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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED
03/20/2018 2:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Administrative Rules governing Certified Child Care Centers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2018 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
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NEED FOR THE RULE(S):

ORS 329A directs the Early Learning Council to write administrative rules regulating certified child care centers to ensure the health and safety of children cared for outside their own homes. Since 2012, the Early Learning Council (Council) has been charged with oversight of regulated child care programs, including certified child care centers. Administrative rules are needed to establish a process for determination of a center's eligibility to be licensed and receive certification.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 329A.: https://www.oregonlegislature.gov/bills_laws/ors/ors329A.html

FISCAL AND ECONOMIC IMPACT:

The potential for fiscal impact may exist for certain areas of the revised rules. The increase in required ongoing professional development from 15 hours annually to 18 hours may impact some staff of certified centers. Also the inclusion of rules pertaining to the testing of lead in water used for drinking and food preparation will result in fiscal impact to certified centers. Requiring testing for every licensed child care facility would require small businesses to develop a plumbing profile to understand the potential sources of lead in the facility. Rule would require 3 tests for a Certified Child Care Center, considered a small business for the purposes of the fiscal impact analysis. Based on a scan of statewide accredited laboratories, each tests costs approximately \$22.00 with a \$10.00 collection cost. Estimated costs to each Center would be approximately \$100.00.

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) The rules for lead testing will require the Early Learning Division and the Oregon Health Authority to work collaboratively to update and translate written materials as part of a training and outreach plan; (2)(a) Approximately 1342 certified facilities; (2)(b) Minimal impact due to added record keeping and posting notices for parents; (2)(c) No additional costs for professional services, equipment supplies, labor and increased administration for the majority of proposed rules. The full impact for required lead testing is unknown at this time. An outcome of the proposed testing requirement will be to provide a clearer understanding of the scope, scale and costs of mitigating and preventing exposure to lead contamination through water consumption.

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

A series of community engagements were conducted and input from the public and small businesses was requested

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A series of community engagements were conducted and input from the public and small businesses was requested

RULES PROPOSED:

414-300-0000, 414-300-0005, 414-300-0010, 414-300-0015, 414-300-0020, 414-300-0025, 414-300-0030, 414-300-0035, 414-300-0040, 414-300-0045, 414-300-0050, 414-300-0055, 414-300-0060, 414-300-0065, 414-300-0070, 414-300-0075, 414-300-0080, 414-300-0085, 414-300-0090, 414-300-0095, 414-300-0100, 414-300-0110, 414-300-0115, 414-300-0120, 414-300-0125, 414-300-0130, 414-300-0135, 414-300-0140, 414-300-0145, 414-300-0150, 414-300-0155, 414-300-0160, 414-300-0165, 414-300-0170, 414-300-0180, 414-300-0185, 414-300-0190, 414-300-0200, 414-300-0210, 414-300-0215, 414-300-0220, 414-300-0225, 414-300-0230, 414-300-0235, 414-300-0240, 414-300-0250, 414-300-0260, 414-300-0270, 414-300-0280, 414-300-0290, 414-300-0295, 414-300-0300, 414-300-0310, 414-300-0320, 414-300-0330, 414-300-0340, 414-300-0350, 414-300-0360, 414-300-0380, 414-300-0390, 414-300-0400, 414-300-0410, 414-300-0415

AMEND: 414-300-0000

RULE SUMMARY: Describes the purpose of the administrative rules pertaining to certified child care centers.

CHANGES TO RULE:

414-300-0000

Applicability of Rules Purpose ¶

(1) OAR 414-300-0000 through 414-300-0415 set forth the Office of Child Care Division's (OCCD) requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, ~~ORS 657A.030, 657A.250 through 657A.310, 657A.350 through 657A.460 and 657A.990, that:¶~~

~~(a) Serve thirteen or more children; or¶~~

~~(b) Serve twelve or fewer child that provides care and are located in a building constructed as other than a single-family dwelling.¶~~

~~(c) Care for three or fewer childreeducation iof the caregiver'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 CCD; orany number of children in a non-residential setting.¶~~

~~(d) Provides care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day if the caregiver'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 CCD; or¶¶

(e) Provide care on an occasional basis by a person not ordinarily engaged in providing child care if the caregiver'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 CCD; or Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a child care center without a valid certificate issued by the Office of Child Care.¶¶

(f) Provide care for children from only one family other than the person's own family if the caregiver's Individuals who are not enrolled in the Central Background Registry has been denied or the person has been removed for because, 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 CCD.¶¶

(2) These rules do not apply to child care facilities specifically excluded by law. Excluded facilities are those that:¶¶

(a) Provide care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day except as provided in 414-300-0000(1)(d); or¶¶

(b) Provide care for school-age children that is primarily a single enrichment activity removal, denial for cause, for eight hours or less a week; or¶¶

(c) Provide care in which youth development activities are provided to school-age children during hours that school is not in session and which does not take the place of a parent's care; or¶¶

(d) Provide care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or. This exclusion applies only to the time engaged in the group athletic or social activities and if the children can come and go as they please; or¶¶

(e) Are operated by a school district, political subdivision of this state, or a government agency; or¶¶

(f) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care except as provided in 414-300-0000(1)(e); or¶¶

(g) Operate as a parent cooperative for no more than four hours a day; or¶¶

(h) Provide care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity; or¶¶

(i) Provide care for three children other than the person's own children except as provided in 414-300-0000(1)(e); or¶¶

(j) Provide care for children from only one family other than the person's own family except as provided in 414-300-0000(1)(f).¶¶

(3) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.¶¶

(4) For purposes of these rules, the determination of compliance or noncompliance shall be made by CCD.¶¶

(5) Providers have a right to review any action or decision affecting them. The CCD grievance procedures are available upon request to all applicants for child care certification or operators of centers voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.

Statutory/Other Authority: ORS 657.329A

Statutes/Other Implemented: ORS 657A.329A

AMEND: 414-300-0005

RULE SUMMARY: Describes the circumstances when licensing is not required.

CHANGES TO RULE:

414-300-0005

Definitions-Exemptions from Licensing ¶¶

The following words and terms, when used in OAR 414-300-0000 through 414-300-0415, have the following meanings:¶¶

(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, isolation quarters, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.¶¶

(2) "Attendance" means children actually present in the center at any given time. Programs are exempt from certification when they: ¶¶

(3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.¶¶

(4) "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.¶¶

(5) "Central Background Registry" means OCC's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.¶¶

(6) "Certificate" means the document that is issued by OCC to a child care center pursuant to ORS 657A.280.¶¶

(7) "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. Child care does not include the care provided:¶¶

(a) In the home of the child;¶¶

(b) By the child's parent or guardian, or person acting in loco parentis;¶¶

(c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;¶¶

(d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care; or¶¶

(e) By providers of medical services.¶¶

(8) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.¶¶

(9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, for whom the child care center has supervisory responsibility in the temporary absence of the parent.¶¶

(10) "Child Care Center" or "Center" means a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.¶¶

(11) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.¶¶

(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) "Child Care Facility" means any facility that provides child care to children, including a child care Provide care for preschool children that is primarily educational for 4 hours or less per day and where no preschool age child is present at the facility for more than 4 hours per day except as provided in 414-300-0000(3).¶¶

(2) Provide care for school-age children that is primarily a single center, certified family child care home, and

registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.¶¶

(14) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.¶¶

(15) "Comparable group care program" means a program which has the following elements:¶¶

(a) Staff are supervised by knowledgeable professionals;¶¶

(b) Training of staff is provided or required annually;¶¶

(c) Group size is similar to a certified child care facility;¶¶

(d) Curriculum is age appropriate; and¶¶

(e) The program is not providing uncertified drop-in care.¶¶

(16) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.¶¶

(17) "Director" means a person who is designated by the operator as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0080.¶¶

(18) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center.¶¶

(19) "Enrollment" means all children registered to attend the center.¶¶

(20) "Group" means a specific number of children assigned to specific staff.¶¶

(21) "Guidance and discipline" means the on-going process of helping children develop self-control and assume responsibility for their own acts.¶¶

(22) "Head Teacher" means the person(s) who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school-age program in the center.¶¶

(23) "Infant" means a child who is a least six weeks of age but is not yet walking alone enrichment activity, for 8 hours or less a week.¶¶

(3) Provide care in which youth development activities are provided to school-age children during hours that school is not in session and which does not take the place of a parent's care.¶¶

(24) "Infant and Toddler Age Program" means care and education provided in a center, or part of a center, to children between the ages of six weeks and thirty-six months.¶¶

(25) "Night Care" means care given to children who sleep at the child care center for all or part of the night.¶¶

(26) "Nonserious Violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-300-0005(42)¶¶

(27) "Occasional" means infrequently or sporadically, 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.¶¶

(28) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the operator is other than the owner, an individual must be appointed as the operator by the owner.¶¶

(29) "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, education and experience of individuals who work in childhood care and education.¶¶

(30) "Outbreak of a communicable disease" means two cases from separate households associated with a suspected common source.¶¶

(31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner may or may not be active in the operation of the center; the owner may also be the operator.¶¶

(32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.¶¶

(33) "Parent cooperative" means a child care program in which:¶¶

(a) Care is provided by parents on a rotating basis;¶¶

(b) Membership in the cooperative includes parents;¶¶

(c) There are written policies and procedures; and¶¶

(d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.¶¶

(34) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care under the direct control of the child care facility.¶¶

(35) "Preschool-Age Child" means a child who is 36 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. For purposes of these rules, children attending kindergarten may be considered school-age children Provide care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. This exclusion applies only to the time engaged in the group athletic or social activities.¶¶

(5) Are operated by a school district, political subdivision of this state, or a government agency.¶¶

(36) "Preschool-Age Program" means care and education provided in a center, or part of a center, to children 36 months of age to attending kindergarten.¶¶

(37) "Program" means all activities and care provided for the children during their hours of attendance at the center.¶¶

(38) "Qualifying Teaching Experience" means:¶¶

(a) Provide care on an occasional basis by a person not or d infant/toddler and preschool age groups, 1,500 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period;¶¶

(b) For school-age groups, 600 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.¶¶

(39) "Sanitizing" means using a bactericidal 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.¶¶

(40) "School-Age Child" means a child eligible to be enrolled in the first grade 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. For purposes of these rules, children attending kindergarten may be considered school-age children.¶¶

(41) "School-Age Program" means care and education provided in a center, part of a center, school or other facility to children attending kindergarten or eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, eligible to be enrolled in the first grade or above in the next school year.¶¶

(42) "Serious complaint" means a complaint filed against:¶¶

(a) A certified child care center by a person who has alleged that:¶¶

(A) Children are in imminent danger;¶¶

(B) There are more children in care than allowed by certified capacity;¶¶

(C) Corporal punishment is being used; arily engaged in providing child care except as provided in 414-300-

0000(3). "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.¶¶

(D) Children are not being supervised;¶¶

(E) Multiple or serious fire, health or safety hazard Operate as are present in the center;¶¶

(F) Extreme unsanitary conditions are present in the center; or¶¶

(G) Adults are in the center who are not enrolled in the Central Background Registry; or¶¶

(b) A facility providing child care, as defined ORS 657A.250(3), which is not a certified child care center by a person who has alleged that there are more children in care than allowed by law.¶¶

(43) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges: cooperative for no more than 4 hours a day.¶

(a8) 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 center;¶

(g) Adults are in the center who are not enrolled in the Central Background Registry; or¶

(h) A facility is providing child care as defined in ORS 657A.250(4) which is not a certified child care center, by a person who has alleged that there are more children in care than allowed by law.¶

(44) "Site Director/Supervisor" means the person in charge of the facility at a site which is part of a larger multi-site program.¶

(45) "Site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.¶

(46) "Staff" means an individual who is the director, an employee, or a volunteer who is in the center for more than a single activity.¶

(47) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on s Provide care while the child's parent, legal guardian or persons acting in place of the parent remains on the premises and is engaged in an activity offered by the facility or in other non-work activity.¶

(48) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and 9) Provide care to 3 or fewer children's needs, and accountability for their care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.¶

(49) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR, not including the provider's children except as provided in 414-300-0100(3).¶

(510) "Teacher Aide" means a caregiver who works under the direct supervision of a teacher and who meets the qualifications of Aide I or Aide II pursuant to OAR 414-300-0110.¶

(51) "Toddler" means a child who is able to walk alone but is under 36 months of age. "Younger toddler" means a child who is able to walk alone but is under 24 months of age; "older toddler" means a child who is 24 months of age but under 36 months of age.¶

(52) "Usable Exit" means an unobstructed door or window through which caregiver Provide care to children from one family, not including the provider's and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key, an except as provided window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor. 414-300-0000(3).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-300-0010

RULE SUMMARY: Defines terms used in the rules.

CHANGES TO RULE:

414-300-0010

Application for a Child Care Certificate-Definitions ¶¶

~~(1) Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a child care center without a valid certificate issued by the Child Care Division.~~ The following words and terms, when used in OAR 414-300-0000 through 414-300-0415, have the following meanings:¶¶

~~(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by the Child Care Division.¶¶~~

~~(2) Application for a certificate shall be made by the applicant.~~ Additional exclusions may apply for specific age groups.¶¶

~~(2) "Applicant" means a person who completes and submits the application forms provided by CCD.¶¶~~

~~(3) A completed application is required to be submitted to the governing body who submits the child care license application and in whose name the certificate will be issued.¶¶~~

~~(a) For the initial certificate;¶¶~~

~~(b) For the annual renewal of the certificate; and~~ 3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.¶¶

~~(c) Whenever there is a change of owner, operator or location~~ "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.¶¶

~~(4) The applicant shall complete and submit the application to CCD at least~~ "Central Background Registry" (CBR) means OCC's Registry of individuals who have been approved to be associated with an application to CCD at least:¶¶

~~(a) 45 days before the planned opening date of a new center; and¶¶~~

~~(b) For renewal of certification, 30 days prior to the expiration of the certificate.¶¶~~

~~(A) If an application for renewal and payment of the required fee is received by CCD at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until the expiration date of the current certificate.~~ CCD's child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.¶¶

~~(a) "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification and an FBI records check.¶¶~~

~~(b) "CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following a Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check.¶¶~~

~~(6) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, legal guardian, or custodian, during a part of the 24 hours of the day, with or without compensation.¶¶~~

~~(7) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion for renewal and has given notice of the action taken of the building and grounds of a larger facility or one or more buildings at the same location.¶¶~~

~~(B8) If "Child Care Child" means application for renewal and payment of the required fee is not received by CCD at least 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the child at least 6 weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The child care center has supervisory responsibility in the temporary absence of the parent.¶¶~~

- (9) "Child Care Center" or "Center" means a child care facility that is certified to provide care and education of children in a nonresidential setting.
- (10) "Child with Special Needs" means a child under 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.
- (11) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family, unless the renewal is completed before the expiration date.
- (5) An application for a certificate shall be accompanied by a non-refundable filing fee.
- (a) For the initial application, a change of owner/operator, the reopening of a center after a lapse in certification, or a change of location (except when a facility is forced to move due to circumstances beyond the control of the operator), the fee is \$100 plus \$2 for each certified space (e.g., the fee for a child care center certified to care for 30 children is \$60 + \$100 = \$160).
- (b) For a renewal application, the fee is \$2 for each certified space.
- (6) An application for a certificate must be completed by the applicant and approved by CCD within 12 months of submission of any child care home, and registered family child care home. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.
- (12) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.
- (13) "Communicable Disease" means a condition caused by an infectious agent or its toxins.
- (14) "Comparable group care program" means a program which has the following elements:
- (a) Staff are supervised by knowledgeable professionals;
- (b) Training of staff is provided or required annually;
- (c) Group size is similar to a certified child care facility;
- (d) Curriculum is age appropriate;
- (e) The program is not providing uncertified drop-in care; and
- (f) For school-age only programs, summer camp experience is counted as long as the age groups are similar.
- (15) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.
- (16) "Custodial parent" is the parent who is given the physical or legal custody of the child by court order.
- (17) "Director" means a person who is designated by the owner as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0085.
- (18) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.
- (19) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the application will be day or night, exclusively for drop-in children in a child care center. If denied, the application will be denied.
- (20) "Family" means application is denied, an applicant must submit a new application for a certificate.
- (7) All civil penalties must be paid in full group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.
- (21) "Guidance and discipline" means the on-going process of helping children develop self-control and assume responsibility for their own acts.
- (22) "Infant" means a child who is at least 6 weeks of age up to 12 months of age.
- (8) A floor plan shall be submitted with the initial application and/or when a facility is being constructed or remodeled. The floor plan shall show dimensions of all rooms to be used (length and width), the planned use of each room, the placement and number of toilets, handwashing sinks, and diaper changing tables, and the location of the fixtures and plumbing in the kitchen. Similar plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction.
- (23) "Kindergarten-Age Child" means a child eligible to attend with the initial application and/or when a facility is being constructed or remodeled. The floor plan shall show dimensions of all rooms to be used (length and width), the planned use of each room, the placement and number of toilets, handwashing sinks, and diaper changing tables, and the location of the fixtures and plumbing in the kitchen. Similar plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction.
- (24) "License" means the document that is issued by OCC to a child care center pursuant to ORS 329A.280. License may also be referred to as certification.
- (25) "Multi-Site Coordinator" means the person responsible for coordinating over-all management and operation

of a number of sites in a multi-site program.

(26) "Night Care" means care given to children who sleep at the child care center for all or part of the night.

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

(28) "Oregon Registry" means the professional development registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that stores, tracks and recognizes the training and education of individuals who work in childhood care and education.

(9) If the facility is located within or attached to a building.

(29) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by the Office of Child Care.

(30) "Outbreak of a communicable disease" means 2 cases for purposes other than child care, the floor plan shall describe the other activities which are carried out in adjoining rooms or buildings.

(10) If the applicant is a firm, association, corporation, public agency, or governmental entity, the application shall be signed by the chief executive officer or a person designated in writing to have the authority to sign for the applicant. If the applicant is a partnership, the application shall be signed by each partner from separate households associated with a suspected common source.

(31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner is the operator and holds the license.

(32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.

(33) "Parent cooperative" means a child care program in which:

(a) Care is provided by parents on a rotating basis;

(b) Membership in the cooperative includes parents;

(c) There are written policies and procedures; and

(d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.

(34) "Potentially hazardous food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice, beans or pasta, and all other previously cooked foods, including leftovers.

(35) "Premises" means the location that is identified on the application, including indoors and outdoors, all out-buildings and any space not directly used for child care under the direct control of the child care facility.

(36) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.

(37) "Preschool-Age Program" means care and education provided in a center, or part of a center, to children 36 months of age up to eligible to attend kindergarten in a public school.

(11) A management list shall be submitted with the application and updated annually. The list must specify who is responsible for each of the following:

(a) Financial management;

(b) Maintaining records;

(c) Budgeting;

(d) Policy Development;

(e) Staff management, orientation and training;

(f) Maintenance of building and grounds;

(g) Meal plans

(38) "Qualifying Teaching Experience" means:
(a) For infant/toddler and preschool age groups, 1500 hours, gained with a group of the same age children in at least 3-hour blocks, within a 36-month period;

(b) For school-age groups, 600 hours gained with a group of the same age children in at least 3-hour blocks, within a 36-month period.

(c) Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop, Sunday school teacher and coaching.

- (39) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care. ¶
- (40) "Risk assessed value" means the value (low, medium, high or extreme) assigned to a rule based on the likelihood that harm would occur and the probable severity of harm to a child if that rule were violated.. ¶
- (41) "Sanitizing" means using and preparation;¶
- (h) Transportation of children, if provided; and¶
- (i) Ensuring the appropriateness of program activities according to age and development of the children.¶
- (12) An operator shall provide verification to CCD that the center meets all applicable building codes and zoning requirements that apply to child care facilities: 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.¶
- (42) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This does not include the months prior to the start of the kindergarten school year.¶
- (43) "School-Age Program" means care and education provided in a center, part of a center, school or other facility to children eligible to attend kindergarten or above in public school.¶
- (44) "Serious complaint" means a complaint filed against:¶
- (a) A certified child care center by a person who alleges that:¶
- (A) Children are in imminent danger:¶
- (B) There are more children in care than allowed by certified capacity:¶
- (C) Provider is engaging in behavior prohibited under OAR 414-300-0145(7):¶
- (aD) Before the initial certificate is issued; and Children are not being supervised:¶
- (E) Multiple or serious fire, health or safety hazards are present in the center:¶
- (F) Extreme unsanitary conditions are present in the center; ¶
- (bG) Whenever the facility is remodeled.¶
- (13) The center shall be approved by an environmental h Adults are in the center who are not enrolled in the CBR; or¶
- (b) A facility providing child care, as defined in ORS 329A.250(3), which is not a certified child care center and is caring for more children than is allowed by law.¶
- (45) "Serious Injury" means any of the following: ¶
- (a) Injury requiring surgery:¶
- (b) Injury requiring admission to a hospital:¶
- (c) Choking/unexpected breath-specialist registered under ORS chapter 700, or an authorized representative of the Health Division, and by a state or local fire marshal, before a certificate is issued by CCD.¶
- (a) If structural, emergency or perming problems:¶
- (d) Unconsciousness:¶
- (e) Concussion:¶
- (f) Poisoning:¶
- (g) Medication overdose:¶
- (h) Broken bone:¶
- (i) Severe head or neck injury:¶
- (j) Chemical contact in eyes, mouth, skin, inhalation or ingestion:¶
- (k) Severe burn:¶
- (l) Allergic reaction requiring administration of Epi-Pen:¶
- (m) Severe bleeding:¶
- (n) Shock or confused state:¶
- (o) Near-drowning.¶
- (46) "Single Enrichment Activities Program" means a program for school-age children for 8 hours or less a week that is focused on a single activity. Single enrichment activities include, but are not limited to: swimming lessons, dance lessons, tutoring, music lessons, sports practice or any single class in any subject. ¶
- (47) "Site Director/Supervisor" means the person in charge of the facility at a site which is part of a larger multi-sit

~~When problems occur, CCD may request that gram.~~

~~(48) "Staff" means an individual who is the director, an employee, or a volunteer who is in the center for more than a single activity.~~

~~(49) "Substitute Director" means the operator have the center inspected by the appropriate authority; and~~

~~(b) The operator is on in charge of the center during the hours of operation when the director is not on site.~~

~~(50) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsible for payment of any applicable fees for fireility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care and well-being. Supervision also requires that stafety and sanitation inspections.~~

~~(14) Upon receipt of a completed application, a representative of CCD shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0415) f be near and have ready access to children in order to intervene when needed.~~

~~(51) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR 414-300-0095.~~

~~(52) "Teacher Aide" means a caregiver who works under the direct supervision of a teacher and who meets the qualifications of Aide I or Aide II pursuant to OAR 414-300-0110 and 414-300-0100, respectively.~~

~~(53) "Toddler" means a child who is at least 12 months of age but under 36 months of age.~~

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

~~(b) "Older toddler" means a child who is at least 24 months of age but under 36 months of age.~~

~~(54) "Usable Exit" means an unobstructed door or window through which caregivers and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key. A clear path must exist to all useable exits.~~

Statutory/Other Authority: ORS ~~657329~~A.260

Statutes/Other Implemented: ORS ~~657329~~A.260

AMEND: 414-300-0015

RULE SUMMARY: General rules for certified child care centers.

