

Child Care Education Committee of the Early Learning Council  
Rule promulgation workgroups  
Policy Categories    OCTOBER 2016 UPDATES

Regulated Child Care								Contracted Services Programs					
Program Name and Administrative Rule Chapter and Division	Regulated subsidy provider (home based)  414-180-0005 to 414-180-0100	Regulated subsidy provider (center based)  414-175 OAR Not promulgated	Recorded Programs  414-425-0000 to 0040 (School Age) and 414-450-000 to 0040 (Preschool)	Registered Family (RF)  414-205-0000 to 414-205-0170	Certified Family (CF)  414-350-0000 to 414-350-0405	Certified Center (CC)  414-300-0000 to 414-300-0415	School Age (Licensed)  OAR not promulgated	Special Populations: Teen Parent, A&D, Migrant Seasonal, Inclusive CC  414-150-0120	Healthy Families Oregon  414-525-0005 to 414-525-0015	Relief Nursery  414-600 (Under development) OCCF Rules: 423-010-0000 423-045-0101	Early Intervention/ Special Ed  581-015-2700.	Or Pre-K  581-019-0005 to 0035	Preschool Promise  581-019-0036 to 0049
Statutory Authority	ORS 329A.500	ORS 329A.500	ORS 329A.257 (School Age) ORS 329A.255 (Preschool)	ORS 329A.330	ORS 329A.280	ORS 329A.280	ORS 329A.010	ORS 329A.010	417.705 - 417.797	ORS 417.788	ORS 343.475	ORS 329.175	ORS 329.172
Eligible population of children and families	DHS Determined. Qualified low-income working families who receive a child care subsidy.	DHS determined. Qualified low-income working families who receive a child care subsidy.	NA	NA	NA	NA	NA	Teen parents, migrant & seasonal farm workers, parents in A&D treatment programs, parents of children with disabilities	Children ages prenatal through three and their families	OCCF Rules: 423-010-0000 423-045-0101 0-5 or until kindergarten entry. Must meet five eligibility risk factors.	Birth – 3 for Early Intervention. Birth to Kindergarten for ECSE.	At least three years old. At least 90 percent must be from low-income families. 45 CFR 1305 § 1305.4 (See Table G)	Age of child is above 3 and not eligible for kindergarten, up to 200% of FPL
Personnel pre-service Training requirements	NA/DHS Rules CCDBG 2014 allows for preservice or completion during orientation period: First aid/CPR RRCAN Health and Safety course	NA/DHS Rules CCDBG 2014 allows for preservice or completion during orientation period: First aid/CPR (minimum number of staff) RRCAN – all staff Health and Safety course	Not statutorily allowed or required	Overview First aid/CPR RRCAN Food Handlers Health and Safety	First aid/CPR RRCAN Food Handlers I/T 30 clock hours specific training	Varies according to role (e.g., Director, Head Teacher, Teacher) and setting. (See Tables E and F)	Varies according to role.	Referred to as “staffing standards” in rule . OAR currently provide these areas to be covered in Contract.	All program staff will attend training provided by the Agency prior to participation in Medicaid (Title XIX) Administrative Claiming and annually thereafter	Same as Certified Center (CC)	NA - State Board of Education rule authority. OAR is silent on preservice training.	Head Start Standards (See Table G)	Legislation is silent on personnel preservice training requirements.
Personnel qualification (teacher/provider)	NA/DHS Rules  See 461-165-0180	NA/DHS Rules	Not statutorily allowed or required	18 years of age	18 years of age + one year qualifying teaching experience or 20 /30 credits in ECE or Step 8 in the Oregon Registry	18 years of age + 6 months qualifying teaching experience plus 10 credits in ECE or Step 8 in the Oregon Registry (See Table E and F)	18 years of age + 6 months qualifying teaching experience plus 10 credits in ECE or Step 8 in the Oregon Registry	Referred to as “staffing standards” in rule. OAR currently provides these areas to be covered in contract.	No requirements in OAR.	OCCF Rules: 423-010-0000 423-045-0101 a) A bachelor's degree in early childhood or relevant field with early childhood teaching experience; or (b) A combination of an associate's degree, Oregon Registry Level 4, and appropriate experience; or (c) A degree in a field other than	EI and ECSE specialists must meet the following criteria: (a) Possess a minimum of a baccalaureate degree in early childhood, special education or a related field; (b) Have a professional development plan based on the content of the EI/ECSE competencies; and (c) Hold one of the following credentials: (A) TSPC licensure or endorsement in EI/ECSE;	Teacher – Equivalent ECE BA w/experience  45 CFR 1306 § 1306.21. (See Table G)	Highly trained lead preschool teachers w/ BA or approved plan to attain

