

House Bill 2683

Sponsored by Representative KROPF; Representative REYNOLDS (Presession filed.)

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**.

Provides that child who has open case in child welfare system is eligible to participate in Employment Related Day Care subsidy program.

A BILL FOR AN ACT

1
2 Relating to child eligibility to participate in Employment Related Day Care subsidy program;
3 amending ORS 329A.500.

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

5 **SECTION 1.** ORS 329A.500 is amended to read:

6 329A.500. (1) As used in this section, "family" means any individual who is responsible for the
7 care, control and supervision of a child.

8 (2) The Department of Human Services and the Early Learning Council shall adopt rules for the
9 operation of the Employment Related Day Care subsidy program administered by the department.

10 (3) The rules adopted under this section must support equitable access to a supply of diverse
11 child care providers that meet the needs of families, as those needs are defined by the department
12 by rule, including:

- 13 (a) Cultural diversity;
14 (b) Linguistic diversity;
15 (c) Racial and ethnic diversity; and
16 (d) Diversity of provider types.

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

18 (a) **Except as provided by paragraph (b) of this subsection**, a child's eligibility to participate
19 in the Employment Related Day Care subsidy program must be based on:

- 20 (A) The household income of a child's family; and
21 (B) Any other criteria established by the department.

22 **(b) A child must be eligible to participate in the Employment Related Day Care subsidy**
23 **program if the child has an open case in the child welfare system, as determined by the de-**
24 **partment based on rule.**

25 *[(b)]* (c) A child must be able to receive care that:

26 (A) Meets the child's developmental, disability and neurodiversity needs; and
27 (B) Enables the child's family to complete activities that relate to family well-being, which may
28 include the family's work hours, education hours, commute time, study time and other activities that
29 support family well-being.

30 *[(c)]* (d) Payment to child care providers must be based on enrollment instead of attendance.

31 *[(d)]* (e) A child's family may qualify for an incentive if the family voluntarily chooses a child

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 care provider that participates in the quality recognition and improvement system established under
 2 ORS 329A.261. A fair representation of the recipients who qualify for incentives must be families
 3 with children who are from underserved racial, ethnic or minority populations. In addition, child
 4 care providers that participate in the quality recognition and improvement system may receive fi-
 5 nancial incentives under the subsidy programs in accordance with criteria established by rule.

6 (5) Taking into account the availability of funds, the rules adopted under this section must es-
 7 tablish a sliding scale for copayment, with the requirement that a copayment may not exceed seven
 8 percent of the household income of the child’s family.

9 (6) In developing rules under this section, the department shall consider policies for increasing
 10 the stability and continuity of a child’s access to a family’s preferred child care provider.

11 (7) Rules adopted by the department under this section establish minimum requirements per-
 12 taining to the Employment Related Day Care subsidy program and may not be construed to preempt,
 13 limit or otherwise diminish the applicability of any policy, standard or collective bargaining agree-
 14 ment that provides for an increased subsidy or a child care provider reimbursement amount under
 15 state or federal law.

16 (8)(a) The department shall work to meet federal recommendations for income eligibility and
 17 market access in regard to the Employment Related Day Care subsidy program administered by the
 18 department.

19 (b) Notwithstanding any provision of this section or any rule adopted by the department pursu-
 20 ant to this section, the laws and regulations applicable to any federal funds shall govern when any
 21 aspect of child care is funded by federal funds.

22 **SECTION 2.** ORS 329A.500, as amended by section 73, chapter 631, Oregon Laws 2021, and
 23 section 25, chapter 27, Oregon Laws 2022, is amended to read:

24 329A.500. (1) As used in this section, “family” means any individual who is responsible for the
 25 care, control and supervision of a child.

26 (2) The Early Learning Council shall adopt rules for the operation of the Employment Related
 27 Day Care subsidy program and for other subsidy programs administered by the Department of Early
 28 Learning and Care.

29 (3) The rules adopted under this section must support equitable access to a supply of diverse
 30 subsidized care facilities that meet the needs of families, as those needs are defined by the council
 31 by rule, including:

- 32 (a) Cultural diversity;
- 33 (b) Linguistic diversity;
- 34 (c) Racial and ethnic diversity; and
- 35 (d) Diversity of subsidized care facility types.