CHANGES TO RULE:

414-300-0015

Issuance of a Child Care Certificate-General Licensing ¶

(1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card. A certificate shall not be issued to an applicant who grows marijuana or distributes marijuana.¶

(2) A certificate For purposes of these rules, the determination of compliance or noncompliance shall be made by OCC.¶

(2) Child care children may only be in activity areas approved by OCC.¶

(3) A drop-in only center may not have a child in care for more than 25 hours per week. A center that operates exclusively as a drop-in center shall be issued by OCC when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0415. There are meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0415, except for 414-300-0160. ¶

(4) A center has the right two types of certifications. These are:¶

(a) A regular certificate, which, except as provided in OAR 414-300-0010(4)(b)(A), is valid for no more than one year; and¶

(b) A temporary certificate. A child care center may not operate under a temporary certification for more than 180 days in any 12-month period. A temporary certifi request a review of any finding made by OCC.¶

(5) The center has the right to appeal any decision to suspend, deny or revoke the certification or to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes.¶

(6) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate.¶

(7) The center shall comply with all conditions placed on the license.¶

(8) Unless otherwise stated, these rules apply only when child care is issued when:¶

(A) The center is in compliance with most requirements;¶

(B) There are no deficiencies identified by OCC that are hazardous to children; and¶

(C) The operator demonstrates an effort to be in full compliance children are in care. ¶

(9) The center shall immediately notify all parents of any closure of the active license.¶

(10) Parental request or permission to waive any of the rules for the certification of child care centers does not give the center permission to do so.¶

(11) Rules that impact a child's health and safety have been assessed for risk, taking into consideration the probability of harm and the potential severity of harm. A risk assessed value has been assigned to rules.¶

(3) A certificate is not transferable to any other location or to another organization or individual.¶

(4) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.¶

12) Circumstances of a violation, that increase the level of risk to children, may increase the risk assessed value. Circumstances include, but are not limited to: imminent danger to a child, extreme disregard for ratio, supervision, discipline, CBR enrollment, hazards, sanitation, and repeat rule violations.¶

(13) OCC certification records are open to the public on request. However, information protected by state or federal law will not be disclosed.¶

(14) The name, address, telephone number and certification status of the facility is public information.¶

(15) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-300-0020

RULE SUMMARY: Rules pertaining to the application process for certified child care centers.

CHANGES TO RULE:

414-300-0020

Exceptions to Rules-Applications ¶

(1) CCD may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0415) for a specified period of time when:¶

(2) A completed application is required:¶

(a) For the initial certificate;¶

(b) For the annual renewal of the certificate to an individual rule (OAR 414-300-0000 through 414-300-0415) for a specified period of time when:¶

(a) A requirement does not apply to the facility; or¶

(b) The intent of the requirement can be met by a method not specified in the certificate; or¶

(c) Whenever there is a change of owner or location.¶

(3) The applicant shall complete and submit an application to OCC at least:¶

(a) 45 days before the planned opening date of a new center; and¶

(b) For renewal of certification, 30 days prior to the expiration of the certificate.¶

(c) If an application for renewal and payment of the required fee is received by OCC at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.¶

(d) When an application for renewal and payment of the required fee is received by OCC less than 30 days prior to the expiration date of the current certificate, the certificate will expire unless the renewal process is completed.¶

(4) An application for a certificate shall be accompanied by a non-refundable fee.¶

(a) For the initial application, a change of owner, the reopening of a center after a lapse in certification, or a change of location (except when applicable rule.¶

(2) The operator shall request an exception if a facility is forced to move due to circumstances beyond the control of the center), the fee is \$100 plus \$2 for each certified space (e.g., the fee for a child care center certified to care for 30 children is \$60 + \$100 = \$160).¶

(b) For a renewal application, to a rule on a form the fee is \$2 for each certified space.¶

(5) An application for a certificate must be completed by the applicant and approved by OCCD. The request shall include:¶

(a) A justification for the requested exception; and¶

(b) An explanation of how the center will meet the intent of the rule within 12 months of submission or the application will be denied. If an application is denied, an applicant must submit a new application for a certificate.¶

(6) All civil penalties must be paid in full before the Office of Child Care will process the application.¶

(7) A floor plan shall be submitted with the initial application and/or when a facility is being constructed or remodeled. The floor plan shall show dimensions of all rooms to be used (length and width), the planned use of each room, the placement and number of toilets, bathroom, diaper changing, and handwashing sinks not used for drinking water, and diaper changing tables, the location of the fixtures and plumbing in the kitchen, and the location of all drinking water faucets and fixtures used to obtain water to prepare food, infant formula, drinking or cooking.¶

(8) Floor plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction or remodel.¶

(3) No exception to a rule shall be granted:¶

(a) If the requirement is established by statute; or¶

(b) Unless the health, safety, and well-being of the children are ensured.¶

(4) Exceptions may not be implemented until approval is received from CCD.¶

- (5) The granting If the facility is located within or attached to a building used for purposes other than child care, the floor plan shall describe the other activities which are carried out in adjoining rooms or buildings.¶
- (10) If the applicant is a firm, association, corporation, public agency, or governmental entity, the application shall be signed by the chief executive officer or a person designated in writing to have the authority to sign for the applicant. If the applicant is a partnership, the application shall be signed by each partner.¶
- (11) A management list shall be submitted with the application and updated annually. The list must specify who is responsible for each of the following:¶
- (a) Financial management;¶
 - (b) Maintaining records;¶
 - (c) Budgeting;¶
 - (d) Policy development;¶
 - (e) Staff management, orientation and training;¶
 - (f) Maintenance of building and grounds;¶
 - (g) Meal planning and preparation;¶
 - (h) Transportation of children, if provided; and¶
 - (i) Ensuring the appropriateness of program activities according to age and development of the children.¶
- (12) The director shall provide verification to OCC that the center meets all applicable building codes and zoning requirements that apply to child care facilities:¶
- (a) Before the initial certificate is issued; and¶
 - (b) Whenever the facility is remodeled.¶
- (13) The center shall be approved by an environmental health specialist registered under ORS chapter 700, ofr an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.¶
- (6) CCD may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children authorized representative of the Oregon Health Authority, and by a state or local fire marshal, before a certificate is issued by OCC.¶
- (14) An application for certificate shall be accompanied by lead testing results for drinking water faucets and fixtures identified in OAR 414-300-0020(7). Results shall be those obtained within the past 6 years.¶
- (15) An applicant shall have all drinking water faucets and fixtures identified in OAR 414-300-0020(7) tested for lead.¶
- (16) An applicant shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory and shall test in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.¶
- (17) An applicant may submit documented lead testing results obtained within 6 years immediately preceding the effective date of this section to the OCC, and request a waiver of this requirement for a period not to exceed 6 years from the date of the test results submitted. This provision applies only to tests conducted in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and the results were below 15 ppb. The OCC shall determine whether the tests submitted conform to the requirements of OAR 414-300-0020(16).¶
- (18) Upon receipt of a completed application, a representative of OCC shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0415).

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

ADOPT: 414-300-0025

RULE SUMMARY: Rules pertaining to the right for all agencies involved in the certification process to have access to the premises during the hours of operation.

CHANGES TO RULE:

414-300-0025

Right to Inspect

(1) Representatives of all agencies involved in certification shall have immediate access to the premises during hours of operation. ¶

(2) OCC staff shall have the right to enter and inspect the center, including access to all staff, records of children enrolled in the center, and all records and reports related to the center operation regarding compliance with these rules. ¶

(3) The center must allow parents or legal guardians of child care children access to the center during the hours their child(ren) are in care. ¶

(4) OCC staff may conduct an unannounced monitoring visit at least once annually.

Statutory/Other Authority: 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0030

RULE SUMMARY: Rules pertaining to the required compliance with rules and laws from other relevant agencies.

CHANGES TO RULE:

414-300-0030

General Requirement Applicable Rules and Laws ¶¶

(1) The operator shall display the following near the entrance, or in some other area of the center, where they may be viewed by parent(s) of children in care:¶¶

(a) The most current certificate issued by CCD;¶¶

(b) Name of the director and/or the substitute director;¶¶

(c) Notice of planned field trips away from the immediate neighborhood, showing the date and place of each excursion;¶¶

(d) The current week's menu for all meals and snacks, if meals are provided by the center. Any substitution shall be recorded on the menu;¶¶

(e) A notice that the items identified in section (2) of this rule are available for review on request;¶¶

(f) Information on how to report a complaint to CCD regarding certification requirements;¶¶

(g) Notice that custodial parents have access to the center during the hours of operation and without advance notice; and¶¶

(h) Notice of center closures (vacation days, holidays, etc.);¶¶

(2) The operator shall have available for review on request:¶¶

(a) A copy of OAR 414-300-0000 through 414-300-0415, Rules for the Certification of Child Care Centers; and¶¶

(b) The most recent CCD, sanitation, and fire safety inspection reports.¶¶

(3) The operator shall report to CCD:¶¶

(a) An accident at the center resulting in the death of a child, within 48 hours after the occurrence;¶¶

(b) Injuries to a child at the center which require attention from a licensed health care professional, such as a physician, EMT or nurse, within 7 days after the occurrence;¶¶

(c) Damage to the building which aff All staff who have reason to believe that any child has suffered abuse (physical injury, mental injury, neglects the operator's ability to comply with these requirements, within 48 hours after the occurrence; and¶¶

(d) Any change in direct leads to or prior to the director being on-site. Such prior notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. An e-mail or a phone call, followed by written documentation, or a FAX will serve as notification.¶¶

(4) Information provided to CCD on applicphysical harm, sexual abuse and/or exploitations, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate.¶¶

(5) Staff shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.050), 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.¶¶

(6), 7 days a week.¶¶

(2) The child care center shall comply with local, state and federal laws related to child safety systems and seat belts in vehicles; and bicycle safety, civil rights laws, and the Americans With Disabilities Act (ADA).¶¶

(7) The following information shall be in writing and made available to staff, CCD, and to parent(s) at the time of enrollment:¶¶

(a) Name, business address, and business telephone number of the person(s) who have immediate responsibility for the daily operation of the center;¶¶

(b) Guidance and discipline policy;¶¶

(c) Arrival and departure procedures;¶¶

- ~~(d) Emergency plan, as specified in OAR 414-300-0170(3);¶¶~~
 - ~~(e) Procedures for field trips; and¶¶~~
 - ~~(f) Information on transportation, when provided by the center;¶¶~~
 - ~~(8) Representatives of all agencies involved in certification and custodial parents shall have immediate access to all parts of the center during hours of operation. CCD staff shall have the right to enter and inspect the center, including access to all staff, records of children enrolled in the center, and all records and reports related to the center operation regarding compliance with these rules.¶¶~~
 - ~~(9) The center shall comply with the Health Division.¶¶~~
 - ~~(3) The center shall comply with the Oregon Health Authority's administrative rules relating to:¶¶~~
 - ~~(a) Immunization of children (OAR 333-050-0010 through 333-050-0140);¶¶~~
 - ~~(b) Reporting communicable diseases (OAR 333-019-0000);¶¶~~
 - ~~(c) Child care r;¶¶~~
 - ~~(c) Restrictable diseases (OAR 333-019-0010); and¶¶~~
 - ~~(d) Dishwashing (OAR 333-150-0000).¶¶~~
 - ~~(10).¶¶~~
 - ~~(4) A center shall have written health policies and procedures approved by the Health Division or the county health department and an environmental health specialist, which cover, but are not limited to, the following:¶¶~~
 - ~~(a) Storage and handling of food;¶¶~~
 - ~~(b) Diaper changing and disposal, if applicable. The diaper changing procedure must be posted in the diaper changing area;¶¶~~
 - ~~(c) Bathing infants, if the center cares for infants children, if applicable;¶¶~~
 - ~~(d) Care of bed linen;¶¶~~
 - ~~(e) Hand washing procedures. The hand washing procedures must be posted at hand washing sinks; and¶¶~~
 - ~~(f) Serving formula, storage and handling of bottles and pacifiers, and feeding infants, if the center cares for infants.¶¶~~
 - ~~(11) Parental request or permission to waive any of the rules for the certification of child care centers does not give the e5) As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, gender permission to do so.¶¶~~
- ~~[Publications: Publications referenced are available from the agency.], marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

ADOPT: 414-300-0035

RULE SUMMARY: Rules pertaining to issuing the license to a certified child care center.

CHANGES TO RULE:

414-300-0035

Issuance of License

(1) A certificate shall not be issued to an applicant who holds a medical marijuana card. ¶

(2) A certificate shall be issued by OCC when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0415. There are 2 types of certifications. These are:¶

(a) A regular certificate, which, except as provided in OAR 414-300-0020(3)(c), is valid for no more than one year; and¶

(b) A temporary certificate. A child care center may not operate under a temporary certification for more than 180 days in any 12-month period. A temporary certificate may be issued when:¶

(A) The center is in compliance with most requirements;¶

(B) There are no deficiencies identified by OCC that are hazardous to children; and¶

(C) The center demonstrates an effort to be in full compliance.¶

(3) A certificate is not transferable to any other location or to another organization or individual.¶

(4) Any changes in the certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, change of address, or hours of operation.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0040

RULE SUMMARY: Rules pertaining to items the center is required to post and required information that must be available to the public, OCC, staff and parents.

CHANGES TO RULE:

414-300-0040

Enrollment Required Postings and Available Information ¶¶

~~(1) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.¶¶~~

~~(2) All children visiting the center on a regular basis will count in capacity. Children attending with a non-staff parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children.¶¶~~

~~(3) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the center shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care. The center shall display the following near the entrance, or in some other area of the center, where they may be viewed by parent(s) of children in care:¶¶~~

~~(a) The most current certificate issued by OCC:¶¶~~

~~(b) The location where parents may be reunited with their children in the event of an evacuation:¶¶~~

~~(c) Name of the director and/or the substitute director:¶¶~~

~~(ad) Refusal by the operator to care for a child with a need for special care because of lack of related skills and degree of competence, or because of structural barriers in Notice of planned field trips away from the center, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are knowledgeable about the specific disability. The operator rowing the date and place of each excursion:¶¶~~

~~(e) The current week's menu for all meals and snacks, if meals are provided by the center. Any substitution shall be record the assessment that was made for each child with special needs, ed on the menu:¶¶~~

~~(bf) If a child with special needs is enrolled who needs a A notice that the items identified in specific plan for caring for that child, such a plan shall be developed in writing between center staff, parent(s), and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan:tion (2) of this rule are available for review on request:¶¶~~

~~(4g) The operator shall obtain the following information in writing from parent(s) of each child before admission. The information shall be kept current at all times. Information on how to report a complaint to OCC regarding certification requirements:¶¶~~

~~(ah) Name and birth date of child:¶¶~~

~~(b) Date child entered care:¶¶~~

~~(c) Name(s), home and business address(es) and telephone number(s) of the custodial parent(s):¶¶~~

~~(d) The school attended by a school-age child:¶¶~~

~~(e) Name and telephone number of child's medical provider(s) and dentist, if applicable:¶¶~~

~~(f) Name and telephone number of person to be called in an emergency if the parent cannot be located; Notice that parents have access to the center during the hours of operation and without advance notice: ¶¶~~

~~(gi) Name and telephone number of person(s) to whom the child may be released Notice of center closures (e.g. vacation days, holidays); and¶¶~~

~~(hj) Any chronic health problem(s) the child has, including allergies.¶¶~~

~~(5) The operator shall obtain the following information in writing from parent(s) of each infa Water testing results, in accordance with OAR 414-300-0050(1)(g).¶¶~~

~~(2) The center shall ensure that the following documents are available in the Certified Child Care Center to all parents and toddler before admission:¶¶~~

~~(a) Schedule of feeding:¶¶~~

- (b) Types of food introduced and timetable for new foods;¶
 - (c) Toilet and diapering schedule;¶
 - (d) Sleep schedule;¶
 - (e) Child's way of communicating and being comforted;¶
 - (a) A copy of the administrative rules for Certified Child Care Centers; and¶
 - (f) Developmental and health history of any problems that could affect the child's participation in child care. The most recent OCC, sanitation, and fire safety inspection reports.¶
 - (6) The operator shall obtain the following information shall be written authorizations from parent(s) of each child before admission:¶
 - (a) Permission for the center to obtain emergency medical treatment for the child. The emergency medical release shall be made available to staff, OCC, and to parent(s) at the time of enrollment:¶
 - (A) On a form accepted by the medical treatment facility used by Name, business address, and business telephone number of the operator for emergency medical services; and¶
 - (B) Immediately accessible to all staff.¶
 - (b) Person(s) who have immediate responsibility for the daily operation of the center to be:¶
 - (b) Arrive at an ambulance or take a child to an available physician or medical treatment facility; and¶
 - (c) Approval when applicable for:¶
 - (A) Participation in field trips; and¶
 - (B) Participation in swimming or wading activities, both on and off the premises of the center.¶
 - (7) A center shall maintain separate information and authorization forms on each child in care. d departure procedures;¶
 - (c) Procedures for field trips including, but not limited to, requirements regarding drivers and adult supervision; ¶
 - (8) An opportunity shall be given for each child, with his/her parent(s), to have a pre-placement visit to Transportation plan, when transportation is provided by the center; and for the center staff to exchange information;¶
 - (e) When transportation with the parent(s).¶
 - (9) No child under six weeks of age shall be enrolled in a center.¶
- [Publications: Publications reference is being provided by a third party available from the agency.]
- Statutory/Other Authority: ORS 657329A.260
- Statutes/Other Implemented: ORS 657329A.260

ADOPT: 414-300-0045

RULE SUMMARY: Rules pertaining to items a certified center is required to report to OCC.

CHANGES TO RULE:

414-300-0045

Required Reporting

The center shall report to OCC:¶

(1) Any death of a child while in care, within 24 hours.¶

(2) Any serious injury, as defined in OAR 414-300-0010(45) within 5 calendar days after the occurrence. This does not include:¶

(a) Injuries for which a child is evaluated by a professional as a precaution:¶

(b) Injuries for which first aid is administered at the center, but no further treatment by a medical professional is warranted: or ¶

(c) Medical events due to routine, ongoing medical issues, such as asthma or seizures.¶

(3) Any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours of the occurrence.¶

(4) Any change in director prior to the director being on site. Such prior notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. An e-mail or a phone call, followed by written documentation, or a FAX will serve as notification.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0050

RULE SUMMARY: Rules pertaining to the records that a center is required to maintain and the required retention period.

CHANGES TO RULE:

414-300-0050

Arrival and Departure Record Keeping

(1) A center shall require that the person bringing a child to the center remain with the child until the child is accepted by staff. The following records must be kept by the center for at least 2 years, kept current at all times and must be available 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) Date child entered care;

(C) Names, work and home addresses and telephone numbers of the parent(s) or legal guardian(s);

(D) The name of the school attended by the child care child;

(E) Name, address and telephone number of the child's doctor and dentist;

(F) Name and telephone number of person(s) to contact in an emergency;

(G) Name and telephone number of person(s) to whom the child may be released;

(H) Health history of any problems that could affect the child's participation in child care; and

(I) Any chronic health problem(s), including allergies.

(b) Daily attendance records, including:

(A) Dates each child attended and arrival and departure times for each day;

(B) Times shall be recorded as the child care children arrive and depart. The record must show the children in attendance at any given time; and

(2C) A center shall release a child only to a The current day's attendance record shall be kept with the group(s) of children.

(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount;

(d) Injuries to a child;

(e) Emergency plan practice sessions and evacuations;

(f) Child abuse reports made to the Department or another person named and identified by the parent(s). The operator shall verify the identification of any person, other than the parent, who picks up a childf Human Services Child Welfare (DHS) or a law enforcement agency; and

(g) Lead testing results for drinking water for the past six (6) years.

(2) The center shall obtain the following information in writing from parent(s) of each infant and toddler before admission:

(a) Schedule of feeding;

(b) Types of food introduced and timetable for new foods;

(c) Toilet and diapering schedule;

(d) Sleep schedule;

(e) Child's way of communicating and being comforted; and

(f) Developmental and health history of any problems that could affect the child's participation in child care.

