

Relief Nurseries OAR 414 Division 600

Rules Review for CCEC Discussion

DRAFT

Date: April 6, 2017

Rule Section	Possible/Recommended Language	CCEC Notes	Staff Notes	Public Comment
Purpose Statement	<p>414-600-0005 Purpose Statement</p> <p>These rules prescribe standards and funding requirements for entities contracted with by the state to provide services to children and families under ORS 417.788.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>	CONSENSUS REACHED	(Section 28, chapter 624, Oregon Laws 2013)	
Definitions	<p>414-600-0015 Definitions</p> <p>For the purposes of OAR 414-600-0020 through OAR 414-600-0120:</p> <p>(1) <u>“Culturally Responsive” means the implicit use of the cultural knowledge, prior experiences, frames of reference, and performance styles of diverse children and families to make services and programs more appropriate and effective for them.</u></p> <p>(2) “Early Learning Council” means the Council established to oversee a unified system of early learning services and the Oregon Early Learning system created by ORS 417.727.</p> <p>(3) “Early Learning Division” or “Division” means the division of the Department of Education that administers programs and funding, collects, and analyzes data, and monitors program and contractor performance and accountability for the statewide early learning system.</p> <p>(4) “Early Learning System” means the voluntary statewide early learning system established and described in ORS 417.728</p>		Definition modelled after Dept. of Education administrative rules 581-017-0550(5)	

	<p>(5) <u>“OARN” means the Oregon Association of Relief Nurseries.</u></p> <p>(6) “Regional Early Learning Hub” or “Hub” means an entity designated under ORS 417.827 and contracted by the Early Learning Division to coordinate early learning services in a specific region within the state.</p> <p>(7) “Relief Nursery” means a community-based organization that <u>has been certified by OARN according to the process established in OAR 414-600-0025, meets the certification requirements of OAR 414-600-0025.</u></p> <p>(8) “Therapeutic Early Childhood Education Program” means programs that include<u>including home visiting and</u> therapeutic early childhood classrooms that provide <u>trauma informed services and interactions to promote the healthy development of children who have multiple risk factors and stresses linked to neglect and abuse, developmentally appropriate activities and interactions as determined by the Division.</u></p> <p><u>(9) “Trauma Informed Services” means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.</u></p>		<p>“Trauma informed Services”.</p> <p>See footnote below for definition from OHA¹.</p> <p>See footnote below for statutory language from HB 4002 (2016)²</p>	<p>“Trauma-informed care should refer to services in general, not just the classroom setting”.</p>
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¹ “Trauma Informed Services” means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services. - OREGON HEALTH AUTHORITY, 309-022-0105.

² HB 4002 (2016), SECTION 5. (1) “trauma-informed approach” means an approach that recognizes the signs and symptoms of trauma in students, families and staff and responds by fully integrating knowledge about trauma into policies, procedures and practices for the purposes of resisting the reoccurrence of trauma and promoting resiliency.

	Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788			
Certification of Relief Nurseries	<p>414-600-0020 Certification of Relief Nurseries</p> <p>(1) The Oregon Association of Relief Nurseries (OARN) shall certify Relief Nurseries according to the process established in OAR 414-600-0025.</p> <p>(2) Applicants for certification shall complete and submit all forms and provide all information required by OARN <u>pursuant to OAR 414-600-0025. to verify compliance with these rules.</u></p> <p><u>(3) OARN will notify the Division when a Relief Nursery is certified by OARN.</u></p> <p>(4) The Division shall notify OARN in writing if a Relief Nursery fails to comply with these rules or the terms of the contract.</p> <p>(a) Upon receiving notification that a Relief Nursery is out of compliance with these rules or the terms of the contract, OARN shall initiate a review of the certification and take corrective action to bring the Relief Nursery into compliance.</p> <p>(5) <u>OARN shall provide annual monitoring reports to the Division to verify Relief Nursery compliance with requirements described in OAR 414-600-0050 and 414-600-0055.</u></p> <p><u>(6) Based on monitoring reports received by OARN, and when necessary the Division shall work collaboratively with OARN to bring a Relief Nursery into compliance with these rules and the terms of the contract.</u></p> <p><u>(7) Certification is contingent upon a Relief Nursery's compliance with these rules.</u></p>	<p><i>INTENT: TWO TYPES OF ACCOUNT-ABILITY:</i></p> <p><i>1) RN is maintaining fidelity to the model (OARN to monitor)</i></p> <p><i>2) RN is maintaining compliance to the rules, terms of contract including use of funds. (ELD to monitor)</i></p>	<p>QUESTION ON THE USE OF "SHALL". CHANGE TO "MAY"?</p> <p>--If funding is contingent upon certification, the certification process must be transparent, clear and publicly accessible. Therefore, the process must be consistent. "Shall" is directive, "may" is permissive. "May" would not ensure the process is followed.</p>	<p>"Is the OARN certification process equitable? "</p> <p>"Do all areas of the state have equal access to implementing the Relief Nursery program? "</p> <p>"Do the fees that OARN charges for an organization to undergo the certification process preclude some organizations from being able to participate in the process (what are the fees; what do you have to pay before you can be certified as a Relief Nursery?)? "</p> <p>"Does the certification process open or close the door?"</p>

