

NOTICE OF PROPOSED RULEMAKING

CHAPTER 414

OREGON DEPARTMENT OF EDUCATION, EARLY LEARNING DIVISION

FILING CAPTION: Administrative Rules governing Relief Nurseries

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/21/2017 5:00 PM

NEED FOR THE RULE(S):

ORS 417.788 directs the Early Learning Division to support relief nurseries statewide as funding becomes available. Section 28, chapter 624, 2013 Oregon Laws requires the Early Learning Division to enter into contracts with relief nurseries to ensure service continuity and efficient delivery of contracted services.

Since 2012, the Early Learning Council (Council) has been charged with oversight of early learning programs, including relief nurseries. Administrative rules are needed to establish a process for determination of a Relief Nursery's eligibility to receive state funds; minimum requirements of Relief Nurseries receiving state funds, minimum required services, monitoring of Relief Nurseries in providing services to children and families.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 417.705 through 417.797. https://www.oregonlegislature.gov/bills_laws/ors/ors417.html
SB 314, 2017 <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB314>

FISCAL AND ECONOMIC IMPACT:

No Fiscal Impact: Minimum Requirements, core services, reporting are all current practices for Relief Nurseries. The rules do not constitute new requirements.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) No state agencies, units of local government or members of the public are impacted by the proposed rule. (2) (a) There are 25 Relief Nurseries who may be subject to the rules; (b) No additional costs for reporting recordkeeping or administrative activities and costs would be imposed as a result of the proposed rule(s); (c) No additional costs for professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Representatives of Relief Nurseries, who are non-governmental, non-profit organizations, served on the Child Care and Education Committee of the Early Learning Council which has been designated

as the Council's Rules Advisory Committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

414-600-0005, 414-600-0015, 414-600-0021, 414-600-0025, 414-600-0031, 414-600-0035,
414-600-0041, 414-600-0043, 414-600-0045, 414-600-0051, 414-600-0055, 414-600-0061,
414-600-0105, 414-600-0115, 414-600-0120

ADOPT: 414-600-0005

RULE TITLE: Purpose Statement

RULE SUMMARY: This rule states the purpose and scope of the rules.

RULE TEXT:

These rules, OAR 414-600-0005 to 414-600-0120, prescribe the process for determining eligibility and eligibility requirements for Relief Nurseries to receive state funds to provide services to children and families in accordance with ORS 417.788.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0015

RULE TITLE: Definitions

RULE SUMMARY: This rule provides definitions for terms used.

RULE TEXT:

For the purposes of OAR 414-600-0005 to OAR 414-600-0120 the following definitions apply:

- (1) “Culturally Responsive” means the 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.
- (2) “Early Learning Council” means the Council established to oversee a unified system of early learning services and the Early Learning System.
- (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 Early Learning System.
- (4) “Early Learning System” means the system created by ORS 417.727 and described in ORS 417.728
- (5) “OARN” means the Oregon Association of Relief Nurseries.
- (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.
- (7) “Relief Nursery” means a non-governmental, community-based organization that is tax exempt under IRC section 501(c)(3) that OARN has determined to be eligible to receive state funding in accordance with OAR 414-600-0005 to 414-600-0120.
- (8) “Therapeutic Early Childhood Program” means a program that includes home visiting, therapeutic classrooms, parent education, support and outreach that provide trauma informed services and interactions to promote the healthy development of children and works to strengthen families who have multiple risk factors and stresses linked to neglect and abuse.
- (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, including recognition of the traumatic effect of misdiagnosis and coercive treatment, are responsive to the vulnerabilities of trauma survivors, avoids re-traumatization and facilitates direction of services.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0021

RULE TITLE: Process to Determine Eligibility to Receive State Funding as a Relief Nursery

RULE SUMMARY: This rule describes the process by which a non-governmental, community based organization that is tax exempt under IRC section 501(c)(3) must follow to become eligible to receive state funds to provide Relief Nursery services. In addition, the rule describes the entity responsible for determining eligibility to receive state funds as a Relief Nursery.