(3) The center shall obtain the following written authorizations from parent(s) of each child before admission. The authorizations shall be kept current at all times:

(a) Permission for the center to obtain emergency medical treatment for the child. The emergency medical release shall be:

(A) On a form accepted by the medical treatment facility used by the center for emergency medical services; and

(B) Immediately accessible to all staff.

- (b) Permission to administer medications to a child;¶
- (c) Permission for the center to call an ambulance or take a child to an available physician or medical treatment facility; ¶
- (d) Permission to transport a child to or from school or allow a child to bus or walk to or from school or home; and¶
- (e) Permission to take a child on a field trip or other activity away from the center or participate in any water activity, on or off the premises.¶
- (4) The center shall maintain separate information and authorization forms on each child in care.¶
- (35) If a school-age child arrives at or leaves the center without a parent, there shall be arrangements in advance, in writing, from the parent(s) for the arrival and departure time. The center shall keep the following records for at least 2 years. Records for staff no longer employed at the center must be kept for 2 years after the date of termination. These records must be available to OCC.¶
 - (a) Daily attendance record for each staff, including: date, arrival and departure times and room assignment;¶
 - (b) Personnel record for each staff, which shall include:¶
 - (A) Name, address and telephone number of staff;¶
 - (B) Position in center;¶
 - (C) Statement of the staff's duties; and¶
 - (D) Driving record, driver's license number and expiration date if the person is to transport children. ¶
 - (6) The following records shall be available at the center in paper or electronic format:¶
 - (a) Written verification of staff qualifications (such as transcripts, payroll records, time sheets, documented resumes, notes regarding telephone conversations, etc.) that the person possesses the qualifications for the position;¶
 - (b) The confirmation letter issued by OCC to the facility that the staff is enrolled in the CBR; ¶
 - (c) Current health-related training and current food handler certifications, as appropriate; and¶
 - (d) Caregiver participation in an orientation to the provider's policies and practices and these administrative rules; and what to do if a child has not arrived at the center by the expected time¶
 - (e) Lead testing results for drinking water for the past six (6) years.¶
 - (7) Electronic records must be immediately available to OCC staff and portable for use during an emergency evacuation.¶
 - (8) With the exception of child abuse reports, the center shall allow parent(s), upon request, to review records and reports maintained on their own children.¶
 - (9) Records that are older than one year may be stored off-site and must be made available within 48 hours, upon request. All other records must be available at all times to OCC.¶
 - (10) A written record of meals and snacks provided by the center must be kept for 3 weeks.

Statutory/Other Authority: ORS ~~657329~~A.260

Statutes/Other Implemented: ORS ~~657329~~A.260

ADOPT: 414-300-0055

RULE SUMMARY: Rules pertaining to the arrival and departure of child care children.

CHANGES TO RULE:

414-300-0055

Arrival and Departure

(1) A center shall require the person bringing a child to the center remain with the child until the child is accepted by staff.¶

(2) A center shall release a child only to a parent or another person named and identified by the parent(s). The center shall verify the identification of any person, who picks up a child.¶

(3) If a school-age child arrives at or leaves the center without a parent, there shall be arrangements in advance, in writing, from the parent(s) for the arrival and departure times and what to do if a child has not arrived at the center by the expected time.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0060

RULE SUMMARY: Rules pertaining to the enrollment of child care children.

CHANGES TO RULE:

414-300-0060

Record Keeping Enrollment

(1) The operator shall keep all records, except those specified in OAR 414-300-0060(1)(d)(F), for at least two years, and staff and children's records for two years after termination of employment or care. These records shall be available at all times to CCD;

(a) Complete and current information on each child as required in OAR 414-300-0040(4) and (6);

(b) Records of daily attendance showing:

(A) The date of employment, time of arrival and departure, and room assignment for each staff; and No child under 6 weeks of age shall be enrolled in a center.

(2) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.

(B3) The date, name of each child in attendance, and time of arrival and departure. The record must show the children in attendance at any given time;

(C) The current day's attendance record shall be maintained in the child's classroom in paper format.

(c) Personnel record for each staff, which shall include:

(A) Name, address and telephone number of staff;

(B) Position in center; As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the center shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.

(C4) Written verification (such as transcripts, payroll records, time sheets, documented resumes, notes regarding telephone conversations, etc.) that the person possesses the qualifications for the position;

(D) Verification that the staff is currently enrolled in the Central Background Refusal by the center to care for a child with a need for special care because of lack of related skills and Registry;

(E) Statement of the staff's duties;

(F) Record of current health-related training, such as CPR, Life Support, Life Saving, and First Aid, and current food handler certifications, as appropriate;

(G) Driving record, driver's license number and expiration date if the person is to transport children; and

(H) Documentation of dates and participation in orientation, training, and staff development activities, as required in OAR 414-300-0120.

(d) A written record of:

(A) A death of or injury to a child, as specified in OAR 414-300-0030(3);

(B) Dates and times of the practices of emergency procedures;

(C) Child abuse reports made to the Director of competence, or because of structural barriers in the center, shall not in itself establish a prima facie case of discrimination. The decision to enroll or not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from Department of Human Services Child Welfare (DHS) or a law enforcement agency;

(D) Authorizations to administer medication to a child, as specified in OAR 414-300-0230(1)(a);

(E) Medications dispensed, as specified in OAR 414-300-0230(1)(d);

(F) Meals and snacks provided by the center for the previous three weeks;

(G) The program of activities and professionals who are knowledgeable about the specific disability. The center shall record the assessment that was made for each group of children, as specified in OAR 414-300-0300; and child with special needs.

(H5) The daily schedule for each group of children, as If a specific plan is needed for a child with specified in OAR 414-300-0290.

(2) The operator shall allow custodial parent(s), upon request, to review records and reports, except for child abuse reports, maintained at needs a plan shall be developed in writing between center staff, parent(s), and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of their own childre plan.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

ADOPT: 414-300-0065

RULE SUMMARY: Rules pertaining to the procedures for emergency evacuation and emergency planning.

CHANGES TO RULE:

414-300-0065

Emergency Preparedness

- (1) A portable emergency light source, in working condition, shall be available with each group of children.¶
- (2) A telephone in working condition must be in the center.¶
- (3) The center must have a system in place to ensure that parents can have contact with facility staff at all times when children are in care.¶
- (4) The phone number for poison control, 9-1-1, and the center's address must be posted in a visible location.¶
- (5) Written instructions for evacuating the building, including the center address and a map illustrating exiting, shall be posted in each room children use.¶
- (6) The center shall have a written plan for handling emergencies, including, but not limited to, acute illness of a child or staff, floods, natural disasters (e.g. fire, earthquake, etc.) man-caused events, such as violence at a child care facility and evacuation of the facility. The plan must include:¶
 - (a) Designation of an alternate safe location in the event of evacuation:¶
 - (b) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families:¶
 - (c) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions:¶
 - (d) An acceptable method to ensure that all children in attendance are accounted for:¶
 - (e) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; ¶
 - (f) Procedures for maintaining continuity of child-care operations.¶
 - (g) An accessible file of emergency contact numbers for children and staff; and¶
 - (h) Designation of a staff member(s) to take the emergency contact numbers file to the evacuation site in the event of an evacuation.¶
- (7) The written plan must be given to parents of children in care.¶
- (8) All staff shall be familiar with the emergency telephone numbers and emergency procedures.¶
- (9) Fire drills shall be practiced monthly.¶
- (10) One other aspect of the emergency response plan shall be practiced every other month.¶
- (11) The director shall keep a written record of the type, date, time, and duration of the practices.¶
- (12) If a center has on-site swimming or is responsible for off-site swimming, the practices must include pool and swimming safety.¶
- (13) Fire and other emergency exiting shall not be through a swimming pool area.¶
- (14) The center shall identify a licensed physician, hospital, or clinic to be used for emergency medical care.¶
- (15) In the event of an illness or injury which requires immediate medical care, the director or the substitute director is responsible for securing such care and notifying the parent(s).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0070

RULE SUMMARY: Rules pertaining to the general qualifications and responsibilities of all staff.

CHANGES TO RULE:

414-300-0070

Staff General Requirements ¶

- (1) ~~The operator shall establish a system of job descriptions, staff selection, and staff evaluation. All caregivers shall:¶~~
- (a) ~~Have competence, sound judgment, and self-control in working with children;¶~~
 - (b) ~~Be mentally, physically, and emotionally capable of performing duties related to child care; and¶~~
 - (c) ~~Have the required training and/or experience qualifications for the position for which they are hired.¶~~
- (2) ~~hold.¶~~
- (2) All substitutes must meet qualifications for the position they are filling.¶
- (3) ~~There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-00905). A person assigned the duties of the position must meet the qualifications of the position.¶~~
- (3) ~~Notwithstanding OAR 414-300-0120(3), t4) There shall be at least one person in the center at all times who has current certification in first aid and CPR.¶~~
- (4) ~~Any staff with evidence of a child care restrictable disease, as defined in OAR 333-019-0010, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties.¶~~
- (5) ~~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 Pediatric Cardiopulmonary Resuscitation (CPR).¶~~
- (6) ~~No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child. This includes any individual in the center who has or may have unsupervised access, however brief, to child care children (i.e., the owner, the operator, all child care staff, maintenance staff who work on-site during hours of operation, volunteers who may be left alone with children, etc.). This does not apply to parents of children in care when they drop off and pick up their children:¶~~
- (a) ~~The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification;¶~~
 - (b) ~~Prior to any new staff, including a director, or individual being on-site at the center during child care hours, the staff/individual shall be enrolled in the Central Background Registry and the center shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are assisting in the provision of child care. Volunteers may be exempt from this rule, as specified in OAR 414-300-0070(11);¶~~
 - (c) ~~When a center is notified by OCC that a staff member or other individual has been removed from the Central Background Registry, the center shall not permit the staff member or other individual to have access to child care children; Any staff with evidence of a child care restrictable disease or symptom of physical illness that poses a threat to the health or safety of children shall be relieved of their duties.¶~~
- (d) ~~If any person listed in section (6) and section (6)(a) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center;¶~~
- (e) ~~If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, address, and telephone number.¶~~
- (7) ~~Alcohol shall not be consumed or stored on the child care center premises during the hours the child care~~

business is conducted or when child care children are present. No one shall be under the influence of alcohol on the child care center premises during the hours the child care business is conducted or when child care children are present Any staff with evidence of a mental incapacity that poses a threat to the health or safety of children shall be relieved of their duties.¶

~~(87) No one shall possess, use or store illegal controlled substances on the child care center premises. No one shall be under the influence of illegal controlled substances on the child care center premises.¶¶~~

~~(9) No one shall grow or possess marijuana plants or distribute marijuana on the child care center premises. No one shall possess, use or store marijuana on the premises of the child care center unless medically necessary to treat a child care child. No adult shall use or be under the influence of marijuana on the child care center premises.¶¶~~

~~(10) Marijuana, derivatives and associated paraphernalia shall not be kept on the child care center premises unless medically necessary to treat a child care child. All associated medical marijuana must be kept in original container if purchased at a dispensary, and together with derivatives and related paraphernalia must be kept under child safety lock.¶¶~~

~~(11) Volunteers must meet the following requirements:¶¶~~

~~(a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry;¶¶~~

~~(b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry;¶¶~~

~~(c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the center must have a written policy to this effect, the policy must be known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.¶¶~~

~~(12) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the certified center or within ten feet of any entrance, exit, or 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 certified center during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers. No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child.~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

ADOPT: 414-300-0075

RULE SUMMARY: Rules pertaining to enrollment in the Office of Child Care's Central Background Registry.

CHANGES TO RULE:

414-300-0075

CBR Enrollment

(1) Certification may be denied, suspended or revoked if the owner has been removed, denied or suspended from the CBR.¶

(2) The facility must receive confirmation from OCC that staff who are 18 years of age or older, are enrolled or conditionally enrolled in the CBR before they may be on-site of the child care premises during child care hours.¶

(3) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with OCC the individual is enrolled. ¶

(4) All caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the center license is active.¶

(a) Individuals whose CBR enrollment has been revoked, denied or suspended, may not be on the premises during child care hours; or have contact with child care children.¶

(b) An individual not enrolled in the CBR may not have unsupervised access to child care children.¶

(5) 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.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0080

RULE SUMMARY: Rules pertaining to the use, growing, possession and distribution of marijuana, smoking and alcohol on child care premises.

CHANGES TO RULE:

414-300-0080

~~Director—Qualifications and Duties Marijuana, Smoking and Alcohol~~

~~(1) The director shall:~~

~~(a) Be at least 21 years of age; and~~

~~(b) Have:~~

~~(A) At least one year of training and/or experience in management and supervision of adults; and~~

~~(B) Have knowledge of child development for the primary ages served in the center, as evidenced by a combination of professional references, education, experience or training; or~~

~~(C) Documentation All tobacco (cigarettes, cigars, and smokeless) and any lighted smoking instrument, including inhalant delivery systems, shall not be consumed on the child care center premises:~~

~~(a) During business hours;~~

~~(b) Within 10 feet of any entrance, exit, or window that opens of attaining at least step nine in the Oregon Registry; or~~

~~(c) Have:~~

~~(A) One year of training and/or experience in management and supervision of adults OR have knowledge of child development for the primary ages served by the center as evidenced by a combination of professional references, education, experience or training ny ventilation intake that serves an enclosed area, during child care hours or when child care children are present; and~~

~~(B) A plan, approved by CCD, that shows how the missing component in (A) above will be addressed and how the program will be operated until the director has obtained the training, experience or knowledge.~~

~~(2) The director of the center shall be accountable for:~~

~~(a) Administrative functions, including, but not limited to: financial management; maintaining records; budgeting; policy development; ensuring the appropriateness of program activities according to age and developmental levels of children; staff orientation; management and training; maintenance of buildings an In any vehicles where child care children are present.~~

~~(2) No one shall grow or possess marijuana plants or distribute marijuana on the child care center premises.~~

~~(3) Illegal drugs, drug paraphernalia, marijuana and marijuana infused grounds; meal planning and preparation; and transportation, if provided; and~~

~~(b) Operating ducts, and alcohol shall not be present on the premises of the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0415) during operating hours.~~

~~(34) If head teacher qualifications (OAR 414-300-0090) are met by the director, that person may serve as head teacher for the age range of children for which she/he is qualified if she/h Staff, substitutes, or volunteers shall not consume works full-time in the center:~~

~~(a) If the center is certified for less than 40 children, the director may serve as head teacher and have regular teaching duties, if qualified;~~

~~(b) If the center is certified for 40 or more children, the director may serve as head teacher, but shall have no regular teaching duties.~~

~~(4) A director responsible for a center certified for fewer than 100 children shall be in the center at least one-third of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.~~

~~(5) A director responsible for a center certified for more than 100 children can be responsible for only one site. The director shall be in the center at least half of the hours that the center is in operation. The hours shall be~~

calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.¶¶

(6) The director, or a substitute director, shall be on the premises during all hours of operation.¶¶

(7) The substitute director shall:¶¶

(a) Meet at least the qualifications of a teacher;¶¶

(b) Be familiar with the certification requirements;¶¶

(c) Be authorized, able, and available to correct a deficiency that might be an immediate threat to children's health or safety; and¶¶

(d) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a director.¶¶

(8) Whenever a director is absent from the center, the name of the substitute director shall be posted in the center, as required in OAR 414-300-0030(1) be under the influence of any substance that impairs their ability to care for children. "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of directors in certified child care centers.

CHANGES TO RULE:

414-300-0085

Director - Qualifications and Responsibilities

(1) Directors must be at least 21 years of age.¶

(2) Directors must have at least one year of training or experience (or a combination of both) in management and supervision of adults; and¶

(a) Have verifiable knowledge of child development for the primary ages served in the center, evidenced by a combination of professional references, education, experience or training as follows: ¶

(A) 7 credit hours at a college or university in the Core Knowledge Categories of Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN) or Observation and Assessment (OA); or¶

(B) 70 training hours in the Core Knowledge Categories of Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN) or Observation and Assessment (OA), relevant to ages of the children served in the center; or¶

(C) 600 hours of qualifying teaching experience with children the same age as those in the program; or¶

(D) Attained at least a Step 5 in the Oregon Registry.¶

(b) Increase 2 Step levels in the Oregon Registry every 2 years until at least a Step 7.5 is attained.¶

(c) Have current certification in first aid and pediatric CPR. ¶

(A) CPR training must have practical hands-on instruction; ¶

(B) CPR courses that involve an on-line component with hands-on instruction may be accepted; and¶

(C) Strictly on-line CPR training is not acceptable.¶

(d) Have completed training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law before they have unsupervised access to children.¶

(e) Have completed OCC approved health and safety training before they have unsupervised access to children.¶

(f) If the center is certified to care for infants, completed OCC approved safe sleep training before they have unsupervised access to infants.¶

(3) The director is responsible for ensuring that the center is in compliance on a daily basis, with all certified center rules and all conditions placed on the license.¶

(4) The director and operator of the center shall be accountable for:¶

(a) Administrative functions, including, but not limited to: financial management; maintaining records; budgeting; policy development; staff orientation; management and training; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided; ¶

(b) Operating the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0415); and¶

(c) The development and implementation of the center's program of activities according to the age, interests, and developmental level of the children.¶

(5) If the center is certified for less than 41 children, the director, if qualified, may serve as teacher and have regular teaching duties.¶

(6) If the center is certified for 41 or more children, the director may not have regular teaching duties. ¶

(7) A director responsible for a center certified for fewer than 100 children shall be in the center at least one-third of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.¶

(8) A director responsible for a center certified for more than 100 children can be responsible for only one site. The director shall be in the center at least half of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include

time spent directly observing staff and children.

(9) The director, or a substitute director, shall be on the premises during all hours of operation.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0090

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of substitute directors in certified child care centers.

CHANGES TO RULE:

414-300-0090

~~Head Teacher~~Substitute Director - Qualifications and ~~Du~~Responsibilities ¶

- (1) ~~For each infant and toddler, preschool age, and school age program in the center, there shall be a qualified person designated as head teacher who is at least 18 years of age.¶~~
- (2) ~~The head teacher shall be accountable for:¶~~
- (a) ~~The development and implementation of the center's program of activities for that age group or groups; and~~
The substitute director shall:¶
- (1) Meet at least the qualifications of a teacher;¶
- (2) Be familiar with the certification requirements;¶
- (b) ~~Ensuring the appropriateness of program activities according to the age, interests, and developmental level of the children.¶~~
- (3) ~~A head teacher shall meet the qualification requirements of one of the options listed in Table 1 of this rule.¶~~
- (4) ~~A person may serve as head teacher for more than one age group as long as the qualifications for head teacher for each age group are met.¶~~
- (5) ~~Head teachers shall be in the center at least one-fourth of the hours, calculated on a weekly basis, that the center is in operation. Table 1.¶~~
- [~~ED NOTE: Tables referenced are available from the agency.~~] Be authorized, able, and available to correct a deficiency that might be an immediate threat to children's health or safety; and¶
- (4) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a director.

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

ADOPT: 414-300-0095

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of teachers in certified child care centers.

CHANGES TO RULE:

414-300-0095

Teachers - Qualifications and Responsibilities

(1) A teacher shall:

(a) Be at least 18 years of age;

(b) Be responsible for and supervise a designated group of children; and

(c) Supervise the activities of an aide assigned to their group.

(2) A teacher shall have:

(a) Current certification in first aid and pediatric CPR within 90 days of employment.

(A) CPR training must have practical hands-on instruction;

(B) CPR courses that involve an on-line component with hands-on instruction may be accepted; and

(C) Strictly on-line CPR training is not acceptable.

(b) Completed a training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law before they have unsupervised access to children;

(c) Have completed OCC approved health and safety before they have unsupervised access to children; and

(d) If caring for infants, completed OCC approved safe sleep training before they have unsupervised access to children.

(3) A teacher shall meet the qualification requirements of one of the options listed in Table 2 of this section.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0100

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Aide II's in certified child care centers.

CHANGES TO RULE:

414-300-0100

Teacher Aide II - Qualifications and Responsibilities ¶¶

~~(1) For each group of children, a person shall be designated as the teacher. This person shall:~~ An Aide II shall:¶¶

~~(a) Be at least 18 years of age;¶¶~~

~~(b) Have worked at least 240 hours at any certified facility; and¶¶~~

~~(c) Have current certification in first aid and pediatric CPR within 90 days of employment. ¶¶~~

~~(A) Training must have practical hands-on instruction;¶¶~~

~~(aB) Be at least 18 years of age; CPR courses that involve an on-line component with hands-on instruction may be accepted; and ¶¶~~

~~(bC) Be responsible for and supervise a designated group of~~ Strictly on-line CPR training is not acceptable.¶¶

~~(d) Have completed a training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law before they have unsupervised access to children; and¶¶~~

~~(ee) Supervise the activities of an aide assigned to his/her group.¶¶~~

~~(2) A teacher shall meet the qualification requirements of one of the options listed in Table 2 of this section. Table 2.¶¶~~

~~[ED NOTE: Tables referenced are available from the agency.]~~ Have completed OCC approved health and safety training before they have unsupervised access to children; and¶¶

~~(f) If caring for infants, completed OCC approved safe sleep training before they have unsupervised access to infants.¶¶~~

~~(2) Staff at Aide II level may, with the approval of the director, be out of sight and sound of a teacher for brief, necessary events, such as taking a child to the bathroom or bringing a child in for minor medical attention.¶¶~~

~~(3) An Aide II may not be left alone with a group of children, except as described in OAR 414-300-0130(2)(a) and 414-300-0340(5)(b).~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0110

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Aide I's in certified child care centers.

