

## **NOTICE OF PROPOSED RULEMAKING**

CHAPTER 414

OREGON DEPARTMENT OF EDUCATION, EARLY LEARNING DIVISION

FILING CAPTION: Administrative Rules governing Certified Child Care Centers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2018 5:00 PM

HEARING(S):

DATE: 05/15/2018

TIME: 6:00 PM

OFFICER: Peter Blume

ADDRESS: Veterans' Affairs Building

700 Summer Street NE

1st Floor Auditorium

Salem, OR 97301

SPECIAL INSTRUCTIONS:

To provide oral testimony, please sign in  
no later than 6:15 PM.

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](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? YES**

**CONTACT:**

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**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 TITLE:** Purpose

**RULE SUMMARY:** Rules pertaining to the purpose of the administrative rules for Certified Child Care Centers.

**RULE TEXT:**

- (1) OAR 414-300-0000 through 414-300-0415 set forth the Office of Child Care's (OCC) requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, that provides care and education of any number of children in a non-residential setting.
- (2) 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.
- (3) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or 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 329A

STATUTES/OTHER IMPLEMENTED: ORS 329A.

AMEND: 414-300-0005

RULE TITLE: Exemptions from Licensing

RULE SUMMARY: Rules pertaining to conditions that would allow a program to operate without licensing.

RULE TEXT:

Programs are exempt from certification when they:

- (1) 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 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.
- (4) 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.
- (6) Provide care on an occasional basis by a person not ordinarily 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.
- (7) Operate as a parent cooperative for no more than 4 hours a day.
- (8) 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.
- (9) Provide care to 3 or fewer children, not including the provider's children except as provided in 414-300-0000(3).
- (10) Provide care to children from one family, not including the provider's children except as provided in 414-300-0000(3).

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A

AMEND: 414-300-0010

RULE TITLE: Definitions

RULE SUMMARY: Definitions of terms used in the body of rules for Certified Child Care Centers.

RULE TEXT:

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 the part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.
- (2) "Applicant" means a person or governing body who submits the child care license application and in whose name the certificate will be issued.
- (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" (CBR) means OCC's Registry of individuals who have been approved to be associated with a 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 or portions of the building and grounds of a larger facility or one or more buildings at the same location.

- (8) "Child Care Child" means a 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 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 day or night, exclusively for drop-in children in a child care center.

(20) "Family" means a 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.

(23) "Kindergarten-Age Child" means a child eligible to attend kindergarten in a public school. A kindergarten-age child is considered a school-age child. This does not include the summer months prior to the start of the school year.

(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.

(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 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.
- (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 a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level



on utensils, equipment, and toys.

(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);

(D) 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;

(G) 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 and unexpected breathing 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 or stitches;
- (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 or Supervisor" means the person in charge of the facility at a site which is part of a larger multi-site program.

(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 person 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 responsibility 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 staff 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 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) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or staff with supervisory authority.

(55) "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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0015

RULE TITLE: General Licensing

RULE SUMMARY: Rules pertaining to general licensing requirements for Certified Child Care Centers.

RULE TEXT:

- (1) 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 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 to 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 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.
- (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 TITLE: Application

RULE SUMMARY: Rules pertaining to the foundational requirements to obtain a license to operate a Certified Child Care Center.

RULE TEXT:

- (1) Application for a certificate shall be made on forms provided by OCC. The original form(s) must be submitted to OCC for processing.
- (2) A completed application is required:
  - (a) For the initial certificate;
  - (b) For the annual renewal of 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 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, the fee is \$2 for each certified space.
- (5) An application for a certificate must be completed by the applicant and approved by OCC 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 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.

(9) 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, or an 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260



ADOPT: 414-300-0025

RULE TITLE: Right to Inspect

RULE SUMMARY: Rules pertaining to the authority granted OCC staff and other relevant agencies' representatives access to the Certified Child Care Center premises.

RULE TEXT:

- (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: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0030

RULE TITLE: Applicable Rules and Laws

RULE SUMMARY: Rules pertaining to regulations and requirements from other agencies or entities.

RULE TEXT:

- (1) All staff who have reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day, 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.
- (3) The center shall comply with the Oregon Health Authority's administrative rules relating to:
  - (a) Immunization of children;
  - (b) Reporting communicable diseases;
  - (c) Restrictable diseases; and
  - (d) Dishwashing.
- (4) A center shall have written health policies and procedures approved by an environmental health specialist, which cover, but are not limited to, the:
  - (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 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.
- (5) As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, gender, marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0035

RULE TITLE: Issuance of License

RULE SUMMARY: Rules pertaining to the issuing of the Certified Child Care Center certificate.

RULE TEXT:

- (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.260

AMEND: 414-300-0040

RULE TITLE: Required Postings and Available Information

RULE SUMMARY: Rules pertaining to information that centers must post and have available for review.