RULE TEXT:

(1) A non-governmental, community-based organization that is tax exempt under IRC section 501(c)(3) wanting to become a Relief Nursery or an existing Relief Nursery wanting to be determined eligible for state funding must submit the following application materials to OARN by May 15 of each even-numbered year:

(a) A letter of intent;

(b) A description of the entity's governing structure or community group;

(c) Letters of support from partners;

(d) Documented evidence of community investment;

(e) Sample budget, including a plan for 25% cash match and sustainability plan; and

(f) A description of one or more age groups to be served.

(2) Upon receipt of the information and documentation required in OAR 414-600-0030(1), OARN shall complete a comprehensive programmatic and financial assessment of the applicant.

(3) OARN shall determine whether an applicant to become a Relief Nursery or an existing Relief Nursery is eligible to receive state funds. Such determination shall be made in accordance with OAR 414-600-0005 to 414-600-0120.

(4) Not later than 15 days after a determination is made, OARN must notify the applicant or Relief Nursery and the Division in writing of OARN's determination.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0025

RULE TITLE: Eligibility of Relief Nurseries to Receive State Funding

RULE SUMMARY: This rule describes general requirements for a Relief Nursery to be determined eligible to receive state funds.

RULE TEXT:

(1) Upon receiving determination of eligibility, the Division may contract with a Relief Nursery to receive state funds in accordance with ORS 417.788 and OAR 414-600-0005 to 414-600-0120.

(2) To be eligible for state funds to carry out the provisions of ORS 417.788, a Relief Nursery must:

(a) Meet the definition of a Relief Nursery under OAR 414-600-0015;

(b) Comply with and maintain compliance with OAR 414-600-0005 to 414-600-0120 and with the terms of the Relief Nursery's contract with the Division;

(c) Operate in accordance with ORS 417.788; and

(d) Provide matching community financial support equal to a minimum of 25 percent of funds allocated by the Division for Relief Nursery services prescribed in ORS 417.788 and OAR 414-600-0005 to 414-600-0120.

(3) Eligibility to receive state funding is contingent upon a Relief Nursery's compliance with OAR 414-600-0005 to 414-600-0120 and the terms of the Relief Nursery's contract with the Division.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0031

RULE TITLE: Minimum Requirements

RULE SUMMARY: This rule describes minimum requirements of a Relief Nursery to meet and maintain eligibility to receive state funds.

RULE TEXT:

(1) A Relief Nursery must:

(a) Establish and maintain appropriate internal fiscal controls and fund accounting procedures to assure the proper accounting and disbursement of all funds provided by the Division;

(b) Collect and report data, including but not limited to child and family data including risk factors, demographics, assessments, and abuse and neglect reports in the manner established by the Division;

(c) Agree to contracted services monitoring reviews and evaluations by Division staff, as deemed necessary by the Division;

(d) Attend state and local training or meetings as required;

(e) Collaborate with the Regional Early Learning Hub and the Division in early learning system development and expansion;

(f) Have an infrastructure that provides oversight, responsibility and resources necessary to provide services on an ongoing basis; and

(g) Be licensed by the Office of Child Care in accordance with ORS 329A.280.

(2) Relief Nursery staff who provide direct services to children and families must meet one of the following minimum requirements:

(a) A Bachelor of Arts degree in Early Childhood;

(b) A degree in a related field with early childhood teaching experience;

(c) A combination of an associate's degree, an equivalent step on the Oregon Registry and appropriate experience; or

(d) 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.

(3) A Relief Nursery shall provide new hire and ongoing training for all staff and volunteers.

(4) A Relief Nursery shall maintain a ratio of one supervisor to eight direct service staff to provide regular, ongoing supervision and support in child and family case management, personnel issues, and professional development.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0035

RULE TITLE: Core Services

RULE SUMMARY: This rule describes required services of Relief Nurseries.

RULE TEXT:

