents with, a notice that the program is not certified under ORS 329A.280 or registered under ORS 329A.330.

(8) An initial application or renewal application for recording of a program under this section may be denied, revoked or suspended, if the [*office*] **department** finds:

(a) That the program or its operation does not comply with ORS 329A.030 or 329A.250 to 329A.450, with applicable rules and with any term or condition imposed under the record; or

(b) That investigation of the program or its records authorized by ORS 329A.390 has not been permitted.

(9) The Early Learning Council shall adopt any rules necessary to carry out the provisions of this section.

(10) A person who violates any provision of this section or any term or condition of a record is subject to a civil penalty not to exceed \$100.

**SECTION 13.** ORS 329A.261 is amended to read:

329A.261. (1) In addition to the minimum standards established for child care facilities and the operation of child care facilities under ORS 329A.260 and subject to available funds, the [*Office of Child Care*] **Department of Early Learning and Care**, in coordination with the committee desig-

nated by the Early Learning Council under ORS 326.425 (3)(a), shall initiate development of a quality recognition and improvement system for child care facilities.

(2) The quality recognition and improvement system implemented under this section shall:

(a) Establish a set of standards that are used to evaluate the quality of an early learning and development program and to support program improvement.

(b) Consist of the following components:

(A) Standards that demonstrate characteristics of quality early learning and development programs.

(B) Monitoring of programs to evaluate quality based on established standards.

(C) Support for programs and providers of programs to meet quality standards, including training, technical assistance and financial incentives.

(D) Program quality recognition that is publicly available.

**SECTION 14.** ORS 329A.263 is amended to read:

329A.263. (1) As used in this section:

(a) "Certified child care facility" means a child care facility that has been certified under ORS 329A.280 [by the Office of Child Care].

(b) "Registered child care facility" means a child care facility that has been registered under ORS 329A.330 [by the Office of Child Care].

(2) Every certified child care facility and registered child care facility shall:

(a) Adopt a plan to provide for the safety of children who are receiving child care at a child care facility in the event of an emergency that requires immediate action by the staff of the facility due to conditions of imminent danger that pose a threat to the life, health or safety of children who are receiving child care at the facility; and

(b) Provide training to all employees of the child care facility about the responsibilities of the employees to implement the plan required by this section.

(3) The Early Learning Council shall adopt by rule the requirements for the plan and training required by this section. The rules adopted shall include, but are not limited to, procedures for the evacuation of the children who are receiving child care at the child care facility to a place of safety when the conditions of imminent danger require relocation of those children.

**SECTION 15.** ORS 329A.270, as amended by section 13, chapter 27, Oregon Laws 2022, is amended to read:

329A.270. (1) A certification or registration authorized by ORS 329A.250 to 329A.450 and issued to a child care facility may be renewed upon submission of an application and payment of the required fee not later than 30 days prior to the expiration date of the current certification or registration if the [Office of Child Care] **Department of Early Learning and Care** finds that the child care facility that is seeking renewal of the certification or registration is in compliance with the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450.

(2) Upon submission of an application for renewal in proper time, manner and form, and payment of the required fee, the current certification or registration, unless officially revoked, shall remain in force until the [Office of Child Care] **department** has acted on the application for renewal and has given notice of the action taken.

**SECTION 16.** ORS 329A.275 is amended to read:

329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification, registration and recording under ORS 329A.250 to 329A.450.

(2) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering the program of the [Office of Child Care] **Department of Early Learning and Care** pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the budget of the [office] **Department of Early Learning and Care**.

(3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to 329A.450 may not exceed:

- (a) For Certified Family Child Care Home Initial Certification, \$25;
- (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;
- (c) For Child Care Center Initial Certification, \$100;
- (d) For Child Care Center Annual Fee Per Certified Space, \$2;
- (e) For Registered Family Child Care Home Registration, \$30;
- (f) For Preschool Recorded Program Recording, \$20;
- (g) For School-Age Recorded Program Recording, \$20;
- (h) For administering a class on child care abuse and neglect issues, \$10; and
- (i) For enrollment in the Central Background Registry, the cost of administering the program, including fees for:

- (A) Duplicate enrollment in the Central Background Registry;
- (B) Law Enforcement Data System criminal records check; and
- (C) Federal Bureau of Investigation fingerprint check.

**SECTION 17.** ORS 329A.280 is amended to read:

329A.280. (1) A person may not operate a child care facility, except a facility subject to the registration requirements of ORS 329A.330, without a certification for the facility from the [*Office of Child Care*] **Department of Early Learning and Care**.

(2) The Early Learning Council shall adopt rules for the certification of a family child care home caring for not more than 16 children. Rules may be adopted specifically for certified child care facilities operated in a single-family dwelling or other dwelling. Notwithstanding fire and other safety regulations, the rules that the council adopts for certified child care facilities shall set standards that can be met without significant architectural modification. In adopting the rules, the council may consider and set limits according to factors including the age of children in care, the ambulatory ability of children in care, the number of the provider's children present, the length of time a particular child is continuously cared for and the total amount of time a particular child is cared for within a given unit of time. The rules must require compliance with the provisions of ORS 329A.600.

(3) In addition to rules adopted for and applied to a certified family child care home providing child care for not more than 16 children, the council shall adopt and apply separate rules appropriate for any child care facility that is a child care center.

(4) Any person seeking to operate a child care facility may apply for a certification for the facility from the [*Office of Child Care*] **department** and receive a certification upon meeting certification requirements.

(5) A facility described in ORS 329A.250 (5)(d) may, but is not required to, apply for a certification under this section and receive a certification upon meeting certification requirements.

**SECTION 18.** ORS 329A.290 is amended to read:

329A.290. A person applying for a certification for a child care facility shall demonstrate to the satisfaction of the [*Office of Child Care*] **Department of Early Learning and Care** that:

(1) The moral character and habits of the person will not endanger the well-being of children for whom the person is to provide care.

(2) The attitude of the person toward children and understanding of their needs qualify the person to care for children.

(3) The person is physically and mentally capable of caring for children.

(4) The facility and its operation are adequate to protect the health, the safety and the physical, moral and mental well-being of the children to be cared for in the facility, including but not limited to:

(a) Adequate staffing by suitable persons qualified by education or experience to meet their respective responsibilities in the care of children.

(b) Adequate physical facilities for the care of children, such as building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire protection.

(c) A program of activities conforming to recognized practices in the areas of child welfare, education and physical and mental health to provide opportunity for development and recreation.

(d) Exclusion from the facility of individuals whose presence may be detrimental to the welfare of children, including exclusion of any individual with a criminal record indicating conviction of any crime which would bar the individual from operating or being employed in a child care facility under ORS 329A.260.

**SECTION 19.** ORS 329A.300 is amended to read:

329A.300. (1) Upon receipt of an application for a certification, accompanied by the required fee, the [Office of Child Care] **Department of Early Learning and Care** shall issue a certification if the [office] **department** finds that the child care facility and its operations are in compliance with the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450.

(2) The [Office of Child Care] **department** may issue a temporary certification, subject to reasonable terms and conditions, for a period not longer than 180 days to a child care facility that does not comply with the requirements and rules if the [office] **department** finds that the health and safety of any child will not be endangered thereby. Not more than one temporary certification shall be issued for the same child care facility in any 12-month period.

(3)(a) If the [Office of Child Care] **department** determines that it is necessary to protect the health and safety of the children for whom a child care facility is to provide care, the [office] **department** may impose a condition on the facility's certification that is reasonably designed to protect the health and safety of children. The [office] **department** may impose a condition during the application process for an initial certification, during the application process for a renewal of a certification or at any time after the issuance of a certification.

(b) Except as provided in paragraph (c) of this subsection, when the [office] **department** imposes a condition on a child care facility's certification, the facility shall be afforded an opportunity for a hearing consistent with the provisions of ORS chapter 183.

(c)(A) If the [office] **department** finds a serious danger to the health and safety of the children receiving care at a child care facility, the [office] **department** shall notify the facility of the specific reasons for the finding and may impose an emergency condition on the facility's certification without a hearing.

(B) If the facility demands a hearing within 90 days after the [office] **department** notifies the facility of the emergency condition, a hearing consistent with the provisions of ORS chapter 183 must be granted to the facility as soon as practicable after the demand and the agency shall issue an order consistent with the provisions of ORS chapter 183 confirming, altering or revoking the order imposing the emergency condition.

(4) The [Office of Child Care] **department** shall serve as the state agency authorized, upon request, to certify compliance with applicable federal child care standards or requirements by any facility providing child care in the state.

**SECTION 20.** ORS 329A.310, as amended by section 14, chapter 27, Oregon Laws 2022, is amended to read:

329A.310. (1) Application for a certification or for the annual renewal thereof shall be made to the [Office of Child Care] **Department of Early Learning and Care** on forms provided by the [office] **department** and accompanied by a nonrefundable fee. The fee shall vary according to the type of facility and the number of children for which the facility is requesting to be certified, and shall be determined and applied through rules adopted by the Early Learning Council pursuant to ORS 329A.275.

(2) All fees received under subsection (1) of this section shall be deposited in the Child Care Fund established under [ORS 329A.010] **section 6 of this 2023 Act** and may be used for the administration of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

(3) Any certification issued pursuant to ORS 329A.250 to 329A.450 authorizes operation of the facility only on the premises described in the certification and only by the person named in the certification.

(4) Unless sooner revoked, a temporary certification expires on the date specified therein. Unless sooner revoked and except as provided in ORS 329A.270 (2), an annual certification expires one year from the date of issuance.

**SECTION 21.** ORS 329A.330 is amended to read:

329A.330. (1) A provider operating a family child care home where care is provided in the family living quarters of the provider's home that is not subject to the certification requirements of ORS 329A.280 may not operate a child care facility without registering with the [*Office of Child Care*] **Department of Early Learning and Care**.

(2) A child care facility holding a registration may care for a maximum of 10 children, including the provider's own children. Of the 10 children:

- (a) No more than six may be younger than school age; and
- (b) No more than two may be 24 months of age or younger.

