

Regulated Subsidy Providers (Revisions and additions for Center-based child care)

Rules Review for CCEC Discussion

Date: November 10, 2016

Rule Section	Possible/Recommended Language	Explanation
414-180-0005 Purpose		
Oregon Administrative Rules (OAR) 414-180-0005 through 414-180-0100 are the Early Learning Division's minimum health and safety requirements for license exempt child care providers who accept federal child care subsidy payments through the state. The purpose of these rules is to protect the health, safety, and well-being of children in care. These rules apply to home based child care providers who accept federal child care subsidies from the Oregon Department of Human Services or the Early Learning Division Office of Child Care and are exempt from child care licensing as outlined in ORS 329A.250.	Oregon Administrative Rules (OAR) 414-180-0005 through 414-180-0100 are the Early Learning Division's minimum health and safety requirements for license exempt child care providers who accept federal child care subsidy payments through the state. The purpose of these rules is to protect the health, safety, and well-being of children in care. These rules apply to home-based child care providers who accept federal child care subsidies from the Oregon Department of Human Services or the Early Learning Division Office of Child Care and are exempt from child care licensing as outlined in ORS 329A.250	Revising language to include center-based care. "Facility" covers both home- and center-based care.
414-180-0010 Definitions		
The following definitions apply to Oregon Administrative Rules 414-180-0015 through 414-180-0100. (1) "Caregiver" means any person, including the provider, who cares for the children in Regulated Subsidy child care and works directly with the children, providing care, supervision and guidance.	The following definitions apply to Oregon Administrative Rules 414-180-0015 through 414-180-0100. (1) "Caregiver" means any person, including the provider, who cares for the children in Regulated Subsidy child care and works directly with the children, providing care, supervision and guidance.	
(2) "Child Care" means the care, supervision and guidance on a regular	(2) "Child Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied	

basis of a child, unaccompanied by a parent, legal guardian or custodian, during a part of the 24 hours of the day, with or without compensation.	by a parent, legal guardian or custodian, during a part of the 24 hours of the day, with or without compensation.	
(3) "Child Care Child" means a child at least six weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The provider has supervisory responsibility for the child in the temporary absence of the parent.	(3) "Child Care Child" means a child at least six weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The provider has supervisory responsibility for the child in the temporary absence of the parent.	
	<u>(4) "Child Care Facility" means the location where child care is being conducted. This can be either a private residence or commercially zoned building.</u>	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(4) "Child with Special Needs" means a child under 18 years of age who requires a level of care over and above the norm for their age due to a physical, developmental, behavioral, mental or medical disability.	(5) "Child with Special Needs" means a child under 18 years of age who requires a level of care over and above the norm for their age due to a physical, developmental, behavioral, mental or medical disability.	
(5) "Communicable Disease" means an illness caused by an infectious agent or its toxins.	(6) "Communicable Disease" means an illness caused by an infectious agent or its toxins.	
(6) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.	(7) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.	
(7) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.	(8) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.	

(8)"Infant" means a child who is at least six weeks of age up to 12 months of age.	(9)"Infant" means a child who is at least six weeks of age up to 12 months of age.	
(9) "OCC" means the Office of Child Care, Early Learning Division of the Department of Education.	(10) "OCC" means the Office of Child Care, Early Learning Division of the Department of Education.	
(10) "Outbreak of Communicable Disease" means two cases from separate households associated with a suspected common source.	(11) "Outbreak of Communicable Disease" means two cases from separate households associated with a suspected common source.	
(11) "Premises" means the structure where child care is conducted that is identified on the application or listed with the Department of Human Services, including indoors and outdoors and space not directly used for child care.	(12) "Premises" means the structure where child care is conducted that is identified on the application or listed with the Department of Human Services, including indoors and outdoors and space not directly used for child care.	
(12) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.	(13) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.	
(13) "Provider" means the person or facility who is responsible for the children in care; is the children's primary caregiver; and who is listed with the Department of Human Services as the provider.	(14) "Provider" means the person or facility who is responsible for the children in care; is the children's primary caregiver; and who is listed with the Department of Human Services as the provider.	
(14) "Regulated Subsidy Child Care" means care that is provided to children whose families access federal child care subsidy funds through the state.	(15) "Regulated Subsidy Child Care" means care that is provided to children whose families access federal child care subsidy funds through the state.	