CHANGES TO RULE:

414-300-0110

Teacher Aide I - Qualifications and Responsibilities

~~(1) An Aide I shall be:~~

~~(a) Be at least 15 years of age; and~~

~~(b) Be directly supervised, i.e., within sight and sound of, a staff person who meets at least the qualifications of a teacher;~~

~~(2) Aide II in infant/toddler/preschool-age programs shall:~~

~~(a) Be at least 18 years of age;~~

~~(b) Have work Have current certification in first aid and pediat at least six months at the center where they are now employed; and~~

~~(c) Have current certification in first aid and ric CPR within 90 days of employment.~~

~~(a) CPR training must have practical hands-on instruction; therefore, online training is not acceptable.~~

~~(3) Aide II in school-age programs shall:~~

~~(a) Be at least 18 years of age;~~

~~(b) Have worked at least four months in the school-age program where they are now employed; and~~

~~(c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online CPR courses that involve an on-line component with hands-on instruction may be accepted; and~~

~~(c) Strictly on-line CPR training is not acceptable.~~

~~(4) Staff at Aide II level may, with the approval of the director, be out of sight and sound of a teacher for brief, necessary events, such as taking a child to the bathroom or bringing a child in for minor medical attention.~~

~~(5) An Aide II may not be left alone with a group of children, except as described in OAR 414-300-0130(2)(a) and 414-300-0350(5)(b).~~

~~(6) Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to childr Have completed a minimum of 2 hours of training on recognizing and reporting child abuse and neglect that is specific to Oregon law within 30 days of employment.~~

~~(5) Have completed OCC approved health and safety training within 30 days of employment.~~

~~(6) If caring for infants, completed OCC approved safe sleep training within 30 days of employment.~~

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260

AMEND: 414-300-0115

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of multi-site coordinators and site directors in certified child care centers.

CHANGES TO RULE:

414-300-0115

School-Age Multi-Site Programs—Additional Staff Multi-site Coordinators, Site Directors - Qualifications and Responsibilities

- (1) ~~In a multi-site program, the operator~~center shall develop a written plan which shows:
- (a) ~~How the administrative functions in section OAR 414-300-0080(2)(4)(a) will be met; and~~
 - (b) ~~How Head Teacher functions in OAR 414-300-0090(2)(a) and (b) will be met.~~
- (2) ~~All staff of school-age multi-site programs shall meet qualifications for the position they hold, as specified in OAR 414-300-0080, -0090, -0100 and -0110, unless otherwise specified in this section.~~
- (3) ~~If the~~a multi-site program does not have a director, the site coordinator and the site director ~~or~~ supervisor shall jointly perform the functions of director.
- (4) ~~A~~2) A multi-site coordinator shall:
- (a) Be at least 21 years of age;
 - (b) Have training or at least one year of ~~training and/or~~ experience in management and supervision of adults;
 - (c) Be authorized, able and available to correct deficiencies; ~~and~~
 - (d) If acting as a substitute teacher, be teacher qualified;
 - (e) Have current certification in first aid and pediatric CPR within 90 days of employment.
- (5) ~~A~~ site coordinator shall be at each site on a monthly basis during CPR training must have practical hands-on instruction;
- (B) CPR courses that involve an on-line component with hands-on instruction may be accepted; and
 - (C) Strictly on-line CPR training is not acceptable.
- (f) Have completed training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law before they have unsupervised access to children;
- (g) Have completed OCC approved health and safety training before they have unsupervised access to children; and
- (h) If caring for infants, completed OCC approved safe sleep training before they hours of operation have unsupervised access to children.
- (3) ~~A~~ multi-site coordinator shall be at each site monthly. The time at each site must be documented and include time spent directly observing staff and children.
- (6) ~~A~~ site director ~~or~~ supervisor shall:
- (a) Be at least 18 years of age;
 - (b) Be at least teacher-qualified; ~~and~~
 - (c) Be authorized, able and available to correct deficiencies; ~~and~~
- (5) If a facility, other than school-age only, is certified for 41 or more children, the site director - supervisor may not have regularly scheduled teaching duties.
- (6) ~~If the~~a school-age only facility is certified for 406 or more children, ~~not have~~the site director - supervisor may not have regularly scheduled teaching duties unless the number of children on site is less than 406.
- (7) A site director ~~or~~ supervisor shall be on-site at least one-half of the hours the center is in operation, calculated on a weekly basis; ~~that the school-age program is in operation.~~
- (8) ~~If a school-age multi-site program does not have a head teacher at each site, a designated head teacher for the multi-site program shall observe at each site on a monthly basis during the hours of operation.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0120

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of volunteers in certified child care centers.

CHANGES TO RULE:

414-300-0120

Staff Training-Volunteers - Qualifications and Responsibilities ¶

(1) All staff shall receive an orientation within the first two weeks of employment and before they can have unsupervised access to children. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:¶

(a) Individual responsibilities in the event Volunteers must meet the following requirements:¶

(A1) The building must be evacuated (e.g., fire);¶

(B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g., power outage, environmental hazard); or¶

(C) A child or staff is injured or becomes ill;¶

(b) These requirements (OAR 414-300-0000 through 414-300-0415);¶

(c) The center policies, as required in OAR 414-300-0030; and¶

(d) Procedures for reporting suspected child abuse or neglect.¶

(2) The operator shall have documentation for each staff person of the date and type of orientation received and the person providing the orientation.¶

(3) Within the first 90 days of employment, all staff, with the exception of Aide I's, shall:¶

(a) Complete first aid and Infant and Child CPR training or have current certification in first aid and Infant and Child CPR on file. First aid and Infant and Child CPR training must be kept current during employment at the center. First aid training shall include the following components: bleeding; burns; poisoning; choking; injuries; shock; seizures; sprains and breaks; dental emergencies; and head injuries. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable Before volunteers may be counted in determining the staff to child ratios, they must meet the qualifications of the position they are filling and be enrolled in the CBR.¶

(b2) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law before they can have unsupervised access to children.¶

(4) Key people in food preparation must have food handler certification, pursuant to ORS 624.570, within 30 days of employment or have current certification on file. Food handler's training must be kept current during employment at the center. Key people include cooks, kitchen staff who handle food, and classroom staff who serve meals from a communal source.¶

(5) The director, head teacher, and all teachers shall participate yearly in at least 15 clock hours of training or education related The center must have a written policy stating that volunteers shall not have unsupervised access to child care, of which at least eight clock hours shall be in child development or early childhood education. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours for each month worked in the current license period.¶

(a) The following core knowledge categories are accepted for the child development and early childhood education requirement: 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).¶

(b) A head teacher whose qualifications for the position are based solely on work experience shall emphasize training in child development and early childhood education for the first two years of employment;¶

(c) Training may include correspondence courses, conferences, workshops, or audiovisual programs.¶

(d) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.¶

(e) 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.¶¶

(f) The center shall record each person's training showing the subject matter, the date completed, and the number of clock hours of training in each certification year.¶¶

(6) During the first year of employment, a staff person may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's training, if applicable, and child abuse and neglect training as part of the 15 clock hours of training required in OAR 414-300-0120(5), but may not use these toward the eight hours required in child development or early childhood education including during emergencies. The policy must be known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.¶¶

(7) During subsequent years of employment, a staff person may count 5 hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.¶¶

(8) Staff meetings shall not count as training.¶¶

(9) All new staff that may have unsupervised access to children must have completed OCC approved health and safety training within thirty days of employment.¶¶

(10) All current staff that may have unsupervised access to children must have completed OCC approved health and safety training by June 30, 2017. Must be at least 13 years of age and have a defined role.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

RULE SUMMARY: Rules pertaining to the ongoing training requirements for staff in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0125

Training

(1) All staff shall receive an orientation within the first 2 weeks of employment and before they can have unsupervised access to children. Staff must be familiar with the contents of the orientation, as described below, and shall include, but is not limited to:

(a) Individual responsibilities in the event:

(A) The building must be evacuated (e.g., fire);

(B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g., power outage, environmental hazard); or

(C) A child or staff is injured or becomes ill.

(b) These requirements (OAR 414-300-0000 through 414-300-0415);

(c) The center policies, as required in OARs 414-300-0030, 414-300-0040 and 414-300-0045; and

(d) Procedures for reporting suspected child abuse or neglect.

(2) The center must document the date of orientation and the person providing the orientation.

(3) If certified to care for infants, current staff must complete OCC approved safe sleep training by January 1, 2019.

(4) Staff involved in food preparation must have current food handler certification, approved by the Oregon Health Authority or OCC, within 30 days of employment.

(5) Staff members required to have food handler's certification include:

(a) Cooks and kitchen staff who handle food;

(b) Classroom staff who serve meals from a communal source or put away leftovers; and

(c) Staff in infant rooms who prepare bottles or serve food.

(6) Directors and multi-site coordinators, not including site directors, shall obtain 10 hours of training in the core knowledge category of Program Management in the first year of employment, or provide verification of equivalent training in ORO.

(7) The director, multi-site coordinator and all teachers shall participate yearly in at least 18 clock hours of training or education related to child care, of which at least 8 clock hours shall be in child development or early childhood education. At least 2 of the 8 hours must be in the Core Knowledge Category of Understanding and Guiding Behavior (UGB).

(8) Aide II's shall complete a minimum of 12 clock hours of training or education related to child care, of which at least 4 hours must be in child development or early childhood education. At least 2 of the 4 hours must be in the Core Knowledge Category of Understanding and Guiding Behavior (UGB).

(9) Training must have occurred during the 12 months preceding the renewal date.

(10) All training must be verified by ORO and at least one hour in duration.

(11) Substitute teachers who provide care for 60 hours or more in a calendar year shall participate yearly in at least 18 clock hours of training or education related to child care, of which at least 8 clock hours shall be in child development or early childhood education. At least 2 of the 8 hours must be in the Core Knowledge Category of Understanding and Guiding Behavior (UGB).

(12) Substitute Aide II's who provide care for 60 hours or more in a calendar year shall complete a minimum of 12 clock hours of training or education related to child care, of which at least 4 hours must be in child development or early childhood education. At least 2 of the 4 hours must be in the Core Knowledge Category of Understanding and Guiding Behavior (UGB).

(13) The director, multi-site coordinator and all teachers that have worked less than a year, must complete training requirements prorated at 1.5 clock hours for each month worked in the current license period. Aide II's must complete training requirements prorated at one clock hour for each month worked in the current license

period. ¶

(14) If the 18 hours of training are pro-rated, the requirement to have 8 hours of training in child development or early childhood education does not apply. ¶

(15) The following core knowledge categories are accepted for the child development and early childhood education requirement: 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). ¶

(16) OCC will accept repeat training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training as described by the Oregon Registry; and it is not taken within the previous 2 years. ¶

(17) A multi-site coordinator who is responsible for multiple facilities, must designate one facility for tracking training requirements. ¶

(18) During the first year of employment, a staff person may count: ¶

(a) Up to 2 hours of orientation at the first renewal period after the staff person's hire date; ¶

(b) Their most recent training in first aid and pediatric CPR; ¶

(c) A current food handler certification approved by the Oregon Health Authority or OCC; and ¶

(d) Recognizing and reporting child abuse and neglect training as part of the 18 clock hours of training required in OAR 414-300-0125(7). These may not be used toward the 8 hours required in child development or early childhood education. ¶

(19) During subsequent years of employment, a staff person may count 5 hours of first aid and pediatric CPR training or food handler's training as part of the 18 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect can be accepted again after 3 years and every 3 years thereafter towards the 18 clock hours of staff training required for licensing, but will not be accepted as part of the required child development training hours. ¶

(20) Staff meetings shall not count as training.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0130

RULE SUMMARY: Rules pertaining to the number of children allowed in care, the number of required caregivers and the allowed group sizes.

CHANGES TO RULE:

414-300-0130

Staff/Child Ratios and Group Size-Caregiver to Child Ratios

- (1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance, per table 3A or 3B as applicable.
- (2) The maximum number of children in a group and the ratio of caregivers to children specified in Table 3A of this rule shall apply must be met at all times, except that:
 - (a) When all older toddler, preschool and school-age children are at rest, the situation permits, and the room is arranged so all children are supervised, there may be one teacher or Aide II supervising the resting room. As children awaken and become active, if 2 or more children are awake, additional staff shall be added to return to ratios to those in Table 3A. Sufficient staff to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the resting room; and
 - (b) Maximum group size shall not apply to field trips, outdoor play, planned large group activities, napping and eating. Staff/ to child ratios shall apply to these activities; and
 - (c) Centers with certification in effect on July 15, 2001, shall comply with age groupings, staff/child ratios and group size in either Table 3A or Table 3B for as long as the facility that are operating under Table 3B, must be is n continuously used for child care, under the following conditions:
 - (A) The center must choose to operate under Table 3A or Table 3B; centers shall not operate under a combination of both;
 - (B) If cent compliance with the caregiver to child ratio in Table 3A by July 1, 2023.
- (3) At least one caregivers wish to change from operating under one set of ratios to operating under the other set of ratios, the change shall occur at the time of certification renewal; and
 - (C) Centers may change options only twice.
- (3) Children shall at all times have the full attention of the appropriate number of staff. Children shall be within sight to meets the qualifications of a teacher shall supervise each group of children.
- (4) In a mixed group of infants and sound of a caregiver at all times, except as specified below.
 - (a) School-age children shall be within sight and/or sound of staff at all times, and staff shall be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas. A written plan regarding the use and monitoring of these activity areas must be approved by CCD.
 - (b) School age programs with toilet facilities or activities off-site shall have a written plan, approved by CCD, to assure accountability for all children.
- (4) At least one caregiver who meets the qualifications of a teacher (OAR 414-300-0100) shall supervise each group of children.
- (5) ger toddlers, the ratio and group size for infants shall be maintained.
- (5) In a mixed group of younger toddlers and older toddlers, the ratio and group size for younger toddlers shall be maintained.
- (6) In a mixed group of older toddler, preschool and school-age children, the number of caregivers shall be determined by the age of ratio and group size for the youngest child in the group.
- (6) shall be maintained.
- (7) If there are four or fewer children of any age in care for 45 minutes or less directly after opening or directly before closing, OAR 414-300-0300(109) does not apply and infants and younger toddlers may be included with older children. The staff shall be teacher-qualified in one of the represented age groups and the staff/ to child ratio must be 1:4.

- (a) Each age group must have age appropriate activities, equipment and toys available for use; and¶
- (b) If infants or toddlers are part of the multiple age group, a diaper changing area must be located in the room being utilized for care.¶
- (78) Any time there are children in care;¶
- (a) There shall be a staff person and one other adult on site. The other adult shall be enrolled in the Central Background Registry and shall be physically available to be called on by staff, if needed; or¶
- (b) There shall be a written plan, approved by QCCD, for a second caregiver to be available ~~within 5 minutes~~ for emergencies. The name and telephone number of the emergency back-up shall be known to all staff who work alone.¶

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

ADOPT: 414-300-0135

RULE SUMMARY: Rules pertaining to visiting children and children of staff and counting them in the capacity of children in care.

CHANGES TO RULE:

414-300-0135

Children Who Count in Ratios

(1) All children visiting the center on a regular basis will count in capacity. Children visiting with a non-staff parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children. ¶

(2) Children of the director or staff are allowed in the center only if they fall into one of the age groups cared for by the center or they qualify as a volunteer. All child care rules will apply.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0140

RULE SUMMARY: Rules pertaining to the required supervision of children in care.

CHANGES TO RULE:

414-300-0140

Indoor Space Supervision ¶

~~(1) The Children shall be a minimum of 35 square feet of indoor activity area per child. Space considered in determining the facility capacity shall be available for use by children at all times, shall be used exclusively for child care during the hours of operation and shall be determined on a room-by-room basis. The following shall not be counted as part of the 35 square feet per child requirement: heating units; storage areas; teachers' desks; large permanent equipment; any space not useable by children. Cribs will be counted as useable space if the space underneath the cribs is accessible to children.~~ at all times have the full attention of the required number of caregivers. At all times, caregivers must: ¶

(a) Be aware of what each child is doing; ¶

(b) Be near enough to children to respond when needed; and ¶

(c) Be within sight and sound, except as specified below; ¶

~~(2A) A school-age program shall have a minimum of 50 square feet of indoor activity area per child or may have a minimum of 35 square feet of indoor activity area per child if:~~ children shall be within sight or sound of staff at all times; ¶

~~(a) The school-age children in care have access to a larger grossout of direct visual contact shall be monitor area, either indoor or outdoor, on a daily basis; or ¶~~

~~(b) The center has a plan, approved by CCD, which addresses how the gross motor needs of children in care will be met. ¶~~

~~(3) In a room used by more than one group of children not yet attending kindergarten, the area occupied by each group shall be defined by use of portable or permanent room dividers or program equipment that stand above the eye level of the children who use the area. Rooms used only for large group activities (e.g., eating, napping, large muscle activities) are exempt from this requirement. ¶~~

~~(4) Storage space shall be available for each child's clothing and personal possessions regularly and frequently and must be in approved activity areas; and ¶~~

~~(C) A written plan regarding the use and monitoring of these activity areas must be approved by OCC. ¶~~

~~(2) School age programs with toilet facilities or activities off-site shall have a written plan, approved by OCC, to assure accountability for all children. ¶~~

~~(5) Storage space shall be available for play equipment, teaching equipment. There must be sufficient light in any room where children and supplies, records and files, cots, mats, re napping or resting so that caregivers can clean equipment and supplies.~~ ly see each child.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

ADOPT: 414-300-0145

RULE SUMMARY: Rules pertaining to the appropriate and allowed guidance and discipline of children in care.

CHANGES TO RULE:

414-300-0145

Guidance and Discipline

- (1) The center must have a written policy on guidance and discipline of child care children. The policy must be simple and understandable to the child, the parent(s) and any caregivers. ¶
- (2) The guidance and discipline policy shall be posted in the center and given to parents.¶
- (3) All staff, volunteers and parents shall be familiar with the guidance and discipline policy.¶
- (4) 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.¶
- (5) Only staff shall provide guidance or discipline to child care children.¶
- (6) 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.¶
- (7) The following behaviors by caregivers is 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 or threatening to use inappropriate forms of restraints, including, but not limited to, tying or binding;¶
 - (c) Using mental or emotional punishment, including, but not limited to, name calling, ridicule or threats;¶
 - (d) Unauthorized use of prescription or non-prescription drugs or chemicals for discipline or to control behavior;¶
 - (e) Confining or threatening to confine a child in an enclosed area (e.g. a locked or closed room, closet or box);¶
 - (f) Withdrawal or the threat of withdrawal of food, rest or bathroom opportunities;¶
 - (g) Yelling harshly or using profane or abusive language;¶
 - (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; and¶
 - (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.¶
- (8) Parental request or permission to use any form of behavior listed in subsection (7) of this rule, does not give the center or any caregiver permission to do so.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0150

RULE SUMMARY: Rules pertaining to the indoor environment for children in care.

