

**A-Engrossed**  
**Senate Bill 50**

Ordered by the Senate April 9  
Including Senate Amendments dated April 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (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.

Requires operators, employees and volunteers of preschool recorded programs and school-age recorded programs to be enrolled in Central Background Registry. **Creates temporary exception.** [*Directs Early Learning Council to adopt rules to establish minimum health and safety standards for preschool recorded programs and school-age recorded programs.*]

Authorizes Office of Child Care to conduct certain investigations of preschool recorded programs and school-age recorded programs.

**Becomes operative on January 2, 2022.**

**Takes effect on 91st day following adjournment sine die.**

**A BILL FOR AN ACT**

1  
2 Relating to recorded programs; creating new provisions; amending ORS 329A.030, 329A.250,  
3 329A.252, 329A.255, 329A.390 and 419B.005; repealing ORS 329A.257; and prescribing an effective  
4 date.

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

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

7 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may  
8 maintain information in the registry through electronic records systems.

9 (2)(a) A subject individual shall apply to and must be enrolled in the Central Background Reg-  
10 istry as part of the individual's application to operate a program or serve in a position described in  
11 subsection (10) of this section.

12 (b) An individual who has been the subject of a founded or substantiated report of child abuse  
13 shall apply to and **must** be enrolled in the Central Background Registry prior to providing any of  
14 the types of care identified in ORS 329A.250 (4)(a), (g) or (h) if:

15 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or  
16 suffered serious physical injury, as defined in ORS 161.015; or

17 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom  
18 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS  
19 329A.250 (4)(a), (c), (f), (g), (h) or (i).

20 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)  
21 of this subsection is not required to enroll in the Central Background Registry if more than seven  
22 years has elapsed since the date of the child abuse determination.

23 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-

**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 fice shall complete:

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

3 (B) A criminal records check of other registries or databases in accordance with rules adopted  
4 by the Early Learning Council;

5 (C) A child abuse and neglect records check in accordance with rules adopted by the council;  
6 and

7 (D) A foster care certification check and an adult protective services check in accordance with  
8 rules adopted by the council.

9 (b) In addition to the information that the office is required to check under paragraph (a) of this  
10 subsection, the office may consider any other information obtained by the office that the office, by  
11 rule, determines is relevant to enrollment in the Central Background Registry.

12 (4)(a) The office shall enroll the individual in the Central Background Registry if the individual:

13 (A) Is determined to have no criminal, child abuse and neglect, negative adult protective ser-  
14 vices or negative foster home certification history, or to have dealt with the issues and provided  
15 adequate evidence of suitability for the registry;

16 (B) Has paid the applicable fee established pursuant to ORS 329A.275; and

17 (C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

18 (b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office  
19 may enroll an individual in the registry if the Department of Human Services has completed a  
20 background check on the individual and the individual has received approval from the department  
21 for purposes of providing child care.

22 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-  
23 vidual in the Central Background Registry if:

24 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

25 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

26 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is  
27 enrolled in the registry, the office shall remove the individual from the registry.

28 (6)(a) The office may conditionally enroll an individual in the Central Background Registry  
29 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-  
30 gation if the individual has met other requirements of the office for enrollment in the registry.

31 (b) The office may enroll an individual in the registry subject to limitations identified in rules  
32 adopted by the council.

33 (7) An enrollment in the Central Background Registry may be renewed upon application to the  
34 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted  
35 by the Early Learning Council pursuant to this section. However, an individual who is determined  
36 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed  
37 or suspended from the registry by the office.

38 (8)(a) A child care facility *[shall]*, **preschool recorded program or school-age recorded pro-**  
39 **gram may** not hire or employ an individual if the individual is not enrolled in the Central Back-  
40 ground Registry.

41 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, **preschool recorded**  
42 **program or school-age recorded program** may employ on a probationary basis an individual who  
43 is conditionally enrolled in the Central Background Registry.

44 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this  
45 section, including but not limited to rules regarding expiration and renewal periods and limitations

1 related to the subject individual's enrollment in the Central Background Registry.

