

HB 2814 STAFF MEASURE SUMMARY

Senate Committee On Early Childhood and Behavioral Health

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Meeting Dates: 4/29, 5/6

WHAT THE MEASURE DOES:

The measure allows the Department of Early Learning and Care (DELIC) to waive certain certification requirements for child care facilities if DELIC determines that conditions or safeguards exist to protect the welfare of children and the consumer interests of children and parents. Declares an emergency, effective on passage.

Detailed Summary:

Certified Family Child Care Homes and Certified Centers

- Allows DELIC to waive certification requirements for certified family child care homes and certified centers upon good cause and if DELIC is satisfied that sufficient conditions or safeguards exist that protect the welfare of the children and the consumer interests of children and parents.

Registered Family Child Care Homes

- Removes the current ratios of children by age group that may be cared for in a registered family child care home.
- Directs the Early Learning Council to adopt rules specifying the number of children per age group that may receive care at registered family child care homes.
- Permits the Early Learning Council to limit the maximum number of children that may receive care at a registered family child care home to fewer than 10 based on the children's ages.

Fiscal Impact: Minimal fiscal impact

Revenue Impact: No revenue impact

House Vote: Ayes, 52; Nays, 0

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

[Oregon Revised Statute \(ORS\) 329A.250 - 329A.450](#) establish requirements for child care facilities, including requirements for certification and registration of child care facilities by the Department of Early Learning and Care (DELIC). [The Child Care Licensing Division \(CCLD\)](#), a division of DELIC, issues three different types of child care facility licenses: registered family child care homes, certified family child care homes, and certified centers for infants, toddlers, and school-age children. Registered family and certified family child care homes are generally located in residential homes, while certified child care centers are generally located in commercial or nonresidential settings.

[Registered family child care homes](#) are child care facilities that may care for a maximum of 10 children in a provider's own residence. Currently, [ORS 329A.330](#) limits the number of children per age group that may be cared for by registered family child care homes. Of the 10 children in care, a maximum of six may be preschool-age or younger, and of these six, only two children may be under 24 months of age. ORS 329A.330 also allows DELIC to waive one or more of the registration requirements for registered family child care homes if appropriate

conditions or safeguards exist. Registered family child care homes are regulated under [OAR 414-205-0000](#) - [OAR 414-205-0170](#). These rules outline requirements, including general licensing requirements and requirements around safety and sanitation. The process for providers to request an exception to a rule is outlined in [OAR 414-205-0150](#).

[Certified family child care homes](#), as defined in [OAR 414-350-0000](#), may care for up to 16 children in a residential home and must adhere to additional licensing requirements. Certified family child care homes are regulated under [OAR 414-350-0000](#) - [OAR 414-350-0405](#).

The third type of child care facility licensed by DELC is the certified child care center or "center." These centers are located in nonresidential or commercial settings, such as a nursery, dedicated child care center, or outdoor child care program. Certified centers care for children from six weeks of age through age 12, and certified school-age centers may only care for children that are school aged. Each of these types operate under a different set of Oregon Administrative Rules (OARs).

House Bill 2814 allows the Department of Early Learning and Care to waive certain certification requirements for child care facilities if conditions or safeguards exist to protect the welfare and interests of children and their parents.