

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) Any other criteria established by the department.*]

1       **“(4) The council shall adopt rules establishing that:**

2       **“(a) Each of the following subparagraphs constitutes an independ-**  
3 **ent basis of eligibility for a child to participate in the Employment**  
4 **Related Day Care subsidy program:**

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

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

8       **“(C) The child’s or child’s family’s use of, or risk of needing to use,**  
9 **protective services, including, but not limited to, child welfare ser-**  
10 **vices, child abuse prevention services, family reunification services,**  
11 **foster care services or subsidized guardianship services;**

12       **“(D) The child’s or child’s family’s use of, or risk of needing to use,**  
13 **homelessness services, teen parent services or domestic violence ser-**  
14 **vices; or**

15       **“(E) Any other criteria established by the council.**

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

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

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

22       “(c) Payment to child care providers must be based on enrollment instead  
23 of attendance.

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

1 grams in accordance with criteria established by rule.

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

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

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

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

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

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

25 “329A.500. (1) As used in this section, ‘family’ means any individual who  
26 is responsible for the care, control and supervision of a child.

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

30 “(3) The rules adopted under this section must support equitable access

1 to a supply of diverse subsidized care facilities that meet the needs of fami-  
2 lies, as those needs are defined by the council by rule, including:

3 “(a) Cultural diversity;

4 “(b) Linguistic diversity;

5 “(c) Racial and ethnic diversity; and

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

7 “[*4*] *The rules adopted under this section must provide that:*]

8 “[*(a)*] *A child’s eligibility to participate in the Employment Related Day*  
9 *Care subsidy program must be based on:*]

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

11 “[*(B)*] *Any other criteria established by the council.*]

12 “**(4) The council shall adopt rules establishing that:**

13 “**(a) Each of the following subparagraphs constitutes an independ-**  
14 **ent basis of eligibility for a child to participate in the Employment**  
15 **Related Day Care subsidy program:**

16 “**(A) The household income of a child’s family;**

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

19 “**(C) The child’s or child’s family’s use of, or risk of needing to use,**  
20 **protective services, including, but not limited to, child welfare ser-**  
21 **vices, child abuse prevention services, family reunification services,**  
22 **foster care services or subsidized guardianship services;**

23 “**(D) The child’s or child’s family’s use of, or risk of needing to use,**  
24 **homelessness services, teen parent services or domestic violence ser-**  
25 **vices; or**

26 “**(E) Any other criteria established by the council.**

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

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

30 “(B) Enables the child’s family to complete activities that relate to family

1 well-being, which may include the family’s work hours, education hours,  
2 commute time, study time and other activities that support family well-being.

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

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

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

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

21 “(A) Participating in quality improvement measures;

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

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

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

25 “(E) Providing infant or toddler care;

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

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

30 “(5) Taking into account the availability of funds, the rules adopted under

1 this section:

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

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

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

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

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

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

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

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

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

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

8       **“(2) The council shall develop and implement rules providing crite-  
9 ria for eligibility based on ORS 329A.500 (4)(a)(D) no later than July  
10 1, 2027.”.**

11

---