RULE TEXT:

- (1) 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 or the substitute director;
  - (d) Notice of planned field trips away from the center, showing 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 recorded on the menu;
  - (f) A notice that the items identified in section (2) of this rule are available for review on request;
  - (g) Information on how to report a complaint to OCC regarding certification requirements;
  - (h) Notice that parents have access to the center during the hours of operation and without advance notice;
  - (i) Notice of center closures (e.g. vacation days, holidays); and
  - (j) 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 staff:
  - (a) A copy of the administrative rules for Certified Child Care Centers; and
  - (b) The most recent OCC, sanitation, and fire safety inspection reports.
- (3) The following information shall be in writing and made available to staff, OCC, 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) Arrival and departure procedures;

- (c) Procedures for field trips including, but not limited to, requirements regarding drivers and adult supervision;
- (d) Transportation plan, when transportation is provided by the center; and
- (e) When transportation is being provided by a third party.

STATUTORY/OTHER AUTHORITY: ORS 329A.260  
STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0045

RULE TITLE: Required Reporting

RULE SUMMARY: Rules pertaining to events that a center is required to report to OCC.

RULE TEXT:

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 animal bites to a child within 48 hours of occurrence.
- (5) Any change in director or multi-site coordinator prior to being on site. Such notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. A phone call, followed by written documentation, an e-mail or a FAX will serve as notification.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0050

RULE TITLE: Record Keeping

RULE SUMMARY: Rules pertaining to the records that must be maintained by a Certified Child Care Center.

RULE TEXT:

- (1) 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
    - (C) 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 of 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.

(5) 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
  - (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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0055

RULE TITLE: Arrival and Departure

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

RULE TEXT:

- (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.260

AMEND: 414-300-0060

RULE TITLE: Enrollment

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

RULE TEXT:

- (1) 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.
- (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.
- (4) Refusal by the center 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 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 parents and professionals who are knowledgeable about the specific disability. The center shall record the assessment that was made for each child with special needs.
- (5) If a specific plan is needed for a child with special 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 the plan.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0065

RULE TITLE: Emergency Preparedness

RULE SUMMARY: Rules pertaining to the preparation and procedures to deal with emergencies and ensure the safety and well-being of the children in care.

RULE TEXT:

- (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 emergency 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.260

AMEND: 414-300-0070

RULE TITLE: Staff General Requirements

RULE SUMMARY: Rules pertaining to general requirements for staff in Certified Child Care Centers.

RULE TEXT:

- (1) 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 qualifications for the position for which they 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 414-300-0085). A person assigned the duties of the position must meet the qualifications of the position.
- (4) There shall be at least one person in the center at all times who has current certification in first aid and Pediatric Cardiopulmonary Resuscitation (CPR).
- (5) 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.
- (6) 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.
- (7) 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.260

ADOPT: 414-300-0075

RULE TITLE: CBR Enrollment

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

RULE TEXT:

- (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.
- (5) 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.
- (6) Any visitor to the center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.
- (7) The center shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.
- (8) The center shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the home while child care children are present, excluding parents who are dropping off or picking up their children.
- (9) 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.260



AMEND: 414-300-0080

RULE TITLE: Marijuana, Smoking and Alcohol

RULE SUMMARY: Rules pertaining to the possession and use of marijuana, alcohol and tobacco.

RULE TEXT:

- (1) 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 or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present; and
  - (c) 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 products, and alcohol shall not be present on the premises of the center during operating hours.
- (4) Staff, substitutes, or volunteers shall not consume or 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0085

RULE TITLE: Director – Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of directors for Certified Child Care Centers.

RULE TEXT:

- (1) Directors must be at least 21 years of age.
- (2) Directors must:
  - (a) Have at least one year of training or experience (or a combination of both) in management and supervision of adults; and
  - (b) 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;
  - (e) Have completed OCC approved health and safety training;
  - (f) If the center is certified to care for infants, completed OCC approved safe sleep training.

- (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.260

AMEND: 414-300-0090

RULE TITLE: Substitute Director – Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of substitute directors in Certified Child Care Centers.

RULE TEXT:

The substitute director shall:

- (1) Meet at least the qualifications of a teacher;
- (2) Be familiar with the certification requirements;
- (3) 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0095

RULE TITLE: Teachers – Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of teachers in Certified Child Care Centers.

RULE TEXT:

- (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;
  - (c) Have completed OCC approved health and safety; and
  - (d) If caring for infants, completed OCC approved safe sleep training.
- (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.260

AMEND: 414-300-0100

RULE TITLE: Aide II - Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Aide II's in Certified Child Care Centers.