2 (10) *[For purposes of]* **As used in** this section, "subject individual" means a subject individual  
3 as defined by the Early Learning Council by rule, an individual subject to subsection (2)(b) of this  
4 section or a person who applies to be:

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

6 (b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to  
7 329.200;

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

10 (d) An individual in a child care facility, **preschool recorded program or school-age recorded**  
11 **program** who may have unsupervised contact with children as identified by the office;

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

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

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

19 (h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly  
20 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with  
21 a private agency or organization that facilitates the provision of such respite services; *[or]*

22 (i) The operator or an employee of an early learning program as defined in rules adopted by the  
23 council[.]; **or**

24 **(j) The operator or an employee of a preschool recorded program or a school-age re-**  
25 **corded program.**

26 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268  
27 about the enrollment status of the persons described in subsection (10)(g) of this section shall be  
28 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-  
29 vide for the recovery of administrative, including direct and indirect, costs incurred by the office  
30 from participation in the agreement. Any moneys collected under this paragraph shall be deposited  
31 in the Child Care Fund established under ORS 329A.010.

32 (b) Information provided to a private agency or organization facilitating the provision of respite  
33 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney  
34 under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this  
35 section shall be subject to an agreement with the private agency or organization. The agreement  
36 must provide for the recovery of administrative, including direct and indirect, costs incurred by the  
37 office from participation in the agreement. Any moneys collected under this paragraph shall be de-  
38 posited in the Child Care Fund established under ORS 329A.010.

39 (c) Information provided to a private agency or organization about the enrollment status of the  
40 persons described in subsection (10)(i) of this section shall be subject to an agreement with the pri-  
41 vate agency or organization. The agreement must provide for the recovery of administrative, in-  
42 cluding direct and indirect, costs incurred by the office from participation in the agreement. Any  
43 moneys collected under this paragraph shall be deposited in the Child Care Fund established under  
44 ORS 329A.010.

45 **SECTION 2.** ORS 329A.252 is amended to read:

1 329A.252. (1) As used in this section, “exempt prohibited individual” means:

2 (a) An individual whose **record**, certification or registration is suspended, has been denied for  
3 cause or has been revoked under ORS **329A.255** or 329A.350.

4 (b) An individual whose enrollment in the Central Background Registry established by ORS  
5 329A.030 is suspended, has been denied for cause or has been removed under ORS 329A.030.

6 (c) An individual whose **record**, certification, registration or enrollment in the Central Back-  
7 ground Registry is subject to an emergency order of suspension under ORS 183.430 (2).

8 (d) An individual who voluntarily surrendered the individual’s **record**, certification, registration  
9 or enrollment in the Central Background Registry while under investigation by the Office of Child  
10 Care or at any time after the Office of Child Care has given notice of an administrative proceeding  
11 against the individual, [*or*] the individual’s child care facility, **the individual’s preschool recorded**  
12 **program or the individual’s school-age recorded program**.

13 (e) An individual to whom the Office of Child Care has issued a final order to cease and desist:

14 (A) After a contested proceeding; or

15 (B) That has become effective because the individual did not request a hearing.

16 (2) For five years following the date on which an individual becomes an exempt prohibited in-  
17 dividual, the exempt prohibited individual:

18 (a) Is ineligible for enrollment in the Central Background Registry; and

19 (b) May not provide care to a child who is not related to the exempt prohibited individual by  
20 blood or marriage within the fourth degree as determined by civil law.

21 (3) After the five-year period described in subsection (2) of this section, an individual ceases to  
22 be an exempt prohibited individual if the individual enrolls in the Central Background Registry.

23 (4) Notwithstanding the five-year period described in subsection (2) of this section, an individual  
24 shall be permanently considered an exempt prohibited individual and shall be permanently subject  
25 to the prohibitions described in subsection (2) of this section if the individual:

26 (a) Has been convicted of, in any state, a crime in which a child suffered serious physical injury,  
27 as defined in ORS 161.015, or death; or

28 (b) Is required to report as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025  
29 or the laws of another jurisdiction.

30 **SECTION 3.** ORS 329A.255 is amended to read:

31 329A.255. (1) A person operating a preschool recorded program **or a school-age recorded pro-**  
32 **gram** may not operate the program without [*performing criminal background checks for all staff and*  
33 *volunteers and*] becoming recorded with the Office of Child Care as provided in this section.

34 (2) To obtain recording, the person must apply to the office by submitting a completed record  
35 application form and a nonrefundable fee as established by the office. The office shall determine and  
36 apply the fee through rules adopted by the Early Learning Council under ORS 329A.275. The office  
37 shall deposit fees received under this subsection as provided in ORS 329A.310 (2).

