

Requested by Representative NERON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2717**

1 On page 1 of the printed bill, after the second semicolon delete the rest  
2 of the line and delete lines 3 and 4 and insert “amending ORS 329A.250,  
3 329A.280 and 329A.290; and declaring an emergency.”.

4 Delete lines 6 through 31 and delete pages 2 through 35 and insert:

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

7 “329A.250. As used in ORS 329A.030 and 329A.250 to 329A.450, unless the  
8 context requires otherwise:

9 “(1) ‘Babysitter’ means a person who goes into the home of a child to give  
10 care during the temporary absence of the parent or legal guardian or custo-  
11 dian.

12 “(2) ‘Certification’ means the certification that is issued under ORS  
13 329A.280 by the Office of Child Care to a family child care home, child care  
14 center or other child care facility.

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

18 “(4)(a) ‘Child care’ means the care, supervision and guidance on a regular  
19 basis of a child, unaccompanied by a parent, guardian or custodian, provided  
20 to a child during a part of the 24 hours of the day, in a place other than the  
21 child’s home, with or without compensation.

1       “(b) ‘Child care’ does not include care provided:  
2       “(A) In the home of the child;  
3       “(B) By the child’s parent, guardian, or person acting in loco parentis;  
4       “(C) By a person related to the child by blood or marriage within the  
5 fourth degree as determined by civil law;  
6       “(D) On an occasional basis by a person not ordinarily engaged in pro-  
7 viding child care;  
8       “(E) By providers of medical services;  
9       “(F) By a babysitter;  
10       “(G) By a person who cares for children from only one family other than  
11 the person’s own family;  
12       “(H) By a person who cares for no more than three children other than  
13 the person’s own children; or  
14       “(I) By a person who is a member of the child’s extended family, as de-  
15 termined by the office on a case-by-case basis.  
16       “(5) ‘Child care facility’ means any facility that provides child care to  
17 children, including a day nursery, nursery school, child care center, **outdoor**  
18 **child care program**, certified or registered family child care home or simi-  
19 lar unit operating under any name, but not including any:  
20       “(a) Preschool recorded program.  
21       “(b) Facility providing care for school-age children that is primarily a  
22 single enrichment activity, for eight hours or less a week.  
23       “(c) Facility providing care that is primarily group athletic or social ac-  
24 tivities sponsored by or under the supervision of an organized club or hobby  
25 group.  
26       “(d) Facility operated by:  
27       “(A) A school district as defined in ORS 332.002;  
28       “(B) A political subdivision of this state; or  
29       “(C) A governmental agency.  
30       “(e) Residential facility licensed under ORS 443.400 to 443.455.

1       “(f) Babysitters.

2       “(g) Facility operated as a parent cooperative for no more than four hours  
3 a day.

4       “(h) Facility providing care while the child’s parent remains on the  
5 premises and is engaged in an activity offered by the facility or in other  
6 nonwork activity.

7       “(i) Facility operated as a school-age recorded program.

8       “(6) ‘Family’ has the meaning given that term in ORS 329.145.

9       “(7) ‘Occasional’ means that care is provided for no more than 70 days in  
10 any calendar year.

11       “(8) ‘Parent cooperative’ means a child care program in which:

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

13       “(b) Membership in the cooperative includes parents;

14       “(c) There are written policies and procedures; and

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

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

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

23       “(11) ‘Registration’ means the registration that is issued under ORS  
24 329A.330 by the Office of Child Care to a family child care home where care  
25 is provided in the family living quarters of the provider’s home.

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

28       “(13) ‘School-age recorded program’ means a program for school-age chil-  
29 dren:

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

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

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

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

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

13 “329A.250. As used in ORS 329A.030, 329A.250 to 329A.450 and 329A.500,  
14 unless the context requires otherwise:

15 “(1) ‘Babysitter’ means a person who goes into the home of a child to give  
16 care during the temporary absence of the parent or legal guardian or custo-  
17 dian.

18 “(2) ‘Certification’ means the certification that is issued under ORS  
19 329A.280 by the Office of Child Care to a family child care home, child care  
20 center or other child care facility.

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

24 “(4)(a) ‘Child care’ means the care, supervision and guidance on a regular  
25 basis of a child, unaccompanied by a parent, guardian or custodian, provided  
26 to a child during a part of the 24 hours of the day, in a place other than the  
27 child’s home, with or without compensation.

28 “(b) ‘Child care’ does not include care provided:

29 “(A) In the home of the child;

30 “(B) By the child’s parent, guardian, or person acting in loco parentis;

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

3 “(D) On an occasional basis by a person not ordinarily engaged in pro-  
4 viding child care;

5 “(E) By providers of medical services;

6 “(F) By a babysitter;

7 “(G) By a person who cares for children from only one family other than  
8 the person’s own family;

9 “(H) By a person who cares for no more than three children other than  
10 the person’s own children; or

11 “(I) By a person who is a member of the child’s extended family, as de-  
12 termined by the office on a case-by-case basis.

