**Child Care Education Committee of the Early Learning Council**

**Rule promulgation workgroups**

**DRAFT Policy Categories**

**Child Care Cluster Preschool Cluster (programs that ELD contracts with)**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Regulated subsidy provider  (non licensed home based) \*CCDBG law changes | Regulated subsidy provider (center based) | Recorded Programs | Registered Family CC | Certified Family CC | Center CC  (Separate school Age rules to be considered) | Special Populations: Teen Parent, A&D, Migrant Seasonal, Inclusive CC | Relief Nursery | Early Intervention/Special Ed. | Or Pre-K | **Preschool Promise (include anything in the law)** |
| Personnel pre-service | **NA/DHS Rules** |  |  | Overview  First aid/CPR RRCAN  Food Handlers  Health and Safety online (new) | First aid/CPR RRCAN  Food Handlers  I/T 30 clock hours specific training | Varies according to role, must have center orientation. | Either same as CC or as regulated subsidy provider center | Same as Certified Center (CC) | **?** | **Head Start Standards** | Legislation is silent on personnel preservice |
| Personnel qualification  (teacher) | **NA/DHS Rules** |  |  | 18 yrs | 18 yrs + one year qualifying teaching experience or 20 /30 credits in ECE or Step 8 in the Oregon Registry | 18 yrs + 6 months qualifying teaching experience plus 10 credits in ECE or Step 8 in the Oregon Registry | Either same as CC or as regulated subsidy --provider center | Same as CC | 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;  (B) TSPC licensure or endorsement in related field; or  (C) Within 12 months of employment, authorization as an Early Childhood Specialist under OAR 581-015-2905. | 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 |
| Personnel training | **NA/DHS Rules** |  |  | 10 hours every 2 years | 15 hours annual in CKC | 15 hours annual | Either same as CC or as regulated subsidy provider center | Same as CC | * + - * 1. ? | 15 hours per year | High Quality Professional development for all staff |
| Group size & ratio | NA – must meet licensing exemption |  |  | 10 ( no more than 6 preschool and no more than 2 under 2)  **language for including own children?** | Provider can select ratio from table A, B or C (see below) and change throughout the day. Group size is 12-16 depending on children’s ages | Up through 23 mo. 1:4 (max 8)  24 mo. to 36 mo. 1-5 (max 10)  36 months to kindergarten 1:10 (max 20)  School age  1-15 (max 30) | Either same as CC or as regulated subsidy provider center | Same as CC | **?** | **Center Based 1** Teacher + 1 Aide or 2 Teachers, and when possible a volunteer.  **1 Family child care Provider** ratio is 1:6 w/ no more than 2 under 2.  **1 Family child care Provider +** Aide ratio is 2:12 with no more than 4 under w.  (45 CFR 1306 § 1306.32):  **Class size** varies with age of children e.g.,  4/5 yrs:17-20  3 yrs: 15-17 (45 CFR 1306 §1306.20): | A child : staff ratio of no more than 10 to 1; A class size of no more than 20 with a highly qualified staff |
| Health, food service and nutrition | **NA/DHS Rules** |  |  | Follow CACFP guidelines | Follow CACFP | **Follow CACFP – is this in rule?** | Either same as CC or as regulated subsidy provider center | Same as CC |  | 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 |  |
| Health and safety inspections – **can we call out fire, health dept. and ELD?** | annual |  |  | annual | Twice annually | Twice annually | Either same as CC or as regulated subsidy provider center | Same as CC | 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 participation of all children. applicable personnel standards outlined in OAR 581-015-2900 | 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) | Yes |
| Regulated and monitored by ELD | **Yes (Yes monitored, regulated?)** | No | Yes: Self report to the ELD that they exist and comply with obtaining back ground checks and to inform parents they are not license by the ELD | Yes | Yes | Yes | Either same as CC or as regulated subsidy provider center | Yes | No | OPK Yes | Yes: Participates in an ongoing monitoring and program evaluation system used for continuous program improvement |
| **Learning and Development Standards (short description)** | ? |  |  | ? |  |  |  |  | ? |  | QRIS rating of 4 or 5 |
| **Parent fees** | To be decided | To be decided | NA | Rule is silent | Rule is silent | Rule is silent | Co-pay may be required |  | **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.  45 CFR 1305 § 1305.9  (see Table 3) |  |
| **Funding (program allotment or slot/child)** | Per child per DHS payment rates | Per child per DHS payment rates | NA | Not tied to regulation | Not tied to regulation | Not tied to regulation |  |  | ? | TBD |  |
| **Program eligibility** | **At least one child receives subsidy?** | **At least one child receives ERDC subsidy?** |  | NA | NA | NA | Varies from program type |  | "Early intervention (EI)" means services for preschool children with disabilities from birth until three years of age, including Indian children and children who are homeless and their families | any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community. Sec. 641. [42 U.S.C. 9836-Designation of Head Start Agencies] |  |
| **Eligible population** | Parent of child has qualified for subsidy | Parent of child has qualified for subsidy |  | NA | NA | NA | Teen parents, migrant & seasonal farm workers, parents in A&D treatment programs, parents of children with disabilities | **??** | * + - * 1. tem | 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 kindergarten, up to 200% of FPL** |
| **Additional services** | NA |  |  | NA | NA | NA |  |  | "Early childhood special education (ECSE)" means free, specially designed instruction to meet the unique needs of a preschool child with a disability, three years of age until the age of eligibility for public school, including instruction in physical education, speech-language services, travel training, and orientation and mobility services. Instruction is provided in any of the following settings: home, hospitals, institutions, special schools, classrooms and community childcare or preschool settings, or both. | Transportation Requirements: 1306.30 Provisions of comprehensive  child development services: 45 CFR 1310.1 Sub Part B  (See Table G), **health, dental, social services?** | Transportation? |
| Additional requirements |  |  |  |  |  |  | TP requires parenting support |  |  |  | Minimum and target salary Requirements. Provision of Instructional hours meeting the annual number for full day kindergarten |
| Definitions  Goal to be consistent across licensing types, e.g., same definition of infant across types of licensed care. |  |  |  |  |  |  |  |  |  |  |  |