CHANGES TO RULE:

414-300-0150

~~Out~~Indoor Space ¶

~~(1) There shall be an out minimum of 35 square feet of indoor activity area which the children can reach safely. If an outdoor activity area is not next to the center, or not under the control of the center per child. Space considered in determining the facility capacity shall be available for use by children at all times, shall be used exclusively for child care during the hours of operation, it cannot be used without the specific approval of CCD. ¶~~

~~(2) There shall be at least 75 square feet of outdoor space for each child using the area at one time. In centers where groups of children are scheduled at different times for outdoor play, there shall be 75 square feet times one-third of the center's capacity, if permitted by local zoning regulations and shall be determined on a room-by-room basis. The following shall not be counted as part of the 35 square feet per child requirement: heating units; storage areas; teachers' desks; lofts; large permanent equipment; any space not useable by children. ¶~~

~~(3) The outside activity area shall: ¶~~

~~(a) Be suitably surfaced. All pieces of playground equipment shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission; Notwithstanding (1) of this section, a school-age program shall have a minimum of 50 square feet of indoor activity area per child or may have a minimum of 35 square feet of indoor activity area per child if: ¶~~

~~(b) Be well drained; ¶~~

~~(c) Be kept free of litter, solid waste and refuse. The children in care have access to a larger gross motor area, ~~de~~ite hes, r indoor other conditions presenting a potential hazard; and r outdoor, on a daily basis; or ¶~~

~~(d) Be equipped to provide age-appropriate activities for gross motor develop. The center has a plan, approved by OCC, which addresses how the gross motor needs of children in care will be ment. ¶~~

~~(4) The outdoor activity area of a center serving In a room used by more than one group of children not yet attending kindergarten shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Centers with certification in effect on July 15, 2001, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must , the area occupied by each group shall be defined by use of portable or permanent room dividers or program equipment that stand above the eye level of the children who use the area. Rooms used only for large group activities (e.g., eating, napping, large muscle activities) are exempt from this requirement. ¶~~

~~(4) Storage space shall be available for each child's clothing and personal possessions. ¶~~

~~(5) Storage space shall be available for play equipment, teaching equipmeent applicable local codnd supplies, records and files, cots, mats, and cleaning equipment and supplies.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

ADOPT: 414-300-0155

RULE SUMMARY: Rules pertaining to heat and ventilation in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0155

Heat and Ventilation

(1) The center shall be ventilated, by natural or mechanical means, and shall be free of excessive heat, condensation, and noxious odors. ¶

(2) The room temperature must be at least 68 degrees Fahrenheit during the hours the child care business is conducted. ¶

(3) When the inside temperature exceeds 85 degrees Fahrenheit, the provider must take steps to minimize the high temperature impact on children by: ¶

(a) Increased ventilation by natural or mechanical means; ¶

(b) Ensuring children remain well-hydrated; and ¶

(c) Adjusting activities to reduce the possibility of children over-heating. ¶

(4) After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0160

RULE SUMMARY: Rules pertaining to requirements for outdoor environments in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0160

Fire Protection-Outdoor Space ¶¶

~~(1) The building, occupant load and means of egress, including the number of exits, exiting distances, doors and exit illumination and signs, shall meet the requirements of the Oregon Structural Specialty Code.~~ (1) There shall be an outdoor activity area which the children can reach safely. If an outdoor activity area is not next to the center, or not under the control of the center during hours of operation, it cannot be used without the specific approval of OCC.¶¶

~~(2) A center shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.~~ (2) A center shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.¶¶

~~(23) Rooms used for child care shall not be located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code.~~ (23) All outdoor equipment of 18 inches or more in height shall not be located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code.¶¶

~~(3) Fire Extinguishers¶¶~~

~~(a) There shall be at least one 2A-10BC-rated fire extinguisher in the center.~~ (a) There shall be at least one 2A-10BC-rated fire extinguisher in the center. There shall be installed over protective surfacing of an acceptable depth according to the current standards of the Consumer Product Safety Commission (CPSC). Acceptable depths shall be:¶¶

~~(a) There shall be at least one 2A-10BC-rated fire extinguisher in the center.~~ (a) A minimum depth of 9 inches of wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand or pea gravel; or¶¶

~~(a) There shall be at least one 2A-10BC-rated fire extinguisher in the center.~~ (b) A minimum depth of 6 inches of shredded or recycled rubber;¶¶

~~(a) There shall be at least one 2A-10BC-rated fire extinguisher in the center.~~ (b4) Fire extinguisher(s) shall be placed as recommended by the fire marshal.¶¶

~~(4) Smoke Detectors: Acceptable materials to be used for surfacing shall include: wood mulch, double shredded bark mulch, shredded or recycled rubber, uniform wood chips, fine sand, coarse sand, pea gravel or rubber mats manufactured for such use.~~ (4) Smoke Detectors: Acceptable materials to be used for surfacing shall include: wood mulch, double shredded bark mulch, shredded or recycled rubber, uniform wood chips, fine sand, coarse sand, pea gravel or rubber mats manufactured for such use.¶¶

~~(a5) Smoke detectors shall be installed in all areas where children nap.~~ (a5) Smoke detectors shall be installed in all areas where children nap;¶¶

~~(b) When the center's capacity is 50 or more, an approved manual fire alarm system shall be provided, as required by the Oregon Structural Specialty Code; Play equipment shall have a minimum of 6 feet of clearance from walkways, buildings and other structures.~~ (b) When the center's capacity is 50 or more, an approved manual fire alarm system shall be provided, as required by the Oregon Structural Specialty Code; Play equipment shall have a minimum of 6 feet of clearance from walkways, buildings and other structures.¶¶

~~(6) Play equipment used by children under 24 months shall have a minimum 3 feet of clearance from walkways, buildings and other structures.~~ (6) Play equipment used by children under 24 months shall have a minimum 3 feet of clearance from walkways, buildings and other structures.¶¶

~~(7) Swings shall have a front and rear clearance and protective surfacing that extends a minimum distance of twice the height of the top of the swing set to the protective surface.~~ (7) Swings shall have a front and rear clearance and protective surfacing that extends a minimum distance of twice the height of the top of the swing set to the protective surface.¶¶

~~(e8) Smoke detectors shall be tested each month.~~ (e8) Smoke detectors shall be tested each month.¶¶

~~(5) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in corridors, stairwells or exit ways.~~ (5) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in corridors, stairwells or exit ways.¶¶

~~(6) Candles~~ Multi-axis swings (e.g. tire swings) shall have an all-around clearance and protective surfacing that extends a minimum distance of the height of the top of the swing set to the bottom of the swing's seat plus 6 feet.¶¶

~~(9) The outside activity area shall:¶¶~~

~~(a) Be well drained;¶¶~~

~~(b) Be kept free of litter, solid waste and refuse, ditches, or other open flame decorative devices are prohibited, except for the brief use of celebratory candles; conditions presenting a potential hazard; and¶¶~~

~~(c) Be equipped to provide age-appropriate activities for gross motor development.~~ (c) Be equipped to provide age-appropriate activities for gross motor development.¶¶

~~(710) There shall be written evidence that any wood stove in the building has been inspected and approved for use by the local building official.~~ Outdoor activity area of the center designated serving children not yet attending kindergarten shall be enclosed by a barrier (fence, wall, or building) at least 4 feet high.¶¶

~~(a) There shall be no more than 3 1/2 inches of open spacing in fences; and ¶¶~~

~~(b) Fences must meet applicable local codes.~~

Statutory/Other Authority: ORS ~~657329~~329A.260
Statutes/Other Implemented: ORS ~~657329~~329A.260

ADOPT: 414-300-0165

RULE SUMMARY: Rules pertaining to fire protection requirements in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0165

Fire Protection

(1) The building, occupant load and means of egress, including the number of exits, exiting distances, doors and exit illumination and signs, shall meet the requirements of the Oregon Structural Specialty Code.

(2) Rooms used for child care shall not be located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code.

(3) Fire extinguishers shall be rated and placed as recommended by the fire marshal.

(4) Smoke detectors:

(a) Smoke detectors shall be maintained and tested as recommended by the fire marshal; and

(b) When the center's capacity is 50 or more, an approved manual fire alarm system shall be provided, as required by the Oregon Structural Specialty Code.

(5) Obstructions, including furniture, supplies, or any other items shall not be placed in corridors, stairwells or exit ways.

(6) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.

(7) There shall be written evidence that any wood stove in the building has been inspected and approved for use by a local building official.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0170

RULE SUMMARY: Rules pertaining to safety concerns and prevention of hazards towards children in care.

CHANGES TO RULE:

414-300-0170

~~Hazards and Emergencie~~Safety and Hazards ¶

~~(1) Protection from Hazards:~~¶

~~(a) The building, grounds, toys, equipment and furniture used by children must be maintained in a hazard-free condition.~~¶

~~(2) Glass surfaces subject to impact by children shall be of safety glass and marked at a child's eye level or have a protective barrier in place.~~¶

~~(b)3) Any window above ground story that is potentially accessible to child care children, shall have a lock to prevent opening more than 4 inches when children under 5 years of age are present.~~¶

~~(4) Electrical outlets accessible to children not yet attending kindergarten shall hamust have hard-to-remove protective caps or safety devices wheninstalled when the outlet is not in use.~~¶

~~(e)5) All stairways with three steps or moremore than 3 steps used by children shall have handrails installed a minimum of thirty30 inches to a maximum of thirty-four34 inches above the stair tread.~~¶

~~(d)6) Broken toys, furniture and equipment must be removed from areas accessible to children.~~¶

~~(7) Protective barriers shall be used in any hazardous location accessible to a child.~~¶

~~(e) A movable barrier, such as a mesh-type gate,8) A secure barrier shall be placed at the top and/or bottom (or both, if needed) of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.~~¶

~~(f)¶~~

~~(9) Lights shall be protected from hazards or breakage by installation of covers or shields.~~¶

~~(g)10) All rooms used by staff and children shall have adequate lighting.~~¶

~~(h)11) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.~~¶

~~(i)12) Hot tubs, spas and pools must be inaccessible to children by one of the following methods:~~¶

~~(a) A locking, rigid cover; ¶~~

~~(b) A minimum 4 foot high fence and all gates and doors that allow access shall be locked; ¶~~

~~(c) Four foot non-climbable sides with pool ladder removed or inaccessible; or¶~~

~~(d) In a locked room. ¶~~

~~(13) Items of potential danger to children (e.g., cleaning supplies and equipment, poisonous and toxic materials, paints, plastic bags, aerosols, detergents) shall be:~~¶

~~(A)a) Kept in the original container or labeled;¶~~

~~(B)b) Secured by a child-proof safety lock or latch;¶~~

~~(C)c) Stored in an area not used by children; and¶~~

~~(D)d) Stored separately from food service equipment and supplies.¶~~

~~(j)14) Lead-based paint or other toxic finishing materials shall not be used on walls, furnishings, toys, or any other equipment, materials or surface which may be used by children or are within their reach.~~¶

~~(k)15) The possession and/or storage of firearms and ammunition areis prohibited in the center.~~¶

~~(l)16) The center must take precautions to protect children from vehicular traffic. The center shall:¶~~

~~(A)a) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and¶~~

~~(B)b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.¶~~

~~(m)17) Other hazards observed in the certification process must be corrected.~~¶

~~(2) Preparation for Emergencies:~~¶

~~(a) A portable emergency light source, in working condition, shall be available with each group of children.~~¶

~~(b) Telephone service shall be accessible and available in the center at all times when children are in care.~~¶

- (c) The center must have a system in place to ensure that parents can have contact with facility staff at all times when children are in care.¶¶
- (d) Telephone numbers for fire, emergency medical care, and poison control shall be posted on or near all telephones. Portable telephones must have emergency numbers on the phone.¶¶
- (e) Written instructions for evacuating the building, including a map illustrating exiting, shall be posted in each room children use.¶¶
- (3) Emergency Plan:¶¶
- (a) The center shall have a written plan for handling emergencies, including, but not limited to, acute illness of a child or staff, floods, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility and evacuation of the facility. The plan must include:¶¶
- (A) How the center will ensure that parents or the parents' emergency contacts can be reached in person;¶¶
- (B) Designation of an alternate safe location in the event of evacuation;¶¶
- (C) How the center will inform parents where children will be located in the event of evacuation and how children will be reunited with their families;¶¶
- (D) An accessible file of emergency contact numbers for children and staff;¶¶
- (E) Designation of a staff member(s) to take the emergency contact numbers file to the evacuation site in the event of an evacuation;¶¶
- (F) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;¶¶
- (G) An acceptable method to ensure that all children in attendance are accounted for;¶¶
- (H) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and¶¶
- (I) Procedures for maintaining continuity of child-care operations.¶¶
- (b) All staff shall be familiar with the emergency telephone numbers and emergency procedures.¶¶
- (c) Fire drills shall be practiced monthly. In addition, one other aspect of the emergency plan shall be practiced every other month.¶¶
- (A) The director shall keep a written record of the type, date, time, and duration of the practices.¶¶
- (B) If a center has on-site swimming or is responsible for off-site swimming, the practices must include pool and swimming safety.¶¶
- (d) Fire and other emergency exiting shall not be through a swimming pool area.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0180

RULE SUMMARY: Rules pertaining to appropriate sanitation procedures for the child care center premises and equipment.

CHANGES TO RULE:

414-300-0180

Sanitation ¶

(1) ~~Water Supply:~~¶

(a) ~~The center's water supply shall be continuous in quantity and from a water supply system approved by the Health Division.~~¶

(b) ~~There shall be safe drinking water available to children that is supplied in a sanitary manner. Drinking water shall not be obtained from bathroom sinks or diaper changing sinks.~~¶

(2) ~~Heat and Ventilation:~~¶

(a) ~~The center shall be ventilated, by natural or mechanical means, and shall be free of excessive heat, condensation, and obnoxious odors.~~¶

(b) ~~Room temperature shall be at least 68° F. (20 C.) and not so warm as to be dangerous or unhealthy in the center when children are present.~~¶

(c) ~~After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.~~ The center must be a healthy environment for children.¶

(3) ~~Insect and Rodent Control:~~¶

(a) ~~The center shall be in such condition as to prevent the infestation of rodents and insects.~~¶

(b) ~~Doors and windows used for ventilation shall be equipped with fine-meshed screens.~~¶

(c) ~~Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.~~¶

(4) ~~Maintenance:~~¶

(a) ~~The building, toys, equipment, and furniture shall be maintained in a clean and sanitary condition.~~¶

(A) ~~a) Kitchen and toilet rooms shall be cleaned when soiled and at least daily;~~¶

(B) ~~b) The isolation area for sick children shall be thoroughly cleaned after each use and all bedding laundered before it is used again;~~¶

(C) ~~c) Door knobs and cabinet pulls in toilet rooms and diaper changing areas shall be sanitized when soiled and at least daily;~~¶

(D) ~~d) All clean linen shall be stored in a sanitary manner;~~¶

(E) ~~e) Soiled bed linen and clothing shall not be stored in food preparation or food storage areas, and shall be inaccessible to children;~~¶

(F) ~~f) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;~~¶

(G) ~~g) All food storage areas shall be kept clean and free of food particles, dust, dirt, and other materials;~~¶

(H) ~~h) Cribs, mats, and cots shall be sanitized with a sanitizing solution cleaned and sanitized at least once a week and upon change of occupant. If visibly soiled, items must be cleaned prior to sanitizing.~~¶

(I) ~~i)¶~~

(i) ~~Bedding shall be cleaned when soiled, upon change of occupant and at least once a week;~~¶

(J) ~~and¶~~

(j) ~~Water tables and toys used in water tables shall be emptied and sanitized daily;~~¶

(K) ~~3) When a chemical, such as chlorine, is used for sanitizing, a test kit that measures Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the parts per million concentration of the solution shall be used to ensure the proper concentration; and center per manufacturer instructions. Bleach or quaternary ammonium that requires mixing with water must be tested for correct concentration with test strips.~~¶

(L) ~~4) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution~~

between uses.¶

~~(b)5) The center shall be kept hazard-free, in good repair, and free of litter or rubbish and unused or inoperable equipment and utensils.¶~~

~~(5) and rubbish.¶~~

~~(6) Infant and Toddler Care:¶~~

~~(a) The following shall be washed, rinsed and sanitized immediately after each use. If visibly soiled, items must be cleaned prior to sanitizing:¶~~

~~(A) A bathtub or other receptacle used for bathing a child;¶~~

~~(B) A diaper-changing table;¶~~

~~(C) High chairs, tables and chairs;¶~~

~~(D) and¶~~

~~(E) Toys that infants and toddlers put in their mouth.¶~~

~~(b) The following shall be washed, rinsed and disinfected immediately after each use:¶~~

~~(A) A diaper changing table; and¶~~

~~(B) Toilet training seat inserts.¶~~

~~(c) Pacifiers must be labeled, stored individually and sanitized after contamination. The health department must approve methods of sanitation.¶~~

~~(d) A sanitizing solution shall be kept in each diaper changing area ready for immediate use. This solution need not be stored in a locked cabinet but must be out of children's reach.¶~~

~~(6) Hand washing:¶~~

~~(a) Staff and children shall wash their hands with soap and warm running water after using the toilet or wiping the nose, and before and after eating.¶~~

~~(b) Staff shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food and after assisting a child with toileting or wiping the nose.¶~~

~~(c) The center shall be in such condition as to prevent the infestation of rodents' and children's hands shall be washed with soap and warm running water after diaper changing insects.¶~~

~~(d) Commercial products labeled "hand sanitizers" shall not replace hand washing. If hand sanitizers are present in the center, they shall be kept under child-proof lock and shall not be used by children.¶~~

~~(e) When hand washing is not possible, e.g. on field trips and on the playground, moist towelettes shall be used.¶~~

~~(7) Waste Disposal:¶~~

~~(a) All sewage and liquid wastes shall be collected, treated, and disposed of in compliance with the requirements of the Department of Environmental Quality. Doors and windows used for ventilation shall be equipped with fine-meshed screens.¶~~

~~(b) All garbage, solid waste, and refuse shall be disposed of at least once a week.¶~~

~~(c) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids.¶~~

~~(d) Diaper disposal containers shall be approved by the environmental health specialist.¶~~

~~(e) All garbage storage areas and garbage containers shall be kept clean.¶~~

~~(f) All rubbish and garbage storage shall be inaccessible to children.¶~~

~~(g) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children. Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

ADOPT: 414-300-0185

RULE SUMMARY: Rules pertaining to the appropriate disposal of waste in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0185

Waste Disposal

- (1) All septic systems must meet the requirements of the Department of Environmental Quality.
- (2) All garbage, solid waste, and refuse shall be disposed of at least once a week.
- (3) All garbage shall be kept in watertight, non-absorbent, and easily washable containers.
 - (a) Infant - toddler rooms must have tight fitting lids on all garbage containers.
 - (b) Preschool rooms must have tight fitting lids on garbage containers used for hazardous items (e.g. sharp edged items, chemicals) or potentially infectious material (e.g. used tissues, food).
 - (c) In rooms used only for school-age children, lids are not required.
- (4) Diaper disposal containers shall be approved by the environmental health specialist.
- (5) All garbage storage areas and garbage containers shall be kept clean.
- (6) All rubbish and garbage storage shall be inaccessible to children.
- (7) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0190

RULE SUMMARY: Rules pertaining to the use and maintenance of toilet facilities in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0190

Toilet Facilities ¶¶

(1) Toilets:¶¶

(a) Toilet rooms shall have at least one flush toilet for each 15 children in the center 36 months old or older.¶¶

(b) Urinals may be substituted for not more than one-half the required number of toilets, as long as there is at least one toilet in each toilet room and at least ~~two~~2 toilets in the center. Facilities built after July 15, 2001, specifically as child care centers shall not substitute urinals for the required number of toilets.¶¶

(c) Toilet facilities shall provide privacy for school age children.¶¶

(2) Hand washing Sinks:¶¶

(a) There shall be at least one hand washing sink with mixing faucets for every ~~two~~2 toilets. Centers with certification in effect on July 15, 2001, shall comply with the requirement for mixing faucets when toilet facilities are remodeled.¶¶

(b) A sink used for hand washing, bathing, or diaper-changing shall not be used in any way for preparation of food or drinks, or for dish washing.¶¶

(c) Hot and cold running water, as well as soap and paper towels dispensed in a sanitary manner, shall be provided at each hand washing sink. Other hand drying options must be approved by the environmental health specialist.¶¶

(d) Self-closing metered faucets shall be designed to provide water flow for at least 15 seconds without the need to reactivate the faucet. ~~Centers with certification in effect on July 15, 2001, shall comply with the water flow requirement for self-closing metered faucets when toilet facilities are remodeled.~~¶¶

(e) Drinking fountains shall not be installed at sinks. If installed at sinks, the fountains shall not be used as a source of drinking water.¶¶

(f) The water from drinking fountains shall clear the mouth guard by at least one inch.¶¶

(3) If toilets or hand washing sinks are adult size, easily-cleanable steps or blocks shall be provided so that preschool age children can use the toilets and sinks without adult assistance.¶¶

(4) Bathrooms shall have smooth, washable, easily-cleanable walls and floors.¶¶

(5) ~~Infants and Toddlers~~— In a center serving children under 36 months old, there shall be:¶¶

(a) At least one flush toilet in or adjacent to each older toddler area;¶¶

(b) One toilet with training seat, or child-size toilet, for every ~~ten~~10 older toddlers. Potty chairs are prohibited;¶¶

(c) At least one diaper-changing table in or adjacent to each activity and sleeping room. Each table shall have a surface that is non-absorbent and easily cleaned. The diaper-changing policy shall be posted above each table;¶¶

(d) A hand-washing sink in each diaper changing area, except that centers with certification in effect on July 15, 2001, shall comply with this requirement when the diaper changing area is remodeled; and¶¶

(e) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260

ADOPT: 414-300-0200

RULE SUMMARY: Rules pertaining to the use of kitchens, including dishwashing requirements in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0200

Kitchens

(1) Kitchens shall have facilities for dish washing, storage, and preparation of food. The kitchen shall be separate from any child caring areas.

(2) If there is no kitchen in the center and if meals or snacks are not catered, the center shall observe the requirements in OAR 414-300-0270(9).

(3) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored, or utensils are washed or stored, shall be smooth, washable, and easily cleanable.

(4) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, shall be:

(a) Easily cleanable;

(b) Durable;

(c) Nontoxic;

(d) Nonabsorbent; and

(e) Maintained in a clean and sanitary condition.

(5) All equipment used for food preparation shall be installed and maintained in a manner providing ease of cleaning beneath, between, and behind each unit.

(6) A center shall have a:

(a) Mechanical dishwasher that meets the requirements in the Oregon Health Authority's administrative rules; or

(b) Compartmentalized sink that meets the requirements in the Oregon Health Authority's administrative rules.

(7) Centers with a maximum capacity of 19 children may use a light commercial dishwasher approved by the National Sanitation Foundation.

(8) There shall be separate sinks in the kitchen designated by the environmental health specialist for hand washing, for food preparation activities, and for dishwashing activities:

(a) The sink designated for hand washing shall be equipped with soap and paper towels dispensed in a sanitary manner and a hand washing sign shall be posted;

(b) In centers in which there is not a sink provided for food preparation, a sink used for dishwashing may be used as long as dishwashing activities do not interfere with sanitary food preparation, and the sink is sanitized before being used for food preparation;

(c) Sinks in the kitchen shall be used exclusively for food service activities;

(d) Centers newly constructed or remodeled after July 15, 2001, shall meet the requirements for hand washing sinks established by State Building Code, as defined in ORS Chapter 455.

(9) Children shall not be allowed in the kitchen except for a supervised learning activity.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0210

RULE SUMMARY: Rules pertaining to the furniture that is allowed in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0210

Furniture ¶

(1) Furniture shall: ¶

(a) Be durable; ¶

(b) Have cleanable or non-absorbent surfaces; ¶

(c) Be safely constructed, with no sharp, rough, loose, or pointed edges; and ¶

(d) Be in good repair. ¶

(2) Tables and seating shall be scaled to the height and size of a child. ¶

(3) There shall be a safe, washable cot or rest mat for each toddler and preschool age child in the center at nap time and for each school-age child who wants to rest. ¶

(4) Each mat used for napping shall be: ¶

(a) Covered with a waterproof cover; and ¶

(b) At least one inch thick. ¶

(5) Mats or cots shall be placed at least ~~two~~2 feet apart if children are placed head to toe; or ~~three~~3 feet apart otherwise. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child. ¶

(6) Each child who is resting shall have individual bedding consisting of at least a sheet or blanket. ¶

(7) Mats, cots and bed linen shall be properly stored, as recommended by the environmental health specialist.

Statutory/Other Authority: ORS ~~657329~~A.260

Statutes/Other Implemented: ORS ~~657329~~A.260

AMEND: 414-300-0215

RULE SUMMARY: Rules pertaining to the use of furniture and equipment for infant and toddler care.