(3)(a) To obtain a registration, a provider must apply to the [*Office of Child Care*] **department** by submitting a completed application work sheet and a nonrefundable fee. The fee shall vary according to the number of children for which the facility is requesting to be registered, and shall be determined and applied through rules adopted by the Early Learning Council under ORS 329A.275. The fee shall be deposited as provided in ORS 329A.310 (2). The [*office*] **department** may waive any or all of the fee if the [*office*] **department** determines that imposition of the fee would impose a hardship on the provider.

(b) Upon receipt of an initial or renewal application satisfactory to the [*office*] **department**, the [*office*] **department** shall conduct an on-site review of the child care facility under this section. The on-site review shall be conducted within 30 days of the receipt of a satisfactory application.

(4) The [*office*] **department** shall issue a registration to a provider operating a family child care home if:

- (a) The provider has completed a child care overview class administered by the [*office*] **department**;
- (b) The provider has completed two hours of training on child abuse and neglect issues;
- (c) The provider is currently certified in infant and child first aid and cardiopulmonary resuscitation;
- (d) The provider is certified as a food handler under ORS 624.570; and
- (e) The [*office*] **department** determines that the application meets the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450, and receives a satisfactory records check, including criminal records and protective services records.

(5) Unless the registration is revoked as provided in ORS 329A.350, the registration is valid for a period of two years from the date of issuance. The [*office*] **department** may not renew a registration of a provider operating a family child care home unless the provider:

- (a) Is currently certified in infant and child first aid and cardiopulmonary resuscitation;
- (b) Has completed a minimum of eight hours of training related to child care during the most recent registration period;
- (c) Is certified as a food handler under ORS 624.570; and
- (d) When applicable, has complied with the requirements of ORS 329A.600 prior to imposing an expulsion.

(6) A registration authorizes operation of the facility only on the premises described in the registration and only by the person named in the registration.

(7) The Early Learning Council shall adopt rules:

- (a) Creating the application work sheet required under subsection (3) of this section;
- (b) Defining full-time and part-time care;



(c) Establishing under what circumstances the adult to child ratio requirements may be temporarily waived; and

(d) Establishing health and safety procedures and standards on:

(A) The number and type of toilets and sinks available to children;

(B) Availability of steps or blocks for use by children;

(C) Room temperature;

(D) Lighting of rooms occupied by children;

(E) Glass panels on doors;

(F) Condition of floors;

(G) Availability of emergency telephone numbers; and

(H) Smoking.

(8) The [office] **department** shall adopt the application work sheet required by subsection (3) of this section. The work sheet must include, but need not be limited to, the following:

(a) The number and ages of the children to be cared for at the facility; and

(b) The health and safety procedures in place and followed at the facility.

(9)(a) If the [Office of Child Care] **department** determines that it is necessary to protect the health and safety of the children for whom a child care facility is to provide care, the [office] **department** may impose a condition on the facility's registration that is reasonably designed to protect the health and safety of children. The [office] **department** may impose a condition during the application process for an initial registration, during the application process for a renewal of a registration or at any time after the issuance of a registration.

(b) Except as provided in paragraph (c) of this subsection, when the [office] **department** imposes a condition on a child care facility's registration, the facility shall be afforded an opportunity for a hearing consistent with the provisions of ORS chapter 183.

(c)(A) If the [office] **department** finds a serious danger to the health and safety of the children receiving care at a child care facility, the [office] **department** shall notify the facility of the specific reasons for the finding and may impose an emergency condition on the facility's registration without a hearing.

(B) If the facility demands a hearing within 90 days after the [office] **department** notifies the facility of the emergency condition, a hearing consistent with the provisions of ORS chapter 183 must be granted to the facility as soon as practicable after the demand and the agency shall issue an order consistent with the provisions of ORS chapter 183 confirming, altering or revoking the order imposing the emergency condition.

(10) The [office] **department**, upon good cause shown, may waive one or more of the registration requirements. The [office] **department** may waive a requirement only if appropriate conditions or safeguards are imposed to protect the welfare of the children and the consumer interests of the parents of the children. The [office] **department** may not waive the on-site review requirement for applicants applying for an initial registration or renewal of a registration.

(11) The Early Learning Council, by rule, shall develop a list of recommended standards consistent with standards established by professional organizations regarding child care programs for child care facilities. Compliance with the standards is not required for a registration, but the [office] **department** shall encourage voluntary compliance and shall provide technical assistance to a child care facility attempting to comply with the standards. The child care facility shall distribute the list of recommended minimum standards to the parents of all children cared for at the facility.

(12) In adopting rules relating to registration, the Early Learning Council shall consult with the appropriate legislative committee in developing the rules to be adopted. If the rules are being adopted during a period when the Legislative Assembly is not in session, the Early Learning Council shall consult with the appropriate interim legislative committee.

**SECTION 22.** ORS 329A.340 is amended to read:

329A.340. (1) A child care provider not subject to certification or registration [*who begins providing child care services after June 30, 2010, and*] who receives funds from the [*Department of Human Services*] **Department of Early Learning and Care for subsidized care** shall attend an

orientation provided by the department or a resource and referral entity under ORS 329A.100 to 329A.135 within 90 days of being approved by the department to receive funds for child care services from the department.

(2) The orientation required by subsection (1) of this section must provide information regarding financial resources and reimbursements available through private or public sources and information to maximize the likelihood of provider payments and reimbursements for child care services.

(3) The department shall ensure that at least one orientation required by subsection (1) of this section is offered *[in each department service delivery area]* every quarter.

(4) A child care provider described in subsection (1) of this section who ceases to provide child care services for a period of one year or more must attend an orientation under this section within 90 days of being approved by the department to receive funds for child care services from the department.

(5) The orientation required by subsection (1) of this section must be provided at minimal or no cost to the child care provider.

(6) The orientation required by subsection (1) of this section must include, but need not be limited to, information about the following:

- (a) Department *[of Human Services]* listings, vouchers and payments;
- (b) Child care provider rights and responsibilities;
- (c) Enhanced rate training options;
- (d) Food program resources available through the United States Department of Agriculture; and
- (e) Other resources available to child care providers.

**SECTION 23.** ORS 329A.342 is amended to read:

329A.342. The *[Office of Child Care]* **Department of Early Learning and Care** is not deprived of jurisdiction to proceed with an investigation of or an action or disciplinary proceeding against an individual or a child care facility by the:

- (1) Lapsing, suspension, revocation or voluntary surrender of a certification or registration; or
- (2) Lapsing, suspension, removal or voluntary surrender of an individual's enrollment in the Central Background Registry established by ORS 329A.030.

**SECTION 24.** ORS 329A.344 is amended to read:

329A.344. (1) If the *[Office of Child Care]* **Department of Early Learning and Care** has reason to believe that an individual or a child care facility has engaged, is engaging or is about to engage in a violation of ORS 181A.200 or 329A.030 and 329A.250 to 329A.450 or the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215 or 329A.030 and 329A.250 to 329A.450, the *[office]* **department** may, subject to ORS chapter 183, issue an order directing the individual or facility to cease and desist from the violation or threatened violation.

(2) A cease and desist order issued under subsection (1) of this section shall include:

- (a) A statement of the facts constituting the violation;
- (b) A requirement that the individual or child care facility named in the order cease and desist from the violation;
- (c) The effective date of the order; and
- (d) A notice to the individual or facility named in the order of the right to a contested case hearing under ORS chapter 183.

(3) A cease and desist order issued under subsection (1) of this section becomes effective 21 days after service of the order unless the individual or child care facility named in the order requests a hearing on the order.

(4)(a) If an individual or a child care facility makes a timely demand for a hearing on the order, the *[office]* **department** shall hold a hearing as provided by ORS chapter 183.

(b) After the hearing, the *[office]* **department** shall enter a final order vacating, modifying or affirming the order.

(5) An individual or a child care facility is entitled to judicial review of an order by the *[office]* **department** under ORS chapter 183 if the individual or facility made a timely demand for a hearing.

(6) A judgment of a reviewing court under ORS chapter 183 does not bar the [office] **department** from vacating or modifying an order involved in the proceeding for review, or entering a new order, for a proper cause that was not decided by the reviewing court.

**SECTION 25.** ORS 329A.346 is amended to read:

329A.346. (1) The [Office of Child Care] **Department of Early Learning and Care** may develop a progressive enforcement system for the rules promulgated pursuant to ORS 329A.030 and 329A.250 to 329A.450.

(2) The enforcement system developed under this section may establish:

(a) A set of progressively higher enforcement actions that the [office] **department** may take in response to an individual's or a child care facility's violation of the rules described in subsection (1) of this section; and

(b) Standards for monitoring the compliance of individuals and child care facilities with the rules described in subsection (1) of this section.

**SECTION 26.** ORS 329A.348 is amended to read:

329A.348. (1) A child care facility may not interfere with the good faith disclosure of information by [an] **a parent, legal guardian or a current or former** employee or volunteer concerning the 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 in the child care facility to:

(a) The [Office of Child Care] **Department of Early Learning and Care**, a law enforcement agency or other entity with legal or regulatory authority over the child care facility; or

(b) The child's parent, legal guardian or personal representative as defined in ORS 192.556.

(2) A child care facility interferes with the disclosure of the information described in subsection (1) of this section by:

(a) Asking or requiring the employee or volunteer to sign a nondisclosure or similar agreement prohibiting the employee or volunteer from disclosing the information;

(b) Training an employee or volunteer not to disclose the information; [or]

(c) Taking actions or communicating to the employee or volunteer that the employee or volunteer may not disclose the information[.];

**(d) Terminating or threatening to terminate care of a child if the parent or legal guardian of the child discloses the information; or**

**(e) Asking a parent or legal guardian of a child to sign a nondisclosure or similar agreement prohibiting the parent or legal guardian from disclosing the information or communicating to a parent or legal guardian that the parent or legal guardian may not disclose the information.**

(3) The [office] **department** may revoke or suspend the certification of a child care facility that is found to have violated subsection (1) of this section.