(15) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.	(16) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.	
(16) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease producing organisms, to a safe level on utensils, equipment and toys.	(17) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease producing organisms, to a safe level on utensils, equipment and toys.	
(17) "Substitute Provider" means a person who acts as the child's primary caregiver in the temporary absence of the provider.	(18) "Substitute Provider" means a person who acts as the child's primary caregiver in the temporary absence of the provider.	
(18) "Toddler" means a child who is at least 12 months of age but is not preschool-age.	(19) "Toddler" means a child who is at least 12 months of age but is not preschool-age.	
<p>(19)"Useable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key.</p> <p>(a) For homes built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.</p> <p>(b) For homes built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more</p>	<p>(20)"Useable Exit" means an unobstructed door or window through which the provider and the children can evacuate the <u>home-child care facility</u> in case of a fire or emergency. Doors must be able to be opened from the inside without a key.</p> <p>(a) For <u>homes-buildings</u> built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.</p> <p>(b) For <u>homes-buildings</u> built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 44 inches above the floor.</p>	Revising language to include center-based care. "Facility" covers both home- and center-based care.

than 44 inches above the floor.		
414-180-0015 Health		
(1) The child care home must be a healthy environment for children.	(1) The child care home - <u>facility</u> must be a healthy environment for children.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(2) There must be at least one flush toilet and one hand-washing sink available to children.	(2) There must be at least one flush toilet and one hand-washing sink available to children.	
(3) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.	(3) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.	
(4) Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals).	(4) Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals).	
(5) If the parent(s) so request, siblings may share the same bed.	(5) If the parent(s) so request, siblings may share the same bed.	
(6) The upper level of bunk beds shall not be used for children under ten years of age.	(6) The upper level of bunk beds shall not be used for children under ten years of age.	
(7) If an infant uses a blanket, the blanket may not cover the infant's head or face.	(7) If an infant uses a blanket, the blanket may not cover the infant's head or face.	
(8) Infants must be laid on their backs on a	(8) Infants must be laid on their backs on a flat surface	

flat surface for sleeping.	for sleeping.	
(9) Children shall not be laid down with a bottle for sleeping.	(9) Children shall not be laid down with a bottle for sleeping.	
(10) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.	(10) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.	
(11) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, a solution for disinfecting after a blood spill, a sanitary temperature taking device.	(11) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, a solution for disinfecting after a blood spill, a sanitary temperature taking device.	
(12) Illness: (a) Except for mild cold symptoms that do not impair a child’s daily functioning, sick children shall not be in care. (b) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who: (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or (B) Has one of the following symptoms or combination of symptoms or illness; (i) Fever over 100°F, taken under the arm; (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool); (iii) Vomiting; (iv) Nausea;	(12) Illness: (a) Except for mild cold symptoms that do not impair a child’s daily functioning, sick children shall not be in care. (b) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who: (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or (B) Has one of the following symptoms or combination of symptoms or illness; (i) Fever over 100°F, taken under the arm; (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool); (iii) Vomiting; (iv) Nausea;	Revising language to include center-based care. “Facility” covers both home- and center-based care.

<p>(v) Severe cough;</p> <p>(vi) Unusual yellow color to skin or eyes;</p> <p>(vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;</p> <p>(viii) Stiff neck and headache with one or more of the symptoms listed above;</p> <p>(ix) Difficult breathing or abnormal wheezing; or</p> <p>(x) Complaints of severe pain.</p> <p>(c) A child who, after being admitted into child care, shows signs of illness, as defined in this rule, whenever possible will be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.</p> <p>(d) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child.</p>	<p>(v) Severe cough;</p> <p>(vi) Unusual yellow color to skin or eyes;</p> <p>(vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;</p> <p>(viii) Stiff neck and headache with one or more of the symptoms listed above;</p> <p>(ix) Difficult breathing or abnormal wheezing; or</p> <p>(x) Complaints of severe pain.</p> <p>(c) A child who, after being admitted into child care, shows signs of illness, as defined in this rule, whenever possible will be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home<u>child care facility</u> as soon as possible.</p> <p>(d) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home<u>child care facility</u> and the parent(s) notified when they pick up their child.</p>	
<p>(13) Section 12 of this rule does not apply when the provider is caring only for children from the same family and no other unrelated child care children are present, except that the provider shall notify the parent if a child who, after being admitted into child care, shows signs of illness.</p>	<p>(13) Section 12 of this rule does not apply when the provider is caring only for children from the same family and no other unrelated child care children are present, except that the provider shall notify the parent if a child who, after being admitted into child care, shows signs of illness.</p>	
<p>(14) Parents must be notified if their child is exposed to an outbreak of a communicable disease.</p>	<p>(14) Parents must be notified if their child is exposed to an outbreak of a communicable disease.</p>	
<p>(15) No person shall smoke or carry any</p>	<p>(15) No person shall smoke or carry any lighted</p>	<p>Revising language to include</p>