	<p><u>(8) During recertification, OARN shall ensure, through written verification from the Division, that the Relief Nursery is in compliance with these rules and contract terms.</u></p> <p><u>(9) OARN’s Certification and Compliance Specialist may conduct site visits at any time to assist Relief Nurseries in maintaining compliance.</u></p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			
<p>Certification Process</p>	<p>414-600-0025 Certification Process</p> <p><u>1) An entity interested in becoming a Relief Nursery must submit the following to OARN by May 15 of each even-numbered year:</u></p> <ul style="list-style-type: none"> <u>a) A Letter of Intent</u> <u>b) A description of the entity’s governing structure or community group;</u> <u>c) Letters of support from partners;</u> <u>d) Documented evidence of community investment;</u> <u>e) Sample budget including plan for 25% cash match and sustainability plan; and</u> <u>f) Identification of age group(s) to be served.</u> <p><u>2) Upon receipt of elements required in subsection 1 of this section, and for the purpose of certifying an entity as a Relief Nursery, OARN shall complete a comprehensive programmatic and financial assessment of the entity.</u></p> <p><u>3) The assessment shall be conducted by the OARN Replication and Certification Team comprised of an OARN Certification & Compliance Specialist and at least one experienced Relief Nursery Director. The Executive Director of OARN may elect to serve on the Replication and Certification Team.</u></p>		<p>Intent: Ensure OARN’s process is transparent and the applicant knows explicitly what they need to do to apply.</p>	<p>“Concerns about certification by an external organization a requirement for eligibility for state funds.”</p>

	<p><u>4) The assessment shall consist of site visits, observations of facility and classrooms and interviews with directors, managers, direct service, staff, board members, community partners, and parents.</u></p> <p><u>5) OARN shall document compliance with the minimum requirements in OAR 414-600-0050 and core services in OAR 414-600-0055, and site visit observations.</u></p> <p><u>6) A Relief Nursery shall be subject to recertification every four years.</u></p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			
<p>Appeals of Certification Decisions</p>	<p>414-600-0030 Certification Appeals</p> <p>(1) An entity may appeal a certification <u>or recertification</u> decision made by OARN in the manner provided in these rules. <u>The appeal must be limited to the determination made by OARN and must be based on certification process requirements described in OAR 414-600-0025, minimum requirements described in OAR 414-600-0050 or core service requirements described in OAR 414-600-0055.</u></p> <p>(2) An entity shall submit a timely-written request for review by the to OARN, Board of Directors, within 30 calendar days of the date of the certification decision.</p> <p>(3) An entity’s appeal request is not required to follow a specific format as long as it <u>clearly identifies which part or parts of the process, standards, minimum requirements or core services were not fairly assessed and lead to a denial.</u></p> <p>(3) The request must identify the decision made by OARN that is being appealed and the reason the Relief Nursery disagrees with that decision.</p> <p>(4) An entity’s appeal request is considered timely if it is received by OARN within 60 calendar days of the date of the appealed decision.</p>		<p>To meet the Division’s statutory responsibility, an appeals process by a public entity must be in place for an organization that was refused certification by OARN (and thus was not eligible for state funding).</p>	<p>“A public entity must be able to make decision for an organization that was refused certification by OARN since this made program ineligible for funding.”</p>

