

**Child Care and Education Workgroup**  
**September 18th, 2014**  
**1:00-3:00pm**  
**WebEx Meeting**

**Agenda**

Goals: Provide feedback on proposed rule changes for the Early Learning Council.  
Maintain currency with work of Early Learning System Integration small work group

- I. Overview of emerging role of child care and education workgroup – Bobbie
- II. Overview of the purpose/history of regulation – Kathleen
  - a. put these RF rules in the context of the three types of facilities and other rule
- III. Provide a summary of the proposed revisions – Kathleen
- IV. Guided discussion – Heidi
  - a. What proposed changes do you see as positive?
  - b. What proposed changes cause you pause or concerns you?
  - c. What suggestions do you have consideration?
  - d. Are there other issues that you would like to be examined in the future?
- V. Next steps – Bobbie
  - a. Recommendations for ELC
  - b. If other issues emerge - request the ELC to direct the ELD to address these issues
- VI. Update from subcommittee - Nancy

**Public Access to Child Care and Education Workgroup Meeting**

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Call-in toll-free number (US/Canada): 1-855j-282-7330  
Call-in toll number (US/Canada): 1-415-655-0003

Access code:801 195 866

# Rules for Registered Family Child Care Homes

DRAFT

Oregon Department of Education  
Office of Child Care  
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**RF-200 09/11/14**  
**[replaces 9-7-14 version]**

## Information for Registered Family Child Care Providers

Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Office of Child Care's requirements for registered family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes. The Office of Child Care wants providers to be successful in meeting the requirements of these rules and will assist them whenever possible.

The 1997 legislature passed several pieces of legislation that substantially strengthened family child care in Oregon. Training requirements for providers were expanded, and on-site health and safety reviews were required for applicants.

### **You are required to be licensed as a registered family child care provider if:**

- You provide child care to more than three children at any one time, unless they are all from the same family;
- You provide child care on other than an occasional basis; or
- You receive payment from an agency that requires you to be licensed.

### **You are not required to be licensed as a registered family child care provider if:**

- You provide care to a child in their home;
- You provide care to three or fewer children, not including your **own** children;
- You provide care to the children of only one family;
- You provide care only on an occasional basis and are not ordinarily engaged in providing child care;
- You are the child's parent, guardian, or person acting in place of the parent; or
- You are related to the child by blood, marriage, or adoption.

***The Office of Child Care of the Department of Education is an equal opportunity program. Auxiliary aids and services are available upon request to individuals with disabilities.***

# Rules for Registered Family Child Care Homes

## TABLE OF CONTENTS

	Page
Information for Providers	
Rules for Registered Family Child Care	
Purpose .....	1
Definitions .....	2
Application for Registration.....	5
General Requirements .....	6
The Provider and Other Persons in the Home.....	7
Training Requirements .....	8
Children in Care .....	10
Supervision of Children .....	10
<b>Guidance and</b> Discipline .....	11
Program of Activities.....	12
Health .....	13
Safety .....	16
Sanitation .....	19
Record Keeping.....	19
Night Care .....	20
Exceptions to Rules.....	21
Complaints .....	21
<b>Findings</b> Review and Sanctions .....	22

## RULES FOR REGISTERED FAMILY CHILD CARE

### **414-205-0000 PURPOSE**

- 1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Office of Child Care's minimum requirements for registered family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.
- 2) Registration is required for persons who provide child care:
  - (a) On other than an occasional basis; and
  - (b) To more than three children from more than one family at any one time, other than the person's **own** children, subject to the limits in OAR 414-205-0065; or
  - (c) To three or fewer children, even if from the same family, if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended, or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or
  - (d) That is primarily educational to children age 36 months or older but not attending kindergarten for four hours or less a day if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended, or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or
  - (e) On an occasional basis by a person not ordinarily engaged in providing child care if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended, or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or
  - (f) To children from only one family other than the person's own family care if that person's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended, or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC.
- 3) These rules do not apply to care provided:
  - (a) In the home of the child;

- (b) To three or fewer children, not including the provider's **own** children, subject to the limits in OAR 414-205-0065 except as provided in 414-205-0000(2)(c);
  - (c) To children from one family, not including the provider's **own** children, except as provided in OAR 414-205-0000(2)(f);
  - (d) On an occasional basis by a person not ordinarily engaged in providing child care except as provided in OAR 414-205-0000(2)(e);
  - (e) By the child's parent, guardian, or person acting in place of a parent;
  - (f) By a person related to the child care children by blood, marriage, or adoption;
  - (g) By a person who is a member of the child's extended family, as determined by the Office of Child Care on a case-by-case basis; or
  - (h) By a person providing care that is primarily educational, and provided to a preschool child for four hours or less a day, except as provided in OAR 414-205-0000(2)(d).
- 4) Any family child care provider exempt from registration may apply for registration.
  - 5) These rules apply only during the hours the provider is conducting the child care business.

#### **414-205-0010 DEFINITIONS**

- 1) **"Caregiver"** means any person, including the provider, who cares for the children in the registered family child care home, and works directly with the children, providing care, supervision, and guidance.
- 2) **"Central Background Registry"** means OCC's registry of individuals who have been approved to **work in be associated with** a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.
- 3) **"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.
- 4) **"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 ~~if is a child~~ with special needs. ~~who requires a level of care over and above the norm for their age~~ **The child who** does not reside in the home and ~~for whom~~ the provider has supervisory responsibility for the child in the temporary absence of the parent.
- 5) **"Child with Special Needs"** means a child under ~~the age of~~ **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.
- 6) **"Civil Penalty"** means a fine imposed by OCC on a provider for violation of these rules.