lighted smoking instrument, including an e-cigarette or vaporizer in the child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present.	smoking instrument, including an e-cigarette or vaporizer in the child care home - <u>facility</u> or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present.	center-based care. "Facility" covers both home- and center-based care.
(16) No person shall use smokeless tobacco in the child care home during child care hours or when child care children are present.	(16) No person shall use smokeless tobacco in the child care home - <u>facility</u> during child care hours or when child care children are present.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(17) No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.	(17) No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.	
(18) No one shall consume alcohol on the child care home premises during child care hours or when child care children are present.	(18) No one shall consume alcohol on the child care home - <u>facility</u> premises during child care hours or when child care children are present.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(19) No one shall be under the influence of alcohol on the child care home premises during child care hours or when child care children are present.	(19) No one shall be under the influence of alcohol on the child care home - <u>facility</u> premises during child care hours or when child care children are present.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(20) No one shall possess, use or store illegal controlled substances on the child care home premises. No one shall be under the influence of illegal controlled substances on the child care home premises.	(20) No one shall possess, use or store illegal controlled substances on the child care home - <u>facility</u> premises. No one shall be under the influence of illegal controlled substances on the child care home - <u>facility</u> premises.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(21) No one shall grow or distribute	(21) No one shall grow or distribute marijuana on the	Revising language to include

marijuana on the premises of the child care home. No adults shall use marijuana on the child care home premises during child care hours or when child care children are present.	premises of the child care home facility. No adults shall use marijuana on the child care home facility premises during child care hours or when child care children are present.	center-based care. "Facility" covers both home- and center-based care.
(22) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.	(22) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.	
(23) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.	(23) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.	
(24) All marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.	(24) All marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.	

(25) Any animal at the provider's home shall be in good health and be a friendly companion for the children in care.	(25) Any animal at the provider's home <u>child care facility</u> shall be in good health and be a friendly companion for the children in care.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(26) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.	(26) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.	
(27) Dogs and cats shall be kept free of fleas, ticks and worms.	(27) Dogs and cats shall be kept free of fleas, ticks and worms.	
(28) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.	(28) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.	
(29) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.	(29) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.	
(30) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent.	(30) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent.	
(31) Prescription and non-prescription medications must be properly labeled and stored.	(31) Prescription and non-prescription medications must be properly labeled and stored.	

(32) Non-prescription medications or topical substances must be labeled with the child's name.	(32) Non-prescription medications or topical substances must be labeled with the child's name.	
(33) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.	(33) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.	
(34) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.	(34) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.	
(35) Parents must be informed daily of any medications given to their child or any injuries their child has had.	(35) Parents must be informed daily of any medications given to their child or any injuries their child has had.	
(36) Sunscreen may be used with written parental authorization. (a) In instances where parent has provided written permission to use sunscreen, providers must reapply sunscreen every two hours while the child care children are exposed to the sun. (b) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum". (c) Providers shall not use aerosol sunscreens on child care children. (d) Sunscreen shall not be used on child care children younger than six months.	(36) Sunscreen may be used with written parental authorization. (a) In instances where parent has provided written permission to use sunscreen, providers must reapply sunscreen every two hours while the child care children are exposed to the sun. (b) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum". (c) Providers shall not use aerosol sunscreens on child care children. (d) Sunscreen shall not be used on child care children younger than six months.	
(37) Parents must be given the telephone	(37) Parents must be given the telephone number so	

number so they can contact the provider if needed.	they can contact the provider if needed.	
414-180-0020 Sanitation		
(1) Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the home per manufacturer instructions.	(1) Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the home per manufacturer instructions.	
(2) All caregivers and children must wash their hands with soap and warm, running water: (a) Before handling food; (b) Before assisting with feeding; (c) Before and after eating; (d) After diapering; (e) After using the toilet; (f) After assisting someone with toileting; (g) After nose wiping; (h) After playing outside; and (i) After touching an animal or handling pet toys.	(2) All caregivers and children must wash their hands with soap and warm, running water: (a) Before handling food; (b) Before assisting with feeding; (c) Before and after eating; (d) After diapering; (e) After using the toilet; (f) After assisting someone with toileting; (g) After nose wiping; (h) After playing outside; and (i) After touching an animal or handling pet toys.	
(3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept out of children's reach and shall not be used on children.	(3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home <u>child care facility</u> , they shall be kept out of children's reach and shall not be used on children.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(4) Clean toys, equipment and furniture used by children when soiled.	(4) Clean toys, equipment and furniture used by children when soiled.	
(5) Diaper changing surfaces must be either: (a) Non-absorbent and easily disinfected; (b) Disposed of after each use; or	(5) Diaper changing surfaces must be either: (a) Non-absorbent and easily disinfected; (b) Disposed of after each use; or (c) Laundered after each use.	