CHANGES TO RULE:

414-300-0215

Infant and Toddler Furniture and Equipment ¶

~~(1) Each infant shall have a crib, portable crib, or play pen with a clean, non-absorbent mattress that meets the following requirements:¶~~

~~(a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;¶~~

~~(b) Locks and latches on the dropside of a crib shall be safe and secure from accidental release or release by the infant inside the crib;¶~~

~~(c) Cribs shall not be used with the dropside down;¶~~

~~(d) Each mattress shall fit snugly;¶~~

~~(e) Each mattress shall be covered by a sheet;¶~~

~~(f) Crib bumpers, if used, shall be easily cleanable, durable, and not dangerous to children;¶~~

~~(g) There shall be no restraining devices of any type used unless prescribed by a physician; and¶~~

~~(h) Wall or stacking cribs shall not be used.¶~~

~~(2) Sleeping arrangements other than cribs, portable cribs or playpens must be approved by CCD.¶~~

~~(3) There shall be at least two There shall be at least 2 feet of space between cribs, portable cribs or play pens when in use. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.¶~~

~~(4) [NOTE: For crib requirements, see OAR 414-300-0300.]¶~~

~~(2) If high chairs are used, they shall have:¶~~

~~(a) A broad base to prevent tipping;¶~~

~~(b) A latch to keep a child from raising the tray; and¶~~

~~(c) Straps to prevent a child from sliding out.¶~~

~~(5); and¶~~

~~(d) A crotch bar or guard to prevent a child from slipping down and becoming entrapped between the tray and seat.¶~~

~~(3) If clip-on table chairs are used, they shall have straps to prevent a child from sliding out.¶~~

~~(6)4) There shall be at least one adult-sized chair for each group of infants and toddlers.¶~~

~~(7)5) Cribs, portable cribs, playpens, and h High chairs must meet UScurrent Consumer Product Safety Commission or equivalent standards.¶~~

~~(8)6) The use of infant walkers is prohibited.¶~~

~~(9)7) Car seats are to be used for transportation purposes only. Children who arrive at the center asleep in a car seat may remain in the car seat until they awake.¶~~

~~(10) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.¶~~

~~[Publications: Publications referenced are available from the agency.] Restrictive infant equipment (e.g. bouncers, swings, infant seats) shall only be used for no more than 20 minutes in any 2 hour period.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0220

RULE SUMMARY: Rules pertaining to assuring and maintaining safe drinking water and water used for food preparation in Certified Child Care Centers. Includes rules for required lead testing.

CHANGES TO RULE:

414-300-0220

Illness or Injury Water Supply and Lead Testing

(1) ~~Illness:~~

~~(a) A center shall not admit or retain in care, except with the written approval of the local health officer by the Health Division.~~ The center's water supply shall be continuous in quantity and from a water supply system approved by the Health Division.

(2) ~~There shall be safe drinking water; a child who:~~

~~(A) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Health Division administrative rules, OAR 333-019-0010; or~~ available to children that is supplied in a sanitary manner.

~~(3) Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks.~~

~~(4) Facilities that are not on municipal water systems must meet all requirements under ORS 448.131 and OAR Chapter 333 Division 061.~~

~~(B5) Has one of the following symptoms, or combination of symptoms, of illness:~~

~~(i) Fever over 100 degrees 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 coloration of the skin or eyes;~~ The facility shall identify the location of all drinking water faucets and fixtures identified in OAR 414-300-0020(7) tested for lead. The facility shall sample in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.

~~(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) Difficult breathing or abnormal wheezing; or~~

~~(x) Compliance Accreditation Program (ORELAP) accredited drinking water laboratory.~~

~~(6) Lead testing as required by OAR 414-300-0020(15), 414-300-0020(16) and 414-300-0220(5) shall be conducted within the past 6 years of the effective date of this section and no later than 6 months of severe pain.~~

~~(b) A child who shows signs of illness, as defined in this rule, shall be isolated and the parent(s) notified and asked to remove the child from the center as soon as possible;~~

~~(c) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the center at the effective date of this section and at least once every 6 years.~~

~~(7) The test results shall be kept on the facility premises at all times and a copy provided to the OCC within 10 days of receiving the results.~~

~~(8) Irrespective of test results, the facility must immediately notify all parents and guardians verbally, in writing, or by remain in the center and the parent(s) notified when they pick up their child;~~

~~(d) A specific place for isolating a child who becomes ill shall be provided. The isolation area:~~

~~(A) Shall be located where the child can be seen and heard, of the test results and post results in a prominent place in the facility where they will be seen by parents and guardians within one business day. Information provided to parents and guardians shall be in accordance with United States Environmental Protection Agency 3T's for Reducing Lead by staff; and~~

~~(B) Shall be equipped with a cot, in Drinking Water in Schools: Revised guidance dated October 2006.~~

~~(9) If test results are at; or bed for each sick child.~~

~~(e) An outbreak of a child care restrictable disease, as defined above 15 parts per billion (ppb), the facility shall:~~

~~(a) Immediately prevent children from using or consuming water from faucets or fixtures identified in OAR 333-019-0010, or food poisoning shall be reported immediately to the local health department and posted for the parents of all children who attend the facility.~~

~~(f) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between center staff, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan 414-300-0020(7) that have test results at or above 15 ppb by supplying water from drinking water faucets or fixtures that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section.~~

~~(b) Within 60 days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006; and~~

~~(210) Injuries:~~

~~(a) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.~~

~~(b) The operator shall have written procedure implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval.~~

~~(11) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets for handling injuries that shall be made known to all staff, including:~~

~~(A) Procedure for fixtures identified in OAR 414-300-0020(7) that previously tested at or above 15 ppb.~~

~~(12) A provider may submit documented lead testing results obtaining a child to emergency medical care;~~

~~(B) Routine for treatment of minor injuries; and~~

~~(C) First aid measures used within 6 years immediately preceding the effective date of this section to the OCC, and request a waiver of this requirement for serious accidents.~~

~~(c) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but 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, chlorine bleach for sanitizing after a blood spill, and a sanitary temperature-taking device;~~

~~(B) Separate first aid supplies and a copy of each child's medical release form shall be taken on all field trips away from the immediate neighborhood.~~

~~(d) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:~~

~~(A) A written report of the injury or accident shall be maintained on file; and not to exceed 6 years from the date of the test results submitted. This provision applies only to tests conducted in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and the results were below 15 ppb. The OCC shall determine whether the tests submitted conform to the requirements of OAR 414-300-0020(16).~~

~~(13) Existing programs must submit testing results by September 30, 2018.~~

~~(14) Irrespective of results obtained in accordance with OARs 414-300-0020(15), 414-300-0020(16) and 414-300-0220(5), actions to protect children from exposure to lead contamination in drinking water should be taken at all times, including:~~

~~(a) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (approximately 30 seconds to 2 minutes); and~~

~~(b) Using only cold water from drinking water faucets and fixtures identified in OAR 414-300-0220(5) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking.~~

~~(Bc) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).~~

~~(e) The injury to or death of a child shall be reported to OCC in accordance with Boiling water does not remove lead from water and is not an acceptable action to protect children from exposure to lead contamination~~

in drinking water. ¶

~~(15) If a provider replaces any faucets or fixtures identified pursuant to OAR 414-300-00320(3)(a) and (b).¶~~

~~(3) Emergency Medical Care:¶~~

~~(a) The operator shall identify a licensed physician, hospital, or clinic to be used for emergency medical care;¶~~

~~(b) In the ev7) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to the requirements of an illness or injury which requires immediate medical care, the director or the substitute director is responsible for securing such care and notifying the parent(s) OAR 414-300-0020(15) and 414-300-0020(16) and provide the test results to the OCC within 10 days of receiving the results. The provider may not allow access to the replaced faucet or fixture until the OCC approves access.~~

Statutory/Other Authority: ORS ~~657329~~A.260

Statutes/Other Implemented: ORS ~~657329~~A.260

RULE SUMMARY: Rules pertaining to procedures for injuries and illnesses to children in care.

CHANGES TO RULE:

414-300-0225

Illness or Injury

(1) A center 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 rules; or

(b) Has one of the following symptoms, or combination of symptoms, of illness:

(A) Fever over 101°F by ear thermometer or forehead scanner;

(B) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(C) Vomiting;

(D) Nausea;

(E) Severe cough;

(F) Unusual yellow color to skin or eyes;

(G) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

(H) Stiff neck and headache with one or more of the symptoms listed above;

(I) Difficult breathing or abnormal wheezing;

(J) Complaints of severe pain.

(2) 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 center as soon as possible.

(3) If a child has mild cold symptoms that do not impair their normal functioning, the child may remain in the center and the parent(s) notified when they pick up their child.

(4) A specific place for separating a child who becomes ill shall be provided. The area:

(a) Shall be located where the child can be seen and heard by staff; and

(b) Shall be equipped with a cot, mat, or bed for each sick child.

(5) An outbreak of a child care restrictable disease, as defined in Oregon Health Authority rule, or food poisoning shall be reported immediately to the local health department and posted for the parents of all children who attend the facility.

(6) If a child with allergies is enrolled and requires a specific care plan, such a plan shall be developed in writing between the provider and parents, and, if necessary, outside specialists. All caregivers who come in contact with that child shall be fully aware of the plan.

(7) Injuries:

(a) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(b) The center shall have written procedures for handling injuries that shall be made known to all staff, including:

(A) Procedure for taking a child to emergency medical care;

(B) Routine for treatment of minor injuries; and

(C) First aid measures for serious injuries.

(c) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but 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 guard;

(B) A separate first aid kit, a copy of each child's medical release form and any personal emergency medications shall be taken any time child care children are away from the center.

(d) Injuries that require first aid shall be reported to the child's parent(s) on the day of occurrence.

(A) A written report of the injury shall be maintained on file; and¶

(B) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).¶

(e) Any impact to a child's head shall be reported to the child's parent(s) immediately.¶

(8) Parents must be notified if their child is exposed to an outbreak of a communicable disease, excluding colds.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0230

RULE SUMMARY: Rules pertaining to the required security and administration of medications to children in care.

CHANGES TO RULE:

414-300-0230

Medications ¶¶

(1) ~~No prescription medication or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, may be given to a child except under the following conditions:¶¶~~

~~(a) A signed, dated, written authorization by the parent(s) is on file;¶¶~~

~~(b) Prescription medication is in the original container and labeled with the child's name, name of the drug, dosage, directions for administering, date, and physician's name;¶¶~~

~~(c) Non-prescription medication is in the original container, labeled with the child's name, dosage, and directions for administering; and¶¶~~

~~(d) A Other than diapering ointment, a written record of all medications administered listing, ~~as a minimum~~, the name of the child, type of medication, the signature of the person administering the medication, date, time, and dosage given, shall be kept.¶¶~~

~~(2) All medications shall be:¶¶~~

~~(a) Secured in a tightly-covered container with a child-proof safety lock or latch; and¶¶~~

~~(b) Stored in an area not used by children.¶¶~~

~~(3) Medications requiring refrigeration shall be kept in the refrigerator in a separate tightly-covered container, with a child-proof lock or latch, clearly marked "medication".¶¶~~

~~(4) 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 sunsere In rooms used exclusively for infants and younger toddlers, diaper cream may be stored out of reach of children.¶¶~~

~~(b4) One container of su Medicationse, reen may be used for child care children unless a parent supplies an individual container for their child. 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 and must be labeled as "Broad Spectrum".¶¶~~

~~(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 quiring refrigeration shall be kept in the refrigerator in a separate tightly-covered container, with a child-safety lock or latch, clearly marked "medication".¶¶~~

(5) Parent(s) shall be informed daily of medication administered to their child.

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

ADOPT: 414-300-0235

RULE SUMMARY: Rules pertaining to the appropriate use of sunscreen on children in care.

CHANGES TO RULE:

414-300-0235

Sunscreen

(1) Child care children shall be protected from excessive exposure to the sun by using sunscreen or other methods.

(2) Sunscreen may be used for child care children under the following conditions:

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

(b) 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;

(c) If using sunscreen, providers must reapply sunscreen every 2 hours while the child care children are exposed to the sun;

(d) Providers shall not use aerosol sunscreens on child care children; and

(e) Sunscreen shall not be used on child care children younger than 6 months.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0240

RULE SUMMARY: Rules pertaining to the safe and sanitary keeping and handling of animals in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0240

~~Animals in the Center~~ ¶

- ~~(1) Animals~~ Any animal at the center shall be in good health, and show no evidence signs of carrying any disease, and be a friendly companion for the children. ¶
- ~~(2) Children may not have direct contact with any potentially aggressive animals.~~ ¶
- ~~(a3) When immunizations are required, proof of current complian~~ Any animal at the center assigned by a veterinarian to children shall be on file at the center a friendly companion. ¶
- ~~(b4) Dogs and cats shall be maintained on a flea, tick and worm control program. Products toxic to humans are prohibited~~ Caregivers shall be physically present when children are interacting with animals. ¶
- ~~(5) Proof of current rabies vaccinations is required for dogs.~~ ¶
- ~~(e6) Animals shall be cared for as recommended by a veterinarian~~ Dogs and cats shall be kept free of fleas, ticks and worms. ¶
- ~~(27) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, monkeys, Exotic animals, including, but not limited to: reptiles, amphibians and monkeys, as well as hook-beaked birds, baby chickens, rodents and ferrets, and potentially aggressive animals are prohibited~~ re prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs which that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted. ¶
- ~~(38) Parent(s) shall be informed in writings~~ must be made aware of the presence of any animal is on the center. ¶
- ~~(4) premises.~~ ¶
- ~~(9) Animals, except fish, shall not be in classrooms for infants or toddlers.~~ ¶
- ~~(5)10) The center shall have and follow written procedures for the care and maintenance of the animals in the center.~~ ¶
- ~~(611) Any animals other than cats and dogs shall be kept in an approved cage for the type of animal tank.~~ Cages shall have removable bottoms and shall be kept clean and sanitary. ¶
- ~~(7) Animal~~ ~~(12) Litter boxes shall not be located in areas accessible to children.~~ ¶
- ~~(8) There shall be assigned staff who or areas used for food storage or preparation.~~ ¶
- ~~(13) Staff~~ are responsible for the handling, care and feeding of the animal(s). ¶
- ~~(a) The e~~ ~~(14) Cleaning of cages shall not be done in areas used for food preparation, storage or serving.~~ ¶
- ~~(b) Staff must immediately and thoroughly wash their hands after handling animals or cleaning cages.~~ ¶
- ~~(c) The cleaning of cages shall be scheduled when children are not present.~~ ¶
- ~~(d)15) All animals shall be kept away from food preparation surfaces.~~ ¶
- ~~(16) Children shall not be present when cages are cleaned.~~ ¶
- ~~(17) Animal food supplies shall be kept out of the reach of children and stored separately from food supplies and equipment. Animal food shall be stored in a manner that does not attract rodents or insects.~~ ¶
- ~~(e)18) Chemicals related to the care of animals shall be kept under lock.~~ ¶
- ~~(9) Caregivers shall always be present when children are exposed to animals.~~ ¶
- ~~(10) If children are allowed to handle animals, they shall immediately and thoroughly wash their hands after handling~~ child-safety lock.

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

AMEND: 414-300-0250

RULE SUMMARY: Rules pertaining to the safe and sanitary selection, storage and preparation of food in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0250

Food Selection, Storage, and Preparation ¶

(1) All food and drink provided by the center shall be selected, stored, prepared, and served in a sanitary manner. ¶

(2) No liquids other than milk, formula, water, and 100 percent fruit juices shall be served to the children in care. ¶

(3) Water shall be freely available to children. ¶

(4) Selection: ¶

(a) All food products served by the center shall be obtained from commercial suppliers, except that: ¶

(A) Fresh fruits and vegetables and center- or frozen fruits and vegetables may be served; ¶

(B) Home-canned or processed food may be served to made foods brought by a child can only when supplied consumed by the child's parent(s); and; ¶

(C) The serving of unpasteurized juice is prohibited. Only pasteurized 100 percent fruit or vegetable juice shall be served; ¶

(D) Only Grade A pasteurized and fortified milk shall be served to children; ¶

(E) Powdered milk shall be used only in cooking. ¶

(F) The serving of unpasteurized milk is prohibited. ¶

(5) Storage: ¶

(a) A center shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods. "Potentially hazardous food" means any food or beverage that contains milk or milk products, eggs, meat, fish, raw eggs; ¶

(b) Partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs and meringue; or ¶

(c) Raw seed sprouts ¶

(d) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, seafood, poultry, cooked rice or beans, and all other not be served to a child without written instructions from a registered dietician or medical practitioner and written previously cooked foods. ¶

(A) A spirit stem (alcohol filled – usually red) thermometer shall be used to ensure food requiring hot storage is maintained at 140-165 degrees Fahrenheit or above. ¶

(7) Storage: ¶

(a) A center shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods. ¶

(A) A thermometer, approved by an environmental health specialist, in working condition shall be affixed to the door, or the front edge of the top shelf, of each refrigerator; ¶

(B) Refrigerators equipped with a temperature gauge visible from the exterior are acceptable. ¶

(b) All potentially hazardous food shall, except when being prepared, be kept at 41 degrees Fahrenheit (F) or below, or 140-165 degrees Fahrenheit or above. ¶

(A) Foods requiring refrigeration after preparation shall be rapidly cooled to a temperature of 41 degrees Fahrenheit or below. ¶

(B) Refrigerated storage space at 41 degrees Fahrenheit or less shall be used to store lunches which contain potentially hazardous food that children bring from home. ¶

(C) A metal stem type suitable small diameter probe thermometer shall be used to ensure food requiring hot storage is maintained at 140-165 degrees Fahrenheit or above. ¶

(D) Foods that have been cooked, and then refrigerated, shall be reheated rapidly to at least 165 degrees F

ahrenheit before being served or placed in a hot food storage unit.¶

(4) 8 Preparation:¶

(a) Food shall be prepared with a minimum of ~~manual contact~~.¶

~~(b) contact with bare hands.~~¶

(b) Foods must be prepared and served according to the minimum standards identified in food handler certification.¶

(c) Raw fruits and vegetables shall be washed in a clean, sanitized sink before being cooked or served.¶

~~(e) d~~ Food shall be prepared on food-contact surfaces and with utensils that are clean and have been sanitized.¶

~~(d) e~~ Food-contact surfaces and utensils shall be cleaned and sanitized after each use and ~~or~~ whenever there is a change in processing from raw to ready-to-eat foods.¶

~~(e) f~~ Only FDA approved food additives and preservatives shall be used by the center.¶

(5) 9 Service:¶

(a) Each child shall be provided with ~~his/~~their own individual use utensils for eating and drinking. These may be:¶

(A) Single service paper and plastic which shall be used once only; or¶

(B) Multiple use utensils which shall be washed in the prescribed manner between each use (OAR 414-300-0260).¶

(b) To protect food from contamination:¶

(A) A suitable dispensing utensil, that is not used for any other purpose, shall be used to transfer a food item to each child's plate or bowl; and¶

(B) A bowl, platter, pitcher, or dispensing utensil used for serving food or drink shall not be refilled or reused without first being washed and sanitized.¶

(c) Milk and fluid milk products shall be dispensed from a commercially filled plastic container of not more than ~~one~~ 1-gallon capacity, individual half-pint containers, or from a refrigerated bulk container equipped with an approved dispensing device.¶

(A) Milk containers shall be opened immediately before pouring.¶

(B) Any unused portions left in the original container shall be returned immediately to refrigeration.¶

(C) Unused portions of milk left in a pitcher shall be discarded.¶

(d) All food, once removed from the kitchen for service, shall be discarded.¶

(e) Leftover prepared food which has not been served shall be labeled and dated, rapidly cooled, and used within 36 hours, or frozen immediately for later use.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0260

RULE SUMMARY: Rules pertaining to the appropriate handling and cleaning to items and equipment used for food service.

CHANGES TO RULE:

414-300-0260

Cleaning, Sanitizing, and Storage of Food Service Equipment and Utensils ¶

(1) Tableware and kitchenware (e.g., pots, pans and equipment) shall be washed, rinsed, and sanitized after each use.¶

(a) When mechanical cleaning and sanitizing methods are used, the requirements in the Health Division's administrative rules, ~~OAR 333-150-0000~~, Food Sanitation Rules, shall be met;¶

(b) When manual washing, rinsing, and sanitizing of dishes and equipment is used, the requirements in the ~~Health Division~~ Oregon Health Authority's administrative rules, ~~OAR 333-150-0000~~, Food Sanitation Rules, shall be met.¶

(2) Food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use.¶

(3) All multi-use utensils and counters, shelves, tables, refrigeration equipment, sinks, drain boards, dish tables, cutting boards, appliances, and other equipment or utensils used for food preparation shall be kept clean and in good repair.¶

(4) After being sanitized, all tableware, equipment, and utensils shall be air dried.¶

(5) After being cleaned and sanitized, tableware and utensils shall be:¶

(a) Stored in a clean, dry place protected from insects, dust, and other contamination; and¶

(b) Handled in a way that protects them from contamination.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

AMEND: 414-300-0270

RULE SUMMARY: Rules pertaining to appropriate and healthy food served to children in care.