(4) The disclosure of information to a child's parent, legal guardian or personal representative under subsection (1) of this section does not relieve the employee or volunteer of any obligation to report the abuse of a child.

(5) This section does not authorize the disclosure of protected health information, as defined in ORS 192.556, other than as is permitted by the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or by other state or federal laws limiting the disclosure of health information.

**SECTION 27.** ORS 329A.350 is amended to read:

329A.350. An initial application from a child care facility for certification or registration or a renewal application from a child care facility for certification or registration may be denied, or a temporary or regular certification or regular registration may be revoked or suspended, if the [Office of Child Care] **Department of Early Learning and Care** finds:

(1) That the facility or its operation does not comply with ORS 181A.200, 329A.030 and 329A.250 to 329A.450 or with applicable rules or with any term or condition imposed under the certification or registration; or

(2) That visitation, on-site review or inspection of a facility or its records authorized by ORS 329A.390 or 329A.400 has not been permitted.

**SECTION 28.** ORS 329A.360 is amended to read:

329A.360. (1) Upon deciding to deny, revoke, suspend, impose a condition on or not renew a certification or registration, the [*Office of Child Care*] **Department of Early Learning and Care** shall give notice and opportunity for hearing as provided in ORS chapter 183.

(2) The [*Office of Child Care*] **department** shall make the final decision and notice thereof shall be sent by certified mail to the address of the child care facility as shown on the records of the [*office*] **department**. The decision of the [*office*] **department** is reviewable by the Court of Appeals in the manner provided in ORS [*183.480*] **183.482** for the review of orders in contested cases.

**SECTION 29.** ORS 329A.370 is amended to read:

329A.370. (1) Without the necessity of prior administrative proceedings or hearing and entry of an order or at any time during such proceedings if they have been commenced, the [*Office of Child Care*] **Department of Early Learning and Care**, the Attorney General or the prosecuting attorney of any county may institute proceedings to enjoin the operation of any child care facility operating in violation of ORS 181A.200, 329A.030 and 329A.250 to 329A.450 or the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030, [*and*] 329A.250 to 329A.450 **and 329A.500**.

(2) An injunction may be issued under this section without proof that a person has sustained actual damage as a result of a child care facility's actions.

**SECTION 30.** ORS 329A.390, as amended by section 4, chapter 90, Oregon Laws 2022, is amended to read:

329A.390. (1) Whenever an authorized representative of the [*Office of Child Care*] **Department of Early Learning and Care** is advised or has reason to believe that child care that is subject to regulation by the [*office*] **department** is being provided without a certification, registration or record, the authorized representative may visit and conduct an investigation of the facility at any reasonable time to determine whether the facility is subject to the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

(2) At any reasonable time, an authorized representative of the [*Office of Child Care*] **department** may conduct an investigation of any certified or registered child care facility or program recorded under ORS 329A.255 to determine whether the child care facility or program is in conformity with ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450.

(3) An authorized representative of the [*Office of Child Care*] **department** shall conduct an investigation of any certified or registered child care facility, of any program recorded under ORS 329A.255 or of any other child care facility that is subject to regulation by the [*office*] **department** if the [*office*] **department** receives a serious complaint about the child care facility or program.

(4) Complaints, including but not limited to serious complaints, made by individuals or entities regarding certified or registered child care facilities, [*regulated subsidy facilities,*] **subsidized care facilities**, preschool recorded programs or school-age recorded programs may be received and investigated by the [*Office of Child Care*] **department**. The name, address and other identifying information about the individual or entity that made the complaint may not be disclosed, **except within the department**.

(5) Any state agency that receives a complaint about a certified or registered child care facility, [*a regulated subsidy facility,*] **a subsidized care facility**, a preschool recorded program or a school-age recorded program shall notify the [*Office of Child Care*] **department** about the complaint and any subsequent action taken by the state agency based on that complaint.

(6) A director or operator of a child care facility, [*a regulated subsidy facility,*] **a subsidized care facility**, a preschool recorded program or a school-age recorded program shall permit an authorized representative of the [*Office of Child Care*] **department** to inspect records of the facility or program and shall furnish promptly reports and information required by the [*office*] **department**.

(7) In conducting an investigation under this section, the [*office*] **department** may:

- (a) Take evidence;
- (b) Take the depositions of witnesses, including the person under investigation, in the manner prescribed by law for depositions in civil actions;
- (c) Compel the appearance of witnesses, including the person under investigation, in the manner prescribed by law for appearances in civil actions;
- (d) Require answers to interrogatories;
- (e) Compel the production of books, papers, accounts, documents or testimony that pertains to the matter under investigation;
- (f) Issue subpoenas; and
- (g) Inspect the premises of the facility under investigation.

(8) The *[Office of Child Care]* **department** may share information regarding investigations or inspections conducted under this section with other public entities when the *[office]* **department** determines that sharing the information would support the health or safety of children in child care.

(9) The *[Office of Child Care]* **department** shall make a reasonable attempt to identify any child care facility or person or place providing child care about which the *[office]* **department** receives a complaint, including but not limited to a serious complaint, if the complaint includes, but is not limited to, any of the following information:

- (a) The name of a child in the care of the child care facility or person or place providing child care, or the child's parent;
  - (b) The name of a child care provider, a child care facility owner, operator or employee, or a person or place providing child care;
  - (c) The name of the child care facility or person or place providing child care;
  - (d) The phone number of the child care facility or person or place providing child care; or
  - (e) The physical address of the child care facility or person or place providing child care.
- (10) As used in this section:

*[(a)(A)]* **(a)** "Serious complaint" has the meaning given that term by the Early Learning Council by rule.

*[(B)]* **(b)** "Serious complaint" includes notifications or reports of alleged child abuse received by the *[Office of Child Care]* **department**.

*[(b) "Regulated subsidy facility" has the meaning given that term by the Early Learning Council by rule.]*

**SECTION 31.** ORS 329A.400 is amended to read:

329A.400. (1) An authorized representative of the Oregon Health Authority may inspect the premises of a child care facility certified under ORS 329A.280 to determine whether the facility is in conformity with applicable laws and regulations relating to health and sanitation.

(2) An authorized representative of the authority shall inspect any child care facility when requested to do so by the *[Office of Child Care]* **Department of Early Learning and Care** in accordance with arrangements under ORS 329A.420 and shall submit written findings to the *[Office of Child Care]* **department**. The *[Office of Child Care]* **department** shall not issue or renew any certification for any child care facility for which an inspection by the authority has been requested unless an authorized representative of the authority submits a written finding that the facility is in compliance with applicable laws and regulations relating to health and sanitation.

(3) An environmental health specialist's inspection may be performed by a private consultant so long as the consultant is registered under ORS chapter 700.

**SECTION 32.** ORS 329A.410 is amended to read:

329A.410. (1) In the event that any authorized representative of the *[Office of Child Care]* **Department of Early Learning and Care**, Oregon Health Authority or other agency is denied access to any premises for the purpose of making an inspection in the administration of ORS 181A.200, 329A.030 and 329A.250 to 329A.450, the representative shall not inspect the premises without a search warrant.

(2) Application for a search warrant to inspect the premises shall be made to any magistrate authorized to issue a warrant of arrest. The application must be supported by an affidavit filed with

the magistrate showing probable cause for the inspection by stating the purpose and extent of the proposed inspection, the statutes and rules which provide the basis for inspection, whether it is a routine or periodic inspection, an on-site review or an investigation instituted by complaint and other specific or general information concerning the premises.

(3) If the magistrate is satisfied that there is probable cause to believe that the grounds of the application exist, the magistrate shall issue the search warrant specifying the purpose and extent of the inspection, on-site review or investigation of the premises covered by the warrant.

**SECTION 33.** ORS 329A.420 is amended to read:

329A.420. The [*Office of Child Care*] **Department of Early Learning and Care** may enter into cooperative arrangements with the Oregon Health Authority, the State Fire Marshal and other public agencies for the provision of services in the inspection of child care facilities in the administration of ORS 181A.200, 329A.030 and 329A.250 to 329A.450. The arrangements shall designate which services shall be reimbursed and the rate and manner of reimbursement.

**SECTION 34.** ORS 329A.450 is amended to read:

329A.450. The [*Office of Child Care*] **Department of Early Learning and Care** may consult with, advise or train the staffs of child care facilities or other interested persons concerning child care programs.

**SECTION 35.** ORS 329A.500, as amended by section 73, chapter 631, Oregon Laws 2021, and section 25, chapter 27, Oregon Laws 2022, is amended to read:

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

(2) The Early Learning Council shall adopt rules for the operation of the Employment Related Day Care subsidy program and for other subsidy programs administered by the Department of Early Learning and Care.

(3) The rules adopted under this section must support equitable access to a supply of diverse subsidized care facilities that meet the needs of families, as those needs are defined by the council by rule, including:

- (a) Cultural diversity;
- (b) Linguistic diversity;
- (c) Racial and ethnic diversity; and
- (d) Diversity of subsidized care facility types.

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

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

- (A) The household income of a child’s family; and
  - (B) Any other criteria established by the council.
- (b) A child must be able to receive care that:

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

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

(c) Payment to subsidized care facilities must be based on enrollment instead of attendance.

(d) A child’s family may qualify for an incentive if the family voluntarily chooses a subsidized care facility that participates in the quality recognition and improvement system established under ORS 329A.261. A fair representation of the recipients who qualify for incentives must be families with children who are from underserved racial, ethnic or minority populations. In addition, subsidized care facilities that participate in the quality recognition and improvement system may receive financial incentives under the subsidy programs in accordance with criteria established by rule.

(e) A child care facility is not eligible to be a subsidized care facility and to receive a reimbursement under the subsidy program unless each subject individual described in ORS 329A.030 [(10)(d)] **(11)(d)** who operates, resides in or may have unsupervised contact with children at the

subsidized care facility that provides or will provide subsidized care to the person's child is enrolled in the Central Background Registry under ORS 329A.030.