RULE TEXT:

- (1) 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;
    - (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 a training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law;
  - (e) Have completed OCC approved health and safety training; and
  - (f) If caring for infants, completed OCC approved safe sleep training.
- (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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0110

RULE TITLE: Aide I - Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Aide I's in Certified Child Care Centers.

RULE TEXT:

An Aide I shall:

- (1) Be at least 15 years of age;
- (2) Be directly supervised, i.e., within sight and sound of, a staff person who meets at least the qualifications of a teacher;
- (3) Have 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.
- (4) 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0115

RULE TITLE: Multi-site Coordinators, Site Directors - Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Multi-site Coordinators and Site Directors in Certified Child Care Centers.

RULE TEXT:

- (1) In a multi-site program, the center shall develop a written plan which shows:
  - (a) How the administrative functions in section OAR 414-300-0085(4)(a) will be met; and
  - (b) If 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.
- (2) A multi-site coordinator shall:
  - (a) Be at least 21 years of age;
  - (b) Have training or at least one year of experience in management and supervision of adults;
  - (c) Be authorized, able and available to correct deficiencies;
  - (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.
    - (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.
  - (f) Have completed training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law;
  - (g) Have completed OCC approved health and safety training; and
  - (h) If caring for infants, completed OCC approved safe sleep training.
- (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.
- (4) A site director - 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.
- (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 a school-age only facility is certified for 46 or more children, the site director - supervisor may not have regularly scheduled teaching duties unless the number of children on site is less than 46.
- (7) A site director - supervisor shall be onsite at least one-half of the hours the center is in operation, calculated on a weekly basis.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0120

RULE TITLE: Volunteers - Qualifications and Responsibilities

RULE SUMMARY: Rules pertaining to the qualifications and responsibilities of Volunteers in Certified Child Care Centers.

RULE TEXT:

Volunteers must meet the following requirements:

- (1) 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.
- (2) The center must have a written policy stating that volunteers shall not have unsupervised access to children, 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.
- (3) Must be at least 13 years of age and have a defined role.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0125

RULE TITLE: Training

RULE SUMMARY: Rules pertaining to the required continuing professional development for staff in Certified Child Care Centers.

RULE TEXT:

- (1) All staff, with the exception of Aide I's, who count in staff to child ratios must complete OCC approved training on recognizing and reporting child abuse and neglect, and health and safety training, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.
- (2) All infant caregivers, with the exception of Aide I's, must complete OCC approved training on safe sleep, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.
- (3) If certified to care for infants, current infant caregivers must complete OCC approved safe sleep training by January 1, 2019.
- (4) 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;
  - (d) Procedures for reporting suspected child abuse or neglect; and
  - (e) An OCC approved video on staff roles and responsibilities.
- (5) The center must document the date of orientation and the person providing the orientation.
- (6) Staff involved in food preparation must have current food handler certification, approved by the Oregon Health Authority or OCC, within 30 days of employment.
- (7) 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.
- (8) 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.
- (9) 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).
- (10) 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).
- (11) Training must have occurred during the 12 months preceding the renewal date.
- (12) All training must be verified by ORO and at least one hour in duration.
- (13) 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).
- (14) 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).
- (15) 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.
- (16) 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.
- (17) 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).

(18) 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.

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

(20) 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(9). These may not be used toward the 8 hours required in child development or early childhood education.

(21) 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.

(22) Staff meetings shall not count as training.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0130

RULE TITLE: Caregiver to Child Ratios

RULE SUMMARY: Rules pertaining to the required caregiver to child ratios and group sizes for children in Certified Child Care Centers.

RULE TEXT:

- (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 must be met at all times, except:
  - (a) When all older toddler, preschool and school-age children are at rest, and the room is arranged so all children are supervised, there may be one teacher or Aide II supervising the resting room. If 2 or more children are awake, additional staff shall be added to return to ratios. 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;
  - (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 that are operating under Table 3B, must be in compliance with the caregiver to child ratio in Table 3A by July 1, 2023.
- (3) At least one caregiver who meets the qualifications of a teacher shall supervise each group of children.
- (4) In a mixed group of infants and younger 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 ratio and group size for the youngest child shall be maintained.
- (7) If there are 4 or fewer children of any age in care for 45 minutes or less directly after opening or directly before closing, OAR 414-300-0300(9) 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.

(8) 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 OCC, for a second caregiver to be available for emergencies. The name and telephone number of the emergency back-up shall be known to all staff who work alone.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0135

RULE TITLE: Children Who Count in Ratios

RULE SUMMARY: Rules pertaining to children who may not be enrolled that might count in caregiver to child ratios.

RULE TEXT:

- (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.260



AMEND: 414-300-0140

RULE TITLE: Supervision

RULE SUMMARY: Rules pertaining to the required supervision of children in care in Certified Child Care Centers.

RULE TEXT:

(1) Children shall 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;

(A) School-age children shall be within sight or sound of staff at all times;

(B) School-age children out of direct visual contact shall be monitored 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.