(c) Laundered after each use.		
(6) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.	(6) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.	
(7) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.	(7) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.	
(8) The home has safe drinking water.	(8) The home <u>child care facility</u> has safe drinking water.	Revising language to include center-based care. "Facility" covers both home- and center-based care.
414-180-0025 Safety		
(1) The room temperature must be at least 68°F during the hours which child care children are in care.	(1) The room temperature must be at least 68°F during the hours which child care children are in care.	
(2) Rooms child care children are predominantly occupying must have a combination of natural and artificial lighting.	(2) Rooms child care children are predominantly occupying must have a combination of natural and artificial lighting.	
(3) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.	(3) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.	
(4) Potentially aggressive animals must not be in the same physical space as the children.	(4) Potentially aggressive animals must not be in the same physical space as the children.	
(5) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:	(5) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:	

<p>(a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.</p> <p>(b) Extension cords shall not be used as permanent wiring;</p> <p>(c) All appliance cords must be in good condition;</p> <p>(d) Multiple connectors for cords shall not be used;</p> <p>(e) A grounded power strip outlet with a built-in over-current protection may be used;</p> <p>(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;</p> <p>(g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;</p>	<p>(a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.</p> <p>(b) Extension cords shall not be used as permanent wiring;</p> <p>(c) All appliance cords must be in good condition;</p> <p>(d) Multiple connectors for cords shall not be used;</p> <p>(e) A grounded power strip outlet with a built-in over-current protection may be used;</p> <p>(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;</p> <p>(g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;</p>	
<p>(6) The home has a working smoke detector on each floor level and in any area where a child naps.</p>	<p>(6) The home child care facility has a working smoke detector on each floor level and in any area where a child naps.</p>	<p>Revising language to include center-based care. "Facility" covers both home- and center-based care.</p>
<p>(7) Cleaning supplies, paints, matches, lighters, and any plastic bags large enough to fit over a child's head kept under child-safety lock.</p>	<p>(7) Cleaning supplies, paints, matches, lighters, and any plastic bags large enough to fit over a child's head kept under child-safety lock.</p>	
<p>(8) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock.</p>	<p>(8) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock.</p>	

(9) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;	(9) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;	
(10) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children;	(10) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children;	
(11) All clear glass panels in doors clearly marked at child level.	(11) All clear glass panels in doors clearly marked at child level.	
(12) Each provider must: (a) Ensure that the home where care is provided meets all of the following standards: (A) Each floor level used by a child has two useable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a useable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency. (B) The home has a working telephone or telephone service in operating condition. (C) Emergency telephone numbers for fire, ambulance, police and poison control and the home address must be posted in a visible location. (D) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition. (E) Broken toys, furniture and equipment	(12) Each provider must: (a) Ensure that the home <u>child care facility</u> where care is provided meets all of the following standards: (A) Each floor level used by a child has two useable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a useable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency. (B) The home <u>child care facility</u> has a working telephone or telephone service in operating condition. (C) Emergency telephone numbers for fire, ambulance, police and poison control and the home <u>child care facility</u> address must be posted in a visible location. (D) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition. (E) Broken toys, furniture and equipment must be removed from areas accessible to children.	Revising language to include center-based care. "Facility" covers both home- and center-based care.