(f) A subsidized care facility may be eligible to receive a higher rate of reimbursement or other financial incentives for:

(A) Participating in quality improvement measures;

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

(C) Providing evening, overnight or weekend care;

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

(E) Providing infant or toddler care;

(F) Providing care to a population that has been identified as historically having an inadequate child care facility supply; or

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

(5) Taking into account the availability of funds, the rules adopted under this section:

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

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

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

(B) Shall, for a child who met the initial eligibility requirements prescribed under subsection (4) of this section, continue for a minimum of 12 months from the date of initial eligibility unless the child's family leaves this state or requests a termination of benefits or for any other reason identified by the council. Rules adopted under this subparagraph shall give priority to families receiving temporary assistance under the temporary assistance for needy families program described in ORS 412.006.

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

(6) In developing rules under this section, the council shall consider policies for increasing the stability and continuity of a child's access to a family's preferred child care facility.

(7) Rules adopted by the council under this section establish minimum requirements pertaining to the Employment Related Day Care subsidy program and may not be construed to preempt, limit or otherwise diminish the applicability of any policy, standard or collective bargaining agreement that provides for an increased subsidy or a subsidized care facility reimbursement amount under state or federal law.

(8)(a) The council shall work to meet federal recommendations for income eligibility and market access in regard to the Employment Related Day Care subsidy program administered by the council.

(b) Notwithstanding any provision of this section or any rule adopted by the council pursuant to this section, the laws and regulations applicable to any federal funds shall govern when any aspect of child care is funded by federal funds.

**SECTION 36.** ORS 329A.505, as amended by section 74, chapter 631, Oregon Laws 2021, is amended to read:

329A.505. (1) At any reasonable time, an authorized representative of the [*Office of Child Care*] **Department of Early Learning and Care** may conduct an inspection or investigation of a [*regulated subsidy facility, as defined by the Early Learning Council by rule*] **subsidized care facility, as defined in ORS 329A.250.**

(2) When conducting an investigation under this section, the [*Office of Child Care*] **department** may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person under investigation, in the manner prescribed by law for depositions in civil actions;

(c) Compel the appearance of witnesses, including the person under investigation, in the manner prescribed by law for appearances in civil actions;

- (d) Require answers to interrogatories;
- (e) Compel the production of books, papers, accounts, documents or testimony that pertains to the matter under investigation;
- (f) Issue subpoenas; and
- (g) Inspect the premises of the facility under investigation.

(3) The [*Office of Child Care*] **department** may, as a condition of finalizing an inspection, require improvements, corrections or other measures to ensure that the [*regulated subsidy facility*] **subsidized care facility** complies with the requirements under the rules adopted under this section.

(4) In addition to any rules adopted under ORS 329A.500, the Early Learning Council may adopt rules to establish minimum health and safety standards for [*regulated subsidy facilities*] **subsidized care facilities** and for the administration of this section.

**SECTION 37.** ORS 329A.700 is amended to read:

329A.700. As used in ORS 329A.700 to 329A.712:

(1)(a) “Child care provider” means a provider, for compensation, of care, supervision or guidance to a child on a regular basis in a center or in a home other than the child’s home.

(b) “Child care provider” does not include a person who is the child’s parent, **legal** guardian or custodian.

(2) “High quality child care” means child care that meets standards for high quality child care established or approved by the Early Learning Council.

(3) “Qualified contribution” means a contribution made by a taxpayer to the [*Office of Child Care*] **Department of Early Learning and Care** for the purpose of promoting high quality child care, and for which the taxpayer will receive a tax credit certificate under ORS 329A.706.

(4) “Tax credit certificate” means a certificate issued by the [*Office of Child Care*] **department** to a taxpayer to qualify the taxpayer for a tax credit under ORS 315.213.

**SECTION 38.** ORS 329A.703 is amended to read:

329A.703. (1) The [*Office of Child Care*] **Department of Early Learning and Care** shall establish a program to:

(a) Allocate tax credit certificates to taxpayers that make qualified contributions to the [*Office of Child Care*] **department**; and

(b) Distribute to child care providers moneys from qualified contributions and other contributions.

(2) The purposes of the program are to:

(a) Encourage taxpayers to make contributions to the [*Office of Child Care*] **department** by providing a financial return on qualified contributions and by soliciting other contributions.

(b) Achieve specific and measurable goals for targeted communities and populations.

(c) Strengthen the viability and improve the professional development of child care providers.

**SECTION 39.** ORS 329A.706 is amended to read:

329A.706. (1) For the purpose of implementing the program established under ORS 329A.703, the Early Learning Council, in collaboration with the [*Office of Child Care*] **Department of Early Learning and Care**, shall:

(a) Adopt rules.

(b) Identify child care goals that are consistent with the purposes provided in ORS 329A.703 (2). The goals identified under this paragraph shall take into account state resources and needs.

(2)(a) The [*Office of Child Care*] **department** shall issue tax credit certificates in the chronological order in which the contributions are received by the [*office*] **department**. The [*office*] **department** shall issue tax credit certificates to contributors until the total value of all certificates issued by the [*office*] **department** for the calendar year equals \$500,000. Each issued certificate shall state the value of the contribution being certified as eligible for the tax credit allowed under ORS 315.213.

(b) The [*Office of Child Care*] **department** may not issue a tax credit certificate to a taxpayer to the extent the credit value to be certified, when added to the total credit value previously certi-



fied by the [office] **department** under paragraph (a) of this subsection for the calendar year exceeds \$500,000.

(c) Qualified contributions shall be deposited in the Child Care Fund.

(3) A taxpayer that receives a notice of denial of a tax credit certificate or that receives a tax credit certificate issued for an amount that is less than the amount contributed may request a refund for the amount contributed within 90 days of the denial or issuance of the certificate by the [Office of Child Care] **department**. The [Office of Child Care] **department** must send notice of a denial or changed amount and refund the amount for which a tax credit will not be granted within 30 days after receiving the request. The refund shall be made from the Child Care Fund.

(4) The Early Learning Council may establish by rule any other provisions required to implement the program established under ORS 329A.700 to 329A.712.

(5) The [Office of Child Care] **Department of Early Learning and Care** shall provide information to the Department of Revenue about all tax credit certificates issued under subsection (2) of this section, if required by ORS 315.058.

**SECTION 40.** ORS 329A.712, as amended by section 42, chapter 631, Oregon Laws 2021, is amended to read:

329A.712. (1) The Department of Early Learning and Care shall distribute revenues in the Child Care Fund that are derived from contributions, minus the amounts needed to make refunds under ORS 329A.706 (3) and to cover expenses of the [Office of Child Care] **department** in administering ORS 329A.700 to 329A.712.

(2) Revenues shall be disbursed to child care providers consistent with rules adopted by the Early Learning Council.

(3) Distributions shall be made to child care providers in the proportion that the department determines best promotes the provision of high quality child care in this state.

**SECTION 41.** ORS 329A.992, as amended by sections 15 and 27, chapter 27, Oregon Laws 2022, is amended to read:

329A.992. (1) In addition to any other provision of law or rule adopted pursuant to ORS 329A.260 for enforcement of the provisions of ORS chapter 329A, the [Office of Child Care] **Department of Early Learning and Care** may:

(a) Suspend or revoke a certification or registration issued under ORS 329A.250 to 329A.450, or impose a civil penalty in the manner provided in ORS 183.745, for violation of:

(A) Any of the provisions of ORS 329A.030 and 329A.250 to 329A.450;

(B) The terms and conditions of a certification or registration issued under ORS 329A.250 to 329A.450; or

(C) Any rule of the Early Learning Council adopted under ORS 329A.030 and 329A.250 to 329A.450.

(b) Impose a civil penalty in the manner provided in ORS 183.745 and file for injunctive relief in a circuit court for the provision of child care, or for having a child in an individual's care, in violation of ORS 329A.030 (2).

(c) Remove an individual described in ORS 329A.030 [(10)(d)] **(11)(d)** from the Central Background Registry, or impose a civil penalty in the manner provided in ORS 183.745, for the individual's or the subsidized care facility's violation of:

(A) Any of the provisions of ORS 329A.030 or 329A.500; or

(B) Any rule of the Early Learning Council adopted under ORS 329A.030, 329A.500 or 329A.505 [or of the Department of Human Services adopted under ORS 329A.500].

(2) The Early Learning Council may adopt by rule a schedule establishing the civil penalties that may be imposed under this section.

(3) Except as provided in subsection (4) of this section, penalties imposed under this section may not exceed:

(a) \$750 per violation for a registered family child care home.

(b) \$1,200 per violation for a certified family child care home.

(c) \$2,500 per violation for a certified child care center that is not a family child care home.

(4) The [office] **department** may impose a civil penalty of not more than \$1,500 for a child care facility that provides child care without a valid:

- (a) Certification, in violation of ORS 329A.280; or
- (b) Registration, in violation of ORS 329A.330.

(5) Each day that a child care facility is operating in violation of any of the provisions described in subsection (1) of this section is a separate violation.

(6) The [office] **department** may revoke a child care facility's certification or registration or deny a child care facility's renewal application for a certification or registration if the facility fails to pay a civil penalty after the order imposing the penalty becomes final.

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the [office] **department** considers proper and consistent with the public health and safety.

(8) All moneys received under this section shall be paid into the State Treasury and credited to the General Fund.

**SECTION 42.** ORS 329A.994 is amended to read:

329A.994. Notwithstanding ORS 329A.992, the [Office of Child Care] **Department of Early Learning and Care** shall impose a civil penalty, as provided in ORS 183.745, for the violation of ORS 329A.348. The civil penalty is \$500 for each violation.

**SECTION 43.** ORS 183.459, as amended by section 16, chapter 631, Oregon Laws 2021, is amended to read:

183.459. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, a home care worker or personal support worker, as defined in ORS 410.600, who is a party in a contested case hearing conducted by the Department of Human Services may be represented in the hearing by a labor union representative.

(2) Notwithstanding ORS 8.690, 9.160 and 9.320, a family child care provider, as defined in ORS 329A.430, who is a party in a contested case hearing conducted by the [Office of Child Care] **Department of Early Learning and Care** may be represented in the hearing by a labor union representative.

