Rules for

Preschool Recorded Programs

Oregon Administrative Rules (OAR) Chapter 414, Division 450
Rules for Preschool Recorded Programs
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Office of Child Care
Early Learning Division
Oregon Department of Education

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414-450-0000

Purpose and Scope

414-450-0000 Purpose and Scope

(1) Oregon Administrative Rules (OAR) 414-450-0000 through 414-450-0040 are the Office of Child Care's minimum requirements for preschool recorded programs. The purpose of these rules is to collect and publish information on preschool recorded programs, and require criminal background checks on staff and volunteers having contact with children in these programs.

(2) Nothing in these rules is intended to create requirements applicable to a program that is:

- **(a)** Required to be certified under ORS 329A.290 or registered under ORS 329A.330; or
- **(b)** Operated by a school district as defined in ORS 332.002; or
- **(c)** Operated by a political subdivision of this state; or
- **(d)** Operated by a governmental agency.

414-450-0010

Definitions

414-450-0010 Definitions

(1) "Central Background Registry" means OCC's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.

(2) "Child Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation.

(3) "OCC" means the Office of Child Care in the Early Learning Division of the Department of Education.

(4) "Preschool-Age Child" means a child who is 36 months of age up to the summer vacation months prior to being eligible to be enrolled in the first grade in public school.

(5) "Preschool Recorded Program" means a facility providing care for preschool age children that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.

(6) "Program Record" means the document a preschool recorded program is issued by the Office of Child Care to operate a preschool recorded program pursuant to ORS 329A.255 and OAR 414-450-0000 through 414-450-0030.

(7) "School-Age Child" means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school age child.

(8) "Staff" means any individual 18 years and older who works in, and has contact with children in the program.

(9) "Volunteer" means any individual 18 years or older who intends to perform uncompensated duties for the program and who may have unsupervised contact with the children in the program; or who is in the facility more than four hours per year and has contact with children in the program four hours per year and has contact with children in the program.

414-450-0020

Application for a Program Record

414-450-0020 Application for a Program Record

(1) No person or organization shall operate a preschool recorded program without an active program record issued by the Office of Child Care (OCC).

(2) Application for a program record shall be made on forms provided by OCC. The original forms must be submitted to OCC for processing.

(3) A completed application is required:

- **(a)** For a new program record
- **(b)** For renewing a program record

(4) There is a nonrefundable processing fee of $20 for each application.

(5) To determine if requirements are met, the applicant may be required to supply additional information or permit OCC to visit and assess the program.

414-450-0025

Issuance of a Preschool Age Program Record

414-450-0025 Issuance of a Preschool Program Record

(1) OCC shall issue a program record to a person or organization operating a preschool program if OCC determines that the applicant meets the requirements of ORS 329A.250(9) and 329A.255; and OAR 414-450-0000 through 414-450-0040.

(2) A program record is valid for two years from date of issuance.

(3) A program record authorizes operation of the preschool recorded program only at the address described in the record and only by the person named in the record.

(4) OCC will create and maintain a database of preschool recorded programs. The database will include:

- **(a)** Name and address of the program;
- **(b)** Name of contact person; and
- **(c)** Program information such as capacity, age range of children served and hours of operation.

414-450-0030

General Requirements

414-450-0030 General Requirements

(1) Through December 31, 2022, the preschool recorded program must assure that criminal background checks are done on all staff and volunteers prior to having contact with children in the program. Enrollment in the Central Background Registry as defined in OAR 414-061-0020(18) that is not a limited enrollment as defined in OAR 414-061-0020(25)(b) meets the requirement of a criminal background check.

(2) Beginning January 1, 2023, the preschool recorded program must obtain verification from the Office of Child Care that all staff and volunteers are enrolled in the Central Background Registry prior to having contact with children, and must maintain in the program's records written verification from OCC of enrollment. Enrollment, limited enrollment as defined in OAR 414-061-0020(25)(a) or conditional enrollment as defined in 414-061-0020(9) shall meet this requirement. The preschool recorded program may allow individuals for which the preschool recorded program completed a criminal background check before January 1, 2023 to continue be employed or allowed to volunteer after January 1, 2023 without enrollment in the Central Background Registry if the individual submits a completed application for enrollment in the Central Background Registry no later than June 30, 2023 for which the Office of Child Care has not issued a notice of intent to deny.

(3) The preschool recorded program must post a notice where it is visible to parents that the program is recorded with OCC and is legally exempt from licensure.

414-450-0040

Denial of Application and Sanctions

414-450-0040 Denial of Application and Sanctions

(1) An initial application for a new program record or renewal application may be denied if OCC finds that:

(a) The program or its operation does not comply with ORS 329A.250(9) and 329A.255, with applicable rules or with any term or condition imposed under the record; or

(b) A visit, on-site assessment or inspection of a program or its records authorized by ORS 329A.390 has not been permitted.

(2) A person or organization that violates any provision of this section or any term or condition of a program record is subject to a civil penalty not to exceed $100.