



Oregon

Kate Brown, Governor

Early Learning Division



SB 49: Transfer Employment Related Day Care Background Check Process from the Oregon Department of Human Services to the Office of Child Care

Background:

Background checks for child care take place in two different agencies: Early Learning Division (ELD) for the licensed child care workforce and at the Oregon Department of Human Services (ODHS) for license-exempt Employment Related Day Care (ERDC) providers. From a policy perspective, the current system seating background checks in two different agencies results in different standards and processes for what is effectively the same work: caring for children age 6 months to 12 years.

The Oregon Secretary of State (SOS) released an audit on the child care background check process in June 2020 that looked at the child care background check processes at the Office of Child Care (OCC), ODHS and the Oregon State Police. The audit found that there were inconsistencies in the standards and criteria for the background check processes between the OCC and ODHS. The audit recommended that the OCC and ODHS propose legislation to have all child care background checks performed by a single agency to avoid these inconsistencies. Both agencies agreed with this recommendation and the ELD introduced legislation to transfer the background checks for licensed-exempt child care providers to OCC from the Background Check Unit at ODHS.

Statutory Change:

SB 49 will transfer the responsibility for child care subsidy-related background checks to the OCC from the Background Check Unit at ODHS. It will “grandfather in” the existing, qualified ERDC providers and their associates. These providers and associates will be enrolled in the Central Background (CBR) as their two-year background check from ODHS expires.

The -1 amendments make distinctions between the statutory definitions of child care and subsidized care and have no bearing on the policy proposal itself. In addition, these amendments clarify that the eligibility of the subsidized care providers to receive reimbursement is subject to their enrollment in the central background registry, not affecting a family’s eligibility as the bill was originally drafted.