(3) The hearing officer at a contested case hearing in which a labor union representative appears under the provisions of this section shall allow the representative to present evidence, examine and cross-examine witnesses and make arguments relating to the:

- (a) Application of statutes and rules to the facts in the contested case;
- (b) Actions taken by the agency in the past in similar situations;
- (c) Literal meaning of the statutes or rules at issue in the contested case;
- (d) Admissibility of evidence; and
- (e) Proper procedures to be used in the contested case hearing.

**SECTION 44.** ORS 307.145 is amended to read:

307.145. (1) If not otherwise exempt by law, upon compliance with ORS 307.162, the child care facilities, schools, academies and student housing accommodations, owned or being purchased by incorporated eleemosynary institutions or by incorporated religious organizations, used exclusively by such institutions or organizations for or in immediate connection with educational purposes, are exempt from taxation.

(2) Property described in subsection (1) of this section which is exclusively for or in the immediate connection with educational purposes shall continue to be exempt when leased to a political subdivision of the State of Oregon, or to another incorporated eleemosynary institution or incorporated religious organization for an amount not to exceed the cost of repairs, maintenance and upkeep.

(3)(a) As used in this section, "child care facility" means a child care center certified [by the Office of Child Care] under ORS 329A.280 to provide educational child care.

(b) Before an exemption for a child care facility is allowed under this section, in addition to any other information required under ORS 307.162, the statement shall:

(A) Describe the property and declare or be accompanied by proof that the corporation is an eleemosynary institution or religious organization.

(B) Declare or be accompanied by proof that the [office] **Department of Early Learning and Care** has issued the child care facility a certification to provide educational child care.

(C) Be signed by the taxpayer subject to the penalties for false swearing.

**SECTION 45.** ORS 307.490 is amended to read:

307.490. (1) In lieu of real and personal property taxes, each nonprofit corporation granted tax exemption under ORS 307.485 shall:

(a) Pay to the treasurer of the county on or before November 15 an amount equal to 10 percent of the rentals for the period ending the preceding October 15; and

(b) Submit with the remittance a form supplied by the Department of Revenue that states the rental income and:

(A) If for agricultural workforce housing, certifies compliance with all applicable local, state and federal building codes; or

(B) If for a child care facility or farm labor camp that is offered in connection with recruitment or employment of agricultural workers, certifies compliance with the requirements of the State Fire Marshal, the local health officer or the [Office of Child Care] **Department of Early Learning and Care**, as applicable.

(2) The treasurer shall, with the assistance of the assessor, allocate the money received by the treasurer under subsection (1) of this section, to the districts in which the exempt property is located in the same proportion that the tax rate for the current tax year for each district bears to the total tax rate for all districts.

(3) The moneys received by the district shall be considered as a budget resource for the next ensuing fiscal year.

**SECTION 46.** ORS 307.495 is amended to read:

307.495. (1)(a) A nonprofit corporation claiming exemption under ORS 307.485 shall file with the county assessor two copies of a written claim for exemption on or before April 1 of each assessment year for which the exemption is claimed.

(b) Notwithstanding paragraph (a) of this subsection, if the property for which exemption is claimed is acquired after March 1 and before July 1, the claim shall be filed within 30 days after acquisition.

(2) The claim shall:

(a) Designate the property for which exemption is claimed;

(b) State the facts that make the property eligible within the definitions of ORS 307.480; and

(c) Include all verifications required under subsection (3) of this section.

(3) The claim for exemption under this section must include written verification:

(a) If for agricultural workforce housing, by the owner of the agricultural workforce housing that the agricultural workforce housing is in compliance with all applicable local, state and federal building codes.

(b) If for a child care facility, in whole or in part, by the [Office of Child Care] **Department of Early Learning and Care** that the child care facility is certified.

(c) If for a farm labor camp, by the appropriate authority under the Oregon Safe Employment Act that the farm labor camp is in compliance with the safety and health standards for agricultural labor housing and related facilities adopted under the Oregon Safe Employment Act.

(4) Verification of compliance under subsection (3)(c) of this section may be denied if access to the farm labor camp for purposes of inspection is denied to the appropriate authority.

(5) If any verification required under subsection (3) of this section is refused by the appropriate authority or is otherwise not included with a claim for exemption, the county assessor shall deny the claim and cause the nonprofit corporation to be billed for the real and personal property taxes.

(6) An exemption may not be allowed for any year subsequent to the first year unless the nonprofit corporation submits to the assessor details as to the rentals for the prior year and proof that the payments required by ORS 307.490 have been made.

**SECTION 47.** ORS 315.204 is amended to read:

315.204. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation, under ORS chapter 317 or 318) shall be allowed to a resident employer or to a corporation that is an employer for amounts paid or incurred during the taxable year by the employer for dependent care assistance actually provided to an employee if the assistance is furnished pursuant to a program which meets the requirements of section 129(d) of the Internal Revenue Code and if the employer has received a certificate as provided in subsection (2) of this section.

(2)(a) Each employer that elects to receive a credit allowed under subsection (1) of this section must submit an application to the [Office of Child Care] **Department of Early Learning and Care** each year the employer wishes to receive the credit. The Early Learning Council shall prescribe by rule the form of the application and the information required to be given on the application.

(b) The [Office of Child Care] **Department of Early Learning and Care** shall issue a certificate to each employer that submits an application under this subsection.

(3) The amount of the credit allowed under subsection (1) of this section shall be 50 percent of the amount so paid or incurred by the employer during the taxable year but shall not exceed \$2,500 of dependent care assistance actually provided to the employee.

(4)(a) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation, under ORS chapter 317 or 318) shall be allowed to a resident employer, or to a corporation that is an employer, based upon amounts paid or incurred by the employer during the taxable year to provide information and referral services to assist employees of the employer employed within this state to obtain dependent care.

(b) The amount of the credit allowed under this subsection shall be 50 percent of the amounts paid or incurred during the taxable year.

(5) No amount paid or incurred during the taxable year of an employer in providing dependent care assistance to any employee shall qualify for the credit allowed under subsection (1) of this section if the amount was paid or incurred to an individual described in section 129(c)(1) or (2) of the Internal Revenue Code.

(6) No amount paid or incurred by an employer to provide dependent care assistance to an employee shall qualify for the credit allowed under subsection (1) of this section if the amount paid or incurred is paid or incurred pursuant to a salary reduction plan or is not paid or incurred for services performed within this state.

(7) If the credit allowed under subsection (1) or (4) of this section is claimed, the amount of any deduction allowed or allowable under ORS chapter 316, 317 or 318 for the amount that qualifies for the credit (or upon which the credit is based) shall be reduced by the dollar amount of the credit allowed. The election to claim a credit allowed under this section shall be made at the time of filing the tax return in accordance with any rules adopted by the Department of Revenue.

(8) The amount upon which the credit allowed under subsection (1) of this section is based shall not be included in the gross income of the employee to whom the dependent care assistance is provided. However, the amount excluded from the income of an employee under this section shall not exceed the limitations provided in section 129(b) of the Internal Revenue Code. For purposes of ORS 316.162, with respect to an employee to whom dependent care assistance is provided, "wages" does not include any amount excluded under this subsection. Amounts excluded under this subsection shall not qualify as expenses for which a credit is allowed to the employee under ORS 316.078.

(9) A nonresident shall be allowed the credit allowed under subsection (1) or (4) of this section. The credit shall be computed in the same manner and be subject to the same limitations as the credit granted to a resident.

(10) If a change in the taxable year of the taxpayer occurs as described in ORS 314.085, or if the department terminates the taxpayer's taxable year under ORS 314.440, the credit allowed by this section shall be prorated or computed in a manner consistent with ORS 314.085.

(11) If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by this section shall be determined in a manner consistent with ORS 316.117.

(12) Any tax credit otherwise allowable under this section which is not used by the taxpayer in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in such next succeeding tax year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year thereafter.

(13) For purposes of the credit allowed under subsection (1) or (4) of this section:

(a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code shall apply to the extent applicable.

(b) "Employer" means an employer carrying on a business, trade, occupation or profession in this state.

(14) In the case of an on-site facility, in accordance with any rules adopted by the Department of Revenue, the amount upon which the credit allowed under subsection (1) of this section is based, with respect to any dependent, shall be based upon utilization and the value of the services provided.

**SECTION 48.** ORS 315.208, as amended by section 12, chapter 27, Oregon Laws 2022, is amended to read:

315.208. (1) A credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation that is an employer, under ORS chapter 317 or 318) is allowed to an employer, based upon costs actually paid or incurred by the employer, to acquire, construct, reconstruct, renovate or otherwise improve real property so that the property may be used primarily as a dependent care facility.

(2) The credit allowed under this section shall be the least of:

(a) \$2,500 multiplied by the number of full-time equivalent employees employed by the employer (on the property or within such proximity to the property that any dependents of the employees may be cared for in the facility) on any date within the two years immediately preceding the end of the first tax year for which credit is first claimed;

(b) Fifty percent of the cost of the acquisition, construction, reconstruction, renovation or other improvement; or

(c) \$100,000.

(3) To qualify for the credit allowed under subsection (1) of this section:

(a) The amounts paid or incurred by the employer for the acquisition, construction, reconstruction, renovation or other improvement to real property may be paid or incurred either:

(A) To another to be used to acquire, construct, reconstruct, renovate or otherwise improve real property to the end that it may be used as a dependent care facility with which the employer contracts to make dependent care assistance payments which payments are wholly or partially entitled to exclusion from income of the employee for federal tax purposes under section 129 of the Internal Revenue Code; or

(B) To acquire, construct, reconstruct, renovate or otherwise improve real property to the end that it may be operated by the employer, or a combination of employers, to provide dependent care assistance to the employees of the employer under a program or programs under which the assistance is, under section 129 of the Internal Revenue Code, wholly or partially excluded from the income of the employee.

(b) The property must be in actual use as a dependent care facility on the last day of the tax year for which credit is claimed and dependent care services assisted by the employer must take place on the acquired, constructed, reconstructed, renovated or improved property and must be entitled to an exclusion (whole or partial) from the income of the employee for federal tax purposes under section 129 of the Internal Revenue Code on the last day of the tax year for which credit is claimed.

