

Enrolled
Senate Bill 813

Sponsored by Senator GELSER; Senator MONNES ANDERSON, Representatives HELT, NOBLE

CHAPTER

AN ACT

Relating to investigations of child care facilities; creating new provisions; amending ORS 329A.390; and declaring an emergency.

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

SECTION 1. ORS 329A.390 is amended to read:

329A.390. (1) Whenever an authorized representative of the Office of Child Care is advised or has reason to believe that child care that is subject to regulation by the office is being provided without a certification, registration or record, the authorized representative may visit and conduct an on-site investigation of the premises of the facility at any reasonable time to determine whether the facility is subject to the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

(2) At any reasonable time, an authorized representative of the Office of Child Care may conduct an on-site investigation of the premises of any certified or registered child care facility to determine whether the child care facility is in conformity with ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450.

(3) An authorized representative of the Office of Child Care shall conduct an on-site investigation of the premises of any certified or registered child care facility or of any other child care facility that is subject to regulation by the office if the office receives a serious complaint about the child care facility.

(4) Complaints, including but not limited to serious complaints, made by individuals or entities regarding certified or registered child care facilities, regulated subsidy facilities, preschool recorded programs or school-age recorded programs may be received and investigated by the Office of Child Care. The name, address and other identifying information about the individual or entity that made the complaint may not be disclosed.

(5) Any state agency that receives a complaint about a certified or registered child care facility, a regulated subsidy facility, a preschool recorded program or a school-age recorded program shall notify the Office of Child Care about the complaint and any subsequent action taken by the state agency based on that complaint.

(6) A director or operator of a child care facility, a regulated subsidy facility, a preschool recorded program or a school-age recorded program shall permit an authorized representative of the Office of Child Care to inspect records of the facility or program and shall furnish promptly reports and information required by the office.

(7) The Office of Child Care may share information regarding investigations or inspections conducted under this section with other public entities when the office determines that sharing the information would support the health or safety of children in child care.

[(8) The Early Learning Council shall adopt rules defining the terms "serious complaint" and "regulated subsidy facility" as used in this section and ORS 329A.020.]

(8) The Office of Child Care shall make a reasonable attempt to identify any child care facility or person or place providing child care about which the office receives a complaint, including but not limited to a serious complaint, if the complaint includes, but is not limited to, any of the following information:

(a) The name of a child in the care of the child care facility or person or place providing child care, or the child's parent;

(b) The name of a child care provider, a child care facility owner, operator or employee, or a person or place providing child care;

(c) The name of the child care facility or person or place providing child care;

(d) The phone number of the child care facility or person or place providing child care;

or

(e) The physical address of the child care facility or person or place providing child care.

(9) As used in this section:

(a)(A) "Serious complaint" has the meaning given that term by the Early Learning Council by rule.

(B) "Serious complaint" includes notifications or reports of alleged child abuse received by the Office of Child Care.

(b) "Regulated subsidy facility" has the meaning given that term by the Early Learning Council by rule.

SECTION 2. The amendments to ORS 329A.020 by section 1 of this 2019 Act apply to complaints received by the Office of Child Care on or after the effective date of this 2019 Act.

SECTION 3. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate April 8, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 28, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State