- 7) **"Family"** means ~~persons related by blood, marriage, or adoption, or whose functional relationship (eg parent(s), custodian(s), guardian(s) in exercising physical care and custody of the child(ren) is similar to those found in such associations.~~ a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.
- 9) ~~"Full-Time Child Care" means care provided to children not yet eligible for the first grade or above. One or more children may fill a full-time space in the home as long as the children are not in care at the same time.~~
- 8) **"Infant"** means a child who is ~~not yet walking~~ at least six weeks of age up to 12 months of age.
- 9) **"Kindergarten-Age Child"** means a child eligible to attend kindergarten in a public school.
- 10) **"New Application"** means a registration that has been filed by an applicant who has never had an active registration.
- 11) **"Night Care"** means care given to a child who sleeps at the family child care home for all or part of the night.
- 12) **"OCC"** means the **Office of Child Care of the Department of Education**, or the Administrator or staff of the **Office of Child Care**.
- 13) **"Occasional"** means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.
- 14) **"Oregon Registry"** means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University, that documents the training **and** education **and experience** of individuals who work in childhood care and education.
- 16) ~~"Part-Time Child Care" means care provided to a child who meets the definition of a school-age child and is in care on days and hours school is not in session.~~
- 15) **"Premises"** means the location that is identified on the application, including indoors and outdoors and space not directly used for child care.
- 16) **"Preschool-Age Child"** means a child ~~24 months of age to eligible to be enrolled in the first grade and during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year.~~ who is 36 months of age up to eligible to attend kindergarten in a public school.
- 17) **"Provider"** means a resident of the registered family child care home who is responsible for the children in care, is the children's primary caregiver, and the person whose name is on the certificate of registration.

- 18) **“Registered Family Child Care Home”** means the residence of the provider, who has a current family child care registration at that address and who provides care in the family living quarters.
- 19) **“Registration”** means the document a family child care provider is issued by the Office of Child Care to operate a family child care home where care is provided in the family living quarters of the provider’s home pursuant to ORS 329A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.
- 20) **“Renewal Application”** means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.
- 21) **“Reopen Application”** means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.
- 22) **“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.
- 23) **“School-Age Child”** means a child eligible to be enrolled in ~~the first grade kindergarten~~ or above ~~and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year, up to age 13.~~ in public school.
- 24) **“Serious Complaint”** means a complaint filed against:
- (a) A registered family child care provider by a person who has alleged that:
    - (A) Children are in imminent danger;
    - (B) There are more children in care than allowed by law;
    - (C) Corporal punishment is being used;
    - (D) Children are not being supervised;
    - (E) Multiple or serious fire, health or safety hazards are present in the home;
    - (F) Extreme unsanitary conditions are present in the home; or
    - (G) Adults are in the home who are not enrolled in the Office of Child Care’s Central Background Registry.
  - (b) An individual providing child care, as defined by ORS 329A.250(4), who is not a registered family child care provider and the complaint alleges that there may be more children in care than allowed by law.
- 25) **“Serious Violation”** means OCC has made a valid finding when assessing a serious complaint that alleges:



- (a) Children are in imminent danger;
- (b) There are more children in care than allowed by law;
- (c) Corporal punishment is being used;
- (d) Children are not being supervised;
- (e) Multiple or serious fire, health or safety hazards are present in the home;
- (f) Extreme unsanitary conditions are present in the home;
- (g) Adults are in the home who are not enrolled in the Office of Child Care's Central Background Registry; or
- (h) An individual is providing child care as defined by ORS 329A.250(4) without registering with the Office of Child Care of the Department of Education.

26) **"Substitute Caregiver"** means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.

27) **"Toddler"** means a child who is at least 12 months of age but is not preschool-age.

(a) **"Younger toddler"** means a child who is at least 12 months of age but is under 24 months of age.

(b) **"Older toddler"** means a child who is at least 24 months of age but is not yet preschool-age.

28) **"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 ~~and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of five square feet and a sill no more than 48 inches above the floor.~~ A clear path must exist to all useable exits.

(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.**

(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 than 44 inches above the floor.**

#### **414-205-0020 APPLICATION FOR REGISTRATION**

- 1) The applicant must apply for registration on the form supplied by OCC. The original form(s) must be submitted to OCC for processing.
- 2) Persons submitting new applications must attend a family child care overview session prior to submitting their application to OCC.

- 3) Persons interested in submitting an application must meet the training requirements outlined in OAR 414-205-0055.
- 4) An application for registration is required:
  - (a) For a new registration;
  - (b) For renewing a registration; or
  - (c) For reopening a registration.
- 5) There is a non-refundable filing fee of \$30 for each application. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.
- 6) All civil penalties must be paid in full.
- 7) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit OCC, a fire marshal, or a public health official to assess the home and/or review child care records.
- 8) Providers must satisfactorily complete an on-site health and safety review conducted by OCC prior to issuance of a new, renewal, or reopen registration. The review will ensure that the provider is in compliance with the rules related to health, safety, and sanitation.
- 9) If an application for renewal is received by OCC at least 30 days prior to the expiration date of the current registration, the current registration, unless officially revoked, remains in effect until OCC has acted on the application for renewal and has given notice of the action taken.

#### **414-205-0035 GENERAL REQUIREMENTS**

- 1) The home where child care is provided must be the residence of the provider.
- 2) **The provider may not hold a medical marijuana card, grow or use medical marijuana, or be a distributor of medical marijuana.**
- 3) Registration is limited to one provider per household.
- 4) A registration applies to only the person and the address on the certificate of registration and is not transferable to another location or individual.
- 5) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider shall not care for more than three (3) children, other than the provider's children, at any one time prior to OCC approving a certificate of registration.
- 6) OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.

- 7) The name, address, telephone number, and registration status of registered providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.
- 8) The Certificate of Registration must be posted in the family child care home in an area where it can be viewed by parents.
- 9) The provider shall have no other employment, either in or out of the home, during the hours children are in care.
- 10) **OCC staff may conduct an unannounced monitoring visit at least once during the license period.**
- 11) **The provider or substitute must allow a representative from the Office of Child Care access to the home any time child care children are present.**
- 12) The provider must allow ~~custodial~~ parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.
- 13) 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.
- 14) Any caregiver who has reason to believe that any child suffered abuse (physical or 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.
- 15) The provider must notify parents if there will be a substitute caregiver and the caregiver's name ~~or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises~~. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children. **The provider must notify parents if the children will be away from the home for any part of the day for visits, field trips or any other activity off the premises.**
- 16) If an applicant or a provider wishes ~~or wishes~~ to provide ~~adult or~~ child foster care, the ~~foster care licensing agency must grant approval for the applicant to provide both child care and foster care services~~ **provider must receive approval from OCC and DHS, prior to placement of the foster child(ren).**
- 14) Registered providers shall comply with all conditions placed on their license.**

