

HB 3073-B5  
(LC 1898)  
6/2/21 (HRL/ps)

Requested by Representative POWER

**PROPOSED AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 3073**

1 On page 1 of the printed B-engrossed bill, delete lines 14 through 17 and  
2 insert:

3 “Whereas access to continuous, high-quality child care, early care and  
4 education and out-of-school programs is critical to a child’s success in school  
5 and life; and”.

6 On page 2, delete lines 7 and 8.

7 On page 11, line 45, after “developmental” insert “, disability and  
8 neurodiversity”.

9 On page 57, line 10, delete “July 1, 2022” and insert “January 1, 2023”.

10 On page 59, delete lines 29 through 45 and delete page 60.

11 On page 61, delete line 1 and insert:

12 “**SECTION 73.** ORS 329A.500, as amended by section 8 of this 2021 Act,  
13 is amended to read:

14 “329A.500. (1) As used in this section, ‘family’ means any individual who  
15 is responsible for the care, control and supervision of a child.

16 “(2) The [*Department of Human Services and the*] Early Learning Council  
17 shall adopt rules for the operation of the Employment Related Day Care  
18 subsidy program administered by the Department **of Early Learning and**  
19 **Care.**

20 “(3) The rules adopted under this section must support equitable access  
21 to a supply of diverse child care providers that meet the needs of families,

1 as those needs are defined by the [*department*] **council** by rule, including:

2 “(a) Cultural diversity;

3 “(b) Linguistic diversity;

4 “(c) Racial and ethnic diversity; and

5 “(d) Diversity of provider types.

6 “(4) The rules adopted under this section must provide that:

7 “(a) A child’s eligibility to participate in the Employment Related Day  
8 Care subsidy program must be based on:

9 “(A) The household income of a child’s family; and

10 “(B) Any other criteria established by the [*department*] **council**.

11 “(b) A child must be able to receive care that:

12 “(A) Meets the child’s developmental, disability and neurodiversity needs;  
13 and

14 “(B) Enables the child’s family to complete activities that relate to family  
15 well-being, which may include the family’s work hours, education hours,  
16 commute time, study time and other activities that support family well-being.

17 “(c) Payment to child care providers must be based on enrollment instead  
18 of attendance.

19 “(d) **A child care provider may be eligible to receive a higher rate  
20 of reimbursement or other financial incentives for:**

21 “(A) **Participating in quality improvement measures;**

22 “(B) **Providing culturally or linguistically specific or appropriate  
23 care;**

24 “(C) **Providing evening, overnight or weekend care;**

25 “(D) **Providing care to children with a diagnosed disability;**

26 “(E) **Providing infant or toddler care;**

27 “(F) **Providing care to a population that has been identified as his-  
28 torically having an inadequate child care provider supply; or**

29 “(G) **Providing any other specialized care that justifies a higher rate  
30 of reimbursement.**

1       “(5) Taking into account the availability of funds, the rules adopted under  
2 this section [*must establish*]:

3       **“(a) Must establish** a sliding scale for copayment, with the requirement  
4 that a copayment may not exceed seven percent of the household income of  
5 the child’s family.

6       **“(b) Must provide that eligibility to participate in the Employment  
7 Related Day Care subsidy program:**

8       **“(A) May not be based on the citizenship or legal status of a child  
9 or a child’s family; and**

10       **“(B) Shall, for a child who met the initial eligibility requirements  
11 prescribed under subsection (4) of this section, continue for a mini-  
12 mum of 12 months from the date of initial eligibility unless the child’s  
13 family leaves this state or requests a termination of benefits or for any  
14 other reason identified by the council. Rules adopted under this sub-  
15 paragraph shall give priority to families receiving temporary assist-  
16 ance under the temporary assistance for needy families program  
17 described in ORS 412.006.**

18       **“(c) May provide that a determination of eligibility to participate  
19 in the Employment Related Day Care subsidy program consider the  
20 availability of family to attend to the child, regardless of the family’s  
21 physical presence.**

22       “(6) In developing rules under this section, the [*department*] **council** shall  
23 consider policies for increasing the stability and continuity of a child’s ac-  
24 cess to a family’s preferred child care provider.