(3) There must be sufficient light in any room where children are napping or resting so that caregivers can clearly see each child.

(4) Background noise must not be so loud as to prevent sound supervision.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0145

RULE TITLE: Guidance and Discipline

RULE SUMMARY: Rules pertaining to expected guidance and prohibited methods of discipline of children in care.

RULE TEXT:

- (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 are prohibited:
  - (a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment;
  - (b) Using 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.260

AMEND: 414-300-0150

RULE TITLE: Indoor Space

RULE SUMMARY: Rules pertaining to foundational requirements and set up of indoor space that will be used for child care.

RULE TEXT:

(1) There 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; lofts; large permanent equipment; any space not useable by children.

(2) 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:

(a) The children in care have access to a larger gross motor area, either indoor or outdoor, on a daily basis; or

(b) The center has a plan, approved by OCC, 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.

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

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0155

RULE TITLE: Heat and Ventilation

RULE SUMMARY: Rules pertaining to ensuring that the child care space has adequate and safe heat and ventilation.

RULE TEXT:

- (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.260

AMEND: 414-300-0160

RULE TITLE: Outdoor Space

RULE SUMMARY: Rules pertaining to the outside play area and appropriate play equipment to be used by children in care.

RULE TEXT:

- (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.
- (3) All outdoor equipment of 18 inches or higher 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) A minimum depth of 9 inches of wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand or pea gravel; or
  - (b) A minimum depth of 6 inches of shredded or recycled rubber.
- (4) 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.
- (5) 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.
- (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.
- (8) 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 conditions presenting a potential hazard; and

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

(10) The 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0165

RULE TITLE: Fire Protection

RULE SUMMARY: Rules pertaining to the foundational requirements of fire protection and safety in the Certified Child Care Center.

RULE TEXT:

- (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.260



AMEND: 414-300-0170

RULE TITLE: Safety and Hazards

RULE SUMMARY: Rules pertaining to the foundational requirements to ensure a safe and hazard free environment for children in care.

RULE TEXT:

- (1) 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 marked at a child's eye level or have a protective barrier in place.
- (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 must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.
- (5) All stairways with more than 3 steps used by children shall have handrails installed a minimum of 30 inches to a maximum of 34 inches above the stair tread.
- (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.
- (8) A secure barrier shall be placed at the top or bottom (or both, if needed) of all stairways accessible to infants and toddlers.
- (9) Lights shall be protected from hazards or breakage by installation of covers, shields or shatter-resistant bulbs.
- (10) All rooms used by staff and children shall have adequate lighting.
- (11) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.
- (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, tools, sharp scissors) shall be:

- (a) Kept in the original container or labeled;
  - (b) Secured by a child-safety lock or latch;
  - (c) Stored in an area not used by children; and
  - (d) Stored separately from food service equipment and supplies.
- (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.
- (15) The possession or storage of firearms and ammunition is prohibited in the center.
- (16) The center must take precautions to protect children from vehicular traffic. The center shall:
- (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and
  - (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.
- (17) Other hazards observed in the certification process must be corrected.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0180

RULE TITLE: Sanitation

RULE SUMMARY: Rules pertaining to the foundational requirements to ensure appropriate sanitation levels on items accessible to children in care.

RULE TEXT:

- (1) The center must be a healthy environment for children.
- (2) The building, toys, equipment, and furniture shall be maintained in a clean and sanitary condition:
  - (a) Kitchen and toilet rooms shall be cleaned when soiled and at least daily;
  - (b) The area for sick children shall be thoroughly cleaned after each use and all bedding laundered before it is used again;
  - (c) Door knobs and cabinet pulls in toilet rooms and diaper changing areas shall be sanitized when soiled and at least daily;
  - (d) All clean linen shall be stored in a sanitary manner;
  - (e) Soiled bed linen and clothing shall not be stored in food preparation or food storage areas, and shall be inaccessible to children;
  - (f) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;
  - (g) All food storage areas shall be kept clean and free of food particles, dust, dirt, and other materials;
  - (h) Cribs, mats, and cots shall be cleaned and sanitized at least once a week and upon change of occupant;
  - (i) Bedding shall be cleaned when soiled, upon change of occupant and at least once a week; and
  - (j) Water tables and toys used in water tables shall be emptied and sanitized daily.
- (3) Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the center per manufacturer instructions. Bleach or quaternary ammonium that requires mixing with water must be tested for correct concentration with test strips.
- (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.
- (5) The center shall be kept hazard-free, in good repair, and free of litter and rubbish.
- (6) Infant and Toddler Care:

- (a) The following shall be washed, rinsed and sanitized immediately after each use:
  - (A) A bathtub or other receptacle used for bathing a child;
  - (B) High chairs, tables and chairs; and
  - (C) 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 disinfecting 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.
- (7) The center shall be in such condition as to prevent the infestation of rodents and insects.
- (8) Doors and windows used for ventilation shall be equipped with fine-meshed screens.
- (9) Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0185

RULE TITLE: Waste Disposal

RULE SUMMARY: Rules pertaining to the safe and sanitary disposal of waste and refuse.