#### **414-205-0040 THE PROVIDER AND OTHER PERSONS IN THE HOME**

- 1) The registered provider and any substitute caregiver shall: ~~be at least 18 years old and in such physical and mental health as will not adversely affect a child in care.~~
  - (a) Be at least 18 years old,
  - (b) Have competence, sound judgment and self-control when working with children, and
  - (c) Be mentally, physically and emotionally capable of performing duties related to child care.
- 2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.
  - (a) The applicant and other residents of the home 18 years of age or older must be enrolled in OCC's Central Background Registry prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18<sup>th</sup> birthday.
  - (b) ~~Prior to another adult moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis, or substituting for or assisting the provider,~~ The provider must ~~receive documentation from~~ verify with OCC that the individual is enrolled in the Central Background Registry (CBR) prior to that individual moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis (including overnight visits) or substituting for or assisting the provider. This does not apply to parents of children in care unless they are residing in the home or substituting for or assisting the provider. The provider must keep a copy of OCC's confirmation letter for all adults enrolled in the CBR.
  - (c) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information. ~~may be required by OCC.~~
  - (d) Any visitor to the home or other adult who is not enrolled in the Central Background Registry shall not have unsupervised access to children.
  - (e) The provider, substitutes and other individuals that are required to be enrolled in the Central Background Registry (CBR) must maintain current enrollment in the CBR at all times while the child care license is active.
- 3) ~~A caregiver substituting for the provider~~ Prior to substituting for the provider, a caregiver must:
  - (a) Be familiar with the requirements for registration and agree to comply with them;
  - (b) Be enrolled in the Central Background Registry ~~prior to substituting for the provider;~~

(c) Comply with all the requirements **placed on the provider**, except those in OAR 414-205-0055 ~~placed on the provider in these rules~~;

**(d) Have a current certification in first aid and infant and child cardiopulmonary resuscitation. The certifications must be current while the caregiver is substituting for the provider. Training must have practical hands-on instruction. Courses that involve an on-line component with hands-on instruction may be acceptable. Strictly on-line training is not acceptable; and**

**(e) Have a current food handler's certification, if preparing or serving food to children.**

#### **414-205-0055 TRAINING REQUIREMENTS**

1) When a person submits a new application for registration as a family child care provider, the Office of Child Care shall, prior to approving the registration, receive evidence from the person that the person has:

(a) Completed the Family Child Care Overview session;

(b) A current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). Training must have practical hands-on instruction. **Courses that involve an on-line component with hands-on instruction may be acceptable. therefore, Strictly on-line training is not acceptable.**

(c) A current food handler certification pursuant to ORS 624.570; **and**

(d) Completed two hours of training on recognizing and reporting child abuse and neglect issues.

(A) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in this state.

(B) Training must be two hours or more in duration to be accepted; **and**

**(e) Completed OCC approved health and safety training.**

2) When a registered family child care provider submits a renewal application, the Office of Child Care shall, prior to approving it, receive evidence from the provider that the provider has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). Training must have practical hands-on instruction. **Courses that involve an on-line component with hands-on instruction may be acceptable. therefore, Strictly on-line training is not acceptable.;**

(b) A current food handler certification pursuant to ORS 624.570; **and**

(c) Completed a minimum of **eight ten** hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the

Oregon Registry. At least ~~four~~ **six** clock hours of the ~~eight~~ **ten** hours of training must be in child development or early childhood **education**. **Duplicate A** training on recognizing and reporting child abuse and neglect ~~issues will~~ be accepted ~~again~~ after five years (and every five years thereafter) ~~towards the as part of the eight ten~~ clock hours of training required for licensing, **but will not be accepted as part of the required child development training hours.**

(A) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same registration period.

(B) The following core knowledge categories that are accepted for child development and early childhood care and education are: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).

~~(C) An approved planned reading program of professional materials may count for up to two hours of the eight clock hours of training and must include a written assessment of the reading materials completed.~~

3) When a person submits a reopen application, the Office of Child Care shall, prior to approving it, receive evidence from the individual that the individual has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). Training must have practical hands-on instruction. **Courses that involve an on-line component with hands-on instruction may be acceptable. therefore, Strictly** on-line training is not acceptable.;

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Documentation that the individual has ~~eight ten~~ hours of training related to the Oregon Registry core knowledge categories ~~during the previous two-year license period~~ **since the individual's last active child care license was issued**. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: ~~two~~ **2.5** hours of training for each six months of the previous license period. **Duplicate A** training on recognizing and reporting child abuse and neglect ~~issues can will~~ be accepted again after five years (and every five years thereafter) ~~towards as part of the eight ten~~ clock hours of training required for licensing, **but will not be accepted as part of the required child development training hours.**

(A) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

~~(B) An approved planned reading program of professional materials may count for up to two hours of the eight clock hours of training and must include a written assessment of the reading materials completed.~~

- 4) **While the registered family child care license is active, the provider must maintain current certifications in first aid, infant and child CPR and food handler training.**

#### **414-205-0065 CHILDREN IN CARE**

- 1) A family child care provider may care for a maximum of 10 children under 13 years of age, or under 18 years of age with special needs, at any one time. This includes the provider's children, the child care children, foster children and any other children for whom the provider is responsible.
- 2) Of the 10 children under 13 years of age, or under 18 ~~if a child~~ **years of age** with special needs, the provider may care for:
  - (a) A maximum of six children preschool-age or younger, including the provider's ~~own~~ children, of which only two children may be under 24 months of age.
  - (b) ~~In addition, there may be~~ Four school-age children, **in addition to the six children preschool-age or younger.**
  - (c) **More school-age children** if there are fewer than six children preschool-age or younger, as long as there are no more than 10 children in the home at any one time.
- 3) Other children, including but not limited to, **relatives**, neighborhood children or friends of the provider's children, are included in the maximum number of 10 children allowed in care, if their parents or other adults responsible for supervising them are not present in the home or are not directly supervising their own child(ren).
- 4) Visiting children and their parents or others directly supervising them can be in the family child care home only on an occasional basis.
- 5) No child younger than six weeks of age can be in care in a family child care home. This does not include the provider's child(ren).

