

House Bill 2259

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Education)

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**.

Requires that Office of Child Care complete criminal records checks and child abuse and neglect records check in accordance with rules adopted by Early Learning Council upon receipt of application for enrollment in Central Background Registry. Prohibits enrollment of subject individual who has disqualifying condition as defined by rule.

Removes requirement that enrollment in Central Background Registry expires two years from date of enrollment. Authorizes Early Learning Council to adopt rules regarding expiration and renewal periods for enrollment in registry.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to enrollment in the Central Background Registry; creating new provisions; amending ORS
3 329A.030; and declaring an emergency.

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

5 **SECTION 1.** ORS 329A.030 is amended to read:

6 329A.030. (1) The Office of Child Care shall establish a Central Background Registry.

7 (2) A subject individual shall apply to and must be enrolled in the Central Background Registry
8 as part of the individual's application to operate a program or serve in a position described in sub-
9 section (8) of this section.

10 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
11 fice shall complete:

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

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

15 (C) **A child abuse and neglect records check in accordance with rules adopted by the**
16 **council** [*and shall complete a child protective services records check with the Department of Human*
17 *Services*].

18 (b) The office shall enroll the individual in the registry if the individual:

19 [(a)] (A) Is determined to have no criminal or child protective services history or to have dealt
20 with the issues and provided adequate evidence of suitability for the registry;

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

22 [(c)] (C) Has complied with the rules of the Early Learning Council adopted pursuant to this
23 section.

24 (4)(a) The office may conditionally enroll an individual in the registry pending the results of a
25 nationwide criminal records check through the Federal Bureau of Investigation if the individual has
26 met other requirements of the office for enrollment in the registry.

27 (b) **Notwithstanding subsection (3) of this section, the office may not enroll an individual**

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 **in the registry if the individual has a disqualifying condition as defined by rules adopted by**
2 **the Early Learning Council.**

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

8 (6)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled
9 in the Central Background Registry.

10 (b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a
11 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

12 (7) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
13 section and the criminal records check program, **including but not limited to rules regarding**
14 **expiration and renewal periods for enrollment in the Central Background Registry.**

15 (8) For purposes of this section, "subject individual" means a subject individual as defined by
16 the Early Learning Council by rule or a person who applies to be:

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

18 (b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to
19 329.200;

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

22 (d) An individual in a child care facility who may have unsupervised contact with children as
23 identified by the office;

24 (e) A contractor or an employee of the contractor who provides early childhood special educa-
25 tion or early intervention services pursuant to ORS 343.455 to 343.534;

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

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

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

34 (9)(a) Information provided to a metropolitan service district organized under ORS chapter 268
35 about the enrollment status of the persons described in subsection (8)(g) of this section shall be
36 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
37 vide for the recovery of administrative, including direct and indirect, costs incurred by the office
38 from participation in the agreement. Any moneys collected under this paragraph shall be deposited
39 in the Child Care Fund established under ORS 329A.010.

40 (b) Information provided to a private agency or organization facilitating the provision of respite
41 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
42 under ORS 109.056 about the enrollment status of the persons described in subsection (8)(h) of this
43 section shall be subject to an agreement with the private agency or organization. The agreement
44 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
45 office from participation in the agreement. Any moneys collected under this paragraph shall be de-

1 posited in the Child Care Fund established under ORS 329A.010.

2 **SECTION 2. The amendments to ORS 329A.030 by section 1 of this 2017 Act apply to ini-**
3 **tial or renewed enrollments in the Central Background Registry occurring on or after the**
4 **effective date of this 2017 Act.**

5 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
7 **on its passage.**

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