

## CCEC Administrative Rule Briefing

**Program Name/OAR #:** Certified Family Child Care 414-350-0000 through 414-350-0405  
**Date:** November 1, 2016  
**Staff/Office:** Dawn Woods, Child Care Director, Early Learning Division/Office of Child Care  
**Statutory Authority:** ORS 329A

☐ Temporary Rule   ☐ New Rule   ☒ Amend Existing Rule   ☐ Repeal Rule  
**Prompted by:** ☐ State law changes   ☐ Federal law changes   ☒ Other

**Last Revised:** February 2015

**Action Requested:** Review of current rules.

☐ Adoption of Temporary Rule   ☒ Adoption of Final Rule

### Program Summary:

The Office of Child Care licenses, on average, 714 certified family child care homes. Certified family homes have a capacity to provide care for up to 16 children, including the provider's children, in a building constructed as a single family dwelling. Providers and staff must meet basic training requirements and the program must undergo an on-site health and safety review before providing care for children. Individuals over 18 years of age who reside in, are frequent visitors to the child care home, are substituting for or assisting the provider, is the owner, or is a caregiver to the children must pass a criminal history and child protective services background check and become enrolled in the Office of Child Care's Central Background Registry. A license to conduct certified family child care is valid for one year.

### Population Affected:

Oregon children and families and Certified family child care providers throughout the state with the potential cumulative capacity to care for 10,600 children.

### Stakeholders Impacted:

**Partners:** USDA Food Program, Oregon Health Authority, Child Care Resource and Referral, Portland State University – Center for Career Development, Western Oregon University – The Research Institute, 211 Info, child care unions, Hubs, Professional Development Committee, Environmental Health Specialists.

**Licensing:** OCC licensing specialists, OCC central office staff, certified family child care providers, provider network groups.

**Consumers and other external stakeholders:** parents of child care children, child care children.

### Stakeholders Consulted:

Based on the input from the committee at the October meeting, staff has developed an engagement plan to gather input and feedback from various stakeholders, child care providers and parents. Specific approaches and tools have been developed to facilitate

this engagement and a summary of the input will be provided to the committee in November to inform the recommendations.

### **List of Other Interested Parties:**

The general public.

### **Need for Rule:**

Oregon Administrative Rules 414-350-0000 through 414-350-0405 are the Office of Child Care's requirements for licensing Certified Family child care providers. The purpose of these rules is to establish regulations to protect the health, safety, and well-being of children when cared for outside their own homes.

### **Policy Matters or Questions to be Addressed:**

This rule set is being reviewed concurrently with the rule sets for Registered Family, Certified Center and School-Age Only Centers. All licensing rule sets will be compared to ensure alignment of regulations and to reflect best practices and national child care regulatory standards.

There are several areas of the Certified Family rules that have been identified by staff and stakeholders as needing careful review. These areas are, but are not limited to: sunscreen and diaper cream being considered as medication and must therefore be secured with a child-safety lock; requiring providers to comply with all conditions placed on their license by the Office of Child Care; all persons required to be enrolled in the Central Background Registry must maintain current enrollment at all times while the child care license is active; comprehensive procedures for the safe evacuation of children during an emergency, and; types of vehicles that are prohibited for the transportation of child care children.

### **Fiscal Impact (to stakeholders impacted, to small business (defined as a business that is independently owned and operated with 50 or fewer employees) or to local government):**

Fiscal impact to providers and other stakeholders will be evaluated as determinations are made on specific rules that may be amended, repealed or added.

### **Equity Analysis:**

- **Who are the racial/ethnic and underserved groups affected?**  
Those affected are the underserved communities where disparity exists in Oregon. Strength-based approaches and asset-based mindsets will support efforts to operationalize equity.
- **Do the proposed rules ignore or worsen existing disparities or produce other unintended consequences?**  
Specific rule language will be assessed to ensure that no barriers or unintended consequences are present or created.
- **What is the impact of the rules on eliminating the opportunity gap?**  
The rules are being updated in order to increase consistency of regulation enforcement across the state and among all demographics avoiding perpetuating systemic bias. Specific rule

language will be assessed to ensure that no barriers or unintended consequences are present which could create opportunity gaps for child care providers and children in care.

➤ **What are the barriers to more equitable outcomes (e.g. mandated, political, emotional, financial, programmatic or managerial)?**

Barriers to more equitable outcomes may include funding, increased workload requirements of staff and increased costs to providers.

➤ **How have you intentionally involved stakeholders who are also members of the communities affected?**

We have developed a stakeholder engagement process that considers all potential persons and entities that may be positively or negatively impacted by any rule revisions. Part of the process is determining the most beneficial methods of engagement for each stakeholder group so that input can be gathered in a timely, mutually constructive fashion.

➤ **How will you modify or enhance strategies and rules to ensure each learner and communities' individual and cultural needs are met?**

We will increase the training and guidance opportunities for Office of Child Care licensing staff to gain knowledge, tools and resources to better monitor and support the communities they serve.