#### **414-205-0075 SUPERVISION OF CHILDREN**

- 1) The provider or a substitute caregiver is responsible for the children in care. **At all times** the provider or substitute caregiver must:
  - (a) Be within sight ~~and/or~~ sound of all children ~~at all times~~; **and**
  - (b) Be aware of what each child is doing ~~at all times, and.~~
  - (c) **Be near enough to children to respond when needed;**



(d) Be physically present when there are children 36 months of age or younger playing outside; and

(e) Be physically present when **preschool-age kindergarten-age** or younger children are playing outside, unless the outside play area is fully fenced and hazard free. ~~If the outside play area is fully fenced and hazard free, the provider must be within sight and/or sound of the children.~~

#### **414-205-0085 GUIDANCE AND DISCIPLINE**

1) The provider must have a written **discipline** policy **on guidance and discipline of child care children**. The policy must be simple and understandable to the child, the parent(s) and substitute caregivers. ~~The written discipline policy must be given to all parents.~~

~~2) The following behavior by caregivers is prohibited:~~

~~(a) Corporal punishment, including hitting, spanking, slapping, beating, shaking, pinching, and other measures that produce physical pain;~~

~~(b) Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;~~

~~(c) Punishing a child for toileting accidents or for refusing food;~~

~~(d) Abusive or profane language;~~

~~(e) Any form of public or private humiliation, including threats of physical punishment;~~

~~(f) Any form of emotional abuse, including, but not limited to, rejecting, terrorizing, neglecting, or corrupting a child.~~

2) The written discipline policy must be given to all parents.

3) The guidance and discipline policy shall:

(a) Provide for positive guidance, redirection and the setting of clear boundaries; and

(b) Be designed to help the child develop self-control, self-esteem and respect for others.

4) Only providers and substitutes shall provide guidance or discipline to child care children.

5) Guidance and discipline shall be fair, consistently applied, timely and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used.

6) The following behaviors by caregivers are prohibited:

(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;

(b) Using inappropriate forms of restraints, including, but not limited to, tying or binding;



- (c) Using non-prescription chemicals for discipline or to control behavior;
  - (d) Yelling harshly or using profane or abusive language;
  - (e) Using mental or emotional punishment, including, but not limited to, name calling, ridicule or threats;
  - (f) Confining a child in an enclosed area (e.g. a locked or closed room, closet, box);
  - (g) Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;
  - (h) Punishing a child for toileting accidents or for refusing to eat food;
  - (i) Engaging in any form of public or private humiliation, rejecting, terrorizing, neglecting, or corrupting a child or any form of emotional abuse;
  - (j) Requiring a child to remain silent or inactive for excessive periods of time or removing a child from activities or the group for excessive periods of time.
- 7) Parental request or permission to use any form of **punishment behavior** listed in subsection **(2) (6)** of this rule does not give the provider **or substitute caregiver** permission to **use such punishment do so**.

#### **414-205-0090 PROGRAM OF ACTIVITIES**

- 1) The provider must give the children's needs first priority, ensuring that they get adequate care and attention.
  - 2) 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).
  - 3) The children's activities must allow choice and develop skills based on each child's age and abilities.
  - 4) A balance of active and quiet play must be provided, both indoors and outdoors.
  - 5) The provider must have routines for eating, napping, **diapering** and toileting, with flexibility to respond to the needs of each child.
- (a) **An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.**
    - (A) **Family beds or sofas may be used with individual bedding appropriate to the season.**
    - (B) **If the parent(s) so request, siblings may share the same bed.**

(C) The upper level of bunk beds shall not be used for children under ten years of age.

(D) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.

(b) 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, stuffed animals, etc.)

6) ~~No child may view television or videos or play computer or electronic games for more than two (2) hours per day.~~ 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.

#### **414-205-0100 HEALTH**

1) The home must be a healthy environment for children.

(a) No person shall smoke or carry any lighted smoking instrument, including e-cigarettes or vaporizers in the family child care home or within ten feet of any entrance, exit, window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, e-cigarettes, vaporizers or use smokeless tobacco in motor vehicles while child care children are passengers.

(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.

(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.

(d) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store medical marijuana on the premises of the family child care home. No one under the influence of medical marijuana shall be on the family child care home premises.

(e) Notwithstanding OAR 414-205-0000(5), marijuana plants, derivatives and associated paraphernalia shall not be kept on the family child care home premises.

- (f) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.
  - (g) The room temperature must be at least 68°F during the hours the child care business is conducted.
  - (h) Rooms occupied by children must have a combination of natural and artificial lighting.
  - (i) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- 2) ~~The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.~~ 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.
- (a) 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, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.
  - (b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.
- 3) Infants must be ~~put to sleep~~ laid on their backs on a flat surface for sleeping.
- 4) ~~Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.~~ Illness:
- (a) A provider shall not admit, or retain in care, except with the written approval of the local health officer, 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;
      - (v) severe cough;

(vi) unusual yellow color to skin or eyes;

(vii) skin or eye lesions or rashes that are severe, weeping or pus-filled;

(viii) stiff neck and headache with one or more of the symptoms listed above;

(ix) difficulty breathing or abnormal wheezing;

(x) complaints of severe pain.

**(b) ~~If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.~~ A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall 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.**

5) 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.

6) Parents must be notified if their child is exposed to a communicable disease.

7) Prescription and non-prescription medications shall **only** be given to a child **only** if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).

8) **~~Prescription and non-prescription~~ All** medications must be properly labeled and **stored secured with a child-proof safety lock or latch and stored so that they are not accessible to children.**

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) 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.

(c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication", in the refrigerator.

9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen;

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child(ren). The sunscreen shall be applied in a manner that prevents contaminating the container.