13 “(5) ‘Child care facility’ means any facility that provides child care to  
14 children, including a day nursery, nursery school, child care center, **outdoor**  
15 **child care program**, certified or registered family child care home or simi-  
16 lar unit operating under any name, but not including any:

17 “(a) Preschool recorded program.

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

20 “(c) Facility providing care that is primarily group athletic or social ac-  
21 tivities sponsored by or under the supervision of an organized club or hobby  
22 group.

23 “(d) Facility operated by:

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

25 “(B) A political subdivision of this state; or

26 “(C) A governmental agency.

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

28 “(f) Babysitters.

29 “(g) Facility operated as a parent cooperative for no more than four hours  
30 a day.

1 “(h) Facility providing care while the child’s parent remains on the  
2 premises and is engaged in an activity offered by the facility or in other  
3 nonwork activity.

4 “(i) Facility operated as a school-age recorded program.

5 “(6) ‘Family’ has the meaning given that term in ORS 329.155.

6 “(7) ‘Occasional’ means that care is provided for no more than 70 days in  
7 any calendar year.

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

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

10 “(b) Membership in the cooperative includes parents;

11 “(c) There are written policies and procedures; and

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

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

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

20 “(11) ‘Registration’ means the registration that is issued under ORS  
21 329A.330 by the Office of Child Care to a family child care home where care  
22 is provided in the family living quarters of the provider’s home.

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

25 “(13) ‘School-age recorded program’ means a program for school-age chil-  
26 dren:

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

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

30 “(c) In which youth development activities are provided to children during

1 hours that school is not in session and does not take the place of a parent's  
2 care.

3 “(14)(a) ‘Subsidized care’ means the care, supervision and guidance on a  
4 regular basis of a child, unaccompanied by a parent, guardian or custodian,  
5 provided to a child during a part of the 24 hours of a day, paid for in whole  
6 or in part by public funds.

7 “(b) ‘Subsidized care’ does not include care provided:

8 “(A) By the child’s parent, guardian or person acting in loco parentis;

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

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

11 “(D) By a provider of medical services, as determined by the office on a  
12 case-by-case basis.

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

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

22 **“SECTION 3.** ORS 329A.280 is amended to read:

23 “329A.280. (1) A person may not operate a child care facility, except a  
24 facility subject to the registration requirements of ORS 329A.330, without a  
25 certification for the facility from the Office of Child Care.

26 “(2) The Early Learning Council shall adopt rules for the certification of  
27 a family child care home caring for not more than 16 children. Rules may  
28 be adopted specifically for certified child care facilities operated in a  
29 single-family dwelling or other dwelling. Notwithstanding fire and other  
30 safety regulations, the rules that the council adopts for certified child care

1 facilities shall set standards that can be met without significant architec-  
2 tural modification. In adopting the rules, the council may consider and set  
3 limits according to factors including the age of children in care, the  
4 ambulatory ability of children in care, the number of the provider’s children  
5 present, the length of time a particular child is continuously cared for and  
6 the total amount of time a particular child is cared for within a given unit  
7 of time. The rules must require compliance with the provisions of ORS  
8 329A.600.

9 “(3) In addition to rules adopted for and applied to a certified family child  
10 care home providing child care for not more than 16 children, the council  
11 shall adopt and apply separate rules appropriate for any child care facility  
12 that is a child care center **or an outdoor child care program.**

13 “(4) Any person seeking to operate a child care facility may apply for a  
14 certification for the facility from the Office of Child Care and receive a  
15 certification upon meeting certification requirements.

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

19 **“SECTION 4.** ORS 329A.290 is amended to read:

20 “329A.290. A person applying for a certification for a child care facility  
21 shall demonstrate to the satisfaction of the Office of Child Care that:

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

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

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

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

30 “(a) Adequate staffing by suitable persons qualified by education or ex-

1 perience to meet their respective responsibilities in the care of children.

2 “(b) Adequate physical facilities for the care of children, such as:

3 **“(A) For family child care homes and child care centers,** building  
4 construction, sanitation, plumbing, heating, lighting, ventilation, mainte-  
5 nance, indoor and outdoor activity areas and fire protection.

6 **“(B) For outdoor child care programs, sanitation, maintenance,**  
7 **food preparation and food storage areas.**

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

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

16 **“SECTION 5. (1) The amendments to ORS 329A.250, 329A.280 and**  
17 **329A.290 by sections 1 to 4 of this 2023 Act become operative July 1,**  
18 **2025.**

19 **“(2) Notwithstanding the operative date set forth in subsection (1)**  
20 **of this section, the Department of Early Learning and Care and the**  
21 **Early Learning Council may take any action before the operative date**  
22 **set forth in subsection (1) of this section that is necessary for the de-**  
23 **partment and the council to exercise, on and after the operative date**  
24 **set forth in subsection (1) of this section, all of the duties, functions**  
25 **and powers conferred on the department and the council by the**  
26 **amendments to ORS 329A.250, 329A.280 and 329A.290 by sections 1 to 4**  
27 **of this 2023 Act.**

28 **“SECTION 6. This 2023 Act being necessary for the immediate**  
29 **preservation of the public peace, health and safety, an emergency is**  
30 **declared to exist, and this 2023 Act takes effect on its passage.”.**