										<p>child development or early childhood education and six courses in child development or early childhood education focusing on children from birth to age six.</p> <p>(2) Exceptions. Relief Nursery directors may make an exception to staff qualifications in a special circumstance. Applicants who do not meet the qualifications above may be hired if a two-year Professional Development and Training Plan is written and implemented. Staff hired under this exception must receive more intense training and supervision during the two-year training period.</p>	<p>(B) TSPC licensure or endorsement in related field; or</p> <p>(C) Within 12 months of employment, authorization as an Early Childhood Specialist under OAR 581-015-2905.</p>		
<b>Personnel training</b>	NA/DHS Rules CCDBG 2014 mandates ongoing training hours. Specifics to be determined by state.	NA/DHS Rules CCDBG 2014 mandates ongoing training hours. Specifics to be determined by state.	Not statutorily allowed or required	10 hours every 2 years	15 hours annually	15 hours annually	15 hours annually	Referred to as “staffing standards” in rule. OAR currently provide these areas to be covered in Contract.	No requirements in OAR.	Same as CC	No requirements in OAR.	15 hours per year	High Quality Professional development for all staff
<b>Group size &amp; ratio</b>	Must meet licensing exemption		Not statutorily allowed or required	10 children maximum including their own (no more than 6 preschool aged, and no more than 2 under 2 years)	<p>Provider can select ratio from table A, B or C (see below) and change throughout the day.</p> <p>Group size is 12-16 depending on children’s ages</p>	<p>Up through 23 mo. 1:4 (max 8)</p> <p>24 mo. to 36 mo. 1-5 (max 10)</p> <p>36 months to kindergarten 1:10 (max 20)</p> <p>School age 1-15 (max 30)</p>	School age 1-15 (max 30)	Under staffing standards. See above.	No requirements in OAR	<p><b>OCCF Rules:</b></p> <p><b>423-010-0000</b></p> <p><b>423-045-0101</b></p> <p>Minimum ratios of adults to children, which may include a mix of qualified staff and trained</p>	No requirements in OAR.	<p><b>Center Based 1</b></p> <p>Teacher + 1 Aide or 2 Teachers, and when possible a volunteer.</p> <p><b>1 Family child care Provider</b> ratio is 1:6 w/ no more than 2 under 2.</p> <p><b>1 Family child care Provider + Aide</b> ratio is 2:12 with no more</p>	A child : staff ratio of no more than 10 to 1; A class size of no more than 20 with a highly qualified staff