- (A) Parents must be informed of the type of product and the Sun Protective Factor (SPF);
  - (B) Parents must be given the opportunity to inspect the product and active ingredients.
  - (c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child;
  - (d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun;
  - (e) Providers shall use a sunscreen with an SPF of 15 or higher;
  - (f) Providers shall not use aerosol sunscreens on child care children;
  - (g) Sunscreen shall not be used on child care children younger than six months;
  - (h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.
  - (i) Sunscreen does not need to be kept under child-proof safety lock, but must be kept out of reach of children.
- 10) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- 11) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.
- (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.
  - (b) Foods must be stored and maintained at the proper temperature.
  - (c) Foods must be prepared and served according to the minimum standards for food handler certification.
  - (d) Infants must **either** be held or **be-fed** sitting up for bottle feeding. Propping of bottles is prohibited.
  - (e) Children shall not be laid down with a bottle for sleeping.**
- 12) Any animal at the family child care home **must shall** be in good health and be a friendly companion to the children in care.
- (a) Potentially aggressive animals must not be in the same physical space as the children.
  - (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

**(c) Dogs and cats shall be maintained on a flea, tick and worm control program.**

- 13) Animal litter boxes shall not be located in areas accessible to children.
- 14) Caregivers must be physically present when children are interacting with animals.
- 15) **Exotic animals, including, but not limited to:** reptiles (e.g., lizards, turtles, snakes **iguanas**) **frogs amphibians**, monkeys, **hooked** hook-beaked birds, baby chicks, and ferrets are prohibited unless they are housed in and remain in a tank or other container that 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.
- 16) Parents must be made aware of the presence of any animals **in the child care home on the premises.**

**414-205-0110 SAFETY**

- 1) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
  - (a) ~~If any preschool-age or younger children are in care, hard-to-remove protective caps on all exposed electrical outlets in room used by children;~~ **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. In addition:**
    - (A) extension cords shall not be used as permanent wiring;**
    - (B) all appliance cords must be in good condition;**
    - (C) multiple connectors for cords shall not be used; and**
    - (D) a grounded power strip outlet with a built-in over-current protection may be used.**
  - (b) ~~If any preschool-age or younger children are in care, barriers to protect children from fireplaces, space heaters, wood stoves, stairways, and other hazards. Gates and enclosures should have the Juvenile Products Manufacturers Association (JPMA) certification seal to ensure safety;~~ **A rigid screen or guard 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;**
  - (c) **A movable barrier, such as a mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;**
  - (d) A working smoke detector on each floor and in any area where children nap;

- (e) A working fire extinguisher with a rating of at least 2-A: 10-BC;
  - (f) Firearms, **BB guns, pellet guns** and ammunition kept under lock, **with** ammunition stored **separately from firearms and locked separately**. Firearms, **BB guns and pellet guns** must remain unloaded;
  - (g) Cleaning supplies, paints, matches, **cigarette** lighters, and plastic bags kept under child-**proof safety** lock;
  - (h) Other potentially dangerous items, such as medicine, drugs, **sharp knives** and poisonous and toxic materials kept under child-**proof safety** lock;
  - (i) If any preschool-age or younger children are in care, poisonous plants must be kept out of reach of children; and
  - (j) All clear glass panels in doors clearly marked at child level.
- 2) All floor levels used by children must have access to two useable exits, as defined in OAR 414-205-0010(27), to the outdoors.
- (a) If a basement is used for child care purposes, the requirement for two useable exits may be met by one of the following:
    - (A) A sliding glass door to the outdoors, and a window that meets the definition of a useable exit;
    - (B) A swinging door to the outdoors and a window **that** meets the definition of a useable exit; or
    - (C) A window that meets the definition of a useable exit and an internal stairway to ground level that has unobstructed and direct access to the outdoors.
  - (b) If a window, that meets the definition of a useable exit, is used:
    - (A) Steps must be placed under the window to allow children to exit without assistance; and
    - (B) The window must be kept in good working condition.
  - (c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.
- 3) Second floors (does not apply to providers registered continuously at the same address before 2009 unless the provider has moved the child care license to a new residence):
- (a) Child care children shall not sleep on the second floor or above;
  - (b) Care shall not be provided for infants and toddlers on the second floor or above;

- (c) Night care shall not be provided on the second floor or above;
- (d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;
- (e) Care can be provided for preschool, kindergarten or school-age children on the second floor or above if:
  - (A) There are two staircases to the ground level and all children are mobile enough to exit safely; or
  - (B) The designated fire marshal has approved the use of the upper floor.
- 4) 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 home, be familiar to the children and the caregivers, and practiced at least every other month, **and must include:**
  - (a) Procedures for notifying parents or other adults responsible for the children, of the relocation;**
  - (b) Procedures to address the needs of individual children, including those with special needs; and**
  - (c) An acceptable method to ensure that all children in attendance are accounted for.**
- 5) A telephone in working condition must be in the family child care home.
  - (a) Parents must be given the telephone number so they can contact the provider if needed.
  - (b) Emergency telephone numbers for fire, ambulance, police and poison control **and the provider's home address** must be posted **near the telephone in a visible location.**
- 6) The building, grounds, water supply, toys, equipment and furniture used by children must be maintained in a hazard-free condition.
  - (a) Broken toys, furniture, and equipment must be removed from areas accessible to children.
  - (b) Both the exterior and interior of the home must be maintained in good repair.
  - (c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint chips.
  - (d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.**
- 7) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.



- 8) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.
- 9) Car seats are to be used for transportation only. Children who arrive at the provider's home asleep in a car seat may remain in the car seat until they awaken.
- 10) 15-passenger vans shall not be used to transport child care children after December 31, 2015.