(c) The person or persons operating the dependent care facility on the property acquired, constructed, reconstructed, renovated or improved must hold a certification (temporary or not) issued under ORS 329A.250 to 329A.450 by the [*Office of Child Care*] **Department of Early Learning and Care** to operate the facility on the property on the last day of the tax year of any tax year in which credit under this section is claimed.

(d) The dependent care facility acquired, constructed, reconstructed, renovated or otherwise improved must be located in Oregon. No credit shall be allowed under this section if the dependent care facility is not acquired, constructed, reconstructed, renovated or improved to accommodate six or more children.

(e) The employer must meet any other requirements or furnish any information, including information furnished by the employees or person operating the dependent care facility, to the Department of Revenue that the department requires under its rules to carry out the purposes of this section.

(f) The dependent care facility, the costs of the acquisition, construction, reconstruction, renovation or improvement upon which the credit granted under this section is based, must be placed in operation before January 1, 2002.

(4) The total amount of the costs upon which the credit allowable under this section is based, and the total amount of the credit, shall be determined by the employer, subject to any rules adopted by the Department of Revenue, during the tax year in which the property acquired, constructed, reconstructed, renovated or otherwise improved is first placed in operation as a dependent care facility certified by the [*Office of Child Care*] **Department of Early Learning and Care** under ORS 329A.250 to 329A.450. One-tenth of the total credit is allowable in that tax year and one-tenth of the total credit is allowable in each succeeding tax year, not to exceed nine tax years, thereafter. No credit shall be allowed under this section for any tax year at the end of which the dependent care facility is not in actual operation under a current certification (temporary or not) issued by the [*Office of Child Care*] **Department of Early Learning and Care** nor shall any credit be allowed for any tax year at the end of which the employer is not providing dependent care assistance entitled to exclusion (whole or partial) from employee income for federal tax purposes under section 129 of the Internal Revenue Code for dependent care on the property. Any tax credit allowable under this section in a tax year may be carried forward in the same manner and to the same tax years as if it were a tax credit described in ORS 315.204.

(5) Nothing in this section shall affect the computation of depreciation or basis of a dependent care facility. If a deduction is allowed for purposes of ORS chapter 316, 317 or 318 for the amounts paid or incurred upon which the credit under this section is based, the deduction shall be reduced by the dollar amount of the credit granted under this section.

(6) For purposes of the credit allowed under this section:

(a) The definitions and special rules contained in section 129(e) of the Internal Revenue Code shall apply to the extent applicable.

(b) "Employer" means a resident, part-year resident or full-year nonresident employer carrying on a business, trade, occupation or profession in this state.

(7) The Department of Revenue shall require that evidence that the person operating the dependent care facility on the date that the taxpayer's tax year ends holds a current certification (temporary or otherwise) to operate the facility accompany the tax return on which any amount of tax credit granted under this section is claimed, or that such evidence be separately furnished. If the evidence is not so furnished, no credit shall be allowed for the tax year for which the evidence is not furnished. The [*Office of Child Care*] **Department of Early Learning and Care** shall cooperate by making such evidence, in an appropriate form, available to the person operating the facility, if the person is currently certified (temporary or not) so that, if necessary, it may be made available to the taxpayer.

**SECTION 49.** ORS 315.213 is amended to read:

315.213. (1) A credit against the taxes otherwise due under ORS chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318 is allowed to a taxpayer for certified contributions made to the [Office of Child Care] **Department of Early Learning and Care** under ORS 329A.706.

(2) The amount of a tax credit available to a taxpayer for a tax year under this section shall equal the amount stated in the tax credit certificate received under ORS 329A.706.

(3) The credit allowed under this section may not exceed the lesser of 50 percent of the amount contributed in the tax year or the tax liability of the taxpayer for the tax year in which the credit is claimed.

(4) If the amount claimed as a credit under this section is allowed as a deduction for federal tax purposes, the amount allowed as a credit under this section shall be added to federal taxable income for Oregon tax purposes.

(5) A credit under this section may be claimed by a nonresident or part-year resident without proration.

(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular tax year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, but may not be carried forward for any tax year thereafter.

(7) The definitions in ORS 329A.700 apply to this section.

**SECTION 50.** Section 1, chapter 195, Oregon Laws 2019, is amended to read:

**Sec. 1.** (1) As used in this section, "Eastern Oregon Border Economic Development Region" has the meaning given that term in ORS 284.771.

(2) For the purpose of increasing the number of educators in the Eastern Oregon Border Economic Development Region who are available to teach courses in math and science in grades 9 through 12 or courses related to a career and technical education program, the following evaluations shall be made:

(a) The Teacher Standards and Practices Commission shall evaluate whether licensing requirements may be waived or modified to more closely match the licensing requirements of Idaho and to make educator positions in the region more competitive with similar educator positions in Idaho.

(b) The commission and the Department of Education shall jointly evaluate methods for promoting career advancement and mentorship opportunities for new teachers at schools in the region.

(c) The [Office of Child Care] **Department of Early Learning and Care** shall evaluate whether a streamlined process may be implemented to improve the availability of in-home and family-provided child care.

(3) The commission, [department and office] **Department of Education and Department of Early Learning and Care** shall report the results of the evaluations made as described in subsection (2) of this section in the manner provided by ORS 192.245, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to education no later than September 15, 2024.

**SECTION 51.** ORS 343.507 is amended to read:

343.507. (1) Each contractor for early childhood special education and early intervention services shall assist in the development of a local early intervention interagency advisory council in every county within the contractor's service area.

(2) Each local early intervention interagency advisory council shall include as members at least 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood special education and early intervention services or other services to preschool children with disabilities, a representative of the Early Learning Council and representatives from public and private agencies that serve young children and their families, including but not limited to Head Start and Oregon prekindergartens, community child care, the [Office of Child Care] **Department of Early Learning and Care**, local school districts, education service districts, Department of Education re-

gional special education programs, community mental health programs, community developmental disabilities programs, Department of Human Services health programs, child welfare programs and public assistance programs, Indian education agencies, migrant programs serving young children and community colleges.

(3) Each local early intervention interagency advisory council shall select its own chairperson and vice chairperson and fix the duties of its officers.

(4) The Department of Education shall establish procedures pursuant to rules of the State Board of Education for seeking and considering local council advice regarding the selection of contractors, coordination of services and procedures for local resolution of disputes.

**SECTION 52.** ORS 419B.005, as amended by section 58, chapter 631, Oregon Laws 2021, section 16, chapter 27, Oregon Laws 2022, and section 7, chapter 90, Oregon Laws 2022, is amended to read: 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(I) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.

(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who:

(a) Is under 18 years of age; or

(b) Is under 21 years of age and residing in or receiving care or services at a child-caring agency as that term is defined in ORS 418.205.

(3) "Higher education institution" means:



- (a) A community college as defined in ORS 341.005;
  - (b) A public university listed in ORS 352.002;
  - (c) The Oregon Health and Science University; and
  - (d) A private institution of higher education located in Oregon.
- (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged to have experienced abuse.
- (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
  - (5) "Law enforcement agency" means:
    - (a) A city or municipal police department.
    - (b) A county sheriff's office.
    - (c) The Oregon State Police.
    - (d) A police department established by a university under ORS 352.121 or 353.125.
    - (e) A county juvenile department.
  - (6) "Public or private official" means:
    - (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.
    - (b) Dentist.
    - (c) School employee, including an employee of a higher education institution.
    - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
    - (e) Employee of the Department of Human Services, Oregon Health Authority, Department of Early Learning and Care, Department of Education, Youth Development Division, [*Office of Child Care,*] the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.
    - (f) Peace officer.
    - (g) Psychologist.
    - (h) Member of the clergy.
    - (i) Regulated social worker.
    - (j) Optometrist.
    - (k) Chiropractor.
    - (L) Certified provider of foster care, or an employee thereof.
    - (m) Attorney.
    - (n) Licensed professional counselor.
    - (o) Licensed marriage and family therapist.
    - (p) Firefighter or emergency medical services provider.
    - (q) A court appointed special advocate, as defined in ORS 419A.004.
    - (r) A child care provider registered or certified under ORS 329A.250 to 329A.450.
    - (s) An elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
    - (t) Physical, speech or occupational therapist.
    - (u) Audiologist.
    - (v) Speech-language pathologist.
    - (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
    - (x) Pharmacist.
    - (y) An operator of a preschool recorded program under ORS 329A.255.
    - (z) An operator of a school-age recorded program under ORS 329A.255.
    - (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

(bb) An employee of a public or private organization providing child-related services or activities:

(A) Including but not limited to an employee of a:

- (i) Youth group or center;
- (ii) Scout group or camp;
- (iii) Summer or day camp;
- (iv) Survival camp; or

(v) Group, center or camp that is operated under the guidance, supervision or auspices of a religious, public or private educational system or a community service organization; and

(B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that provides confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.

(cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

(dd) Personal support worker, as defined in ORS 410.600.

(ee) Home care worker, as defined in ORS 410.600.

(ff) Animal control officer, as defined in ORS 609.500.

(gg) Member of a school district board, an education service district board or a public charter school governing body.

(hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a service identified in an individualized written service plan of a child with a developmental disability.

(ii) Referral agent, as defined in ORS 418.351.

**SECTION 53.** ORS 419B.020 is amended to read:

419B.020. (1) If the Department of Human Services or a law enforcement agency receives a report of child abuse, the department or the agency shall immediately:

(a) Cause an investigation to be made to determine the nature and cause of the abuse of the child; and

(b) Make the following notifications:

(A) To the [*Office of Child Care*] **Department of Early Learning and Care** if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse occurred in a school or was related to a school-sponsored activity.

(2) The Department of Human Services shall ensure that an investigation required by subsection (1) of this section is completed if the report is not investigated by a law enforcement agency.