Supporting information for Child Care Cluster

Ratio for CF

**TABLE A**

|  |  |  |  |
| --- | --- | --- | --- |
| **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. |

* 1. If children in care include any infants and/or toddlers, the following table determines the staff/child ratio.

**TABLE B**

|  |  |  |  |
| --- | --- | --- | --- |
| **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.  **Practice Note:** 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.  **Practice Note:** 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.  **Practice Note:** 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.  **Practice Note:** 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. |

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

**TABLE C**

|  |  |  |  |
| --- | --- | --- | --- |
| **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. |

Center Ratios

**TABLE 3A**

|  |  |  |
| --- | --- | --- |
| **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

**414-300-0080 Director- Qualifications and Duties**

1. The director shall:
   1. Be at least 21 years of age; and
   2. Have:
      1. At least one year of training and/or experience in management and supervision of adults; and
      2. Have knowledge of child development for the primary ages served in the center, as evidenced by a combination of professional references, education, experience or training; or
      3. Documentation of attaining at least step nine in the Oregon Registry, or
   3. Have:
      1. One year of training and/or experience in management and supervision of adults OR have knowledge of child development for the primary ages served by the center as evidenced by a combination of professional references, education, experience or training; and
      2. A plan, approved by OCC, that shows how the missing component in (A) above will be addressed and how the program will be operated until the director has obtained the training, experience or knowledge.
2. The director of the center shall be accountable for:
   1. Administrative functions, including, but not limited to: financial management; maintaining records; budgeting; policy development; ensuring the appropriateness of program activities according to age and developmental levels of children; staff orientation; management and training; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided; and
   2. Operating the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0415).
3. If head teacher qualifications (OAR 414-300-0090) are met by the director, that person may serve as head teacher for the age range of children for which she/he is qualified if she/he works full-time in the center:
   1. If the center is certified for less than 40 children, the director may serve as head teacher and have regular teaching duties, if qualified;
   2. If the center is certified for 40 or more children, the director may serve as head teacher, but shall have no regular teaching duties.
4. A director responsible for a center certified for fewer than 100 children shall be in the center at least one-third of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.
5. A director responsible for a center certified for more than 100 children can be responsible for only one site. The director shall be in the center at least half of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.
6. The director, or a substitute director, shall be on the premises during all hours of operation.
7. The substitute director shall:
   1. Meet at least the qualifications of a teacher;
   2. Be familiar with the certification requirements;
   3. Be authorized, able, and available to correct a deficiency that might be an immediate threat to children's health or safety; and
   4. Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a director.
8. Whenever a director is absent from the center, the name of the substitute director shall be posted in the center, as required in OAR 414-300-0030(l).

**414-300-0090 Head Teacher- Qualifications and Duties**

1. For each infant and toddler, preschool age, and school age program in the center, there shall be a qualified person designated as head teacher who is at least 18 years of age.
2. The head teacher shall be accountable for:
   1. The development and implementation of the center's program of activities for that age group or groups; and
   2. Ensuring the appropriateness of program activities according to the age, interests, and developmental level of the children.
3. A head teacher shall meet the qualification requirements of one of the options listed in Table 1 of this rule.
4. A person may serve as head teacher for more than one age group as long as the qualifications for head teacher for each age group are met.
5. Head teachers shall be in the center at least one-fourth of the hours, calculated on a weekly basis, that the center is in operation. Table 1