#### **414-205-0120 SANITATION**

- 1) Pre-mixed EPA registered Oregon Public health Division approved sanitizers and disinfectants may be used in all areas of the facility per manufacturer instructions on the bottle. Bleach or quaternary ammonium that requires mixing with water must be tested for correct concentration with test strips.
- 2) All caregivers and children must wash their hands with soap and warm, running water:
  - ~~(a) After changing a diaper;~~
  - ~~(b) Before feeding a child or handling food; and~~
  - ~~(c) After assisting a child with toileting or nose wiping.~~~~2) All caregivers and children must wash their hands with soap and warm, running water:~~
  - ~~(a) After using the toilet;~~
  - ~~(b) Before and after eating;~~
  - ~~(c) After nose wiping;~~
  - ~~(d) After playing outside; and~~
  - ~~(e) After playing with animals or handling pet toys.~~
  - (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.**
- 4) All toys, equipment, and furniture used by children must be cleaned and sanitized regularly and whenever soiled.
- (a) **Diaper changing surfaces must be:**
- (A) **non-absorbent and easily sanitized;**
  - (B) **disposed of after each use; or**
  - (C) **laundered after each use.**
- (b) **The diaper changing area shall be located so that hand washing can occur immediately after diapering without contacting other surfaces or children.**
- 5) The building and grounds must be maintained in a clean and sanitary manner.
- 6) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.
- 7) The home's water supply must be safe to drink.
- 8) Wading pools are prohibited.

#### **414-205-0130 RECORDKEEPING**

- 1) The following records must be kept by the provider for at least one year and must be available at all times to OCC:
- (a) Information from the parent(s) for each child at the time of admission:
- (A) Name and birth date of each child;
  - (B) Any chronic health problem(s), including allergies, the child has;
  - (C) Names, work and home telephone numbers, addresses and the work hours of the ~~custodial~~ parent(s) or guardian(s);
  - (D) Name and telephone number of person(s) to contact in an emergency;
  - (E) Name and telephone number of person(s) to whom the child may be released;
  - (F) The **name of the** school attended by ~~a school-age~~ **the child care** child; and
  - (G) Name, address and telephone number of the child's doctor and dentist.

- (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;**
  - (c) Medications administered, including child's name, and the date and time of dosage **and the dosage amount;** and
  - (d) Injuries to a child.
- 2) Injuries to a child that requires attention from a licensed health care professional, such as a physician, EMT, or nurse, must be reported to OCC within seven days.
  - 3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:
    - (a) Obtain emergency medical treatment for the child;
    - (b) Administer medications to the child;
    - (c) Take the child on a field trip or other activity outside the home or participate in any water activity; and
    - (d) Transport the child to or from school; or allow the child to bus or walk to or from school or home.

#### **414-205-0140 NIGHT CARE**

- 1) A provider providing night care must:
  - (a) Have a written plan for the care, **jointly mutually** agreed **to upon** by the parent(s) and the provider;
  - (b) Have a written plan for emergency situations occurring during the night;
  - (c) Be awake for the arrival and departure of each child in night care; and
  - (d) Follow all other applicable registration rules.

#### **414-205-0150 EXCEPTIONS TO RULES**

- 1) A provider may request an exception to a rule.
  - (a) An exception must be requested on a form provided by OCC;
  - (b) 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.

- 2) The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC.
- 3) In instances where care that is subject to registration, as defined in subsection (2) of rule 414-205-0000, will not be provided in the provider's own residence, the applicant/provider must request and receive approval for an exception prior to providing care at that location. In all respects, the location must appear and be arranged as a residence.
- 4) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.
- 5) An exception is valid only for the **registration period specified dates** for which it is issued. ~~A new exception must be requested with each renewal application.~~
- 6) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.

#### **414-205-0160 COMPLAINTS**

- 1) The Office of Child Care (OCC) will respond to complaints made on registered and illegal providers, and **will** cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.
  - (a) Any and all complaints may result in an on-site **investigation assessment** at the family child care home.
  - (b) All serious complaints will result in an on-site **investigation assessment** at the family child care home.
  - (c) Complaints alleging child abuse or neglect will be reported to the Department of Human Services Child Welfare (DHS) or local law enforcement agencies.
- 2) **New** applicants for registration will be given a copy of OCC's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request ~~to all applicants/providers for family child care registration.~~

#### **414-205-0170 FINDINGS REVIEW AND SANCTIONS**

- 1) ~~A provider~~ **s have-a has the** right to **a** review **of** any ~~action or decision affecting them~~ **finding made by OCC. Applicants for registration will be given a copy of OCC's findings review procedures at the time of the on-site health and safety review. Information on the OCC findings review process will be in complaint letters.** The OCC **grievance findings review** procedures are also available upon request ~~to all applicants/providers for family child care registration.~~
- 2) Registration may be denied, suspended, or revoked if a provider fails to meet requirements, provide OCC with information requested, allow an inspection, or correct deficiencies.

- 3) Any action taken by OCC to deny, suspend, or revoke registration may be reported to USDA Child Care Food Programs, child care resource and referral agencies, and the Department of Human Services Child Welfare and Self-Sufficiency divisions.
- 4) A registration may be suspended immediately when OCC believes children may be at risk of harm in the family child care home. Such action may be taken before an investigation is completed.
  - (a) A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.
  - (b) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents.
  - (c) A provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the ~~custodial~~ parent(s) or guardian(s) for each child.**
- 5) Registration will be denied, suspended, or revoked if the provider or other resident of the home has been removed or suspended from the Central Background Registry.
- 6) If an individual listed in 414-205-0040(2)(a) or (b) has been charged with, arrested for, or a warrant is out for any crime that OCC has determined indicates behavior that would have a detrimental effect on a child, the provider's application will be denied or registration will be suspended or revoked until the charge, arrest, or warrant has been resolved.
- 7) Registration will be denied, suspended, or revoked if an individual listed in OAR 414-205-0040(a) or (b) has been convicted of or sentenced for offenses that would disqualify the individual from the Central Background Registry.
- 8) Registration will be denied, suspended, or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has a founded child protective services case or an open child protective services or law enforcement case that would disqualify the individual from the Central Background Registry.
- 9) A provider whose registration has been **denied for cause or** revoked shall not be eligible to reapply for three years after the effective date of the revocation.
- 10) A provider who violates these rules or the terms and conditions of registration under these rules may be subject to a civil penalty.
  - (a) For a serious violation, as defined in OAR 414-205-0010(24) a provider may be subject to a civil penalty of \$100 for **the first a** violation after a written warning with time to correct is issued; and \$100 for each subsequent violation; not to exceed \$1,000 in a quarter for all rule violations.
  - (b) For other violations, a provider may be subject to a civil penalty of \$50 for **the first a** violation after a written warning with time to correct is issued; \$100 for a second violation; and \$100 for each subsequent violation, not to exceed \$1,000 in a quarter for all rule violations.