(3) If the abuse reported in subsection (1) of this section is alleged to have occurred at a child care facility or in a school or was related to a school-sponsored activity:

(a) The Department of Human Services and the law enforcement agency shall jointly determine the roles and responsibilities of the Department of **Human Services** and the agency in their respective investigations; and

(b) The Department of **Human Services** and the agency shall each report the outcomes of their investigations:

(A) To the [*Office of Child Care*] **Department of Early Learning and Care** if the alleged child abuse occurred in a child care facility as defined in ORS 329A.250; or

(B) To the Department of Education if the alleged child abuse occurred in a school or was related to a school-sponsored activity.

(4) If the law enforcement agency conducting the investigation finds reasonable cause to believe that abuse has occurred, the law enforcement agency shall notify by oral report followed by written report the local office of the department. The Department of Human Services shall provide protective social services of its own or of other available social agencies if necessary to prevent further abuses to the child or to safeguard the child's welfare.

(5) If a child is taken into protective custody by the Department of Human Services, the department shall promptly make reasonable efforts to ascertain the name and address of the child's parents or guardian.

(6)(a) If a child is taken into protective custody by the Department of Human Services or a law enforcement official, the department or law enforcement official shall, if possible, make reasonable efforts to advise the parents or guardian immediately, regardless of the time of day, that the child has been taken into custody, the reasons the child has been taken into custody and general information about the child's placement, and the telephone number of the local office of the department and any after-hours telephone numbers.

(b) Notice may be given by any means reasonably certain of notifying the parents or guardian, including but not limited to written, telephonic or in-person oral notification. If the initial notification is not in writing, the information required by paragraph (a) of this subsection also shall be provided to the parents or guardian in writing as soon as possible.

(c) The department also shall make a reasonable effort to notify the noncustodial parent of the information required by paragraph (a) of this subsection in a timely manner.

(d) If a child is taken into custody while under the care and supervision of a person or organization other than the parent, the department, if possible, shall immediately notify the person or organization that the child has been taken into protective custody.

(7) If a law enforcement officer or the Department of Human Services, when taking a child into protective custody, has reasonable cause to believe that the child has been affected by sexual abuse and rape of a child as defined in ORS 419B.005 (1)(a)(C) and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purposes of preserving evidence if the court finds that it is in the best interest of the child to have such an examination. Nothing in this section affects the authority of the department to consent to physical examinations of the child at other times.

(8) A minor child of 12 years of age or older may refuse to consent to the examination described in subsection (7) of this section. The examination shall be conducted by or under the supervision of a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to 677.525 or a nurse practitioner licensed under ORS chapter 678 and, whenever practicable, trained in conducting such examinations.

(9) When the Department of Human Services completes an investigation under this section, if the person who made the report of child abuse provided contact information to the department, the department shall notify the person about whether contact with the child was made, whether the department determined that child abuse occurred and whether services will be provided. The department is not required to disclose information under this subsection if the department determines that disclosure is not permitted under ORS 419B.035.

(10) When the Department of Education receives a notification under subsection (1) of this section or a report on the outcomes of an investigation under subsection (3) of this section, the Department of Education shall act under, and is subject to, ORS 339.389.

**SECTION 54.** ORS 419B.035, as amended by section 10, chapter 27, Oregon Laws 2022, and section 9, chapter 90, Oregon Laws 2022, is amended to read:

419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and may not be disclosed except as provided in this section. The Department of Human Services shall make the records available to:

(a) Any law enforcement agency or a child abuse registry in any other state for the purpose of subsequent investigation of child abuse;

(b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse practitioner.

practitioner or coming before the physician, physician assistant or nurse practitioner for examination, care or treatment;

(c) Attorneys of record for the child or child's parent or guardian in any juvenile court proceeding;

(d) Citizen review boards established by the Judicial Department for the purpose of periodically reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to participants in case reviews;

(e) A court appointed special advocate in any juvenile court proceeding in which it is alleged that a child has been subjected to child abuse or neglect;

(f) The [*Early Learning Division*] **Department of Early Learning and Care** for the purpose of carrying out the functions of the [*division*] **department**, including the certification, registration or regulation of child care facilities and child care providers and the administration of enrollment in the Central Background Registry;

(g) The Office of Children's Advocate;

(h) The Teacher Standards and Practices Commission for investigations conducted under ORS 339.390 or 342.176 involving any child or any student;

(i) Any person, upon request to the Department of Human Services, if the reports or records requested regard an incident in which a child, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be disclosed in accordance with ORS 192.311 to 192.478;

(j) The [*Office of Child Care*] **Department of Early Learning and Care** for purposes of applications described in ORS 329A.030 [(10)(c)(G)] **(11)(c)(G)** to (J);

(k) With respect to a report of abuse occurring at a school or in an educational setting that involves a child with a disability, Disability Rights Oregon;

(L) The Department of Education for purposes of investigations conducted under ORS 339.391; and

(m) An education provider for the purpose of making determinations under ORS 339.388.

(2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the Department of Human Services may exempt from disclosure the names, addresses and other identifying information about other children, witnesses, victims or other persons named in the report or record if the department determines, in written findings, that the safety or well-being of a person named in the report or record may be jeopardized by disclosure of the names, addresses or other identifying information, and if that concern outweighs the public's interest in the disclosure of that information.

(b) If the Department of Human Services does not have a report or record of abuse regarding a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS 161.015, the department may disclose that information.

(3) The Department of Human Services may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court, agency, organization or other entity when the department determines that such disclosure is necessary to administer its child welfare services and is in the best interests of the affected child, or that such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect children from abuse and neglect or for research when the Director of Human Services gives prior written approval. The Department of Human Services shall adopt rules setting forth the procedures by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this section. The name, address and other identifying information about the person who made the report may not be disclosed pursuant to this subsection and subsection (1) of this section.

(4) A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city attorneys with criminal prosecutorial functions and the Attorney General when the law enforcement agency determines that disclosure is necessary for the investigation or enforcement of laws relating

to child abuse and neglect or necessary to determine a claim for crime victim compensation under ORS 147.005 to 147.367.

(5) A law enforcement agency, upon completing an investigation and closing the file in a specific case relating to child abuse or neglect, shall make reports and records in the case available upon request to any law enforcement agency or community corrections agency in this state, to the Department of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-Prison Supervision for the purpose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release. A law enforcement agency may make reports and records compiled under the provisions of ORS 419B.010 to 419B.050 available to the Oregon Youth Authority, law enforcement, community corrections, corrections or parole agencies in an open case when the law enforcement agency determines that the disclosure will not interfere with an ongoing investigation in the case. The name, address and other identifying information about the person who made the report may not be disclosed under this subsection or subsection (6)(b) of this section.

(6)(a) Any record made available to a law enforcement agency or community corrections agency in this state, to the Department of Corrections, the Oregon Youth Authority or the State Board of Parole and Post-Prison Supervision or to a physician, physician assistant or nurse practitioner in this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board, physician, physician assistant or nurse practitioner. Any record or report disclosed by the Department of Human Services to other persons or entities pursuant to subsections (1) and (3) of this section shall be kept confidential.

(b) Notwithstanding paragraph (a) of this subsection:

(A) A law enforcement agency, a community corrections agency, the Department of Corrections, the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose records made available to them under subsection (5) of this section to each other, to law enforcement, community corrections, corrections and parole agencies of other states and to authorized treatment providers for the purpose of managing and supervising offenders in custody or on probation, parole, post-prison supervision or other form of conditional or supervised release.

(B) The Department of Corrections and the Oregon Youth Authority may disclose records made available to them under subsection (5) of this section regarding a person in the custody of the Department of Corrections or the Oregon Youth Authority to each other, to the court, to the district attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200 to 420A.206.

(C) A person may disclose records made available to the person under subsection (1)(i) of this section if the records are disclosed for the purpose of advancing the public interest.

(7) Except as provided by ORS 339.389, an officer or employee of the Department of Human Services or of a law enforcement agency or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section may not release any information not authorized by subsections (1) to (6) of this section.

(8) As used in this section, "law enforcement agency" has the meaning given that term in ORS 181A.010.

(9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

**SECTION 55.** ORS 609.652, as amended by section 60, chapter 631, Oregon Laws 2021, and section 18, chapter 27, Oregon Laws 2022, is amended to read:

609.652. As used in ORS 609.654:

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) A police department established by a university under ORS 352.121 or 353.125.

- (c) Any county sheriff's office.
- (d) The Oregon State Police.
- (e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.
- (f) A humane investigation agency as defined in ORS 181A.340 that employs humane special agents commissioned under ORS 181A.340.
- (3) "Public or private official" means:
  - (a) A physician, including any intern or resident.
  - (b) A dentist.
  - (c) A school employee.
  - (d) A licensed practical nurse or registered nurse.
  - (e) An employee of the Department of Human Services, Oregon Health Authority, Department of Early Learning and Care, Youth Development Division, [*Office of Child Care*,] the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as defined in ORS 418.205 or an alcohol and drug treatment program.
  - (f) A peace officer.
  - (g) A psychologist.
  - (h) A member of the clergy.
  - (i) A regulated social worker.
  - (j) An optometrist.
  - (k) A chiropractor.
  - (L) A certified provider of foster care, or an employee thereof.
  - (m) An attorney.
  - (n) A naturopathic physician.
  - (o) A licensed professional counselor.
  - (p) A licensed marriage and family therapist.
  - (q) A firefighter or emergency medical services provider.
  - (r) A court appointed special advocate, as defined in ORS 419A.004.
  - (s) A child care provider registered or certified under ORS 329A.250 to 329A.450.
  - (t) A member of the Legislative Assembly.