RULE TEXT:

- (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.260

AMEND: 414-300-0190

RULE TITLE: Toilet Facilities

RULE SUMMARY: Rules pertaining to bathroom facilities in Certified Child Care Centers.

RULE TEXT:

(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 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 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.

(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) 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 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0200

RULE TITLE: Kitchens

RULE SUMMARY: Rules pertaining to kitchens and food preparation sites in Certified Child Care Centers.

RULE TEXT:

- (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.260

AMEND: 414-300-0210

RULE TITLE: Furniture

RULE SUMMARY: Rules pertaining to appropriate furniture to be used in child care areas.

RULE TEXT:

- (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 2 feet apart if children are placed head to toe; or 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0215

RULE TITLE: Infant and Toddler Furniture and Equipment

RULE SUMMARY: Rules pertaining to furniture and equipment to be used by infants and toddlers.

RULE TEXT:

- (1) 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. [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;
  - (c) Straps to prevent a child from sliding out; 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.
- (4) There shall be at least one adult-sized chair for each group of infants and toddlers.
- (5) High chairs must meet current Consumer Product Safety Commission standards.
- (6) The use of infant walkers is prohibited.
- (7) Restrictive infant equipment (e.g. bouncers, swings, infant seats, high chairs) shall only be used for no more than 20 minutes in any 2 hour period.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0220

RULE TITLE: Water Supply and Lead Testing

RULE SUMMARY: Rules pertaining to the availability and assurance of safe drinking water and required testing for lead in Certified Child Care Centers.

RULE TEXT:

- (1) 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 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, diaper changing sinks or any handwashing sinks.
- (4) Facilities that are not on municipal water systems must meet all requirements under ORS 448.131 and OAR Chapter 333 Division 061.
- (5) 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.
- (6) Lead testing as required by OAR 414-300-0020(15), 414-300-0020(16) and 414-300-0220(7) shall be conducted within the past 6 years of the effective date of this section and no later than 6 months of 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 email, 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 in Drinking Water in Schools: Revised guidance dated October 2006.
- (9) If test results are at or 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 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

(10) 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 or 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 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).

(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(6), 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(6) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking.

(c) 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 414-300-0020(7) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to the requirements of 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0225

RULE TITLE: Illness or Injury

RULE SUMMARY: Rules pertaining to procedures for illnesses and injuries that may occur in Certified Child Care Centers.

RULE TEXT:

- (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 adhesive bandages, 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, information on any chronic health problems including allergies a child may have 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) in writing 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.260



AMEND: 414-300-0230

RULE TITLE: Medications

RULE SUMMARY: Rules pertaining to the storage and administration of medications in Certified Child Care Centers.

RULE TEXT:

(1) No prescription medication or non-prescription medication, including, but not limited to, pain relievers, 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) Other than diapering ointment, a written record of all medications administered listing, 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-safety lock or latch; and

(b) Stored in an area not used by children.

(3) In rooms used exclusively for infants and younger toddlers, diaper cream may be stored out of reach of children.

(4) Medications requiring 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0235

RULE TITLE: Sunscreen

RULE SUMMARY: Rules pertaining to the appropriate use of sunscreen on children in care.

RULE TEXT:

- (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.260

AMEND: 414-300-0240

RULE TITLE: Animals

RULE SUMMARY: Rules pertaining to the presence and maintenance of animals in Certified Child Care Centers.

RULE TEXT:

- (1) Any animal at the center shall be in good health and show no signs of carrying any disease.
- (2) Children may not have direct contact with any potentially aggressive animals.
- (3) Any animal at the center accessible to children shall be a friendly companion.
- (4) Caregivers shall be physically present when children are interacting with animals.
- (5) Proof of current rabies vaccinations is required for dogs.
- (6) Dogs and cats shall be kept free of fleas, ticks and worms.
- (7) Exotic animals, including, but not limited to: reptiles, amphibians and monkeys, as well as hook-beaked birds, chickens, rodents and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.
- (8) Parents must be made aware of the presence of any animals on the premises.
- (9) Animals, except fish, shall not be in classrooms for infants or toddlers.
- (10) The center shall have and follow written procedures for the care and maintenance of the animals in the center.
- (11) Any animals other than cats and dogs shall be kept in a cage or tank. Cages shall have removable bottoms and shall be kept clean and sanitary.
- (12) Litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.
- (13) Staff are responsible for the handling, care and feeding of the animal(s).
- (14) Cleaning cages shall not be done in areas used for food preparation, storage or serving.
- (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.