CHANGES TO RULE:

414-300-0270

Nutrition Meals and Snacks ¶

(1) An operator The center must ensure that all meals and snacks follow the USDA Child and Adult Care Food Program guidelines.¶

(2) The center shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. USDA guidelines will be used to determine if meals and snacks are adequate and nutritious. Foods of minimal nutritional value (e.g., ~~Jell-O~~ gelatin, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.¶

(23) Each lunch and dinner served shall equal at least 1/3 of a child's daily nutritional needs. Every meal shall meet USDA guidelines and shall include at le Meals and snacks provided to children shall meet the following requirements:¶

(a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any center providing care for the same children 3 1/2 or more consecutive hours;¶

(b) In a center open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast oneis serving from each of the following groups: fluid milk; breads and grains; meat, fish, poultry or meated in the center to all children, a midmorning snack is not required, as long as there is no more than 3 1/2 hours between meals;¶

(c) School age children arriving after school shall be served a snack; and¶

(d) When the planned attendance is prior to 7 a.m. or alternatives (e.g., dried beans, peanut butter, yogurt or cheese). Each meal shall include two servings of fruits and vegetables. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition.¶

(3) Each breakfast served shall meet USDA guidelines and shall include at least one serving each of milk, fruit or vegetable, and brea 6:30 p.m., a child shall be offered a complete meal if it is not provided or arranged for by the parent(s).¶

(4) Meals for children shall be:¶

(a) Prepared on-site;¶

(b) Prepared from a source approved by the Oregon Health Authority; or¶

(c) Prepared by the parent of the child.¶

(5) During the service and eating of meals and snacks, the appropriate number of staff to meet staff to child ratios shall be engaged with the children in food-related activities.¶

(6) When parent(s) provide food for the meal:¶

(a) Food shall be brought on a daily basis and be ready to eat;¶

(b) All food and beverage containers shall be labeled with the child's name;¶

(c) Each child's food shall be monitored daily to ensure that the food meets nutritional requirements as defined in the USDA Child and Adult Care Food Program guidelines;¶

(d) The center shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in the USDA Child and Adult Care Food Program guidelines; and¶

(e) If parents bring food for grain.¶

(4) Snacks (mid-morning or mid-afternoon) shall meet USDA guidelines and shall consist of food or beverage from at least two of the following food groups: fluid milk; breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese); fruits and vegetables. No liquids other than milk and 100% fruit juice shall be counted as partall the children as snacks or for celebrations, the food shall be commercially prepared.¶

(7) Catered foods shall be:¶

- (a) Prepared in a kitchen approved by the Oregon Health Authority or a county health department;¶
- (b) Delivered in a safe, sanitary manner with food maintained at the required temperature (OAR 414-300-0250); and¶
- (c) If meals are catered, the process of receiving, holding and serving food shall be approved by the environmental health specialist.¶
- (8) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a center must have a written plan, approved by the environmental health specialist and OCC, which includes at least the following elements:¶
 - (a) Separate serving portions for each table;¶
 - (b) Serving utensils distinct from eating utensils;¶
 - (c) Table accommodations for group sizes no larger than those stated in OAR 414-300-0130, Tables 3A or 3B for that age group;¶
 - (d) Provision for serving mildly ill children so as to prevent the spread of the illness; and¶
 - (e) The discarding of any food brought to the table and not eaten.¶
- (9) If there is no kitchen in the center and if meals or snacks are not catered:¶
 - (a) Only single service utensils shall be used;¶
 - (b) Either commercially-prepared, individually-packaged, single-serving foods shall be served or the daily nutrition. A snack shall not be serving of bulk food shall be approved by the environmental health specialist;¶
 - (c) Utensils that require washing shall not be used or stored on site of only two beverages; te;¶
 - (d) Food shall be stored in a space used only for food, beverages and single-service utensils; and¶
- (5e) No liquids other than milk, formula, water, and 100 percent If foods needing refrigeration are served, the center shall have a refrigerator.¶
- (10) A center serving children under 12 months of age shall comply with the following requirements fruit juices or those children:¶
 - (a) Each child shall be served to the children in care.¶
- (6) Water shall be freely available to children.¶
- (7) Nutrient or own feeding schedule:¶
 - (b) When formula is provided by the center, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without written instructions from a registered diluted according to manufacturers' instructions. When formula is prepared on site, it must be mixed in a kitchen approved by the environmental health specialist;¶
 - (c) Formula, human milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;¶
 - (d) Whole milk, skim milk, 1 percent, and 2 percent milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission;¶
 - (e) Bottles, bottle caps, nipples and other equipment used for bottle feeding must be cleaned and sanitized by washing in a dishwasher or by washing, rinsing and boiling them for one minute or must come from home labeled by the parent or guardian with the child's name. Nipples must be stored in a closed container after sanitizing;¶
 - (f) Solid foods fed to infants shall be selected from the USDA Infant Food Chart.¶
 - (A) Solid foods shall not be fed to infants less than 4 months of age;¶
 - (B) Commercially packaged baby food shall be served from a dish and not directly from the factory-sealed container;¶
 - (C) Leftovers in the serving container shall be discarded; and¶
 - (D) Solid foods, with the exception of finger foods, shall be fed with a spoon.¶
 - (g) Honey or foods containing honey shall not be served dietitian or medical practitioner and written parental consent.¶

~~[Publications: Publications referenced are available from; and¶~~

~~(h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position. ¶~~

~~(A) Infants up to 6 months of age shall be held or sitting up in a caregiver's lap while bottle fed;¶~~

~~(B) Bottles shall never be propped. The child or a staff person shall hold the bottle; and¶~~

~~(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.¶~~

~~(11) Children of any age shall not be laid down with the agency.] bottle.~~

Statutory/Other Authority: ORS ~~657329~~A.260

Statutes/Other Implemented: ORS ~~657329~~A.260

AMEND: 414-300-0280

RULE SUMMARY: Rules pertaining to appropriate hand-washing procedures for staff and children in care.

CHANGES TO RULE:

414-300-0280

Meals and Snacks-Hand Washing ¶

(1) ~~Meals and snacks provided to children shall meet the following requirements:¶~~

~~(a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any center providing care for the same children 3-1/2 or more consecutive hours;¶~~

~~(b) In a center open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served in the center to all children, a midmorning snack is not required, as long as there is no more than 3-1/2 hours between meals;¶~~

~~(c) School age children arriv All staff and children must wash their hands with soap and warm running wafter school shall be served a snack; and:¶~~

~~(d) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided or arranged for by the parent(s).¶~~

(2) Meals for children shall be:¶

(a) Prepared on-site;¶

(b) Catered; or¶

(c) Provided by the parent(s).¶

(3) During the service and eating of meals and snacks, the appropriate number of staff to meet staff/child ratios shall be engaged with the children in food-related activities. Before handling food;¶

(b) Before assisting with feeding;¶

(4c) Proper hand washing, as specified in OAR 414-300-0180(6) shall be practiced prior to and after eating meals or snacks. Before and after eating;¶

(5d) ~~When parent(s) provide food for the meal:¶~~

~~(a) Food shall be brought on a daily basis and be ready to eat;¶~~

~~(b) All food and beverage containers shall be labeled with the child's name;¶~~

~~(c) The center shall provide at least one-s Before and after administerving of milk to each child at meals and shall provide morning and afternoon snacks;¶~~

~~(d) Each child's food shall be monitored daily to ensure that the food meets nutritional requirements as defined in OAR 414-300-0270;¶~~

~~(e) The center shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in OAR 414-300-0270;¶~~

~~(f) If parents bring food for all the children as snacks or for celebrations, the food shall be commercially prepared and served by the center in an approved manner; and medications;¶~~

(e) After diapering;¶

~~(gf) There shall be a refrigerator on site to store foods needing refrigeration.¶~~

(6) ~~Catered foods shall be:¶~~

~~(a) Prepared in a kitchen approved by the State Health Division or a county health department; and After using the toilet;¶~~

~~(bg) Delivered in a safe, sanitary manner with food maintained at the required temperature (OAR 414-300-0250).¶~~

~~(c) If meals are catered, the process of receiving, holding and serving food shall be approved by the environmental health specialist.¶~~

(7) ~~To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a center must have a written plan, approved by the environmental health specialist and CCD, which includes at least the following elements:¶~~

- (a) Provision for handwashing immediately prior to ~~ea~~ After assisting someone with toileting;¶
- (b) Separate serving portions for each table;¶
- (c) Serving utensils distinct from eating utensils;¶
- (d) Table accommodations for group sizes no larger than those stated in OAR 414-300-0130, Table 3A or Table 3B, for that age group After nose wiping;¶
- (e) Provision for serving mildly ill children so as to prevent the spread of the illness; and¶
- (f) The discarding of any food brought to the table and not eaten.¶
- (8) If there is no kitchen in the center and if meals or snacks are not catered: After playing outside; and¶
 - (a) Only single service utensils shall be used;¶
 - (b) Either commercially prepared, individually packaged, single-serving foods shall be served or the serving of bulk food shall be approved by the environmental health specialist;¶
 - (c) Utensils that require washing shall not be used or stored on site;¶
 - (d) Food shall be stored in a space used only for food, beverages and single-service utensils; and¶
 - (e) If foods needing refrigeration are served, the center shall have a refrigerator.¶
- (9) A center serving children under 12 months of age shall comply with the following requirements for those children: After touching animals, other than dogs and cats, and after handling pet toys.¶
 - (a) Each child shall be fed on his/her own feeding schedule;¶
 - (b) When formula is provided by the center, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, it must be mixed in a kitchen approved by the environmental health specialist, and the program must have a written plan for mixing formula Hand sanitizers shall not replace hand washing. If h and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist;¶
 - (c) Formula, breast milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;¶
 - (d) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission ers are present in the center, they shall be kept out of children's reach and shall not be used by children.¶
 - (e) Any bottles used for feeding liquid must be sterilized at the center by boiling or must come from home labeled by the parent with the child's name. Nipples must be stored in a closed container after sterilizing;¶
 - (f) Solid foods fed to infants shall be selected from the food groups specified in OAR 414-300-0270(2);¶
 - (A) Solid foods shall not be fed to infants less than four months of age without parental consent;¶
 - (B) Solid food shall not be served directly from the container;¶
 - (C) Leftovers in the serving container shall be discarded; and¶
 - (D) Solid foods, with the exception of finger foods, shall be fed with a spoon.¶
 - (g) Honey or foods containing honey shall not be served to children under 12 months of age; and¶
 - (h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.¶
 - (A) Infants up to six months of age shall be held while bottle fed.¶
 - (B) Be When hand washing is not possible, e.g. on field trips and on the playground, moist towelettes shall never be propped. The child or a staff person shall hold the bottle.¶
 - (C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort be used.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0290

RULE SUMMARY: Rules pertaining to the general schedule for children in care.

CHANGES TO RULE:

414-300-0290

Program ~~Plan~~ Schedule ¶

(1) ~~The center shall develop and post, post, and follow~~ a written daily schedule for each group of children, according to their ages, interests, and abilities. The written schedule should allow for flexibility to respond to the needs of the individual children and group of children. The schedule shall: ¶

(a) ~~Cover all hours of operation;~~ ¶

(b) ~~Include regularity of routine activities such as eating, napping and toileting;~~ ¶

~~(c) Include periods of outdoor play each day, toileting, individual and group activities, free play, and daily outdoor experiences~~ when weather permits; and ¶

~~(d) Include one or more regularly scheduled rest periods. Children who do not sleep after 20-45~~30 minutes of quiet time must be provided with ~~an~~ alternative quiet activity. ~~The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.~~ ¶

(2) The center shall follow the written daily schedule, allowing flexibility to respond to the needs of individual children and ~~or~~ groups of children.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

AMEND: 414-300-0295

RULE SUMMARY: Rules pertaining to the activity plan for all children in care.

CHANGES TO RULE:

414-300-0295

Program of Activities Plan for All Children

- (1) All caregivers must give the children's needs first priority, ensuring that they get adequate appropriate care and attention.
- (2) Immediate attention shall be given to the emotional and physical needs of the children.
- (3) The center shall provide a written program of activities for each group of children according to their individual follow written activity plans that are designed to meet the children's developmental abilities, interests, and abilities. The program of activities must cultural, and individual needs.
- (4) The center must ensure the activity plan and available materials allow for change and flexibility and show evidence of the preplanning of learning experiences to support each child's development of:
 - (a) Self-esteem, self-awareness, self-control, and decision-making abilities;
 - (b) The program of activities shall be planned to provide: Social, emotional, intellectual, and physical growth;
 - (c) Positive learning Nutrition, health, and personal safety; and
 - (d) Creativity, experiences appropriate to the individual developmental needs of children in care;
 - (e) tation, and exploration.
- (5) Activities shall be planned to allow for:
 - (a) Individual and group activities;
 - (b) A balance of active and quiet activities;
 - (c) Opportunities for free choice by children; and
 - (d) Daily indoor and outdoor activities in which children use both large and opportunities; and
 - (e) Teacher and child led activities.
- (6) The activity plan shall allow for change and flexibility according to children's individual needs.
- (7) The center shall inform parents when children are participating in contracted services (e.g., tumbling, music) that the contracted services have not been certified by OCC.
- (8) Child care children shall be limited to no more than 2 and a half hours per week of screen time for each child 2 years of age and older. Screen time is defined as time spent using electronic devices, including, but not limited to computers, television, tablets, phones and game consoles.
 - (a) Usage times may be extended for special events, projects and homework.
 - (b) All media exposure must be developmentally and age appropriate.
- (9) Screen time is prohibited for children under the age of 2 years.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0300

RULE SUMMARY: Rules pertaining to the the activity plan and requirements to ensure safe sleep practices for infants and toddlers in care.

CHANGES TO RULE:

414-300-0300

Infants and Toddler ~~Program of Activities-s~~ Activity Plan and Safe Sleep ¶

(1) The following safe sleep practices must be followed:¶

(a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;¶

(b) Bassinets may only be used until the infant is able to roll over on their own;¶

(c) Each mattress shall:¶

(A) Fit snugly; and¶

(B) Be covered by a tightly fitting sheet; ¶

(d) A clean sheet shall be provided for each child;¶

(e) Infants must be placed on their backs on a flat surface for sleeping;¶

(f) If an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the provider must immediately move the infant to an appropriate sleep surface;¶

(g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;¶

(h) There shall be no items in the crib with the infant, except a pacifier (e.g. toys, pillows, stuffed animals, blankets, bumpers);¶

(i) Swaddling or other clothing or covering that restricts the child's movement is prohibited; and ¶

(j) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the center and placed in an appropriate sleep surface.¶

(2) Each infant and toddler shall be:¶

(a) Allowed to form and follow his or her own pattern of sleeping and waking periods; and¶

(b) Given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.¶

(2)3) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the center).¶

(3)4) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self-esteem, and other learning experiences.¶

(4)5) Children shall be encouraged to play with a variety of safe toys and objects.¶

(5)6) Children shall be given appropriate opportunities to use the ~~five~~5 senses through sensory play.¶

(6) Infants must be put to sleep on their backs.¶

(7) Immediate attention shall be given to the emotional and physical needs of children.¶

(8)7) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.¶

(9)8) In addition to those activities specified in OAR 414-300-0295(23), toddlers shall be given opportunities to participate in:¶

(a) A variety of activities encouraging creative expression through the arts; and¶

(b) Running, climbing, and other vigorous physical activities.¶

(10)9) Infants and y shall not share an activity area used by older toddlers, preschool or school-age children. ¶

(10) Younger toddlers shall ~~not share~~ an activity area ~~not used by older children at the same time~~ preschool or school-age children.¶

(11) The center shall provide the following information, in writing, to each parent of an infant and/or toddler on a daily basis:¶

- (a) Their child's schedule of feeding;¶
- (b) Their child's toilet and diapering activities; and¶
- (c) Their child's sleep schedule.

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260

AMEND: 414-300-0310

RULE SUMMARY: Rules pertaining to the activity plan for preschool age children in care.

CHANGES TO RULE:

414-300-0310

~~Preschool-Age Program of Activities-Activity Plan ¶~~

In addition to those activities specified in OAR 414-300-0295(23), preschool age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, which shall include:¶

- (1) Creative expression through the arts;¶
- (2) Dramatic play;¶
- (3) Gross motor development;¶
- (4) Fine motor development;¶
- (5) Music and movement;¶
- (6) Opportunities to listen and speak;¶
- (7) Concept development;¶
- (8) Appropriate sensory play; and¶
- (9) A supervised nap or rest period. Children who do not sleep after 20-45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

AMEND: 414-300-0320

RULE SUMMARY: Rules pertaining to the activity plan for school-age children in care.

CHANGES TO RULE:

414-300-0320

~~School-Age Program of Activities~~ Activity Plan ¶

- (1) School age programs shall provide an environment where adults' actions demonstrate respect for school age children's changing physical, emotional and intellectual needs.¶
- (2) School age children shall have the opportunity to take part, on a daily basis, in activities which support their need to practice and build skills in problem-solving, making responsible choices, cooperation, creativity, and appropriate social interactions.¶
- (3) In addition to those activities specified in OAR 414-300-0295(23), school age children shall have opportunities to choose from a variety of activities, including:¶
 - (a) Creative expression through the arts;¶
 - (b) Individual projects, which may include homework;¶
 - (c) Exposure to individual and team physical activities;¶
 - (d) Opportunities to experience or learn about the tasks of adulthood (e.g., the world of work, taking responsibility, budgeting); and¶
 - (e) Opportunities to rest if tired. The center shall provide a space that encourages rest for those children who wish to rest.¶
- (4) The center shall have age-appropriate activities and equipment for school age children.

Statutory/Other Authority: ORS ~~657329A~~.260

Statutes/Other Implemented: ORS ~~657329A~~.260

AMEND: 414-300-0330

RULE SUMMARY: Rules pertaining to the required activity equipment and materials to be used by children in care.

CHANGES TO RULE:

414-300-0330

Guidance and Discipline Equipment and Materials ¶

~~(1) A The center shall have a written policy on guidance and discipline of children. The policy shall be posted in the center.¶~~

~~(2) All staff, volunt play equipment and materials that are:¶~~

~~(a) Appropriate to the developmental neerds and paitnerensts shall be familiar with the guidance and discipline policy.¶~~

~~(3) The guidance and discipline policy shall:¶~~

~~(a) Provide for positive guidance, redirection, and the setting of clear-cut limits of the children:¶~~

~~(b) Sturdy and free of sharp points or corners, splinters, protruding nails or bolts, loose rusty parts, hazardous small parts, or paint that contains lead or other toxic materials:¶~~

~~(c) In good condition; and¶~~

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

~~(4) Only staff, excluding volunteers, shall provide guidance or discipline to a Easily accessible to the children.¶~~

~~(2) The quantity and variety of play materials (i.e., toys, books and games) shall be sufficient to:¶~~

~~(a) Avoid excessive competition:¶~~

~~(b) Provide a variety of choices to each child.;¶~~

~~(5c) Guidance and discipline shall be fair, consistently applied, timely, Provide a balance of: ¶~~

~~(A) Active and quiet activities; and ¶~~

~~(B) Individual and appropriate to the infraction and the age of the child. Positive statements or redirection of behaviors shall be used.¶~~

~~(6) Prohibited punishment includes, but is not limited to: group activities:¶~~

~~(d) Meet the developmental needs of each group of children; and¶~~

~~(e) Provide the variety of activities required in OAR 414-300-0295, 414-300-0300, 414-300-0310, and 414-300-0320, as appropriate.¶~~

~~(a3) Hitting, slapping, shaking, striking with hand or instrument, pinching, tying or binding or inflicting any other form of corporal punishment;¶~~

~~(b) Mental or emotional punishment including, but not limited to, name calling, ridicule, yelling, or threat The center shall have a variety of age-appropriate toddler, preschool and school age toys, materials and equipment which give children choices from the following:¶~~

~~(a) Blocks;¶~~

~~(eb) Non-prescription chemical restraints used for discipline or to control behavior;¶~~

~~(d) Confining a child in an enclosed area (e.g., a locked or closed room, closet, box);¶~~

~~(e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or Manipulatives;¶~~

~~(c) Books and literacy activities;¶~~

~~(d) Sensory experiences;¶~~

~~(e) Gross motor activities;¶~~

~~(f) Music;¶~~

~~(g) Art;¶~~

~~(fh) Belittling a child for or forcing a child to clean up after toileting accidents Dramatic play;¶~~

~~(i) Science and exploration; and¶~~

~~(j) Discovery of nature.¶~~

~~(74) The center shall not accept parental permission to use any form of punishment listed in subsection (6) of this rule Infants shall have a variety of appropriate infant toys stimulating to the senses.~~

Statutory/Other Authority: ORS ~~657329A~~.260
Statutes/Other Implemented: ORS ~~657329A~~.260

AMEND: 414-300-0340

RULE SUMMARY: Rules pertaining to the safe transportation of children in care.

CHANGES TO RULE:

414-300-0340

Equipment and Materials Transportation

~~(1) The center shall have play equipment and materials that are:~~ When transportation is provided by or arranged for by the center, the following r

~~(a) Appropriate to the developmental needs and interests of s shall be met;~~

~~(a) Proof of appropriate insurance;~~

~~(b) Driver's shall;~~

~~(A) Be at least 18 years of age;~~

~~(B) Hold a current and valid driver's license as required by the Oregon Department of Motor Vehicles (DMV); and~~

~~(C) Shall operate the children; vehicle in a safe manner.~~

~~(b2) Sturdy and free of sharp points or corners, splinters, protruding nails or bolts, loose rusty parts, hazardous small parts, or paint~~ The center shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties. The DMV check shall be updated annually.

~~(3) The vehicle shall be:~~

~~(a) In compliance with all applicable state and local motor vehicle laws; and~~

~~(b) Maintained in a safe operating condition.~~

~~(4) If transportation is provided between thate cöntains lead or other toxic materials;~~

~~(c) In good condition; and~~

~~(d) Easily accessible toer and the child's school or other destination, the center shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their children.~~

~~(2) The quantity and variety of play materials (i.e., toys, books and games) shall be sufficient to:~~

~~(a) Avoid excessive competition;~~

~~(b) Provide a variety of choices to each child is to be picked up and delivered by an authorized driver. If the pick-up schedule results in children being unsupervised at school or other location, the center shall notify parents of this fact.~~

~~(5) When transporting children, there shall be sufficient staff to meet the required staff to child ratios for each age group of children being transported.~~

~~(a) The driver may count in the staff to child ratios;~~

~~(cb) Provide a balance of:~~

~~(A) Active/quiet activit~~ At least one staff member must be at least Aide II qualifiesd; and

~~(Bc) Individual/group activities;~~ The vehicle shall be equipped with a cell phone or other communication device.

