



Child Care Statutory Authority Workgroup

Background:

The Early Learning Division's Office of Child Care (OCC) is charged with assuring the health and safety of children in care based on federal law of the Child Care Development Fund (CCDF) and state requirements. OCC's statutes were first enacted in 1972, when the legislature enacted day care certification rules, which had been previously licensed by individual counties across the state. Over the last four decades as Oregon's child care needs have grown, the regulatory system and enforcement mechanisms have not evolved as quickly.

Problem:

While the Office of Child Care is charged with the health and safety of children in care, in certain situations it struggles to protect Oregon's children due to limited statutory authority. The Office of Child Care needs the appropriate level of authority to take action, while preserving the rights of licensed providers and central background registrants, should child care children be exposed to an unsafe or unhealthy environment.

Committee purpose:

It is recommended that this workgroup is convened by the Early Learning Council to develop and bring legislative recommendations forward for the 2018 legislative session:

1. Strengthen OCC's regulatory and enforcement functions to protect Oregon's children, including:
 - a. Grant OCC continuing jurisdiction over enforcement issues, so that the agency may continue enforcement actions even after a license or enrollment has expired
 - b. Address loophole that allows an exempt prohibited provider, who cannot provide child care themselves, to have a new provider enter the home and provide child care
 - c. Update child care definitions and requirements from the 1971 framework to the new landscape of early learning
 - d. Grant OCC the ability to issue cease and desist orders to non-licensed or non-enrolled care providers (current authority requires an OCC to seek a court injunction)
 - e. Grant OCC ability to level civil penalties against persons providing unlicensed child care
2. Align regulatory and enforcement functions with other agencies wherever possible
 - a. Burden of proof to match DHS requirements
3. Examine current statutes and where appropriate shift regulatory requirements to administrative rule so that OCC can remain nimble and better respond to ever changing community needs

Potential Membership:

Early Learning Council Members

Legislative staff members

Early Learning Division Staff

Early Learning Provider Organizations

