

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO
HOUSE BILL 2683**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; and”.

3 Delete lines 5 through 31 and delete pages 2 through 4 and insert:

4 **“SECTION 1.** ORS 329A.500 is amended to read:

5 “329A.500. (1) As used in this section, ‘family’ means any individual who
6 is responsible for the care, control and supervision of a child.

7 “(2) The Department of Human Services and the Early Learning Council
8 shall adopt rules for the operation of the Employment Related Day Care
9 subsidy program administered by the department.

10 “(3) The rules adopted under this section must support equitable access
11 to a supply of diverse child care providers that meet the needs of families,
12 as those needs are defined by the department by rule, including:

13 “(a) Cultural diversity;

14 “(b) Linguistic diversity;

15 “(c) Racial and ethnic diversity; and

16 “(d) Diversity of provider types.

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

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

20 “(A) The household income of a child’s family; [*and*]

21 **“(B) The child’s family’s employment, search for employment or**

1 **enrollment in an education or training program; or**

2 **“[(B)] (C) Any other criteria established by the department[.], including,**
3 **but not limited to:**

4 **“(i) Whether the child or child’s family receives, or is at risk of**
5 **needing, protective services, including, but not limited to, child wel-**
6 **fare services, child abuse prevention services, family reunification**
7 **services, foster care services or subsidized guardianship services; or**

8 **“(ii) Whether the child or child’s family receives, or is at risk of**
9 **needing, homelessness services, teen parent services or domestic vi-**
10 **olence services.**

11 **“(b) A child must be able to receive care that:**

12 **“(A) Meets the child’s developmental, disability and neurodiversity needs;**
13 **and**

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

17 **“(c) Payment to child care providers must be based on enrollment instead**
18 **of attendance.**

19 **“(d) A child’s family may qualify for an incentive if the family voluntarily**
20 **chooses a child care provider that participates in the quality recognition and**
21 **improvement system established under ORS 329A.261. A fair representation**
22 **of the recipients who qualify for incentives must be families with children**
23 **who are from underserved racial, ethnic or minority populations. In addition,**
24 **child care providers that participate in the quality recognition and im-**
25 **provement system may receive financial incentives under the subsidy pro-**
26 **grams in accordance with criteria established by rule.**

27 **“(5) Taking into account the availability of funds, the rules adopted under**
28 **this section must establish a sliding scale for copayment, with the require-**
29 **ment that a copayment may not exceed seven percent of the household in-**
30 **come of the child’s family.**

1 “(6) In developing rules under this section, the department shall consider
2 policies for increasing the stability and continuity of a child’s access to a
3 family’s preferred child care provider.

4 “(7) Rules adopted by the department under this section establish mini-
5 mum requirements pertaining to the Employment Related Day Care subsidy
6 program and may not be construed to preempt, limit or otherwise diminish
7 the applicability of any policy, standard or collective bargaining agreement
8 that provides for an increased subsidy or a child care provider reimburse-
9 ment amount under state or federal law.

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

13 “(b) Notwithstanding any provision of this section or any rule adopted
14 by the department pursuant to this section, the laws and regulations appli-
15 cable to any federal funds shall govern when any aspect of child care is
16 funded by federal funds.

17 **“SECTION 2.** ORS 329A.500, as amended by section 73, chapter 631,
18 Oregon Laws 2021, and section 25, chapter 27, Oregon Laws 2022, is amended
19 to read:

20 “329A.500. (1) As used in this section, ‘family’ means any individual who
21 is responsible for the care, control and supervision of a child.

22 “(2) The Early Learning Council shall adopt rules for the operation of the
23 Employment Related Day Care subsidy program and for other subsidy pro-
24 grams administered by the Department of Early Learning and Care.

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

28 “(a) Cultural diversity;

29 “(b) Linguistic diversity;

30 “(c) Racial and ethnic diversity; and

1 “(d) Diversity of subsidized care facility types.

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

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

5 “(A) The household income of a child’s family; [*and*]

6 “**(B) The child’s family’s employment, search for employment or
7 enrollment in an education or training program; or**

8 “[*B*] **(C) Any other criteria established by the council[.], including, but
9 not limited to:**

10 “**(i) Whether the child or child’s family receives, or is at risk of
11 needing, protective services, including, but not limited to, child wel-
12 fare services, child abuse prevention services, family reunification
13 services, foster care services or subsidized guardianship services; or**

14 “**(ii) Whether the child or child’s family receives, or is at risk of
15 needing, homelessness services, teen parent services or domestic vi-
16 olence services.**

17 “(b) A child must be able to receive care that:

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

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

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

25 “(d) A child’s family may qualify for an incentive if the family voluntarily
26 chooses a subsidized care facility that participates in the quality recognition
27 and improvement system established under ORS 329A.261. A fair represen-
28 tation of the recipients who qualify for incentives must be families with
29 children who are from underserved racial, ethnic or minority populations. In
30 addition, subsidized care facilities that participate in the quality recognition

1 and improvement system may receive financial incentives under the subsidy
2 programs in accordance with criteria established by rule.

3 “(e) A child care facility is not eligible to be a subsidized care facility
4 and to receive a reimbursement under the subsidy program unless each sub-
5 ject individual described in ORS 329A.030 (10)(d) who operates, resides in or
6 may have unsupervised contact with children at the subsidized care facility
7 that provides or will provide subsidized care to the person’s child is enrolled
8 in the Central Background Registry under ORS 329A.030.

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

11 “(A) Participating in quality improvement measures;

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

13 “(C) Providing evening, overnight or weekend care;

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

15 “(E) Providing infant or toddler care;

16 “(F) Providing care to a population that has been identified as histor-
17 ically having an inadequate child care facility supply; or

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

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

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

25 “(b) Must provide that eligibility to participate in the Employment Re-
26 lated Day Care subsidy program:

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

29 “(B) Shall, for a child who met the initial eligibility requirements pre-
30 scribed under subsection (4) of this section, continue for a minimum of 12

1 months from the date of initial eligibility unless the child’s family leaves this
2 state or requests a termination of benefits or for any other reason identified
3 by the council. Rules adopted under this subparagraph shall give priority to
4 families receiving temporary assistance under the temporary assistance for
5 needy families program described in ORS 412.006.

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

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

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

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

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

25 **“SECTION 3. (1) The Early Learning Council shall develop and im-**
26 **plement rules providing criteria for eligibility based on ORS 329A.500**
27 **(4)(a)(C)(i) no later than July 1, 2025.**

28 **“(2) The council shall develop and implement rules providing crite-**
29 **ria for eligibility based on ORS 329A.500 (4)(a)(C)(ii) no later than July**
30 **1, 2027.”.**