38 (3) The office shall issue a record to a person operating a preschool recorded program **or a**  
39 **school-age recorded program** if the office determines that the applicant meets the requirements  
40 of ORS **329A.030** and 329A.250 to 329A.450 and the rules adopted pursuant to ORS **329A.030** and  
41 329A.250 to 329A.450 and subsection (9) of this section.

42 (4) Unless the record is revoked as provided in subsection (8) of this section, the record is valid  
43 for a period of two years from the date of issuance.

44 (5) A record authorizes operation of the preschool recorded program **or the school-age re-**  
45 **corded program** only on the premises described in the record and only by the person named in the

1 record.

2 (6) The office shall create and maintain a database of preschool recorded programs **and**  
3 **school-age recorded programs** recorded under this section and shall update the database annually.  
4 The database shall include, but need not be limited to, the following information:

5 (a) Name and address of the program;

6 (b) Name of operator; and

7 (c) Significant program information, as determined by the Early Learning Council by rule.

8 (7) A preschool recorded program **or school-age recorded program** recorded under this section  
9 must post, and provide parents with, a notice that the preschool recorded program **or school-age**  
10 **recorded program** is not certified under ORS 329A.280 or registered under ORS 329A.330.

11 (8) An initial application or renewal application for recording of a preschool recorded program  
12 **or school-age recorded program** may be denied, revoked or suspended, if the office finds:

13 (a) That the program or its operation does not comply with ORS **329A.030 or** 329A.250 to  
14 329A.450, with applicable rules and with any term or condition imposed under the record; or

15 (b) That investigation of the program or its records authorized by ORS 329A.390 has not been  
16 permitted.

17 (9) The Early Learning Council shall adopt any rules necessary to carry out the provisions of  
18 this section.

19 (10) A person who violates any provision of this section or any term or condition of a record is  
20 subject to a civil penalty not to exceed \$100.

21 **SECTION 4.** ORS 329A.390 is amended to read:

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

27 (2) At any reasonable time, an authorized representative of the Office of Child Care may conduct  
28 an investigation of any certified or registered child care facility, **preschool recorded program or**  
29 **school-age recorded program** to determine whether the child care facility, **preschool recorded**  
30 **program or school-age recorded program** is in conformity with ORS 181A.200, 329A.030 and  
31 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215,  
32 329A.030 and 329A.250 to 329A.450.

33 (3) An authorized representative of the Office of Child Care shall conduct an investigation of  
34 any certified or registered child care facility, **preschool recorded program or school-age re-**  
35 **corded program**, or of any other child care facility that is subject to regulation by the office, if the  
36 office receives a serious complaint about the child care facility **or program**.

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

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

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

5 (7) In conducting an investigation under this section, the office may:

6 (a) Take evidence;

7 (b) Take the depositions of witnesses, including the person under investigation, in the manner  
8 prescribed by law for depositions in civil actions;

9 (c) Compel the appearance of witnesses, including the person under investigation, in the manner  
10 prescribed by law for appearances in civil actions;

11 (d) Require answers to interrogatories;

12 (e) Compel the production of books, papers, accounts, documents or testimony that pertains to  
13 the matter under investigation;

14 (f) Issue subpoenas; and

15 (g) Inspect the premises of the facility under investigation.

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

19 (9) The Office of Child Care shall make a reasonable attempt to identify any child care facility  
20 or person or place providing child care about which the office receives a complaint, including but  
21 not limited to a serious complaint, if the complaint includes, but is not limited to, any of the fol-  
22 lowing information:

23 (a) The name of a child in the care of the child care facility or person or place providing child  
24 care, or the child's parent;

25 (b) The name of a child care provider, a child care facility owner, operator or employee, or a  
26 person or place providing child care;

27 (c) The name of the child care facility or person or place providing child care;

28 (d) The phone number of the child care facility or person or place providing child care; or

29 (e) The physical address of the child care facility or person or place providing child care.

30 (10) As used in this section:

31 (a)(A) "Serious complaint" has the meaning given that term by the Early Learning Council by  
32 rule.

33 (B) "Serious complaint" includes notifications or reports of alleged child abuse received by the  
34 Office of Child Care.

35 (b) "Regulated subsidy facility" has the meaning given that term by the Early Learning Council  
36 by rule.

37 **SECTION 5.** ORS 329A.250 is amended to read:

38 329A.250. As used in ORS 329A.030 and 329A.250 to 329A.450, unless the context requires oth-  
39 erwise:

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

42 (2) "Certification" means the certification that is issued under ORS 329A.280 by the Office of  
43 Child Care to a family child care home, child care center or other child care facility.