must be removed from areas accessible to children.																	
(13) Wading pools are prohibited for wading.	(13) Wading pools are prohibited for wading.																
(14) The provider is responsible for the children in care. At all times the provider must: (a) Be within sight or sound of all children; (b) Be aware of what each child is doing; (c) Be near enough to children to respond when needed.	(14) The provider is responsible for the children in care. At all times the provider must: (a) Be within sight or sound of all children; (b) Be aware of what each child is doing; (c) Be near enough to children to respond when needed.																
	<p><u>(15) A center-based child care facility may not exceed the ratios and group sizes in Table A.</u></p> <p>Table A</p> <table border="1"> <thead> <tr> <th>Age of Children</th><th>Minimum Number of Caregivers to Children</th><th>Maximum Number of Children in a Group</th></tr> </thead> <tbody> <tr> <td>Six Weeks of Age through 23 Months</td><td>1:4</td><td>8</td></tr> <tr> <td>24 Months of Age through 35 Months</td><td>1:5</td><td>10</td></tr> <tr> <td>36 Months of Age to Attending Kindergarten</td><td>1:10</td><td>20</td></tr> <tr> <td>Attending Kindergarten and Older</td><td>1:15</td><td>30</td></tr> </tbody> </table>	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	Ratio and group size for Center-based care
Age of Children	Minimum Number of Caregivers to Children	Maximum Number of Children in a Group															
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	<u>(16) In a mixed-age group of children, the number of caregivers and group size shall be determined by the age of the youngest child in the group.</u>	Determination of Group Size for Center-based care															
	<u>(17) 414-180-0025(15) and 414-180-0025(16) apply to center-based child care defined as a child care facility located in a building constructed as other than a single-family dwelling.</u>	<u>Defines “center-based child care” and stipulates ratios and groups sizes are applicable only to center-based child care.</u>															

<p>(15) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the child care home, familiar to the children and the caregivers, and practiced at least every other month and must include:</p> <p>(a) Procedures for notifying parents or other adults responsible for the children, of the relocation;</p> <p>(b) Procedures to address the needs of individual children, including those with special needs; and</p> <p>(c) An acceptable method to ensure that all children in attendance are accounted for.</p>	<p>(17) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the child care home<u>facility</u>, familiar to the children and the caregivers, and practiced at least every other month and must include:</p> <p>(a) Procedures for notifying parents or other adults responsible for the children, of the relocation;</p> <p>(b) Procedures to address the needs of individual children, including those with special needs; and</p> <p>(c) An acceptable method to ensure that all children in attendance are accounted for.</p>	<p>Revising language to include center-based care. "Facility" covers both home- and center-based care.</p>
<p>(16) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance</p>	<p>(18) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.</p>	
<p>(17) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.</p>	<p>(19) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.</p>	
<p>(18) Car seats are to be used for transportation only. Children who arrive at and brought into the provider's home asleep in a car seat may remain in the car seat until the child awakens.</p>	<p>(20) Car seats are to be used for transportation only. Children who arrive at and brought into the provider's home<u>child care facility</u> asleep in a car seat may remain in the car seat until the child awakens.</p>	<p>Revising language to include center-based care. "Facility" covers both home- and center-based care.</p>
<p>(19) The provider must take precautions to protect children from vehicular traffic.</p>	<p>(21) The provider must take precautions to protect children from vehicular traffic.</p>	
<p>(20) If a passenger van is used to transport child care children it must meet Federal Motor Vehicle Safety Standards for</p>	<p>(22) If a passenger van is used to transport child care children it must meet Federal Motor Vehicle Safety Standards for transporting children in education</p>	

transporting children in education settings.	settings.	
<p>(21) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:</p> <p>(a) Take a child on a field trip or other activity outside the child care home or participate in any water activity; and</p> <p>(b) Transport a child to or from school or allow a child to bus or walk to or from school or child care home.</p>	<p>(23) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:</p> <p>(a) Take a child on a field trip or other activity outside <u>away from</u> the child care home <u>facility</u> or participate in any water activity; and</p> <p>(b) Transport a child to or from school or allow a child to bus or walk to or from school or child care home <u>facility</u>.</p>	Revising language to include center-based care. "Facility" covers both home- and center-based care.
(22) 15-passenger vans shall not be used to transport child care children.	(24) 15-passenger vans shall not be used to transport child care children.	
414-180-0030 Guidance and Discipline		
<p>(1) The following behaviors by caregivers are prohibited:</p> <p>(a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment.</p> <p>(b) Parental request or permission to use any form of behavior listed in subsection (a) of this section, does not give the provider or substitute provider permission to do so.</p>	<p>(1) The following behaviors by caregivers are prohibited:</p> <p>(a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment.</p> <p>(b) Parental request or permission to use any form of behavior listed in subsection (a) of this section, does not give the provider or substitute provider permission to do so.</p>	
414-180-0035 Nutrition		
<p>(1) Meals and snacks must be based on the guidelines of the USDA Child and Adult Care Food Program.</p> <p>(2) Foods must be stored and maintained</p>	<p>(1) Meals and snacks must be based on the guidelines of the USDA Child and Adult Care Food Program.</p> <p>(2) Foods must be stored and maintained at the proper temperature.</p>	