- (1) Relief Nursery services must include therapeutic early childhood programs, home visiting, and parent education and support.
- (2) A therapeutic early childhood program must include the following:
 - (a) Therapeutic classrooms;
 - (b) Focused interventions for children with emotional, social and behavioral concerns or delays;
 - (c) Principles and guidelines for developmentally appropriate practices;
 - (d) Physical, cognitive, social, emotional, and language development supports;
 - (e) Principles and guidelines for culturally responsive supports appropriate to the unique needs of the child and family; and
 - (f) Home visits by the child's classroom teacher conducted as follows:
 - (i) At least monthly for children attending class twice a week; and
 - (ii) Weekly for children attending class once per week, with a duration of 1 to 2 hours.
- (3) Minimum Hours. A Relief Nursery must 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 aged 18 months and older.
- (4) Class Size and Ratios. A Relief Nursery must provide a minimum of three adults, at least two of whom must be meet the qualifications in accordance with 414-600-0030 (2) for each class of:
 - (a) Six children, not less than 6 weeks but less than to 24 months of age;
 - (b) Eight children, not less than 2 months but less than 36 months of age; and
 - (c) Eleven children, 36 months to 5 years of age.
- (5) Home visiting must be offered in all Relief Nursery program services.
- (6) Parent Education and Support. All parents served by a 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.

(7) Nutritious Meals and Snacks. During program hours, a Relief Nursery must provide nutritious snacks and meals following United States Department of Agriculture standards for nutrition.

(8) Ongoing Child Screenings and Assessments. Relief Nurseries shall regularly screen and assess all children for appropriate development using research-based, culturally and linguistically appropriate developmental screening.

(9) Basic Needs Support and Services. Relief Nurseries shall provide resource referral, short- and long-term problem solving, and emergency food and clothing to children and families served by the Relief Nursery, as those supports and services become available.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0041

RULE TITLE: Monitoring Compliance; Eligibility Review

RULE SUMMARY: This rule describes compliance monitoring of Relief Nurseries to ensure adherence to administrative rules and program requirements.

RULE TEXT:

- (1) A Relief Nursery eligible to receive state funds shall be subject to annual eligibility reviews and monitoring.
- (2) OARN may conduct site visits at any time to assist Relief Nurseries in maintaining funding eligibility and compliance with OAR 414-600-0005 to 414-600-0120.
- (3) OARN shall conduct annual Relief Nursery programmatic and financial eligibility reviews and monitoring consisting of site visits and observations of applicant's facility and classrooms and interviews with directors, managers, direct service staff, board members, community partners, and parents associated with the Relief Nursery's facility, as well as a review of documents.
- (4) OARN shall provide annual review and monitoring reports to the Division to verify Relief Nursery compliance with OAR 414-600-0005 to 414-600-0120 including programmatic and financial assessments and documented site visit observations.
- (5) Based on eligibility reviews and monitoring reports received by OARN, and when necessary, the Division will work collaboratively with OARN to bring a Relief Nursery into compliance with these rules and the terms of the Relief Nursery's contract with the Division.
- (6) The Division shall notify OARN in writing if a Relief Nursery fails to comply with OAR 414-600-0005 to 414-600-0120 or the terms of the Relief Nursery's contract with the Division.
- (7) Upon receiving notification that a Relief Nursery is out of compliance with OAR 414-600-0005 to 414-600-0120 or the terms of the Relief Nursery's contract with the Division, OARN shall initiate a review of the Relief Nursery's eligibility determination and take corrective action to bring the Relief Nursery into compliance.
- (8) As part of the annual eligibility review and monitoring, OARN shall ensure through written verification from the Division that the Relief Nursery is in compliance with OAR 414-600-0005 to 414-600-0120 and the terms of the Relief Nursery's contract with the Division.
- (9) A Relief Nursery that does not receive verification of compliance from the Division may be deemed by the Division to be ineligible for state funding.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0043

RULE TITLE: Eligibility Appeals

RULE SUMMARY: This rule describes eligibility determination appeals process and content.

RULE TEXT:

(1) An applicant or Relief Nursery that OARN determines is not eligible to receive state funding as a Relief Nursery may appeal OARN's eligibility determination in the manner provided in this rule.

(2) Initial Appeal to OARN.

(a) To initiate an appeal of an eligibility determination made by OARN, an applicant or Relief Nursery must submit a written appeal request to OARN within 30 calendar days after the date that OARN issues the eligibility determination letter. The appeal must identify the issues that are the subject of the appeal.

(b) An appeal of an eligibility determination is limited to whether OARN's determination comported with the requirements of OAR 414-600-0015 to 414-600-0120.

(c) Upon receipt of a written appeal request, OARN shall notify the Division of the request and create an appeal file. OARN must maintain all records and documents relating to the appeal and provide copies of all records and documents relating to the appeal to the Division upon request by the Division.

