

Senate Bill 33

Sponsored by Senator MONROE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts nonprofit educational institution registered as private school from definition of "child care facility" required to be certified or registered by Employment Department.

A BILL FOR AN ACT

1
2 Relating to nonprofit educational institutions registered as private schools; creating new provisions;
3 and amending ORS 657A.250.

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

5 **SECTION 1.** ORS 657A.250 is amended to read:

6 657A.250. As used in ORS 657A.030 and 657A.250 to 657A.450, unless the context requires oth-
7 erwise:

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

10 (2) "Certification" means the certification that is issued under ORS 657A.280 by the Child Care
11 Division to a family child care home, child care center or other child care facility.

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

14 (4) Subject to ORS 657A.440, "child care" means the care, supervision and guidance on a regular
15 basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part
16 of the 24 hours of the day, in a place other than the child's home, with or without compensation.
17 "Child care" does not include care provided:

18 (a) In the home of the child;

19 (b) By the child's parent, guardian, or person acting in loco parentis;

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

22 (d) On an occasional basis by a person not ordinarily engaged in providing child care;

23 (e) By providers of medical services;

24 (f) By a babysitter;

25 (g) By a person who cares for children from only one family other than the person's own family;

26 (h) By a person who cares for no more than three children other than the person's own children;

27 or

28 (i) By a person who is a member of the child's extended family, as determined by the division
29 on a case-by-case basis.

30 (5) "Child care facility" means any facility that provides child care to children, including a day
31 nursery, nursery school, child care center, certified or registered family child care home or similar

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 unit operating under any name, but not including any:

2 (a) Preschool recorded program.

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

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

7 (d) Facility operated by:

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

9 (B) A political subdivision of this state; or

10 (C) A governmental agency.

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

12 (f) Babysitters.

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

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

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

17 **(j) Nonprofit educational institution registered as a private school under ORS 345.545 that**
18 **provides a program of education for prekindergarten through grade 12.**

19 (6) "Division" means the Child Care Division of the Employment Department.

20 (7) "Family" has the meaning given that term in ORS 329.145.

21 (8) "Occasional" means that care is provided for no more than 70 days in any calendar year.

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

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

24 (b) Membership in the cooperative includes parents;

25 (c) There are written policies and procedures; and

26 (d) A board of directors that includes parents of the children cared for by the cooperative con-
27 trols the policies and procedures of the program.

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

31 (11) "Record" means the record that is issued under ORS 657A.255 to a preschool recorded
32 program or under ORS 657A.257 to a school-age recorded program.

33 (12) "Registration" means the registration that is issued under ORS 657A.330 by the Child Care
34 Division to a family child care home where care is provided in the family living quarters of the
35 provider's home.

36 (13) "School age" means of an age eligible to be enrolled in the first grade or above and, during
37 the months of summer vacation from school, means of an age eligible to be enrolled in first grade
38 or above in the next school year.

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

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

41 (b) That is not required to be certified under ORS 657A.280 or registered under ORS 657A.330;
42 and

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

45 (15) "Youth development activities" means care, supervision or guidance that is intended for

1 enrichment, including but not limited to teaching skills or proficiency in physical, social or educa-
2 tional activities such as tutoring, music lessons, social activities, sports and recreational activities.

3 **SECTION 2. The amendments to ORS 657A.250 by section 1 of this 2011 Act apply to**
4 **nonprofit educational institutions registered as private schools on or after the effective date**
5 **of this 2011 Act.**

6