	<p>(4) Upon receipt of a written request for review, OARN shall notify the Division of the request.</p> <p>(5) The OARN Board of Directors shall initiate a review of the decision being appealed, create an appeal file and maintain all records and documents relating to the appeal.</p> <p>(6) The OARN Board of Directors shall notify the entity and Division of its decision within days of receipt of the appeal.</p> <p>(7) The review shall be conducted by individuals who did not participate in the initial certification or recertification determination at issue in the appeal.</p> <p>(7) OARN shall notify the entity and Division of its decision within 30 days of receipt of the appeal.</p> <p>(8) Request for <u>Division</u> Review. If the <u>entity</u> is not satisfied with the outcome of their appeal <u>to OARN</u>, the <u>entity</u> may request a review of OARN's decision for final adjudication by the Division.</p> <p>(a) The request for review must be received in writing by the Division within 30 days of <u>the entity</u> receiving the appeal decision notification.</p> <p>(b) An entity's request to review is not required to follow a specific format as long as it clearly identifies the appeal decision made by the OARN Board of Directors and provides information to support the entity's disagreement with the decision.</p> <p>(9) Adjudication of Appeals. The Division shall make final decisions on all certification appeals <u>and will be limited to the determination whether or not the denial was based on certification process requirements described in OAR 414-600-0025, minimum requirements described in OAR 414-600-0050 or core service requirements described in OAR 414-600-0055.</u></p>			
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	Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788			
Revocation of Certification	<p>414-600-0035 Conditions and process for Revocation of Certification.</p> <p>Lorem ipsum dolor sit amet, consectetur adipiscing elit. Phasellus varius, risus vitae ultrices blandit, metus nisl dapibus nisi, at hendrerit quam est vel nulla. In rhoncus venenatis laoreet. Cras ultricies purus auctor ante lobortis, sit amet scelerisque elit luctus. In mauris nisl, tincidunt eu finibus ut, ultricies fermentum dolor. Ut luctus, libero sed tincidunt vulputate, arcu mi scelerisque elit, in.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>		<p>Need to call out the conditions that would result in revocation and the process.</p> <p>Need information from OARN to draft rule language.</p>	
Eligibility for Funding	<p>414-600-0035 Funding; Eligibility for state funds</p> <p>(1) The Division, in consultation with OARN Board of Directors, shall establish a methodology and formula for allocation of state funds.</p> <p>(2) Applications for state funding must be submitted to the Division on forms prescribed by the Division. The Division shall make final decisions on <u>funding state funding</u> requests.</p> <p>The Division may conduct a competitive public procurement process pursuant to OAR Chapter 125 Division 246.</p> <p>(3) To be eligible for state funds to carry out the provisions of ORS 417.788, an entity must</p> <p>(a) meet the definition of Relief Nursery under these rules; (b) Comply and maintain compliance with these rules <u>and with the terms of the contract.</u> (c) Operate pursuant to ORS 417.788. (d) Provide matching community financial support equal to</p>			

	<p>a minimum of 25 percent of any state funding allocation funds <u>allocated by the Division for Relief Nursery services pursuant to ORS 417.788 and required under OAR 414-600-0050 and 414-600-0055.</u></p> <p>(5) Comply and maintain compliance with the terms of the contract.</p> <p>(4) Funding is contingent upon a Relief Nursery’s compliance with these rules and the terms of the contract.</p> <p>(5) Noncompliance may result in termination of contract and funding.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>		<p>Does not include other state funds a RN may receive for the provision of other EL programs, e.g. HFO, EHS or Preschool Promise.</p>	
<p>Funding Appeals</p>	<p>414-600-0038 Funding Appeals</p> <p>(1) A Relief Nursery may appeal a funding decision made by the Division in the manner provided in this rule.</p> <p>(2) A Relief Nursery shall submit a written request for review to the Division within <u>30</u> calendar days of the date of the funding decision notification.</p> <p>(3) A Relief Nursery’s appeal request <u>appeal request</u> for review is not required to follow a specific format as long as it <u>clearly identifies the reason the Relief Nursery disagrees with the funding decision.</u> provides a clear written rationale from the entity expressing disagreement with the funding decision. (3) The appeal for review must clearly identify the reason the Relief Nursery disagrees with the funding decision.</p> <p>(4) The Division <u>Early Learning System Director</u> shall initiate a review of the funding decision and notify the Relief Nursery of its the decision within 60 <u>30</u> days of receipt of the appeal request.</p>			