										<p>volunteers. A minimum of three adults, at least two of whom must be staff, for:</p> <p>(a) Six children, ages 6 weeks to 24 months;</p> <p>(b) Eight children, ages 24 to 36 months; and</p> <p>(c) Eleven children, ages 3 to 5 years.</p>		<p>than 4 under w. (45 CFR 1306 § 1306.32):</p> <p><b>Class size</b> varies with age of children e.g., 4/5 yrs:17-20 3 yrs: 15-17 (45 CFR 1306 §1306.20):</p>	
<b>Food service and nutrition</b>	NA/DHS Rules	NA/DHS Rules	No requirement in law	Follow USDA CACFP guidelines	Follow USDA CACFP guidelines	Follow USDA CACFP guidelines	Follow USDA CACFP guidelines	Under “service standards” in rule. Covered in Contract.	No requirements in OAR.	<b>OCCF Rules: 423-010-0000 423-045-0101</b> Follow USDA CACFP guidelines	No requirements in OAR.	Staff/family coordination of child’s nutritional needs; Must meet nutritional needs and feeding requirements of each child. Meals and snacks must provide at least 1/3 of the child’s daily nutritional needs if part-day and 1/2 to 2/3 for full day; Breakfast must be served if needed. 45 CFR 1304 § 1304.23	No requirement in law .
<b>Health and safety inspections</b>	OCC conducts annual inspections on health and safety requirements.	OCC conducts annual inspections on health and safety requirements.	Not statutorily allowed or required	<p>OCC conducts biennial inspections which include Licensing Specialists checking fire and environmental health compliance.</p> <p>OCC conducts unannounced monitoring visits mid-license period (during the two year license period) which include Licensing Specialists checking fire and environmental health compliance.</p>	<p>OCC conducts biannual inspections.</p> <p>Environmental Health conducts annual inspections.</p>	<p>OCC conducts biannual inspections.</p> <p>Fire Marshall and Environmental Health conduct annual inspections.</p>	<p>OCC conducts biannual inspections.</p> <p>Fire Marshall and Environmental Health conduct annual inspections.</p>	Either same as CC or as regulated subsidy provider center	No requirements in OAR.	Per licensing: OCC conducts inspections twice annually. Fire Marshall and Environmental Health conduct annual inspections.	If services are provided in any setting other than the family home, the contractor shall assure that each subcontractor meets all applicable state and local requirements including: applicable state health, and safety regulations, careful checking of personal and professional references for all potential employees, The provision of adequate space to assure the full	Center-Based Safety inspection conducted at least annually of children. Family child care home must have written description of health, safety, and emergency policies and procedures, and a system for routine inspection. 45 CFR 1304 § 1304.53 (See Table G)	Must meet requirement appropriate for the license type.

											participation of all children. applicable personnel standards outlined in OAR 581-015-2900		
<b>Regulated and monitored by ELD</b>	<b>Yes monitored, regulated</b>	Yes, monitored, regulated	Yes Regulated. No Monitoring. Self-report compliance with back ground checks	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Licensed OPK sites only	Contracts monitored by Hubs. QRIS and licensing monitoring by ELD systems.
<b>Program Standards</b>	No	No	No	No	Yes. Written program of activities specific to age group	Yes. Written program of activities specific to age group	Yes. Written program of activities specific to age group	If licensed, must follow requirement of license type. If not licensed, covered in contract	voluntary family support services, including but not limited to screening and follow-up services such as resource referral, further assessment, and intensive home visiting provided by highly trained home visitors; Healthy Families Oregon Implementation Manual: Statewide Program Policies and Procedures.	Yes. Written program of activities specific to age group as required by license.	No reference in OAR.	Head Start Early Learning Performance Standards	Programs must meet QRIS standards
<b>Parent fees</b>	Provider determined. Co-pay required	Provider determined. Co-pay required	Provider determined	Provider determined	Provider determined.	Provider determined.	Provider determined.	Provider determined. Co-pay may be required	No reference in rule.	No reference in rule.	No cost to parents	A Head Start program must not prescribe any fee schedule or otherwise provide for the charging of any fees for participation in the program.	No reference in legislation. PP is free to children and they may be mixed with fee paying parents.
<b>Funding (program allotment or payment made on behalf of parent for all or part of the fee)</b>	CCDF, State General Fund.  DHS subsidy voucher per child Payment made by DHS on behalf of enrolled parent. Unless under the contracted slots programs providers do not get paid per child. Rather they can bill for services provided up to the maximum rate set by DHS for type of care.	CCDF, State General Fund.  DHS subsidy voucher per child Payment made by DHS on behalf of enrolled parent Unless under the contracted slots programs providers do not get paid per child. Rather they can bill for services provided up to the maximum rate set by DHS for type of care.	NA unless providing care to a child whose parent is enrolled in DHS subsidy program.	NA providing care to a child whose parent is enrolled in DHS subsidy program.	NA providing care to a child whose parent is enrolled in DHS subsidy program.	NA providing care to a child whose parent is enrolled in DHS subsidy program.	NA providing care to a child whose parent is enrolled in DHS subsidy program.	CCDF funds	State General Funds, Federal funds and 25 percent local match with at least 5% being cash or cash equivalent as part of the base operating budget	State General Fund; Federal Funds a % of asset forfeiture; local match.	State General Fund	Federal and/or State General funds	State General Fund.
<b>Additional services or requirements</b>	NA	NA	NA	NA	NA	NA	NA	Teen Parent program provides parent education	No reference in rule.	Therapeutic classrooms, home visiting transportation; may provide respite care, mental health	Instruction in physical education, speech-language services, travel training, and orientation and mobility services in	Transportation Requirements, comprehensive child development services.	Minimum and target salary Requirements.  Provision of Instructional hours meeting the annual number for full day

										consultation, clothing, emergency meals; See minimum requirements in rule.	any of the following settings: home, hospitals, institutions, special schools, classrooms and community childcare and/or preschool settings.		kindergarten
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**TABLE A** - Ratio for Certified Family