**SECTION 56.** ORS 646A.504 is amended to read:  
646A.504. As used in ORS 646A.500 to 646A.514:

- (1) "Commercial user" means any person, firm, corporation, association or nonprofit corporation, or any agent or employee of a person, firm, corporation, association or nonprofit corporation, including child care facilities or family child care homes certified or registered by the [*Office of Child Care*] **Department of Early Learning and Care** under ORS 329A.250 to 329A.450, that:
  - (a) Deals in cribs of the kind governed by ORS 646A.500 to 646A.514;
  - (b) By virtue of the person's occupation, purports to have knowledge or skill peculiar to the cribs governed by ORS 646A.500 to 646A.514;
  - (c) Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing cribs in the stream of commerce; or
  - (d) Uses a crib in caring for infants in return for compensation.
- (2) "Crib" means:
  - (a) Any full-size crib as that term is defined in 16 C.F.R. 1508.3; or
  - (b) Any nonfull-size crib as that term is defined in 16 C.F.R. 1509.2(b).
- (3) "Crib bumper pad" means a pad, other than a mesh liner, that rests directly above the mattress in a crib, or that runs along the surface area or any of the interior sides of the crib.
- (4) "Individual" means a natural person who is not a commercial user of cribs.
- (5) "Infant" means an individual who is less than three years of age.
- (6) "Place of public accommodation" has the meaning given that term in ORS 659A.400.

**SECTION 57.** ORS 646A.506 is amended to read:

646A.506. (1) A commercial user may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce:

- (a) A crib that is unsafe for an infant using the crib; or
- (b) A crib bumper pad.

(2) A crib is presumed to be unsafe pursuant to ORS 646A.500 to 646A.514 if the crib does not conform to the following standards:

(a) 16 C.F.R. part 1508;

(b) 16 C.F.R. part 1509;

(c) 16 C.F.R. part 1303; and

(d) American Society for Testing Materials Voluntary Standards F966-90, F1169.88, F1822 and F406.

(3) Cribs that are presumed to be unsafe under subsection (2) of this section include but are not limited to cribs with any of the following features or characteristics:

(a) Corner posts that extend more than one-sixteenth of an inch;

(b) Spaces between side slats more than two and three-eighths inches;

(c) Mattress supports that can be easily dislodged from any point of the crib. A mattress support can be easily dislodged if it cannot withstand a 25-pound upward force from underneath the crib;

(d) Cutout designs on the end panels;

(e) Rail height dimensions that do not conform to the following:

(A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least nine inches; or

(B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches;

(f) Any screws, bolts or hardware that is loose or not secured;

(g) Sharp edges, points, rough surfaces or any wood surfaces that are not smooth and free from splinters, splits or cracks;

(h) Cribs with tears in mesh or fabric sides; or

(i) Crib bumper pads incorporated into or included with the crib as an accessory.

(4) An individual may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce a crib that is unsafe for an infant using the crib.

(5) A commercial user or place of public accommodation may not use or have on the premises a crib bumper pad unless a medical professional has determined that using a crib bumper pad is medically necessary for a particular infant that uses a crib on the premises of the commercial user or place of public accommodation.

(6) The [Office of Child Care] **Department of Early Learning and Care** shall:

(a) Provide notice of the provisions of this section to child care facilities and family care homes certified or registered by the [office] **department** and to applicants for certification and registration; and

(b) Adopt rules necessary to implement the provisions of this subsection.

**SECTION 58.** Section 64, chapter 631, Oregon Laws 2021, as amended by section 1, chapter 27, Oregon Laws 2022, is amended to read:

**Sec. 64.** (1) ORS 326.432 and 329A.750, **section 6 of this 2023 Act**, the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62, chapter 631, Oregon Laws 2021, **the amendments to ORS 307.145, 307.490, 307.495, 315.204, 315.208, 315.213, 329A.020, 329A.025, 329A.030, 329A.252, 329A.255, 329A.261, 329A.263, 329A.270, 329A.275, 329A.280, 329A.290, 329A.300, 329A.310, 329A.330, 329A.340, 329A.342, 329A.344, 329A.346, 329A.348, 329A.350, 329A.360, 329A.370, 329A.390, 329A.400, 329A.410, 329A.420, 329A.450, 329A.500, 329A.505, 329A.700, 329A.703, 329A.706, 329A.992, 329A.994, 343.507, 419B.020, 419B.035,**

**646A.504, 646A.506 and section 1, chapter 195, Oregon Laws 2019, by sections 7, 8, 10 to 39, 41, 42, 44 to 51, 53, 54, 56 and 57 of this 2023 Act** and the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63, chapter 631, Oregon Laws 2021, become operative on July 1, 2023.

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

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

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

**SECTION 59.** Section 68, chapter 631, Oregon Laws 2021, is amended to read:

**Sec. 68.** (1) Nothing in [sections 12 and 13 of this 2021 Act,] **ORS 326.432 and 329A.750, section 6 of this 2023 Act**, the amendments to ORS 131A.360, 131A.365, 183.459, 279A.050, 326.425, 326.430, 326.435, 327.269, 327.274, 329.155, 329.156, 329.165, 329.170, 329.172, 329.175, 329.181, 329.183, 329.185, 329.195, 329.200, 329.219, 329.841, 329.843, 329.845, 329A.010, 329A.120, 329A.135, 329A.250, 329A.261, 329A.712, 336.101, 336.104, 343.465, 343.475, 343.499, 417.781, 417.782, 417.784, 417.788, 417.790, 417.793, 417.795, 417.796, 417.827, 417.829, 419B.005, 433.301, 609.652, 805.205 and 805.207 by sections 11 and 14 to 62 [of this 2021 Act], **chapter 631, Oregon Laws 2021, the amendments to ORS 307.145, 307.490, 307.495, 315.204, 315.208, 315.213, 329A.020, 329A.025, 329A.030, 329A.252, 329A.255, 329A.261, 329A.263, 329A.270, 329A.275, 329A.280, 329A.290, 329A.300, 329A.310, 329A.330, 329A.340, 329A.342, 329A.344, 329A.346, 329A.348, 329A.350, 329A.360, 329A.370, 329A.390, 329A.400, 329A.410, 329A.420, 329A.450, 329A.500, 329A.505, 329A.700, 329A.703, 329A.706, 329A.992, 329A.994, 343.507, 419B.020, 419B.035, 646A.504, 646A.506 and section 1, chapter 195, Oregon Laws 2019, by sections 7, 8, 10 to 39, 41, 42, 44 to 51, 53, 54, 56 and 57 of this 2023 Act** or the repeal of ORS 329.145, 329.150, 329.190, 329A.490 and 329A.493 by section 63 [of this 2021 Act], **chapter 631, Oregon Laws 2021**, relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by the amendments to ORS 326.430 by section 11 [of this 2021 Act], **chapter 631, Oregon Laws 2021, or the amendments to ORS 329A.010 by section 4 of this 2023 Act**. The Department of Early Learning and Care may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Early Learning Division, **including the Office of Child Care**, or the Department of Education on behalf of the Early Learning Division legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date of the amendments to ORS 326.430 by section 11 [of this 2021 Act], **chapter 631, Oregon**



**Laws 2021, or the amendments to ORS 329A.010 by section 4 of this 2023 Act** are transferred to the Department of Early Learning and Care. For the purpose of succession to these rights and obligations, the Department of Early Learning and Care is a continuation of the Early Learning Division **or the Office of Child Care** and not a new authority.

**SECTION 60.** Section 28, chapter 27, Oregon Laws 2022, is amended to read:

**Sec. 28.** (1)(a) The amendments to ORS 329A.030, 329A.250, 329A.500 and 329A.992 by sections 22 to 27 [of this 2022 Act], **chapter 27, Oregon Laws 2022**, apply to subsidized care facilities providing subsidized care under ORS 329A.500 on or after July 1, 2023.

(b) On or after July 1, 2023, a subject individual described in ORS 329A.030 [(10)(d)] **(11)(d)** must enroll in the Central Background Registry under ORS 329A.030 for the purpose of the Employment Related Day Care subsidy program.

(2) Notwithstanding subsection (1) of this section and ORS 329A.030 (2)(a), as amended by section 26 [of this 2022 Act], **chapter 27, Oregon Laws 2022**:

(a) A subject individual described in ORS 329A.030 [(10)(d)] **(11)(d)** who was approved before July 1, 2023, as a provider of care by the Department of Human Services for the purposes of the Employment Related Day Care subsidy program is not required to enroll in the Central Background Registry until the earlier of the expiration of a child care background check or June 30, 2025.

(b) Until July 1, 2023, a subject individual described in ORS 329A.030 [(10)(d)] **(11)(d)** who is seeking initial approval or renewed approval as a provider of care for purposes of the Employment Related Day Care subsidy program may choose to enroll in the Central Background Registry under ORS 329A.030 or may seek a child background check through the Department of Human Services.

(3) For the purpose of transferring the Employment Related Day Care subsidy program from the Department of Human Services to the Department of Early Learning and Care, as provided by section 79, chapter 631, Oregon Laws 2021, the Department of Human Services and the Early Learning Council shall adopt rules that provide:

(a) Until July 1, 2023, the Department of Human Services shall accept an individual's enrollment in the Central Background Registry as satisfying any requirement for background checks for the Employment Related Day Care subsidy program.

(b) Until July 1, [2025] **2023**, the Office of Child Care shall accept the Department of Human Services' background check of an individual for the purposes of the Employment Related Day Care subsidy program as satisfying the requirements of the Central Background Registry.

**(c) From July 1, 2023, until July 1, 2025, the Department of Early Learning and Care shall accept the Department of Human Service's background check of an individual for the purposes of the Employment Related Day Care subsidy program as satisfying the requirements of the Central Background Registry.**

(4) No later than July 1, 2023, the Department of Human Services shall transfer copies of all files necessary for the Office of Child Care to provide background checks for individuals described in ORS 329A.030 [(10)(d)] **(11)(d)**.

## NAME CHANGE

**SECTION 61.** (1) The amendments to ORS 329A.010 by section 4 of this 2023 Act are intended to change references to the "Office of Child Care" to the "Department of Early Learning and Care."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Office of Child Care," wherever they occur in statutory law, other words designating the "Department of Early Learning and Care."

## CAPTIONS

**SECTION 62.** The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

**EMERGENCY CLAUSE**

**SECTION 63.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect July 1, 2023.

**Passed by House April 12, 2023**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Dan Rayfield, Speaker of House

**Passed by Senate June 23, 2023**

.....  
Rob Wagner, President of Senate

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

.....  
Secretary of State