	<p>(5) Adjudication of Funding Decisions. The <u>Early Learning System Director Division</u> shall make final decisions on all funding appeals.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			
<p>Coordination with the Statewide Early Learning System</p>	<p>414-600-0040 Coordination with the Statewide Early Learning System</p> <p>(1) To ensure Relief Nursery programs and services are consistent with the statewide Early Learning System created by and described in ORS 417.727 and 417.728, Relief Nurseries shall:</p> <p>(a) Coordinate and work collaboratively with the regional Early Learning Hub to ensure that the Relief Nursery program and services are consistent and aligned with the goals of the early learning system.</p> <p>(b) Participate <u>Collaborate</u> with the regional Early Learning Hub to <u>align strategies to meet</u> establish a multi-year expansion plan to address service growth, taking into account the needs of children and families <u>from focus populations</u> identified by the Hub and Relief Nursery the strategies to meet the needs of children, and taking into account <u>capacity</u>, local community priorities, initiatives of, opportunities and available resources.</p> <p>(c) Coordinate with the regional Early Learning Hub, health, human and other early learning programs to plan, develop and implement an early childhood system of supports and services towards the achievement to achieve of positive outcomes for children and families <u>focus populations</u>, maximizing the effective use of available resources and avoiding duplication of services.</p> <p><u>(2) "Focus Populations" means</u> <u>(a) Children or families with a child or children who is at risk of not entering school ready to learn due to</u></p>			<p>"Strengthen the partnership with Hub equity work— add in explicitly. "</p> <p>"This is an equity issue."</p> <p>"How do we ensure that Relief Nursery align with Hub-identified gaps?"</p> <p>"Bolster drive to be a part of an overall effort to address systemic barriers related to race, culture, and language."</p> <p>"How do Relief Nurseries work with Hubs to identify and then serve target populations to reduce disparities in a community? "</p>

	<p><u>factors, including but not limited to:</u> <u>(A) Living in a household that is at or near poverty, as determined under federal poverty guidelines;</u> <u>(B) Living in inadequate or unsafe housing;</u> <u>(C) Having inadequate nutrition;</u> <u>(D) Living in a household where there is significant or documented domestic conflict, disruption or violence;</u> <u>(E) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability;</u> <u>(F) Living in circumstances under which there is neglectful or abusive care-giving;</u> <u>(G) Having unmet health care and medical treatment needs; and</u> <u>(H) Having a racial or ethnic minority status that is historically consistent with disproportionate over-representation in academic achievement gaps or in the systems of child welfare, foster care or juvenile or adult corrections.</u></p> <p>(23) For the purposes of this section, regional Early Learning Hubs shall coordinate with Relief Nursery programs to maximize the effective use of available resources and avoid duplication of services, including, but not limited to other home visiting services in the region.</p> <p><u>4) OARN shall notify the Division of any changes in programming, leadership, budget or location of any Relief Nursery.</u></p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>		<p>To ensure consistency with EL system, including equity and services <u>and services</u> to focus population; focus; focus populations defined.³</p>	
Minimum	414-600-0050			

³ Section 12, Chapter 37, 2012 Oregon Laws.

Requirements	Minimum Requirements			
	<p>(1) A contracted Relief Nursery must be incorporated as a 501(c)3 organization.</p> <p>(2) A contracted Relief Nursery must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper accounting and disbursement of all funds provided.</p> <p>(3) A contracted Relief Nursery must have the capacity to adequately collect and report data including, but not limited to, child and family data including risk factors, demographics, assessments, and abuse and neglect reports. Relief Nurseries will use required reporting forms established by the Division.</p> <p>(4) A contracted Relief Nursery must participate in the following activities initiated by the Early Learning Council or Division:</p> <p>(a) Regular contracted services monitoring reviews by Division staff, as deemed necessary by the Division;</p> <p>(b) Periodic contracted services evaluations; and</p> <p>(c) State and local training or meetings as required.</p> <p><u>(d) Planning efforts for early learning system development and expansion.</u></p> <p>(5) A contracted Relief Nursery must have an infrastructure that provides oversight, responsibility and resources necessary to provide services on an ongoing basis.</p> <p>(6) Each Relief Nursery must be licensed by the Office of Child Care.</p> <p>(7) Staff Qualifications</p> <p>(a) Relief Nursery staff will have a minimum of a BA degree in Early Childhood; or</p> <p>(A) a degree in a related field with early childhood teaching experience; or</p> <p>(B) a combination of an Associate of Arts degree, (b) A</p>			

	<p>combination of an associate's degree, an equivalent step on the Oregon Registry and appropriate experience; or (C) A degree in a field other than child development or early childhood education and six courses in child development or early childhood education focusing on children from birth to age five.</p> <p>(8) Staff Training (a) Relief Nurseries shall provide new hire and ongoing training for all staff and volunteers. (b) Volunteers must be trained and provided with ongoing support and guidance.</p> <p>(9) Staff Supervision (a) Relief Nurseries shall maintain a ratio of one supervisor to eight staff. (b) Supervisors shall provide regular, ongoing supervision and support in child and family case management, personnel issues, and professional development.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>		<p><i>What is the frequency of ongoing training?</i></p>	
<p>Core Services</p>	<p>414-600-0055 Core Services</p> <p>(1) Relief Nursery contracted services must include therapeutic early childhood programs including therapeutic early childhood classrooms, home visiting, and parent education and support.</p> <p>(2) Therapeutic Early Childhood Classrooms. Therapeutic Early Childhood Classroom curriculum must include the following : (a) Focused interventions for children with emotional, social and behavioral concerns or delays. Individual child goals are developed and recorded in the child records; (b) Principles and guidelines for developmentally appropriate practices; (c) Physical, cognitive, social, emotional, and language development supports; and</p>	<p><i>Define 'developmentally appropriate practices'?</i></p>	<p>"Developmentally appropriate practices": Is it necessary to</p>	<p>"Strengthen section on therapeutic early childhood education." "DEFINE CULTURALLY"</p>

