

OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION
DIVISION 600

Relief Nurseries **DRAFT PROPOSED** V.5 01.05.18

414-600-0005

Purpose Statement

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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0015

Definitions

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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0021

Process to Determine Eligibility to Receive State Funding as a Relief Nursery

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0025

Eligibility of Relief Nurseries to Receive State Funding

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0031

Minimum Requirements

(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 Director may submit to the Division for its consideration, an request for an exception to the requirements of 414-600-0031 (2). Requests must be accompanied by a plan that provides information on how the staff for which the request is submitted will meet the staff qualifications. The plan must include a two-year professional development and training plan.

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0035

Core Services

(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~~24 months of age; and

(b) A minimum of six hours per week for children aged ~~18~~24 months and older.

(4) Class Size and Ratios. A Relief Nursery must provide a minimum of three adults, at least two of whom must 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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788

414-600-0041

Monitoring Compliance; Eligibility Review

- (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. OARN shall conduct site visits every four years and monitoring consisting of ~~site visits and~~ observations of ~~applicant's~~ the 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.~~ The four-year site visit observations shall be documented and provided to the Division.

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0043

Eligibility Appeals

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0045

Conditions and Process for Revocation of Eligibility; Revocation Appeals

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0051

Funding

(1) The Division, in consultation with OARN, shall establish a methodology and formula for allocation of legislatively appropriated funds. The Division shall document the methodology and factors considered in the development of the funding allocation formula. The Division shall make all final decisions on the funding 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 release of state funding funds determined through the funding allocation formula established pursuant to 414-600-0051(1) must be submitted to the Division on forms prescribed by the Division. The Division shall make all final decisions on a Relief Nursery's request for state funding funds.

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0055

Funding Appeals

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0061

Coordination with the Early Learning System

(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 entering foster care due to multiple 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 overrepresentation 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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0105

Reporting

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0115

Mandatory Reporters

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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788, Chapter 546, 2017 Oregon Laws (SB 314)

414-600-0120

Confidentiality of Child and Family Data

(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.

Stat. Auth.: ORS 326.425(7)

Stats. Implemented: ORS 417.788; Chapter 546, 2017 Oregon Laws (SB 314)