25       “(7) Rules adopted by the [*department*] **council** under this section estab-  
26 lish minimum requirements pertaining to the Employment Related Day Care  
27 subsidy program and may not be construed to preempt, limit or otherwise  
28 diminish the applicability of any policy, standard or collective bargaining  
29 agreement that provides for an increased subsidy or a child care provider  
30 reimbursement amount under state or federal law.

1 “(8)(a) The [*department*] **council** shall work to meet federal recommen-  
2 dations for income eligibility and market access in regard to the Employment  
3 Related Day Care subsidy program administered by the [*department*]  
4 **council**.

5 “(b) Notwithstanding any provision of this section or any rule adopted  
6 by the [*department*] **council** pursuant to this section, the laws and regu-  
7 lations applicable to the federal funds shall govern when any aspect of child  
8 care is funded by federal funds.”.

9 On page 64, line 32, delete “June 30” and insert “July 1”.

10 On page 66, delete lines 27 through 45.

11 On page 67, delete lines 1 through 11 and insert:

12 **“SECTION 85. (1) No later than September 30, 2021, the Early**  
13 **Learning Division, in collaboration with the Department of Education**  
14 **and the Department of Human Services, shall report to the appropriate**  
15 **interim committees of the Legislative Assembly. The report shall ad-**  
16 **dress the progress on the plans required to be developed and imple-**  
17 **mented as provided by sections 64 and 78 of this 2021 Act, including:**

18 **“(a) Progress on the transfer of child care assistance programs, in-**  
19 **cluding the Employment Related Day Care subsidy program, to the**  
20 **Early Learning Division.**

21 **“(b) Progress on efforts to strengthen the alignment of the early**  
22 **childhood special education and early intervention services within the**  
23 **statewide early learning system.**

24 **“(c) Progress on the adoption of rules related to school-age child**  
25 **care.**

26 **“(2) No later than January 15, 2022, the Department of Human**  
27 **Services, in collaboration with the Early Learning Division, shall re-**  
28 **port to the appropriate interim committees of the Legislative Assem-**  
29 **bly. The report shall address the timelines and fiscal impact of the**  
30 **eligibility requirements as provided by the amendments to ORS**

1 329A.500 by section 73 of this 2021 Act.

2 “(3) No later than January 15, 2022, the Early Learning Division, in  
3 collaboration with the Department of Education and the Department  
4 of Human Services, shall report to the appropriate interim committees  
5 of the Legislative Assembly. The report shall address the progress on  
6 the plans required to be developed and implemented as provided by  
7 sections 64 and 78 of this 2021 Act, including:

8 “(a) Progress on the transfer of background checks inspections for  
9 the Employment Related Day Care subsidy program to the Early  
10 Learning Division, including any recommendations for legislation or  
11 other authority necessary for the collection of subsidy overpayments  
12 made under the program.

13 “(b) Progress on the transfer of child care assistance programs, in-  
14 cluding the Employment Related Day Care subsidy program, to the  
15 Early Learning Division, and any recommended changes related to the  
16 transfer.

17 “(c) Recommendations to strengthen the alignment of the early  
18 childhood special education and early intervention services within the  
19 statewide early learning system, including any recommended changes  
20 to governance, policymaking or other oversight of the system.

21 “(d) Progress on the adoption of rules related to school-age child  
22 care.

23 “(e) Any fiscal impacts of the plan and any conflicts of the plan  
24 with federal statute that must be resolved.

25 “(f) Any budgetary impacts or recommendations for legislation re-  
26 lated to the plan.

27 “(4) No later than September 30, 2022, the Early Learning Division,  
28 in collaboration with the Department of Education and the Depart-  
29 ment of Human Services, shall report to the appropriate interim  
30 committees of the Legislative Assembly. The report shall include up-

1 **dates on the implementation of the plan required to be developed and**  
2 **implemented as provided by section 64 of this 2021 Act and the progress**  
3 **on the plan required to be developed and implemented as provided by**  
4 **section 78 of this 2021 Act.”.**

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