	<p>(d) <u>Principles and guidelines for culturally</u> responsive supports appropriate to the unique needs of the child and family.</p> <p>(3) Minimum Hours. Relief Nurseries will operate one or more therapeutic classrooms with the following time periods: (a) A minimum of three hours per week for infants up to 18 months of age; and (b) A minimum of six hours per week for children 18 months and older.</p> <p>(4) Class Size and Ratios. Relief Nurseries must meet the following minimum ratios of adults to children, which may include a mix of qualified staff and trained volunteers. (a) A minimum of three adults, at least two of whom must be staff, for each: (A) Six children, ages 6 weeks to 24 months; (B) Eight children, ages 24 to 36 months; and (C) Eleven children, ages 3 to 5 years.</p> <p>(5) Home Visiting. Home visiting, provided by the child's classroom teacher, is a required component of the therapeutic early childhood <u>program</u>. Home visits by a child's classroom teacher shall be conducted as follows: (a) at least monthly for children attending class twice a week; and (b) weekly for children attending class once per week, with a duration of 1-2 hours.</p> <p>(6) Home visiting must be offered in all Relief Nursery program components.</p> <p>(7) Parent Education and Support. All parents served by the Relief Nursery must be offered parenting education, through home visiting, classes or groups, using culturally appropriate and evidence-based curriculum that is adapted to and appropriate to the needs of the family.</p>		<p>identify which principles/guidelines; or agree that it can be "industry" recognized principles/guidelines?</p> <p>A definition of "Culturally Responsive" is included in the definition section.</p> <p>Ratios are linked to the RN model, not to OCC licensing.</p>	<p><i>RESPONSIVE SUPPORTS"</i></p> <p>"Principles and guidelines for culturally responsive supports appropriate to the unique needs of the child and family"</p> <p>"These ratios are different from those described in licensing standards."</p>
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	<p>(8) Nutritious Meals and Snacks. Relief Nurseries must provide nutritious snacks and meals following United States Department of Agriculture standards for nutrition during program hours.</p> <p>(9) Ongoing Child Screenings and Assessments. Relief Nurseries shall regularly screen and assess all children when indicated, for appropriate development using research-based, culturally and linguistically appropriate developmental screening. Progress toward goals will be monitored and assessed on an ongoing basis.</p> <p>(10) Basic Needs Support and Services. Relief Nurseries shall provide resource referral, short- and long-term problem solving, and emergency food and clothing as available.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			
Reporting	<p>414-600-0105 Reporting</p> <p>Relief Nurseries shall ensure that information and data demonstrating program compliance is collected and reported to the Division upon request and in a manner provided by the Division.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			
Mandatory Reporters	<p>414-600-0115 Mandatory Reporters</p> <p>Relief Nurseries, Relief Nursery staff and other providers having reasonable cause to believe that any child with whom the provider or program staff comes into contact has suffered or is suffering from abuse or neglect, shall report or cause a report to be made in the manner described in ORS 419B.005 to 419B.015.</p>			

	Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788			
Confidentiality of Client Data	<p>414-600-0120 Confidentiality of Client Data</p> <p>1) All personal information relating to a client that the Relief Nursery may maintain in one or more locations and in various forms, reports, or documents, or stored or transmitted by electronic media shall be treated as confidential.</p> <p>2) A Relief Nursery must obtain a completed and signed authorization for release of information from the parent or guardian before obtaining or using protected information about an individual from a third party or disclosing protected information about the individual to a third party. (a) Uses and disclosures must be consistent with the purposes for which the parent or guardian authorized disclosure by the Relief Nursery.</p> <p>3) Information may be shared among the Division, Hubs and Relief Nurseries to effectively serve children and families in the Hub region.</p> <p>4) Notwithstanding Section 2, nothing prohibits the disclosure of information in summaries, statistical or other form, which does not identify particular individuals.</p> <p>Stat. Auth.: ORS 326.425(7) Stats. Implemented: ORS 417.788</p>			