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
Six Weeks to 24 Months	12	1:4	If more than 12 children are in care, the groups must be separated, and if more than eight of the 13 children in care are infants or toddlers, the group size may not exceed eight.
24 Months to Eligible for First Grade	12	1:10	If more than 12 children are in care, the groups must be separated.
Eligible for First Grade to Age 13	16	1:15	May be one group; must have second provider if over 15 school-age children are in care.

**TABLE B** - Certified Family. If children in care include any infants and/or toddlers, the following table determines the staff/child ratio

When Children in Care Include:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child under 24 Months	12	1:8	If more than 12 children are in care and one is under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio.  <b>Practice Note:</b> Groups may be arranged to have the younger child in a separate group with 1:8 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Two Children under 24 Months	12	1:7	If more than 12 children are in care and two are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio.  <b>Practice Note:</b> Groups may be arranged to have the younger children in a separate group with 1:7 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Three Children under 24 Months	12	1:6	If more than 12 children are in care and over three are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio.  <b>Practice Note:</b> Groups may be arranged to have the younger children in a group with 1:6 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Four or More Children under 24 Months	12	1:4	If more than 12 children are in care and four are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio and if more than eight infants or toddlers are in care, group size may not exceed eight.  <b>Practice Note:</b> Groups may be arranged to have the younger children in a separate group with 1:4 ratios in Table A if all children are the same age; Table C if mixed-ages.

**TABLE C** - Certified Family. If children in care include a mix of only preschool and school-age children, the following table determines the staff/child ratio.

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child in Care Age 24 Months to Eligible for First Grade; The rest of children in care are school-age	12	1:12	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.
Between two and 12 Children are Between 24 Months and Eligible for First Grade; The rest of the children in care are school-age	12	1:10	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.

TABLE D – Certified Center Ratios

Age of Children	Minimum Number of Caregivers to Children	Maximum Number of Children in a Group
Six Weeks of Age through 23 Months	1:4	8
24 Months of Age through 35 Months	1:5	10
36 Months of Age to Attending Kindergarten	1:10	20
Attending Kindergarten and Older	1:15	30

Center Staff Qualifications

TABLE E- Certified Center - Qualifications for Head Teacher

Option	Infant and Toddler Age Program	Preschool-Age Program	School-Age Program
(a) Bachelor’s Degree (BS/BA) from college or university with a major in:	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li></ul>	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Elementary education</li><li>• Special education</li></ul>	<ul style="list-style-type: none"><li>• Child development</li><li>• Elementary education</li><li>• Physical education</li><li>• Recreation</li><li>• Special education</li><li>• Early childhood education</li></ul>
OR (b) Associate’s Degree (AS/AA) from a college with a major in:	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li></ul>	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Or related degree</li></ul>	<ul style="list-style-type: none"><li>• Child development</li><li>• Physical education</li><li>• Recreation</li><li>• Special education</li><li>• Early childhood education</li><li>• Or related degree</li></ul>
OR (c) A one year state or nationally recognized credential:	<ul style="list-style-type: none"><li>• Related to infant and toddler care</li></ul>	<ul style="list-style-type: none"><li>• Related to preschool- age care</li></ul>	<ul style="list-style-type: none"><li>• Related to school-age care</li></ul>
OR (d) Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in: AND At least one year of qualifying teaching experience in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li></ul> <ul style="list-style-type: none"><li>• Infants and/or toddlers</li></ul>	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Elementary education</li><li>• Special education</li></ul> <ul style="list-style-type: none"><li>• Preschool-age children</li></ul>	<ul style="list-style-type: none"><li>• Child development</li><li>• Physical education</li><li>• Elementary education</li><li>• Special education</li><li>• Recreation</li><li>• Early childhood education</li></ul> <ul style="list-style-type: none"><li>• School-age children</li></ul>
OR (e) At least two years of qualifying teaching experience, with at least one year as a teacher, in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"><li>• Infants and/or toddlers</li></ul>	<ul style="list-style-type: none"><li>• Preschool-age children</li></ul>	<ul style="list-style-type: none"><li>• School-age children</li></ul>
OR (f) Documentation of attaining at least step 8.5 in the Oregon Registry			

