

Senate Bill 813

Sponsored by Senator GELSER

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**.

Directs Office of Child Care to make reasonable attempt to identify any facility about which it receives complaint if certain information is provided. Directs Office of Child Care to conduct on-site investigation of premises of child care facility when office receives report of alleged child abuse at facility.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to investigations of child care facilities; creating new provisions; amending ORS 329A.020
3 and 329A.390; and declaring an emergency.

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

5 **SECTION 1.** ORS 329A.020 is amended to read:

6 329A.020. (1) The Office of Child Care staff shall provide technical assistance, linkage of local
7 agencies, data collection and monitoring.

8 (2) The Office of Child Care shall continually monitor and disseminate information about federal
9 and charitable programs for the purposes of ORS 329A.100 to 329A.135.

10 (3) The Office of Child Care shall maintain a website that provides information regarding certi-
11 fied and registered child care facilities and regulated subsidy facilities [*as that term is defined by*
12 *rule adopted by the Early Learning Council*].

13 (4) The Early Learning Council, in consultation with the Office of Child Care, shall adopt rules
14 to implement the provisions of this section.

15 **(5) As used in this section, "regulated subsidy facility" has the meaning given that term**
16 **in ORS 329A.390.**

17 **SECTION 2.** ORS 329A.390 is amended to read:

18 329A.390. (1) Whenever an authorized representative of the Office of Child Care is advised or
19 has reason to believe that child care that is subject to regulation by the office is being provided
20 without a certification, registration or record, the authorized representative may visit and conduct
21 an on-site investigation of the premises of the facility at any reasonable time to determine whether
22 the facility is subject to the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

23 (2) At any reasonable time, an authorized representative of the Office of Child Care may conduct
24 an on-site investigation of the premises of any certified or registered child care facility to determine
25 whether the child care facility is in conformity with ORS 181A.200, 329A.030 and 329A.250 to
26 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and
27 329A.250 to 329A.450.

28 (3) An authorized representative of the Office of Child Care shall conduct an on-site investi-
29 gation of the premises of any certified or registered child care facility or of any other child care
30 facility that is subject to regulation by the office if the office receives a serious complaint about the

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 child care facility.

2 (4) Complaints, including but not limited to serious complaints, made by individuals or entities
 3 regarding certified or registered child care facilities, regulated subsidy facilities, preschool recorded
 4 programs or school-age recorded programs may be received and investigated by the Office of Child
 5 Care. The name, address and other identifying information about the individual or entity that made
 6 the complaint may not be disclosed.

7 (5) Any state agency that receives a complaint about a certified or registered child care facility,
 8 a regulated subsidy facility, a preschool recorded program or a school-age recorded program shall
 9 notify the Office of Child Care about the complaint and any subsequent action taken by the state
 10 agency based on that complaint.

11 (6) A director or operator of a child care facility, a regulated subsidy facility, a preschool re-
 12 corded program or a school-age recorded program shall permit an authorized representative of the
 13 Office of Child Care to inspect records of the facility or program and shall furnish promptly reports
 14 and information required by the office.

15 (7) The Office of Child Care may share information regarding investigations or inspections con-
 16 ducted under this section with other public entities when the office determines that sharing the in-
 17 formation would support the health or safety of children in child care.

18 *[(8) The Early Learning Council shall adopt rules defining the terms “serious complaint” and*
 19 *“regulated subsidy facility” as used in this section and ORS 329A.020.]*

20 **(8) The Office of Child Care shall make a reasonable attempt to identify any facility about**
 21 **which it receives a complaint, including but not limited to a serious complaint, described in**
 22 **this section if the complaint includes any of the following information:**

- 23 **(a) The name of a child in the care of the facility;**
- 24 **(b) The name of a child care provider, facility owner or operator or employee;**
- 25 **(c) The name of the facility;**
- 26 **(d) The phone number of the facility; or**
- 27 **(e) The physical address of the facility.**
- 28 **(9) As used in this section:**

29 **(a)(A) “Serious complaint” has the meaning given that term by the Early Learning**
 30 **Council by rule.**

31 **(B) “Serious complaint” includes notifications or reports of alleged child abuse received**
 32 **by the Office of Child Care.**

33 **(b) “Regulated subsidy facility” has the meaning given that term by the Early Learning**
 34 **Council by rule.**

35 **SECTION 3. The amendments to ORS 329A.020 and 329A.390 by sections 1 and 2 of this**
 36 **2019 Act apply to complaints received by the Office of Child Care on or after the effective**
 37 **date of this 2019 Act.**

38 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
 39 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
 40 **on its passage.**