(18) Chemicals related to the care of animals shall be kept under child-safety lock.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0250

RULE TITLE: Food Selection, Storage, and Preparation

RULE SUMMARY: Rules pertaining to the selection, storage and preparation of food in Certified Child Care Centers.

RULE TEXT:

- (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 or frozen fruits and vegetables may be served;
    - (B) Home-made foods brought by a child can only be consumed by that child.
  - (b) Only pasteurized 100 percent fruit or vegetable juice shall be served;
  - (c) Only Grade A pasteurized and fortified milk shall be served to children;
  - (d) Powdered milk shall be used only in cooking.
- (5) The following foods may not be served or offered in a ready-to-eat form:
  - (a) Raw animal foods such as raw fish, raw meat or raw eggs;
  - (b) Partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs and meringue; or
  - (c) Raw seed sprouts
- (6) 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, shall not be served to a child without written instructions from a registered dietician or medical practitioner and written parental consent.
- (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 or below, or 135 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 suitable small diameter probe thermometer shall be used to ensure food requiring hot storage is maintained at 135 degrees Fahrenheit or above.

(D) Foods that have been cooked, and then refrigerated, shall be reheated rapidly to at least 165 degrees Fahrenheit before being served or placed in a hot food storage unit.

(8) Preparation:

(a) Food shall be prepared with a minimum of 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.

(d) Food shall be prepared on food-contact surfaces and with utensils that are clean and have been sanitized.

(e) Food-contact surfaces and utensils shall be cleaned and sanitized after each use and whenever there is a change in processing from raw to ready-to-eat foods.

(f) Only FDA approved food additives and preservatives shall be used by the center.

(9) Service:

(a) Each child shall be provided with 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 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0260

RULE TITLE: Cleaning, Sanitizing, and Storage of Food Service Equipment and Utensils

RULE SUMMARY: Rules pertaining to the cleaning and storage of items used for food preparation.

RULE TEXT:

- (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, Food Sanitation Rules, shall be met;
  - (b) When manual washing, rinsing, and sanitizing of dishes and equipment is used, the requirements in the Oregon Health Authority's administrative rules, 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260



AMEND: 414-300-0270

RULE TITLE: Meals and Snacks

RULE SUMMARY: Rules pertaining to appropriate and healthy meals and snacks provided to children in care.

RULE TEXT:

- (1) 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. gelatin, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.
- (3) 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 arriving after 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).
- (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 all 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 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.

- (10) A center serving children under 12 months of age shall comply with the following requirements for those children:
- (a) Each child shall be fed on their 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 or classroom food preparation area 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; 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 a bottle.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0280

RULE TITLE: Hand Washing

RULE SUMMARY: Rules pertaining to appropriate hand washing procedures.

RULE TEXT:

- (1) All staff and children must wash their hands with soap and warm running water:
  - (a) Before handling food;
  - (b) Before assisting with feeding;
  - (c) Before and after eating;
  - (d) Before and after administering medications;
  - (e) After diapering;
  - (f) After using the toilet;
  - (g) After assisting someone with toileting;
  - (h) After nose wiping;
  - (i) After playing outside; and
  - (j) After touching animals, other than dogs and cats, and after handling pet toys.
- (2) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the center, they shall be kept out of children's reach and shall not be used by children.
- (3) When hand washing is not possible, e.g. on field trips and on the playground, moist towelettes shall be used.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0290

RULE TITLE: Program Schedule

RULE SUMMARY: Rules pertaining to the daily schedule for children in care.

RULE TEXT:

The center shall develop, post, and follow a written daily schedule for each group of children, according to their age, 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:

- (1) Cover all hours of operation;
- (2) Include regularity of routine activities such as eating, toileting, individual and group activities, free play, and daily outdoor experiences when weather permits; and
- (3) For preschool age and younger children, include one or more regularly scheduled rest periods. Children who do not sleep after 20-45 minutes of quiet time must be provided with an alternative quiet activity.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0295

RULE TITLE: Activity Plan for All Children

RULE SUMMARY: Rules pertaining to the activity plan that is applicable for all ages of children in care.

RULE TEXT:

- (1) All caregivers must give the children's needs first priority, ensuring they get appropriate care and attention.
- (2) Immediate attention shall be given to the emotional and physical needs of the children.
- (3) The center shall provide, post and follow written activity plans that are designed to meet the children's developmental abilities, interests, cultural, and individual needs.
- (4) The center must ensure the activity plan and available materials allow for a range of learning experiences to support each child's development of:
  - (a) Self-esteem, self-awareness, self-control, and decision-making abilities;
  - (b) Social, emotional, intellectual, and physical growth;
  - (c) Nutrition, health, and personal safety; and
  - (d) Creativity, experimentation, and exploration.
- (5) Activities shall be planned to allow for:
  - (a) Individual and group activities;
  - (b) Active and quiet opportunities; and
  - (c) 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260



AMEND: 414-300-0300

RULE TITLE: Infants and Toddlers Activity Plan and Safe Sleep

RULE SUMMARY: Rules pertaining to the activity plan for infants and toddlers and safe sleep procedures for infants.