**Qualifications for Head Teacher**

**TABLE 1**

|  |  |  |  |
| --- | --- | --- | --- |
| **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: | * Early childhood education * Child development | * Early childhood education * Child development * Elementary education * Special education | * Child development * Elementary education * Physical education * Recreation * Special education * Early childhood education |
| OR  (b) Associate’s Degree (AS/AA) from a college with a major in: | * Early childhood education * Child development | * Early childhood education * Child development * Or related degree | * Child development * Physical education * Recreation * Special education * Early childhood education * Or related degree |
| OR  (c) A one year state or nationally recognized  credential: | * Related to infant and toddler care | * Related to preschool- age care | * Related to school-age care |
| 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: | * Early childhood education * Child development * Infants and/or toddlers | * Early childhood education * Child development * Elementary education * Special education * Preschool-age children | * Child development * Physical education * Elementary education * Special education * Recreation * Early childhood education * School-age children |
| 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: | * Infants and/or toddlers | * Preschool-age children | * School-age children |
| OR  (f) Documentation of attaining at least step 8.5 (eight.five) in  the Oregon Registry |  |  |  |

**414-300-0100 Teacher**

* 1. For each group of children, a person shall be designated as the teacher. This person shall:
     1. Be at least 18 years of age;
     2. Be responsible for and supervise a designated group of children; and
     3. Supervise the activities of an aide assigned to his/her group.
  2. A teacher shall meet the qualification requirements of one of the options listed in Table 2 of this section. Table 2

**Qualifications for Teacher**

**TABLE 2**

|  |  |  |  |
| --- | --- | --- | --- |
| **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: | * Early childhood education * Child development | * Early childhood education * Child development * Elementary education * Special education | * Child development * Elementary education * Physical education * Recreation * Special education * Early childhood education |
| OR  (b) A one year state or nationally recognized  credential: | * Related to infant and toddler care | * Related to preschool- age care | * Related to school-age care |
| 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: | * Infants and/or toddlers | * Preschool-age children | * School-age children |
| 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: | * Early childhood education * Child development * Infants and/or toddlers | * Early childhood education * Child development * Elementary education * Special education * Preschool-age children | * Child development * Elementary education * Physical education * Recreation * Special education * Early childhood education * School-age children |
| OR  (f) Documentation of attaining at least step 8 (eight) in the  Oregon Registry |  |  |  |

**414-300-0110 Teacher Aides**

1. Aide I shall be:
   1. At least 15 years of age; and
   2. Directly supervised, i.e., within sight and sound of, a staff person who meets at least the qualifications of a teacher.
2. Aide II in infant/toddler/preschool-age programs shall:
   1. Be at least 18 years of age;
   2. Have worked at least six months at the center where they are now employed; and
   3. Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.
3. Aide II in school-age programs shall:
   1. Be at least 18 years of age;
   2. Have worked at least four months in the school-age program where they are now employed; and
   3. Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.
4. Staff at Aide II level may, with the approval of the director, be out of sight and sound of a teacher for brief, necessary events, such as taking a child to the bathroom or bringing a child in for minor medical attention.
5. An Aide II may not be left alone with a group of children, except as described in OAR 414-300- 0130(2)(a) and 414-300-0350(5)(b).
6. Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to children.

**414-300-0115 School-Age Multi-Site Programs- Additional Staff**

1. In a multi-site program, the operator shall develop a written plan which shows:
   1. How the administrative functions in section OAR 414-300-0080(2)(a) will be met; and
   2. How Head Teacher functions in OAR 414-300-0090(2)(a) and (b) will be met.
2. All staff of school-age multi-site programs shall meet qualifications for the position they hold, as specified in OAR 414-300-0080, -0090, -0100 and -0110, unless otherwise specified in this section.
3. If the multi-site program does not have a director, the site coordinator and the site director/supervisor shall jointly perform the functions of director.
4. A site coordinator shall:
   1. Be at least 21 years of age;
   2. Have at least one year of training and/or experience in management and supervision of adults;
   3. Be authorized, able and available to correct deficiencies; and
   4. If acting as a substitute teacher, be teacher qualified.
5. A site coordinator shall be at each site on a monthly basis during the hours of operation. The time at each site must include time spent directly observing staff and children.
6. A site director/supervisor shall:
   1. Be at least 18 years of age;
   2. Be at least teacher-qualified;
   3. Be authorized, able and available to correct deficiencies; and
   4. If the facility is certified for 40 or more children, not have teaching duties unless the number of children on site is less than 40.
7. A site director/supervisor shall be on site at least one-half of the hours, calculated on a weekly basis, that the school-age program is in operation.
8. If a school-age multi-site program does not have a head teacher at each site, a designated head teacher for the multi-site program shall observe at each site on a monthly basis during the hours of operation.

**Supporting information for Preschool Promise Cluster**

|  |  |  |
| --- | --- | --- |
| Table G | | |
| 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   * a baccalaureate or advanced degree in early childhood education; or * a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.   Head Start education coordinators, including those that serve as curriculum specialists   * a baccalaureate or advanced degree in early childhood education; or * a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.   Teaching Assistants   * at least a child development associate credential; * enrolled in a program leading to an associate or baccalaureate degree; or * enrolled in a child development associate credential program to be completed within 2 years. |
|  |  |  |
| Group size & ratio |  |  |
| Health, food service and nutrition | 45 CFR 1304 § 1304.23 Child nutrition |  |
| Health and safety inspections | 45 CFR 1304 § 1304.22 Child health and safety |  |
| Program 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] |  |

-