



LC 322 – OCC Child Care Safety

<p>What the measure does</p>	<p>Expands the Early Learning Division Office of Child Care’s (OCC) authority relating to the Central Background Registry (CBR). Permits the OCC to impose emergency conditions, when necessary, to prevent serious harm to health or safety of children in care. Permits the OCC to take evidence including depositions, compel the appearance of witnesses, require answers to interrogatories, compel production of documents, issue subpoenas and inspect facility premises when investigating licensed and unlicensed child care facilities.</p>
<p>Background</p>	<p>More than 4,100 child care facilities provide care to more than 100,000 children across diverse settings throughout the state on a daily basis. The OCC is statutorily required and authorized to regulate child care facilities and enforce standards to protect the health and safety of children in child care settings. The OCC has a number of tools within ORS Chapter 329A to ensure this protection, such as the authority to determine the suitability of individuals to care for children and the child care facilities in which care is taking place. These tools also include administrative and judicial remedies. The OCC also administers the Central Background Registry to maintain criminal background records check results of individuals associated with child care facilities, child protectives services, and adult foster care. In addition to the regulatory framework, programs and services are supported by the OCC through supports and technical assistance for licensed child care providers to ensure the quality and quantity of child care.</p> <p>Changes to the Child Care and Development Block Grant Act of 2014 (CCDBG) requires states receiving CCDBG funds to adopt and implement policies and procedures to ensure the health and safety of children in child care settings. The Early Learning Division’s successful implementation of many of the new CCDBG requirements required numerous statutory changes which were enacted by the legislature in 2017 (HB 2259) and 2018 (HB 4065). Even with this current level of authority, there are existing gaps in the OCC’s toolbox. Additional statutory authority which, if granted, would enhance the OCC’s ability to respond effectively when necessary to protect the health and safety of children in child care. Some of those gaps include:</p> <ul style="list-style-type: none"> • Determining the suitability of individuals and facilities caring for children: The databases that OCC may use to obtain this information are limited by statute. Therefore, some information obtained by the OCC through the licensing process may not be permissible when determining a subject individual’s eligibility for enrollment or re-enrollment in the Central Background Registry. • Statute limits the OCC’s inspection authority to only the facility and license holder and does not have authority to subpoena witnesses. This lack of authority hinders investigations since the OCC does not have the authority to compel testimony. • OCC does not have authority to issue emergency conditions on a facility’s license. Giving the OCC statutory authority to place emergency conditions on a license would provide opportunities to remediate health and safety issues discovered within the facility while allowing the facility to continue to operate.
<p>Summary</p>	<p>LC 58100-013 Expands the OCC’s authority to:</p> <ul style="list-style-type: none"> • Consider other information such as information collected and maintained through the child care licensing process when determining a subject individual’s eligibility for enrollment or re-enrollment in the Central Background Registry. • Conduct inspections of licensed and unlicensed child care facilities including taking depositions of witnesses and compel the appearance of witnesses, including the person charged under investigation; compel answers to interrogatories, production of books, papers, accounts and other documents. • Issue Emergency Conditions on a facility license, subject to due process, when there is evidence of immediate danger to the health and welfare of a child or children in care. Giving the OCC the statutory authority to place Emergency Conditions on a license would provide opportunities to remediate health and safety issues discovered within the facility while allowing the facility to continue to operate.
<p>Fiscal Impact</p>	<p>The bill expands the OCC’s authority when conducting investigations. These new provisions would allow the OCC to take depositions and interrogatories. These added activities would have associated personnel costs and DOJ associated costs. However, those costs are anticipated to be absorbed within existing resources.</p>
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