RULE TEXT:

(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. bottles, 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.

(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).

- (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.
- (5) Children shall be encouraged to play with a variety of safe toys and objects.
- (6) Children shall be given appropriate opportunities to use the 5 senses through sensory play.
- (7) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.
- (8) In addition to those activities specified in OAR 414-300-0295(3), 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.
- (9) Infants shall not share an activity area used by older toddlers, preschool or school-age children.
- (10) Younger toddlers shall not share an activity area used by preschool or school-age children.
- (11) The center shall provide the following information, in writing, to each parent of an infant 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0310

RULE TITLE: Preschool Activity Plan

RULE SUMMARY: Rules pertaining to the activity plan for preschool age children.

RULE TEXT:

In addition to those activities specified in OAR 414-300-0295(3), 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0320

RULE TITLE: School Age Activity Plan

RULE SUMMARY: Rules pertaining to the activity plan for school age children in care.

RULE TEXT:

- (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(3), 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0330

RULE TITLE: Equipment and Materials

RULE SUMMARY: Rules pertaining to appropriate equipment and materials to be used by children in care.

RULE TEXT:

- (1) The center shall have play equipment and materials that are:
  - (a) Appropriate to the developmental needs and interests 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
  - (d) 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;
  - (c) Provide a balance of:
    - (A) Active and quiet activities; and
    - (B) Individual and 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.
- (3) 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;
  - (b) Manipulatives;
  - (c) Books and literacy activities;
  - (d) Sensory experiences;
  - (e) Gross motor activities;

- (f) Music;
  - (g) Art;
  - (h) Dramatic play;
  - (i) Science and exploration; and
  - (j) Discovery of nature.
- (4) Infants shall have a variety of appropriate infant toys stimulating to the senses.

STATUTORY/OTHER AUTHORITY: ORS 329A.260  
STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0340

RULE TITLE: Transportation

RULE SUMMARY: Rules pertaining to ensuring the children in care are being transported in a safe manner.

RULE TEXT:

- (1) When transportation is provided by or arranged for by the center, the following requirements 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 vehicle in a safe manner.
- (2) 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 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 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;
  - (b) At least one staff member must be at least Aide II qualified; and
  - (c) The vehicle shall be equipped with a cell phone or other communication device.
- (6) 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;

- (b) 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 written 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:
- (a) A vehicle manufactured to carry fewer than 10 passengers;
  - (b) A school bus or a multi-function school activity bus;
  - (c) A vehicle manufactured to carry 10 or more passengers that was manufactured in 2010 or after: or
  - (d) 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
    - (B) 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260



AMEND: 414-300-0350

RULE TITLE: Night Care

RULE SUMMARY: Rules pertaining to child care children who will be spending all or part of the night at the Certified Child Care Center.

RULE TEXT:

(1) During the hours of night care, the center shall meet all the requirements 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).

(2) 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

(C) 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.

(b) Safety:

(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, OCC certification representatives, 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, 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 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:

(A) 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 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 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 used for children under 10 years of age;
  - (E) 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;
  - (F) Each child who does not spend the majority of their sleeping hours in night care shall have a crib, cot, or mat with bedding 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;
  - (H) No children shall share a bed; and
  - (I) Other than infants, children shall have sheets, 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;
  - (C) There shall be at least one bathtub or shower for each 15 children;
  - (D) Bathtubs and showers shall 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;
  - (G) Children must bathe alone unless a parent(s) has given permission for siblings to bathe together;
  - (H) Tubs or showers shall be cleaned after each use. If visibly soiled, tubs and showers must be cleaned prior to sanitizing; and
  - (I) Glass shower doors or glass tub enclosures shall be 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;
- (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.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0360

RULE TITLE: Swimming

RULE SUMMARY: Rules pertaining to procedures to ensure that children are safely engaging in swimming or other water activities.

