

CCEC Administrative Rule Briefing

Title/OAR #: 414-350, 414-300, 414-205

Date: July 12, 2016

Program Name: Registered Family Child Care Home, Certified Family Child Care Home, Certified Child Care Center

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Statutory Authority: ORS 329A

☒ Temporary Rule ☐ New Rule

☐ Amend Existing Rule

☐ Repeal Rule

Prompted by: ☐ State law changes

☒ Federal law changes

☐ Other

Last Revised:

Action Requested:

☒ Adoption of Temporary Rule

☐ Adoption of Final Rule

Need for Rule:

The Child Care and Development Block Grant Act of 2014 (CCDBG) specifically defined certain health and safety requirements for licensed child care providers.

The deadline for implementation of a portion of CCDF requirements necessitates the Early Learning Council's adoption of administrative rules by September 2016 in order to remain in compliance with the CCDF requirements. It is the intent and hope that the Early Learning Division can make relatively minor changes to current rule language through adoption of temporary rules. Temporary rules will allow the ELC to minimally meet the federal requirements and the federal deadline of September 30, 2016.

The purpose and function of Temporary Rules

Under ORS 183.335(1), an agency may temporarily adopt, amend or suspend a rule with less notice than otherwise required by law, only if the agency demonstrates that failure to act promptly will result in serious prejudice to the public interest or the interests of the parties concerned.

In this instance failure to act promptly could result in Oregon being out of compliance with the CCDBG and possible loss of federal funds.

Subject areas to be addressed by temporary rules are emergency procedures, protection from vehicular traffic, prevention of shaken baby syndrome and abusive head trauma, and new health and safety training requirements for all caregivers.

Emergency procedures rule changes reflect specific language in federal law to include procedures for evacuations, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions.

Federal law requires health and safety rule language to contain protection from hazards including **vehicular traffic** and appropriate precautions to prevent **shaken baby syndrome and abusive head trauma**.

All caregivers in licensed child care facilities that have unsupervised access to children must complete an Early Learning Division Office of Child Care approved **health and safety training**

beginning September 30, 2016. All current caregivers must complete the training by June 30, 2017.

Program Summary:

Licensed child care in Oregon is governed by state and federal statutes and Oregon Administrative Rules. The types of licensed child care in Oregon are Registered Family Child Care Home, Certified Family Child Care Home and Certified Child Care Center.

Registered Family Child Care means home-based child care caring for up to 10 children. Certified Family Child Care means home-based child care caring for up to 16 children. Certified Child Care Center means center-based child care caring for more than 13 children.

Population Served:

Population served includes all Oregon children and families that access licensed child care and early learning programs.

Stakeholders Impacted:

The stakeholders impacted include all licensed child care facilities and staff members who provide direct care for children. Stakeholders also include parents and children in child care facilities who benefit from a trained workforce and regulations that support health and safety of children in care and Child Care Resource and Referral programs who provide technical assistance and guidance to child care providers.

Stakeholders Consulted:

Throughout the development of the Child Care and Development Fund (CCDF) State Plan, a broad group of stakeholders including child care providers, professional organizations, parents, child care resource and referral programs and child care unions were consulted and comments or feedback was solicited on the plan's content.

Fiscal Impact:

These new rules will have minimal fiscal impact on child care providers.

Rules currently in effect contain language on **emergency procedures**. The CCDBG requires the addition of specific requirements that may already be included in a licensee's emergency plan.

The safety rules for **vehicular traffic** and **prevention of shaken baby syndrome** and **abusive head trauma** are advisory in nature and do not have financial implications for providers.

The required **Introduction to Child Care Health and Safety** training is a free course and is offered online in multiple languages. Child care facilities that employ workers who have not taken this course may need to pay staff time to take this training during an orientation period or pay time for current staff to take the training during working hours.