- 11) The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statute.

# **Summary of comments for Registered Family Rule proposals gathered 2013-2014**

## **Summary of comments received during the Rule Advisory Committee Meeting**

The Rule Advisory Committee met on 12-13-12 and discussed those rule proposals that were perceived to have the highest potential for practical or financial impact to licensed providers

### **Rule Summary 1 - Requiring licensed RF providers to have a high school diploma or equivalent.**

Comments:

- Requirement should apply to substitutes as well.
- All professions usually require some sort of minimum education.
- What about foreign language equivalent? Not sure exactly what that's going to look like. CCD will be inclusive. Some foreign countries may issue a diploma, but may not be the equivalent of a US high school diploma.
- Concern about those potential providers that come from countries that may have very limited educational opportunities in their native country.
- What about those providers that don't have a diploma, but are working towards a GED? Is there a probation possibility while they are taking classes? There could be a condition put on the license requiring that providers get their GED during the first two years of licensure. This may give providers an incentive to get their GED.
- Getting a GED would be a great accomplishment for those providers that didn't have that formal education.
- Support system in place with the R&R, John and Betty Gray scholarships, etc.
- Providers should be able to get license without diploma, GED or equivalent and then give them two years to get the documentation.
- Possibility of an exception in the event that a provider isn't able to get the required education completed in two years.

### **Rule Summary 2 - Modifying definition of school age children to include kindergarten as school-age.**

Comments:

- Senate bill 44 states that public schools must offer all-day kindergarten.
- Providers often ask for exceptions to count kindergarten age children as school-age.
- Like the proposal. Would open up additional preschool slots.

- Could a provider have 6 preschoolers and 4 kindergartners? Yes, they could. CF providers can currently have 10 preschoolers.

### **Rule Summary 3 - Modify definition of family to match current ORS.**

Comments:

- Shouldn't impact licensed providers.
- Shouldn't impact food program numbers.

### **Rule Summary 4 - Modify rule for foster care.**

Comments:

- May delay placement of foster children into licensed child care provider homes.
- Kathleen explained the agreement between DHS and CCD not to do emergency placements of foster children in licensed provider homes.
- No concerns over rule modification.

### **Rule Summary 5 - Require substitutes to have current safety set.**

Comments:

- Great rule.
- Those substitutes that live in rural areas may have difficulty finding the required training.
- Any adult that is left alone with child care children should have the safety set training.

### **Rule Summary 6 - Clarify rule about visitors and regular visitors to the licensed child care home.**

Comments:

- What about those parents that come every day for lunch?
- Would grandparents that are coming to visit the provider from out of state for more than two weeks need to be fingerprinted? Kathleen – we can evaluate those situations on a case-by-case basis. CCD could put conditions on a provider's license about supervision.
- Concerns that the entire background check process may take longer than the persons are visiting.
- What about older guests? Some older people may not have any fingerprint records and so the fingerprinting wouldn't provide any useful information. But, then again, it might.
- Visitors from a foreign country often stay longer than two weeks.
- Should it be longer than two weeks? Have to draw the line somewhere.
- Such requirements show that child care is a professional business.
- Visitors could do the background check before they arrive at the provider's home.
- Visitors coming from a foreign country may have a fear of authority.
- Great idea to clarify rule.



**Rule Summary 7 - Licensed providers must maintain safety set during their active license.**

Comments:

- Won't cause any added expenses for renewing providers. They can get free training once per license period.

**Rule Summary 8 - Expand and clarify the supervision rule.**

Comments:

- Positive thing. Will prevent kids under two from just walking in and out of the house into the backyard.
- Maybe the wording should be changed to require sight and take out the "sound" aspect. May not want to take that option away so that child care children can go from room to room without the provider being required to visually observe them at all times. By allowing providers to hear children as part of the supervision rule, they could have children playing outside and have a baby sleeping inside.

**Rule Summary 9 - Diaper changing areas.**

Comments:

- If the provider has the diaper changing area in the napping room, they would need to sanitize the diaper changing surface, then go to the bathroom to wash hands.
- May be difficult to move diaper changing area closer to bathroom.
- Add "after each use" in (A) of rule.

**Rule Summary 10 - BB guns and pellet guns.**

Comments:

- Should BBs and pellets be locked up? BBs and pellets are not explosive and won't present a danger of exploding injury when they are outside of the weapon.

**Rule Summary 11 - Change required training hours for licensed providers from eight hours to ten hours.**

Comments:

- The main reason to get continuing training in any industry is to stay current.
- Why isn't CCD asking for more than ten hours of required training? Kelli – we want to make sure that there is sufficient training available, especially for those providers that speak a foreign language.

## **Summary of comments received on-line - Summer 2013**

The Registered Family rule proposals were published on-line on the Employment Department's Workforce Network website. Providers were notified of a link from the Office of Child Care's website that would take them to the individual proposals. They had the opportunity to review the proposals and submit their comments on-line.

Comments ranged from positive feedback to frustration with increased regulation.

Many providers expressed their desire for kindergarten age children to count as school age children. They stated that preschool slots in child care are in high demand and if they could count their kindergarten age children as school age, this would result in an extra preschool age opening, which would aid their business.

Although most providers felt that requiring substitutes to complete training in CPR, 1<sup>st</sup> Aid, Food Handler and RRCAN was a good idea, they were concerned about the added cost of completing the training.

There were many comments concerning the proposed language in the Guidance and Discipline section. Many comments expressed understanding and appreciation for the increased clarity of the proposed rules. Although there were no comments in support of corporal punishment, there were several comments indicating that they felt that too many rules on guidance and discipline took away from the provider's ability to be flexible when dealing with behavioral issues.

Several providers commented on the limits of screen time allowed for child care children. They felt that the providers themselves should be able to determine the amount of screen time that was appropriate. They mentioned situations such as children using the computer to do homework or research projects that required more than two hours to complete.