<p>at the proper temperature.</p> <p>(3) Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.</p>	<p>(3) Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.</p>	
414-180-0040 Access to Physical Activity		
<p>(1) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren) with a balance of active and quiet play.</p> <p>(2) Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate. Screen time is defined as time spent using a device such as a computer, television, or games console.</p>	<p>(1) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren) with a balance of active and quiet play.</p> <p>(2) Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate. Screen time is defined as time spent using a device such as a computer, television, or games console.</p>	
414-180-0045 Record Keeping		
<p>(1) The following records must be kept by the provider for at least one year and must be available at all times to OCC:</p> <p>(a) Information from the parent(s) for each child at the time of admission:</p> <p>(A) Name and birth date of the child;</p> <p>(B) Any chronic health problem(s), including allergies, the child has;</p> <p>(C) Date child entered care;</p> <p>(D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);</p> <p>(E) Name and telephone number of person(s) to contact in an emergency;</p> <p>(F) Name and telephone number of</p>	<p>(1) The following records must be kept by the provider for at least one year and must be available at all times to OCC:</p> <p>(a) Information from the parent(s) for each child at the time of admission:</p> <p>(A) Name and birth date of the child;</p> <p>(B) Any chronic health problem(s), including allergies, the child has;</p> <p>(C) Date child entered care;</p> <p>(D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);</p> <p>(E) Name and telephone number of person(s) to contact in an emergency;</p> <p>(F) Name and telephone number of person(s) to</p>	

<p>person(s) to whom the child may be released;</p> <p>(G) Health history of any problems that could affect the child's participation in child care.</p> <p>(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart.</p> <p>(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount.</p> <p>(d) Injuries to a child.</p>	<p>whom the child may be released;</p> <p>(G) Health history of any problems that could affect the child's participation in child care.</p> <p>(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart.</p> <p>(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount.</p> <p>(d) Injuries to a child.</p>	
<p>(2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days.</p>	<p>(2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days.</p>	
<p>(3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to obtain emergency medical treatment for a child.</p>	<p>(3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to obtain emergency medical treatment for a child.</p>	
414-180-0050 General Requirements		
<p>(1) OCC records are open to the public on request. However, information protected by state or federal law will not be disclosed.</p> <p>(2) The name and status of providers is public information.</p>	<p>(1) OCC records are open to the public on request. However, information protected by state or federal law will not be disclosed.</p> <p>(2) The name and status of providers is public information.</p>	
414-180-0055 Enforcement of Regulatory Requirements		

<p>(1) The provider shall allow an inspection of all areas of the child care home that are accessible to child care children, and a health and safety review of other areas of the child care home to ensure the health and safety of child care children.</p> <p>(2) The provider or substitute must allow a representative from the Office of Child Care access to the child care home any time child care children are present.</p> <p>(3) The provider must allow parents or legal guardians of child care children access to the child care home during the hours their child(ren) are in care.</p>	<p>(1) The provider shall allow an inspection of all areas of the child care home <u>facility</u> that are accessible to child care children, and a health and safety review of other areas of the child care home to ensure the health and safety of child care children.</p> <p>(2) The provider or substitute must allow a representative from the Office of Child Care access to the child care home <u>facility</u> any time child care children are present.</p> <p>(3) The provider must allow parents or legal guardians of child care children access to the child care home <u>facility</u> during the hours their child(ren) are in care.</p>	<p>Revising language to include center-based care. "Facility" covers both home- and center-based care.</p>
414-180-0090 Compliance with Child Abuse Reporting Requirements		
<p>Any caregiver who has reason to believe that any child has suffered or is currently suffering from abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.</p>	<p>Any caregiver who has reason to believe that any child has suffered or is currently suffering from abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.</p>	
414-180-0100 Exceptions to Rules		
<p>(1) A provider may request an exception to a rule.</p> <p>(2) An exception must be requested on a form provided by OCC.</p> <p>(3) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other</p>	<p>(1) A provider may request an exception to a rule.</p> <p>(2) An exception must be requested on a form provided by OCC.</p> <p>(3) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children.</p>	

<p>conditions, the health, safety and well-being of the children.</p> <p>(4) The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC.</p> <p>(5) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.</p> <p>(6) An exception is valid only for the specified dates for which it is issued.</p> <p>(7) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.</p>	<p>(4) The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC.</p> <p>(5) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.</p> <p>(6) An exception is valid only for the specified dates for which it is issued.</p> <p>(7) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.</p>	