

HB 3558 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 4/24

WHAT THE MEASURE DOES:

Modifies the definition of “child care” and “subsidized care”. Permits division of the functions of the Department of Early Learning and Care (DELIC) into administrative divisions or offices under the supervision of a person appointed by the Early Learning System Director. Abolishes Office of Child Care and transfers responsibilities of office to DELIC. Establishes the Child Care Fund administered by the Department of Early Learning and Care or any divisions or offices of the department. Permits DELIC to grant limited enrollment in the Central Background Registry to a relative caretaker of a child for whom care is provided in a subsidized care facility. Prohibits child care facilities to interfere with the good faith disclosure of information by a parent, legal guardian or a current or former employee or volunteer concerning abuse or mistreatment of a child in the child care facility, violations of licensing or certification requirements, criminal activity at the facility, violations of state or federal laws or any practice that threatens the health and safety of a child. Adds terminating or threatening to terminate care of a child or asking a parent or legal guardian of a child to sign a nondisclosure or similar agreement as actions identified as a child care facility interfering with the disclosure of the information. Replaces references to "regulated subsidy facilities" to "subsidized care facilities" for the purposes of Employment Related Day Care program. Directs DELIC to accept the Department of Human Service’s background check of an individual for the purposes of the Employment Related Day Care subsidy program as satisfying the requirements of the Central Background Registry. Declares emergency, effective July 1, 2023.

FISCAL: Minimal fiscal impact

REVENUE: No revenue impact

HOUSE VOTE: Ayes, 35; Nays, 17; Absent, 1; Excused, 5; Excused for Business of the House, 2

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Early Learning Division of the Oregon Department of Education was established by passage of [House Bill 3234 in 2013](#). That measure transferred certain duties previously assigned to the Early Learning Council to the Division. Since that time, the Division has served to govern and manage most of the state's early child care and education programs and services. [House Bill 3073 \(2021\)](#) made the Early Learning Division into an independent state agency called the Department of Early Learning and Care (DELIC) and transferred responsibility of administration of the Employment Related Day Care program from the Department of Human Services to DELIC. [House Bill 4005 \(2022\)](#) extended the date by which the transition to independence would take place to July 1, 2023 and centralized responsibility for background checks for the Employment Related Day Care program providers in DELIC's Central Background Registry alongside other early learning program providers. The Office of Child Care within DELIC is responsible for regulating child care providers. Providers are required by law to comply with Office of Child Care regulations, including requirements to apply for certification, registration, or recording with the office. All staff and volunteers are required to be enrolled in the Central Background Registry. The Office of Child Care may also

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conduct investigations of programs and facilities to ensure compliance.

House Bill 3558 grants discretion to DELC to organize itself into administrative divisions and modifies definitions and provisions relating to regulation of child care providers.