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

1 (4) Subject to ORS 329A.440, “child care” means the care, supervision and guidance on a regular  
2 basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part  
3 of the 24 hours of the day, in a place other than the child’s home, with or without compensation.

4 “Child care” does not include care provided:

5 (a) In the home of the child;

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

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

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

10 (e) By providers of medical services;

11 (f) By a babysitter;

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

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

14 or

15 (i) By a person who is a member of the child’s extended family, as determined by the office on  
16 a case-by-case basis.

17 (5) “Child care facility” means any facility that provides child care to children, including a day  
18 nursery, nursery school, child care center, certified or registered family child care home or similar  
19 unit operating under any name, but not including any:

20 (a) Preschool recorded program.

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

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

25 (d) Facility operated by:

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

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

28 (C) A governmental agency.

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

30 (f) Babysitters.

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

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

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

35 (6) “Family” has the meaning given that term in ORS 329.145.

36 (7) “Occasional” means that care is provided for no more than 70 days in any calendar year.

37 (8) “Parent cooperative” means a child care program in which:

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

39 (b) Membership in the cooperative includes parents;

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

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

43 (9) “Preschool recorded program” means a facility providing care for preschool children that is  
44 primarily educational for four hours or less per day and where no child is present at the facility for  
45 more than four hours per day.

1 (10) "Record" means the record that is issued under ORS 329A.255 to a preschool recorded  
2 program or [*under ORS 329A.257 to*] a school-age recorded program.

3 (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of  
4 Child Care to a family child care home where care is provided in the family living quarters of the  
5 provider's home.

6 (12) "School age" means of an age eligible to be enrolled in kindergarten or above on or before  
7 the first day of the current school year.

8 (13) "School-age recorded program" means a program for school-age children:

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

10 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;  
11 and

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

14 (14) "Youth development activities" means care, supervision or guidance that is intended for  
15 enrichment, including but not limited to teaching skills or proficiency in physical, social or educa-  
16 tional activities such as tutoring, music lessons, social activities, sports and recreational activities.

17 **SECTION 6.** ORS 419B.005 is amended to read:

18 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

19 (1)(a) "Abuse" means:

20 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
21 which has been caused by other than accidental means, including any injury which appears to be  
22 at variance with the explanation given of the injury.

23 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
24 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
25 regard to the culture of the child.

26 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
27 tration and incest, as those acts are described in ORS chapter 163.

28 (D) Sexual abuse, as described in ORS chapter 163.

29 (E) Sexual exploitation, including but not limited to:

30 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
31 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
32 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
33 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
34 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
35 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
36 which is designed to serve educational or other legitimate purposes; and

37 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in  
38 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as  
39 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

40 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
41 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
42 welfare of the child.

43 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
44 to the child's health or welfare.

45 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.



1 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
2 methamphetamines are being manufactured.

3 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful  
4 manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a sub-  
5 stantial risk of harm to the child's health or safety.

6 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the  
7 conditions described in paragraph (a) of this subsection.

8 (2) "Child" means an unmarried person who:

9 (a) Is under 18 years of age; or

10 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring  
11 agency as that term is defined in ORS 418.205.

12 (3) "Higher education institution" means:

13 (a) A community college as defined in ORS 341.005;

14 (b) A public university listed in ORS 352.002;

15 (c) The Oregon Health and Science University; and

16 (d) A private institution of higher education located in Oregon.

17 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged  
18 to have experienced abuse.

19 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

20 (5) "Law enforcement agency" means:

21 (a) A city or municipal police department.

22 (b) A county sheriff's office.

23 (c) The Oregon State Police.

24 (d) A police department established by a university under ORS 352.121 or 353.125.

25 (e) A county juvenile department.

26 (6) "Public or private official" means:

27 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,  
28 including any intern or resident.

29 (b) Dentist.

30 (c) School employee, including an employee of a higher education institution.

31 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
32 or employee of an in-home health service.

33 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning  
34 Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon  
35 Youth Authority, a local health department, a community mental health program, a community de-  
36 velopmental disabilities program, a county juvenile department, a child-caring agency as that term  
37 is defined in ORS 418.205 or an alcohol and drug treatment program.

38 (f) Peace officer.

39 (g) Psychologist.

40 (h) Member of the clergy.