~~(d6) Meet the developmental needs of each group of children; and~~ When transporting children:

~~(a) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle;~~

~~(eb) Provide the variety of activities required in OAR 414-300-0295, 414-300-0300, 414-300-0310, and 414-300-0320, as appropriate.~~

~~(3) The center shall have a variety of age-approp~~ Children shall leave the vehicle on the same side of the street as the building they will enter;

~~(c) Drivers delivering children to their homes or other destinations shall not depart until the child has been received by an authorized person, unless the center has wriatte toddler, preschool and school age toys, materials and equipment which give children choices from the following:~~

~~(a) Blocks;~~

~~(b) Manipulatives; n parental permission to do so; and~~

~~(d) No child shall be left unattended inside or outside a vehicle.~~

~~(7) The following vehicles may be used to transport child care children:~~

~~(ea) Books;~~

~~(d) Sensory experience A vehicle manufactured to carry fewer than 10 passengers;~~

~~(eb) Gross motor A school bus or a multi-function school activity bus;~~

~~(fc) Music;~~

~~(g) Art;~~

~~(h) Dramatic play; A vehicle manufactured to carry 10 or more passengers that was manufactured in 2010 or after: or~~

~~(id) Science and/or exploration A vehicle manufactured to carry 10 or more passengers that was manufactured before 2010 with the following conditions:~~

~~(A) Travel speed may not exceed 50 mph; and~~

~~(jB) Discovery of nature.~~

~~(4) Infants shall have a variety of appropriate infant toys stimulating to the senses. The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on a form provided by the Early Learning Division or on a form provided by the inspector which contains the same information. All deficiencies must be corrected before the vehicle can be used for child care transportation.~~

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

AMEND: 414-300-0350

RULE SUMMARY: Rules pertaining to children in care that will be spending part of all of the night at the Certified Child Care Center.

CHANGES TO RULE:

414-300-0350

Transportation Night Care

When transportation is provided by or arranged for by the center, the following (1) During the hours of night care, the center shall meet all the requirements shall be met:

(1) Drivers shall:

(a) Be at least 18 years of age; for child care centers contained in OAR 414-000-0000 through 414-300-0415, except for 414-300-0160, 414-300-0290 through 414-300-0320, and 414-300-0330(2)(e).

(b) Hold a current driver's license. If required by the Motor Vehicles Division (DMV), a commercial driver's license shall be obtained; and

(c) Maintain a safe driving record.

(d) The provider must take precautions to protect children from vehicular traffic. In addition, the center shall comply with the following requirements:

(a) Staffing:

(A) During the hours of night care, the required staff to child ratio shall be maintained in the center;

(B) There shall be at least 2 staff present and awake at all times; and

(2) The operator shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties. The DMV check shall be updated annually. All sleeping and awake children shall be within sight and sound of staff at all times. Audio or video monitoring devices shall not substitute for sight and sound supervision.

(3) The vehicle shall be Safety:

(a) In compliance with all applicable state and local motor vehicle laws; and

(b) Maintained in a No one shall be allowed to enter except authorized persons including, but not limited to, the child's family, persons authorized by the parent(s), staff of OCC operating condition.

(4) If transportation is provided between the center and the child's school or other destination, the center shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the center. If the pick-up schedule, fire safety officials, and environmental health specialists; and

(B) The center shall provide staff training for evacuating sleeping children in an emergency.

(c) Activities:

(A) The center shall provide a program of activities for children according to their ages, interests in children being unsupervised at school or other location, the center shall notify parents of this fact.

(5) When transporting children on a regular basis, there shall be sufficient staffs, and abilities:

(B) There shall be quiet time activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime;

(C) There shall be toys and equipment available to meet the required staff/child ratios (OAR 414-300-0130) for each age group of children being transported.

(a) The driver may count in the staff/child ratios needs of children in night care; and

(D) There shall be an activity area away from sleeping children where the non-sleeping children may engage in activities.

(d) Sleeping Arrangements:

(b) Staff Space shall be teacher-qualified or Aide II qualified. Aide I qualified staff may count in the staff/child ratio arranged so that children may go to sleep at various if one of times, based on their staff is teacher-qualified age and need for rest;

(c) If none of the staff is teacher-qualified, an adult in the vehicle shall be trained in first aid a All sleeping rooms

used by children shall have 2 usable exits. A sliding or swinging door or window that can be used to evacuate children may be considered a usable exit.

(C) Each child who spends the majority of their sleeping hours per night in night care shall have a bed and mattress, or another communication device.

(6) When transporting children on field trips, the center shall follow its procedures for field trips (OAR 414-300-0030(7)(e)). The procedures shall include, but sleeping arrangement that provides adequate support to a child's body with a waterproof cover and of a size appropriate to the age of the child.

(D) The upper level of bunk beds shall not be limited to, requirements regarding drivers and adult supervision used for children under 10 years of age.

(7E) When transporting children for any and all purposes:

(a) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers. The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are in place.

(b) A seat that fully supports the passenger shall be provided for each child.

(c) All children, shall be transport Each child who does not spend the majority of their sleeping hours in night care shall have a crib, cot, or mat with bed-din accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation that complies with OAR 414-300-0210 and 414-300-0300.

(G) Children who attend the center for the evening hours, but do not spend the whole night, shall have an opportunity to sleep, if needed.

(d) Infants, toddlers, and preschool-age No children shall share a bed; and

(l) Other than infants, children shall have the vehicle on the same side of the street as the building they will enter.

(e) Drivers delivering children to their homes shall not depart, pillows, pillowcases, and blankets.

(e) Personal Hygiene:

(A) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear.

(B) Children spending the night must have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with their name; until the child has been received by an authorized person;

(c) No child There shall be left unattended inside or outside a vehicle. at least one bathtub or shower for each 15 children.

(8D) The center Bathtubs and showers shall maintain a written plan for transportation.

(9) The following vehicles may be used to transport child car be equipped to prevent slipping.

(E) When bathing, showering, or brushing teeth, children shall be supervised by staff.

(F) Privacy shall be maintained for school age children.

(a) A vehicle manufactured to carry fewer than ten passengers;

(b) A school bus or a multi-function school activity bus Children must bathe alone unless a parent(s) has given permission for siblings to bathe together;

(c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or Tubs or showers shall be cleaned after each use. If visibly soiled, tubs and showers must be cleaned prior to sanitizing; and

(d) A vehicle manufactured to carry ten or more passenger Glass shower doors or glass tub enclosures that was manufactured before 2010, with the following conditions:

(A) Travel speed may not exceed 50 mph; and

(B) It will be constructed of safety glass.

(f) Meals and Snacks:

(A) Each child present at the time the vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information. A meal is scheduled shall be served a meal.

(B) A nutritious nighttime snack (OAR 414-300-0270) shall be available to all children in care; and

(C) Each child present at the time breakfast is scheduled shall be served breakfast, unless the parent(s) specifies

otherwise.

Statutory/Other Authority: ORS 329A.250 - 329A.450, ORS 326.425

Statutes/Other Implemented: ORS 329A.250 - 329A.450

AMEND: 414-300-0360

RULE SUMMARY: Rules pertaining to the safe use of on-site or off-premises swimming pools and water activities.

CHANGES TO RULE:

414-300-0360

Night Care Swimming

~~(1) A center providing night care to children shall meet all~~ Swimming pools may not be used unless they have been certified by the ~~Q~~ requirements for child care centers contained in OAR 414-000-0300 through 414-300-0415, except for 414-300-0150, 414-300-0290 through 414-300-0320, and 414-300-0340(2)(c). In addition, the center shall comply with the following ~~rgon Health Authority or delegated agent.~~

(2) Children are prohibited from using a hot tub, spa, portable wading pool, or other similar equipment.

(a3) Staffing:

(A) During the hours of night care, the required staff/child ratio shall be maintained in the center.

(B) There shall be at least two staff persons present and awake at all times.

(C) All sleeping and awake children shall be within sight and sound of staff at all times. Audio and/or video monitoring devices shall not substitute for sight and sound supervision.

(b) Safety:

(A) No one shall be allowed to enter except authorized persons including, but not limited to, the child's family, persons authoriz Emergency telephone numbers and the center's address shall be posted near the telephone in the pool area and near a centrally-located and an immediately accessible telephone when the pool is located byon the parent(s), staff, CCD certification representatives, fire safety officials, and environmental health specialist center premises.

(B4) The center shall provide staff training for evacuating sleeping children in an emergency.

(C) There shall be emergency lighting in each room used by children.

(e) A At all times, when children are engaged in swimming activities:

(A) T, the center shall provide a program of activities for children according to their ages, interests, and abilities. must:

(a) Have written permission from each child's parent or guardian;

(Bb) The Ensure s shall be quiet time activities, such as story time, games, arts and crafts, and reading, for each child arriving before bedtime. t a certified lifeguard is present and on duty;

(Cc) The Ensure s shall be toys and equipment available to meet the needs of children in night care.

(D) There shall be an activity area away from sleeping childrent a caregiver is within reach of infants and toddlers, wheren the awake children may engage in activities.

(d) Sleeping Arrangements: ter depth is 24 inches or less; and

(Ad) Space shall be arranged so that children may go to sleep at various times, based on their age and need for rest.

(B) All sleeping rooms used by children shall have two usable exits. A sli Ensure that a one-to-one staff to child ratio is maintained for each infant and toddler, and that staff are holding door or window that can be used to evacuate children may be considered a usable exit.

(C) Each child who spends the majority of his/her sleeping hours per night in night care shall have a bed and mattress, or another sleeping arrangement that provides adequate support to a child's body with a waterproof cover and of a size appropriate to the age of the child.

(i) Cribs shall comply with OAR 414-300-0215(1).

(ii) The upper level of bunk beds shall not be used for children under 10 years of age.

(iii) The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are provided. are in constant touch contact with each infant and toddler when the water depth is greater than 24 inches.

(5) Preschool and older children must be within sight and sound at all times.

(6) Center staff shall comply with the following staff to child ratios when at the swimming pool:

(Da) Each child who does not spend the majority of his/her sleeping hours in night care shall have a crib, cot, or mat with bedding that complies with OAR 414-300-0210 and 414-300-02 6 weeks to 36 months - 1:1;

(b) Preschool age - 1:7;

(c) School age - 1:15.

(E7) Children who attend the center for the evening hours, but do not spend the whole night, shall have an opportunity to sleep, if needed.

(F) No children. All adults counted in the staff to child ratios shall share a bed.

(G) Each sleeping arrangement occupied by a child shall have sheets, pillows, pillowcases, and blankets be able to swim if the water is more than 48 inches deep.

(H8) Bed linens shall be changed upon change of occupant and at least once a week.

(e) Personal Hygiene:

(A) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear.

(B) Children staying the night shall have the opportunity to bathe and brush their teeth. Center staff lifeguards may not count in staff to child ratios when more than 10 children are present.

(i2) There shall be at least one bathtub or shower for each 15 children. Bathtubs and showers shall be equipped to prevent slipping.

(ii) When bathing, showering, or br. Water activities that involve a sprayer or spray feature ushing teeth, children shall be supervised by staff.

(iii) Privacy between the sexes shall be maintain potable water that is not re-circulated for school age children.

(iv) Tubs or showers shall be cleaned after each use. If visibly soiled, tubs and showers must be cleaned prior to sanitizing. collected may be conducted by the center.

(10) Natural Bathing Areas:

(va) Glass shower doors or glass tub enclosures. The center shall be not constructed of safety glass.

(f) Meals and Snacks:

(A) Each child present at the time the evening meal is scheduled shall be served a meal. duct swimming activities in areas with flowing water; and

(Bb) A nutritious nighttime snack (OAR 414-300-0270(4)) shall be available to all children in care.

(C) Each child present at the time breakfast is scheduled. Wading is the only water activity permitted in shall be served breakfast, unless the parent(s) specifies otherwise. ow surf, lakes, rivers and streams.

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

ADOPT: 414-300-0380

RULE SUMMARY: Rules pertaining to the application and administration of exceptions to rules in Certified Child Care Centers.

CHANGES TO RULE:

414-300-0380

Exceptions

(1) OCC may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0415) only when the health, safety and well-being of children will not be compromised as a result of the exception.

(2) The center shall request an exception to a rule on a form provided by OCC. The request shall include:

(a) A justification for the requested exception; and

(b) An explanation of how the center will meet the intent of the rule.

(3) The center must be in compliance with the rule as written until approval for the exception is received from OCC.

(4) An exception is valid only for the specified dates for which it is issued.

(5) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.

(6) OCC may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.

AMEND: 414-300-0390

RULE SUMMARY: Rules pertaining to complaints OCC may received concerning Certified Child Care Centers.

CHANGES TO RULE:

414-300-0390

Drop-in Care Complaints ¶

~~(1) A Drop-In Center shall meet all the requirements f~~ The Office of Child Care will respond to regulatory child care centers contained in OAR 414-300-0000 through 414-300-0415, except for 414-300-0150.¶

~~(2) The center shall comply with the following requirements which apply to Drop-In Care provided exclusively for drop-in children as a single primary service or as a separate component of a child car~~ omplaints made on certified and illegal providers, and shall cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.¶

~~(2)~~ Any complaint received by the Office of Child Care may result in an on-site assessment at the center.¶

~~(a3) The child care area used for Drop-In Care shall not be used by the children from~~ All serious complaints shall result in any other componn-site assessment ofat the center.¶

~~(b4) Staff assigned to provide Drop-In Care shall no~~ Complaints alleging child abuse or neglect must be responsible for children from any other component of the center at the same time.¶

~~(c) The planned attendance for a child in Drop-In Care shall not excerted to the Department of Human Services Child Welfare (DHS). Complaints alleging child abuse or neglect may also be reported two and one-half full days per week, or twenty-five hours per week~~ local law enforcement agencies.

Statutory/Other Authority: ORS ~~657329A.260~~

Statutes/Other Implemented: ORS ~~657329A.260~~

AMEND: 414-300-0400

RULE SUMMARY: Rules pertaining to the administration of civil penalties for Certified Child Care Centers.

CHANGES TO RULE:

414-300-0400

Denial and Revocation of Certification Civil Penalty ¶

(1) Certification may be denied or revoked if a center. Violations of these rules or terms and conditions of registration under these rules may be subject to a civil penalty up to \$2500 per violation. ¶

(2) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care facility fails to meet requirements, provide CCD ity has violated a rule with an assessed value of "low:" ¶

(a) For a first violation OCC shall issue writ information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care ten notice of the rule violation. ¶

(b) For a second and all subsequent violations of the same rule within 2 years of the most recent violation: ¶

(A) OCC shall issue a written notice for the second and all subsequent rule violations; and ¶

(B) OCC may assess a civil penalty not to exceed \$500 per violation, not to exceed \$1500 per quarter for the same rule violation. ¶

(3) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care facility has violated a rule with an assessed value of "medium:" ¶

(a) For a first violation OCC shall issue written notice of the rule violation. ¶

(2b) Revøe For a second and all subsequent violations of a certification shall occur only after the director receives notification of deficiencies, has adequate the same rule within 2 years of the most recent violation: ¶

(A) OCC shall issue a written notice for the second and all subsequent rule violations; and ¶

(B) OCC may assess a civil penalty not to exceed \$800 per violation, not to exceed \$3000 per quarter for the same rule violation. ¶

(4) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take the following actions when a child care facility has violated a rule with an assessed value of "high:" ¶

(a) For a first violation OCC shall issue a written notimæ to make corree of the rule violations, and fails to do so may also assess a civil penalty not to exceed \$800. ¶

(3b) The operator has the right to appeal any decision to deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes For a second and all subsequent violations of the same rule within 2 years of the most recent violation: ¶

(A) OCC shall issue a written notice for the second and all subsequent rule violations; and ¶

(B) OCC may assess a civil penalty not to exceed \$1600 per violation, not to exceed \$6000 per quarter for the same rule violation. ¶

(5) Notwithstanding subparagraph (1), the Office of Child Care (OCC) shall take to following actions when a child care facility has violated a rule with an assessed value of "extreme:" ¶

(a) For a first violation OCC shall issue a written notice of the rule violation and may assess a civil penalty not to exceed \$1600. ¶

(4b) An operator whose certification has be For a second and all subsequent violations of the same rule within 2 years of the most recent violation: ¶

(A) OCC shall issue a written notice for the second and all subsequent revoked shall not be eligible to reapply for three years after the revocation is effective ule violations; and ¶

(B) OCC shall assess a civil penalty not to exceed \$2500 per violation. ¶

(6) Each day that a child care facility is operating in violation of any of the rules, terms or conditions of registration is a separate violation of the rules. ¶

(57) If necessary to protect e An individual or entity that provides child care subject to licensing in a facility that is not certified with the Office of Child Care n, CCD may give public notice of denial or revocation action taken. The

type of notice will depend on individual circumstances may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified center. ¶

(8) Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations. ¶

(9) The center has the right to appeal any decision to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes. ¶

(10) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.

Statutory/Other Authority: ORS ~~657A~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260

AMEND: 414-300-0410

RULE SUMMARY: Rules pertaining to the circumstances and process for the suspension, denial or revocation of the license for Certified Child Care Centers.

CHANGES TO RULE:

414-300-0410

Suspension of Certifi, Denial and Revocation ¶

- (1) ~~CCD~~ The Office of Child Care may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCCD, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶
- ~~(a) An operator~~ (2) A center whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.¶
- ~~(b) An operator~~ (3) A center whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.¶
- ~~(4) A center~~ whose certification has been suspended must post the suspension on the main entry door where it can be viewed by parents and others.¶
- ~~(2) The operator has the right to appeal any decision to suspend the certification, subject to the provisions of chapter 183, Oregon Revised Statut~~ for the duration of the suspension.¶
- ~~(5) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.~~¶
- ~~(3) 6) If the operatocenter~~ does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked ~~(OAR 414-300-0400)~~.¶
- ~~(4) 7) If necessary to protect children, CCD may give public notice of suspension action taken. The type of notice will depend on individual circumstances~~ Certification may be denied or revoked if a center fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or well-being of children in care.¶
- ~~(8) A center whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.~~¶
- ~~(9) The center has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.~~¶
- ~~(10) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system.~~¶
- ~~(11) A center whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked shall not be eligible to reapply for 5 years after the effective date of the closure.~~¶
- ~~(12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center.~~

Statutory/Other Authority: ORS 657329A.260

Statutes/Other Implemented: ORS 657329A.260

AMEND: 414-300-0415

RULE SUMMARY: Rules pertaining to the findings review process available to Certified Child Care Centers.

CHANGES TO RULE:

414-300-0415

Civil Penalty Findings Reviews ¶

~~(1) A facility that violates these rules or the~~ The director has a right to request a findings review of any complaint visit that results in a valid or unable to substantiate finding, any observed non-compliance, or whenever the terms and conditions of certification under these rules may be subject to a civil penalty. ~~e is a risk assessed value assigned in which a range of potential values is possible (e.g. medium to high or high to extreme).~~ ¶

~~(2) The action or decision that is under review shall remain in effect and shall be reported as such during the findings review process.~~ ¶

~~(23) For a serious violation, as defined in OAR 414-300-0005 A director must initiate a findings review by submitting their request on the appropriate OCC form, within 30 calendar days of the date of the finding letter.~~ ¶

~~(42) a facility may be subject to a civil penalty of \$100 for the first violation aft~~ The director may submit relevant evidence and written statements to the findings review panel. Relevant evidence and written statements must be submitted with the findings review request. ¶

~~(5) The first level findings review panel shall consist of OCC managers; a written warning with time to correct is issued; and an additional \$100 for each subsequ~~ e designated by the director of the Office of Child Care. ¶

~~(a) A quorum of the designated managers shall be necessary to consider the director's request and any evidence or written statements that have been submitted in a timely manner;~~ ¶

~~(b) The first-level review panel shall consider all submitted relevant evi~~ olation up to \$500 per violation, not to exceed \$1,000 in a quarter for all rule violations. ¶

~~(3) F~~ dence and written statements; and ¶

~~(c) The review panel shall inform the director in writing of its decision within 30 calendar days of the date the findings review request was received by OCC.~~ ¶

~~(6) The director may only request a second-level review whenever the first-level review panel has decided a complaint finding or other violations, a facility may be subject to a civil penalty of \$75 for the first violation after a written warning with time to correct is issued, \$150 for a second violation, \$250 for a third violation and an additional \$100 for each subsequent violation up to \$500 per violation, not to exceed \$1,000 in a quarter for all rule violations.~~ ¶

~~(4) The facility has the right to appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes~~ bserved noncompliance remains valid. The director must request a second level review within 10 business days of the date of the first level review letter. Findings of unable to substantiate and the first-level review panel's decisions on a risk assessed value are not appealable to a second level review. ¶

~~(7) The second level review shall be conducted by OCC's legal administrator, who may only review the written record of the first level review (e.g. relevant evidence, written statements and case file materials that were presented to the first level panel). The director may not submit additional information or written statements for the second-level review. Second level review shall be completed within 20 calendar days of the date OCC receives the request for the review.~~ ¶

~~(8) The legal administrator shall inform the director in writing of the decision within 30 calendar days of the date the second level review request was received by OCC.~~ ¶

~~(9) Second level review decisions are final.~~

Statutory/Other Authority: ORS ~~657~~329A.260

Statutes/Other Implemented: ORS ~~657~~329A.260