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

37 (a) **Except as provided by paragraph (b) of this subsection**, a child’s eligibility to participate
 38 in the Employment Related Day Care subsidy program must be based on:

- 39 (A) The household income of a child’s family; and
- 40 (B) Any other criteria established by the council.

41 **(b) A child must be eligible to participate in the Employment Related Day Care subsidy**
 42 **program if the child has an open case in the child welfare system, as determined by the de-**
 43 **partment based on rule.**

44 *[(b)]* (c) A child must be able to receive care that:

- 45 (A) Meets the child’s developmental, disability and neurodiversity needs; and

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

4 [(c)] (d) Payment to subsidized care facilities must be based on enrollment instead of attendance.

5 [(d)] (e) A child’s family may qualify for an incentive if the family voluntarily chooses a subsi-
 6 dized care facility that participates in the quality recognition and improvement system established
 7 under ORS 329A.261. A fair representation of the recipients who qualify for incentives must be
 8 families with children who are from underserved racial, ethnic or minority populations. In addition,
 9 subsidized care facilities that participate in the quality recognition and improvement system may
 10 receive financial incentives under the subsidy programs in accordance with criteria established by
 11 rule.

12 [(e)] (f) A child care facility is not eligible to be a subsidized care facility and to receive a re-
 13 imbursement under the subsidy program unless each subject individual described in ORS 329A.030
 14 (10)(d) who operates, resides in or may have unsupervised contact with children at the subsidized
 15 care facility that provides or will provide subsidized care to the person’s child is enrolled in the
 16 Central Background Registry under ORS 329A.030.

17 [(f)] (g) A subsidized care facility may be eligible to receive a higher rate of reimbursement or
 18 other financial incentives for:

19 (A) Participating in quality improvement measures;

20 (B) Providing culturally or linguistically specific or appropriate care;

21 (C) Providing evening, overnight or weekend care;

22 (D) Providing care to children with a diagnosed disability;

23 (E) Providing infant or toddler care;

24 (F) Providing care to a population that has been identified as historically having an inadequate
 25 child care facility supply; or

26 (G) Providing any other specialized care that justifies a higher rate of reimbursement.

27 (5) Taking into account the availability of funds, the rules adopted under this section:

28 (a) Must establish a sliding scale for copayment, with the requirement that a copayment may
 29 not exceed seven percent of the household income of the child’s family.

30 (b) Must provide that eligibility to participate in the Employment Related Day Care subsidy
 31 program:

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

33 (B) Shall, for a child who met the initial eligibility requirements prescribed under subsection (4)
 34 of this section, continue for a minimum of 12 months from the date of initial eligibility unless the
 35 child’s family leaves this state or requests a termination of benefits or for any other reason identi-
 36 fied by the council. Rules adopted under this subparagraph shall give priority to families receiving
 37 temporary assistance under the temporary assistance for needy families program described in ORS
 38 412.006.

39 (c) May provide that a determination of eligibility to participate in the Employment Related Day
 40 Care subsidy program consider the availability of family to attend to the child, regardless of the
 41 family’s physical presence.

42 (6) In developing rules under this section, the council shall consider policies for increasing the
 43 stability and continuity of a child’s access to a family’s preferred child care facility.

44 (7) Rules adopted by the council under this section establish minimum requirements pertaining
 45 to the Employment Related Day Care subsidy program and may not be construed to preempt, limit

1 or otherwise diminish the applicability of any policy, standard or collective bargaining agreement
2 that provides for an increased subsidy or a subsidized care facility reimbursement amount under
3 state or federal law.

4 (8)(a) The council shall work to meet federal recommendations for income eligibility and market
5 access in regard to the Employment Related Day Care subsidy program administered by the council.

6 (b) Notwithstanding any provision of this section or any rule adopted by the council pursuant
7 to this section, the laws and regulations applicable to any federal funds shall govern when any as-
8 pect of child care is funded by federal funds.

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