(d) OARN's review shall be conducted by individuals who did not participate in the initial eligibility determination at issue in the appeal.

(e) OARN shall notify the applicant or Relief Nursery and the Division of OARN's decision in writing within 30 calendar days of receipt of the appeal request.

(3) Request for Division Review.

(a) If an applicant or Relief Nursery determined not eligible by OARN to receive state funds is not satisfied with the outcome of the applicant's or Relief Nursery's appeal to OARN, the applicant or Relief Nursery may request a review of OARN's determination by the Division.

(b) A request for Division review must be received in writing by the Division within 30 days of the date that OARN's written determination notification was issued.

(c) An applicant's or Relief Nursery's request for Division review must identify in writing the determination made by OARN, describe the alleged error in OARN's determination and provide information to support the applicant's or Relief Nursery's disagreement with the determination.

(d) The Division makes all final decisions on eligibility determination appeals. The Division's review and decision are limited to whether OARN's initial eligibility determination comported with the requirements of OAR 414-600-0015 to 414-600-0120 and otherwise comports with applicable law.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0045

RULE TITLE: Conditions and Process for Revocation of Eligibility; Revocation Appeals

RULE SUMMARY: This rule describes the conditions and process for revocation of eligibility determination and content and process for appealing revocation of eligibility.

RULE TEXT:

(1) OARN may revoke a Relief Nursery's eligibility to receive state funding if OARN determines that the Relief Nursery no longer meets eligibility requirements in accordance with OAR 414-600-0015 to 414-600-0120.

(2) A Relief Nursery whose eligibility to receive state funding is revoked by OARN may appeal the revocation in the manner provided in this rule.

(3) Initial Appeal to OARN.

(a) To initiate an appeal of a revocation of eligibility, a Relief Nursery must submit a written appeal request to OARN within 30 calendar days of the date that OARN issues its proposed revocation of eligibility decision letter.

(b) An appeal of a revocation decision is limited to whether OARN's decision to revoke was based on the eligibility requirements in accordance with OAR 414-600-0015 to 414-600-0120.

(c) A Relief Nursery's appeal must identify how the Relief Nursery believes OARN misapplied the eligibility requirements of OAR 414-600-0015 to 414-600-0120 and how that error led to OARN's revocation of eligibility.

(d) Upon receipt of a written appeal request, OARN shall notify the Division of the request and create an appeal file. OARN must maintain all records and documents relating to the appeal and provide copies of all records and documents relating to the appeal to the Division upon request by the Division.

(e) OARN's review shall be conducted by individuals who did not participate in the revocation determination at issue in the appeal.

(f) OARN shall notify the Relief Nursery and the Division of its decision in writing within 30 calendar days of receipt of the appeal request.

(3) Request for Division Review.

(a) If a Relief Nursery is not satisfied with the outcome of its appeal to OARN, the Relief Nursery may request a review of OARN's decision by the Division.

(b) The request for Division review must be received in writing by the Division within 30 days of the date that OARN's written decision notification was issued.

(c) A Relief Nursery's request for Division review must identify in writing the decision made by OARN, describe the alleged error in OARN's decision and provide information to support the Relief

Nursery's disagreement with the decision.

(d) The Division makes all final decisions on revocation determinations. The Division's review and final decision are limited to whether OARN's revocation decision comported with the requirements of OAR 414-600-0015 to 414-600-0120, and otherwise comports with applicable law.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0051

RULE TITLE: Funding

RULE SUMMARY: This rule describes required use of state funds for Relief Nursery services, process for Relief Nurseries to request state funds, and conditions leading to revocation of state funds or state contracts.

RULE TEXT:

- (1) The Division, in consultation with OARN, shall establish a methodology and formula for allocation of state funds. The Division shall make all final decisions on the allocation formula.
- (2) State funds allocated to a Relief Nursery in accordance with ORS 417.788 must be used to:
 - (a) Improve child safety;
 - (b) Reduce foster care placements;
 - (c) Improve healthy child development; and
 - (d) Improve family supports resulting in improved family functioning.
- (3) A Relief Nursery's request for state funding must be submitted to the Division on forms prescribed by the Division. The Division shall make all final decisions on state funding requests.
- (4) A Relief Nursery's failure to comply with OAR 414-600-0015 to 414-600-0120 or the terms of the Relief Nursery's contract with the Division may result in termination of the Relief Nursery's contract with the Division and associated state funds at the Division's sole discretion.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0055

RULE TITLE: Funding Appeals

RULE SUMMARY: This rule describes the process for Relief Nurseries to appeal funding decisions to the Early Learning Division.