41 (i) Regulated social worker.

42 (j) Optometrist.

43 (k) Chiropractor.

44 (L) Certified provider of foster care, or an employee thereof.

45 (m) Attorney.

- 1 (n) Licensed professional counselor.
- 2 (o) Licensed marriage and family therapist.
- 3 (p) Firefighter or emergency medical services provider.
- 4 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 5 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 6 (s) Member of the Legislative Assembly.
- 7 (t) Physical, speech or occupational therapist.
- 8 (u) Audiologist.
- 9 (v) Speech-language pathologist.
- 10 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 11 gations or discipline by the commission.
- 12 (x) Pharmacist.
- 13 (y) An operator of a preschool recorded program under ORS 329A.255.
- 14 (z) An operator of a school-age recorded program under ORS [329A.257] **329A.255**.
- 15 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 16 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 17 109.056.
- 18 (bb) Employee of a public or private organization providing child-related services or activities:
- 19 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 20 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 21 vision or auspices of religious, public or private educational systems or community service organ-
- 22 izations; and
- 23 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
- 24 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
- 25 ficking.
- 26 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 27 if compensated and if the athlete is a child.
- 28 (dd) Personal support worker, as defined in ORS 410.600.
- 29 (ee) Home care worker, as defined in ORS 410.600.
- 30 (ff) Animal control officer, as defined in ORS 609.500.
- 31 (gg) Member of a school district board or public charter school governing body.
- 32 (hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a
- 33 service identified in an individualized written service plan of a child with a developmental disability.

34 **SECTION 7. ORS 329A.257 is repealed.**

35 **SECTION 8.** (1) **As used in this section, “program” means a preschool recorded program**

36 **or a school-age recorded program, as those terms are defined in ORS 329A.250.**

37 (2) **Notwithstanding ORS 329A.030, a program may continue to employ an individual who**

38 **is not enrolled in the Central Background Registry on January 2, 2022, if:**

39 (a) **The individual was employed by the program on and before January 2, 2022;**

40 (b) **The program completed a criminal background check for the individual before Janu-**

41 **ary 2, 2022;**

42 (c) **The individual has submitted an application for enrollment in the Central Background**

43 **Registry not later than June 30, 2022; and**

44 (d) **The office has not issued a notice of intent to deny the individual’s application for**

45 **enrollment in the Central Background Registry.**

1       **(3) Notwithstanding ORS 329A.030, a program may continue to allow an individual who**  
2 **is not enrolled in the Central Background Registry on January 2, 2022, to volunteer in the**  
3 **program if:**

4       **(a) The individual was volunteering in the program on and before January 2, 2022;**

5       **(b) The program completed a criminal background check for the individual before Janu-**  
6 **ary 2, 2022;**

7       **(c) The individual has submitted an application for enrollment in the Central Background**  
8 **Registry not later than June 30, 2022; and**

9       **(d) The office has not issued a notice of intent to deny the individual's application for**  
10 **enrollment in the Central Background Registry.**

11       **SECTION 9.** **The Office of Child Care may accept and process applications for enrollment**  
12 **in the Central Background Registry that are submitted under section 8 of this 2021 Act and**  
13 **received by the office before, on or after January 2, 2022.**

14       **SECTION 10.** **Sections 8 and 9 of this 2021 Act are repealed on January 2, 2024.**

15       **SECTION 11.** **(1) Section 8 of this 2021 Act, the amendments to ORS 329A.030, 329A.250,**  
16 **329A.252, 329A.255, 329A.390 and 419B.005 by sections 1 to 6 of this 2021 Act and the repeal**  
17 **of ORS 329A.257 by section 7 of this 2021 Act become operative on January 2, 2022.**

18       **(2) The Office of Child Care and the Early Learning Council may take any action before**  
19 **the operative date specified in subsection (1) of this section that is necessary for the office**  
20 **or council to exercise, on and after the operative date specified in subsection (1) of this**  
21 **section, all of the duties, functions and powers conferred on the office or the council by**  
22 **section 8 of this 2021 Act, the amendments to ORS 329A.030, 329A.250, 329A.252, 329A.255,**  
23 **329A.390 and 419B.005 by sections 1 to 6 of this 2021 Act and the repeal of ORS 329A.257 by**  
24 **section 7 of this 2021 Act.**

25       **SECTION 12.** **This 2021 Act takes effect on the 91st day after the date on which the 2021**  
26 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

27