**TABLE F – Certified Center - Qualifications for Teacher**

Option	Infant and Toddler Age Program	Preschool-Age Program	School-Age Program
(a) Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in:	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li></ul>	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Elementary education</li><li>• Special education</li></ul>	<ul style="list-style-type: none"><li>• Child development</li><li>• Elementary education</li><li>• Physical education</li><li>• Recreation</li><li>• Special education</li><li>• Early childhood education</li></ul>
OR (b) A one year state or nationally recognized credential:	<ul style="list-style-type: none"><li>• Related to infant and toddler care</li></ul>	<ul style="list-style-type: none"><li>• Related to preschool-age care</li></ul>	<ul style="list-style-type: none"><li>• Related to school-age care</li></ul>
OR (c) At least one year of qualifying teaching experience, with at least one year as a teacher, in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"><li>• Infants and/or toddlers</li></ul>	<ul style="list-style-type: none"><li>• Preschool-age children</li></ul>	<ul style="list-style-type: none"><li>• School-age children</li></ul>
OR (d) Completion of 10 credits (semester system) or 15 credits (quarter system) of training at a college or university in: AND At least six months of qualifying teaching experience in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Infants and/or toddlers</li></ul>	<ul style="list-style-type: none"><li>• Early childhood education</li><li>• Child development</li><li>• Elementary education</li><li>• Special education</li><li>• Preschool-age children</li></ul>	<ul style="list-style-type: none"><li>• Child development</li><li>• Elementary education</li><li>• Physical education</li><li>• Recreation</li><li>• Special education</li><li>• Early childhood education</li><li>• School-age children</li></ul>
OR (f) Documentation of attaining at least step 8 in the Oregon Registry			

Table G – Head Start Standards

Head Start Standards 45 CFR 1301-1311 Performance Standards and Other Regulations. 2015		
Staff Qualifications	45 CFR 1306 - § 1306.21 Head Start programs must comply with section 648A of the Head Start Act and any subsequent amendments regarding the qualifications of classroom teachers	Teacher <ul style="list-style-type: none"><li>• a baccalaureate or advanced degree in early childhood education; or</li><li>• a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.</li></ul> Head Start education coordinators, including those that serve as curriculum specialists <ul style="list-style-type: none"><li>• a baccalaureate or advanced degree in early childhood education; or</li><li>• a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.</li></ul> Teaching Assistants <ul style="list-style-type: none"><li>• at least a child development associate credential;</li><li>• enrolled in a program leading to an associate or baccalaureate degree; or</li><li>• enrolled in a child development associate credential program to be completed within 2 years.</li></ul>
Group size & ratio	45 CFR 1306 § 1306.32 45 CFR 1306 §1306.20	Center Based: 1 Teacher + 1 Aide or 2 Teachers, and when possible a volunteer. Family child care Provider ratio is 1:6 w/ no more than 2 under 2. Family child care Provider + 1 + Aide. Ratio is 2:12 with no more than 4 under 2. Class size varies with age of children e.g., 4/5 years: 17-20 3 years: 15-17
Health, food service and nutrition	45 CFR 1304 § 1304.23 Child nutrition	Staff and families must work together to identify each child's nutritional needs. Grantee and delegate agencies must design and implement a nutrition program that meets the nutritional needs and feeding requirements of each child,
Health and safety inspections	45 CFR 1304 § 1304.22 Child health and safety	Health emergency procedures; Conditions of short-term exclusion and admittance; Medication administration; Injury prevention; Hygiene
Eligibility:	45 CFR 1305 § 1305.4	Age of children and family income eligibility
Standards and monitoring	Sec. 641A. STANDARDS;	MONITORING OF HEAD START AGENCIES AND PROGRAMS [42 U.S.C. 9836A]