RULE TEXT:

- (1) A Relief Nursery may appeal a funding decision made by the Division in the manner provided in this rule.
- (2) A Relief Nursery must submit a written request for review to the Division within 30 calendar days of the date that the Division issued the funding decision letter.
- (3) A Relief Nursery's appeal request must clearly identify in writing the reason the Relief Nursery disagrees with the funding decision.
- (4) The Early Learning System Director shall initiate a review of the funding decision and notify the Relief Nursery of the decision within 30 days of receipt of the appeal request.
- (5) The Early Learning System Director shall make all final decisions on funding appeals.

STATUTORY/OTHER AUTHORITY: 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0061

RULE TITLE: Coordination with the Early Learning System

RULE SUMMARY: This rule describes requirements of Relief Nurseries to coordinate and collaborate with Early Learning Hubs, health and human services and other early learning programs to align strategies and services to children and families.

RULE TEXT:

(1) To ensure Relief Nursery programs and services are consistent with the Early Learning System created by and described in ORS 417.727 and 417.728, a Relief Nursery receiving state funds shall:

(a) Coordinate and work collaboratively with the Regional Early Learning Hub to ensure that the Relief Nursery's program and services are consistent and aligned with the goals of the Early Learning System;

(b) Collaborate with the Regional Early Learning Hub to align strategies to meet the needs of children and families in focus populations identified by the Hub and Relief Nursery. The strategies must take into account the Relief Nursery's capacity, community priorities, initiatives and opportunities, and available resources; and

(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 to achieve positive outcomes for focus populations, maximize the effective use of available resources and avoid duplication of services.

(2) For the purposes of this section "Focus Populations" means children or families with a child or children who is at risk of not entering school ready to learn due to factors, including but not limited to:

(a) Living in a household that is at or near poverty, as determined under federal poverty guidelines;

(b) Living in inadequate or unsafe housing;

(c) Having inadequate nutrition;

(d) Living in a household where there is significant or documented domestic conflict, disruption or violence;

(e) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability;

(f) Living in circumstances under which there is neglectful or abusive care-giving;

(g) Having unmet health care and medical treatment needs; or

(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.

(3) OARN shall notify the Division of any changes in leadership, budget or location of any Relief Nursery.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0105

RULE TITLE: Reporting

RULE SUMMARY: This rule describes requirements of Relief Nurseries to report information.

RULE TEXT:

(1) A Relief Nursery shall provide information and data demonstrating program compliance to the Division upon request and in a manner provided by the Division.

(2) A Relief Nursery must develop and record individual child goals in the child's records.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0115

RULE TITLE: Mandatory Reporters

RULE SUMMARY: This rule describes requirements and responsibilities of Relief Nurseries as Mandatory Reporters of child abuse and neglect.

RULE TEXT:

A Relief Nursery, 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.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

ADOPT: 414-600-0120

RULE TITLE: Confidentiality of Child and Family Data

RULE SUMMARY: This rule describes requirements of Relief Nurseries to maintain confidentiality of child and family data.

RULE TEXT:

(1) All personal information maintained by a Relief Nursery relating to a child or family served by the Relief Nursery in one or more locations and in various forms, reports or documents, or stored or transmitted by electronic media shall be treated as confidential.

(2) A Relief Nursery must obtain a completed and signed authorization for release of information from the parent or guardian of the child served by the Relief Nursery before obtaining or using protected information about the child from a third party or disclosing protected information about the child to a third party.

(3) Any use or disclosure must be consistent with the purposes for which the parent or guardian authorized use or disclosure by the Relief Nursery.

(4) Anonymous aggregated data may be shared among the Division, Regional Early Learning Hubs and Relief Nurseries to effectively serve children and families in the Early Learning Hub region.

STATUTORY/OTHER AUTHORITY: ORS 326.425(7)

STATUTES/OTHER IMPLEMENTED: ORS 417.788, Chapter 645, 2017 Oregon Laws