There were many comments in support of the proposed rules concerning sick children in care. The majority of providers felt that the new language provided specific guidelines that would help them determine whether a child should be in care or not. They also mentioned that the proposed language would help them when explaining to parents why a sick child should not be admitted into care.

Many providers commented on the proposed rules for hand washing. Although the proposed language carries the same requirements as the current wording, it is reorganized for clarity. Many providers felt that it would be very difficult to ensure that the children and adults washed their hands during all instances when the rules indicated hand washing was required.

The comments concerning the proposed increase in training from eight hours to ten hours every two years was approximately evenly split between positive support and negative frustration. Many providers stated that they appreciated the concept of increased training and how that would increase the education level of providers and the quality of care. Many providers stated that the increase of two hours every two years would present a financial and practical hardship. They explained that their income is meager and the additional expense would be difficult to absorb. Also, advanced and interesting training is sometimes difficult to find.

By far the most negative comments received were concerning the proposed prohibition on 15-passenger vans. A minority of providers stated that they were in support of the proposed ban. Many providers stated that the prohibition would decrease their ability to provide quality and enjoyable care and may result in the closing of their licensed child care business as they would no longer be able to provide transportation as part of their services.

### **Summary of input received from Registered Family focus groups**

**Two focus groups comprised of licensed child care providers met to discuss the Registered Family rule proposals. A meeting was held in Redmond on 6-4-14 and in Portland on 6-17-14.**

Those rule proposals that were deemed to have the potential of a fiscal or practical impact on licensed providers were the focus of the discussion. Providers were invited to offer comments on any of the rule proposals.

**The agenda consisted of three topics of discussion:**

- 1. What rule proposals do you see as positive?**
- 2. What rule proposals give you pause or concern?**
- 3. Any additional comments or concerns?**

#### **1. What rule proposals do you see as positive?**

The providers in attendance agreed to the benefits of accurate record keeping. Especially when recording the arrival and departure times of the children. They did express frustration when parents are required to sign their children in and out of care. Many times the parents fail to sign in at all and the providers have to recall the arrival and departure times of the children.

Providers appreciated the proposed language that prohibits children being laid down for sleeping with a bottle.

Providers expressed the opinion that they could see that the majority of the proposed rules would directly and positively affect the quality of care.

## **2. What rule proposals give you pause or concern?**

Providers were concerned that it would present a hardship to require substitutes to complete training on CPR, 1<sup>st</sup> Aid, RRCAN and Food Handler. They stated that they understood the benefits of requiring the training for substitutes but that many of the substitutes wouldn't want to pay for the training and would expect the providers to pay the training fees.

Providers also expressed great concern over the proposed prohibition of the use of 15-passenger vans. They understood the safety concerns, but stated that the majority of the accidents were during highway travel while the majority of the provider's transportation takes place in town at less than 40 miles an hour. They stated that for many providers, transportation of the children is an expected service and they're business would suffer if they were not allowed to use the vans. They also stated that the prohibition would result in their inability to conduct field trips or take the children to a neighborhood park, causing a reduction in the quality and enjoyment of the child care. Several providers stated that the 15-passenger vans allowed them the extra space they needed to store items such as wheelchairs or walkers for those children with special needs.

Many providers expressed the opinion that kindergarten aged children should count as school-age children, especially in light of the advent of full-day kindergarten being offered in public schools.

Providers asked about the requirements for notifying parents when using a substitute or taking the children on a field trip. It was explained to the providers that the proposed rule carries the same requirement as the current rule. It is merely reorganized for clarity.

## **3. Any additional comments or concerns.**

All the providers agreed that the proposed rules concerning cigarette smoke was a positive thing.

Several providers asked questions about the rules concerning overnight guests and CBR requirements. They asked for clarification on "regular basis", boyfriends or girlfriends and their children's friends who may want to spend the night.

Many providers expressed their concern about how can they convince parents of the children in care to help the provider maintain compliance. Many parents expect the providers to accomplish a great deal in teaching their children and offering suitable guidance and discipline but are usually the first to complain about the provider when something occurs that they don't like. It was explained

to the providers that they should always feel free to contact their Licensing Specialist for technical assistance if they have question or concerns about maintaining compliance with OCC rules.

## **SUMMARY OF RULE REVISIONS (In order of appearance in the rules)**

September 2014

### **Definitions:**

- Added definition of “premises” for clarity with temporary medical marijuana rules and current practice.
- Enhances definitions of age groups for children.

### **General Requirements:**

- Added rule stating a provider may not hold a medical marijuana card.
- Permits an unannounced monitoring visit during the licensing period.
- Clarifies parental notification requirements for substitutes and leaving the facility.
- Clarifies requirements for providing both child care and foster care.

### **Provider and Other Persons in the Home**

- Clarifies that enrollment in the registry must be current and maintained
- Requires for substitutes: food handler certificate if preparing or serving food, and first aid and infant/child CPR
- Clarifies that some online courses in first aid/CPR may be acceptable
- Requires 10 hours of training during two year licensing period. (Previous requirement was eight hours). Permits RRCAN training to count towards 10 hours initially and every five years thereafter.
- Clarifies that first aid/CPR and food handlers’ certification must be maintained and current

### **Training Requirements**

- Requires OCC approved health and safety training (required to care for children receiving a child care subsidy).

### **Supervision of Children**

- Clarifies supervision requirements

### **Guidance and Discipline**

- Clarifies guidance and discipline policy.

### **Program of Activities**

- Clarifies acceptable napping arrangements
- Clarifies limitation on ‘screen time’.

### **Health**

- Clarifies smoking limitations in child care facilities to align with current law and include e-cigarettes
- Added language from temporary rules concerning medical marijuana.
- Clarifies requirements for first aid kits
- Clarifies care of sick children

### **Safety**

- Clarifies safety requirements re: electric cords and connections and barriers, and weapons
- Requires and clarifies emergency evacuation plans and notification
- Clarifies that car seats are for transportation only
- Prohibits use of 15 passenger vans to transport children after December 31, 2015.

### **Sanitation**

- Clarifies hand washing and sanitizing requirements

### **Recordkeeping**

- Clarifies sign in and sign out requirements

### **Findings Review and Sanctions**

- Clarifies provision of information