RULE TEXT:

- (1) Swimming pools may not be used unless they have been certified by the Oregon Health Authority or delegated agent.
- (2) Children are prohibited from using a hot tub, spa, portable wading pool, or other similar equipment.
- (3) 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 on the center premises.
- (4) At all times, when children are engaged in swimming activities, the center must:
  - (a) Have written permission from each child's parent or guardian;
  - (b) Ensure that a certified lifeguard is present and on duty;
  - (c) Ensure that a caregiver is within reach of infants and toddlers, when the water depth is 24 inches or less; and
  - (d) Ensure that a one-to-one staff to child ratio is maintained for each infant and toddler, and that staff are holding or 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 of caregivers at all times.
- (6) Center staff shall comply with the following staff to child ratios when at the swimming pool:
  - (a) 6 weeks to 36 months - 1:1;
  - (b) Preschool age - 1:6;
  - (c) School age - 1:10.
- (7) All adults counted in the staff to child ratios shall be able to swim if the water is more than 48 inches deep.
- (8) Center staff lifeguards may not count in staff to child ratios when more than 10 children are present.
- (9) Water activities that involve a sprayer or spray feature using potable water that is not re-circulated

or collected may be conducted by the center.

(10) Natural Bathing Areas:

- (a) The center shall not conduct swimming activities in areas with flowing water; and
- (b) Wading is the only water activity permitted in shallow surf, lakes, rivers and streams.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

ADOPT: 414-300-0380

RULE TITLE: Exceptions

RULE SUMMARY: Rules pertaining to procedures for the application and assessment of exceptions to rules requested by Certified Child Care Centers.

RULE TEXT:

- (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.260

AMEND: 414-300-0390

RULE TITLE: Complaints

RULE SUMMARY: Rules pertaining to complaints of non-compliance of rules by Certified Child Care Centers.

RULE TEXT:

(1) The Office of Child Care will respond to regulatory complaints 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.

(3) All serious complaints shall result in an on-site assessment at the center.

(4) Complaints alleging child abuse or neglect must be reported to the Department of Human Services Child Welfare (DHS). Complaints alleging child abuse or neglect may also be reported to local law enforcement agencies.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0400

RULE TITLE: Civil Penalty

RULE SUMMARY: Rules pertaining to procedures for administering civil penalties for non-compliance with rules against Certified Child Care Centers.

RULE TEXT:

- (1) 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) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:
  - (a) Provide technical assistance as appropriate;
  - (b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and
  - (c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:
    - (A) The assessed value of the rule violated
    - (B) Numbers of previous violations of the same rule; or
    - (C) Circumstances surrounding the rule violation
- (3) Notwithstanding subparagraphs (1) and (2), the Office of Child Care (OCC) shall take the following actions whenever a child care facility has violated a rule with an assessed value of “low:”
  - (a) For a first violation that is the result of an observed noncompliance, OCC may issue a written notice of the rule violation and shall provide technical assistance.
  - (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.
- (4) Notwithstanding subparagraph (1) and (2), the Office of Child Care (OCC) shall take the following actions whenever a child care facility has violated a rule with an assessed value of “medium:”
  - (a) For a first violation that is the result of an observed noncompliance, OCC may issue a written



notice of the rule violation and shall provide technical assistance.

(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 \$800 per violation, not to exceed \$3000 per quarter for the same rule violation.

(5) Notwithstanding subparagraph (1) and (2), the Office of Child Care (OCC) shall take the following actions whenever a child care facility has violated a rule with an assessed value of “high:”

(a) For a first violation OCC shall issue a written notice of the rule violation and provide technical assistance. OCC may also assess a civil penalty not to exceed \$800.

(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 \$1600 per violation, not to exceed \$6000 per quarter for the same rule violation.

(6) Notwithstanding subparagraph (1) and (2), the Office of Child Care (OCC) shall take to following actions whenever 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.

(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 \$2500 per violation.

(7) Each day that a child care facility is operating in violation of any of the rules, terms or conditions of certification may be considered a separate violation of the rules.

(8) An individual or entity that provides child care subject to licensing in a facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified center.

(9) 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.

(10) The center has the right to appeal any decision to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes.

(11) 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 329A.260**

**STATUTES/OTHER IMPLEMENTED: ORS 329A.260**

AMEND: 414-300-0410

RULE TITLE: Suspension, Denial and Revocation

RULE SUMMARY: Rules pertaining to procedures for the suspension, revocation or denial of the Certified Child Care Center license.

RULE TEXT:

- (1) The Office of Child Care may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCC, 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.
- (2) A center whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.
- (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 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.
- (6) If the center does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.
- (7) 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 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

AMEND: 414-300-0415

RULE TITLE: Findings Reviews

RULE SUMMARY: Rules pertaining to the findings review process for Certified Child Care Centers.

RULE TEXT:

- (1) The director has a right to request a first level findings review of any complaint visit that results in a valid or unable to substantiate finding, any observed non-compliance, or whenever there is a risk assessed value assigned in which a range of potential values is possible (e.g. medium to high or high to extreme).
  - (a) The first level findings review shall be conducted by teleconference or similar technological means within 30 calendar days of the date from which the Office of Child Care (OCC) received the request.
  - (b) If the director shows good cause why the first level findings review cannot be conducted via telephone, an in-person meeting shall be scheduled at the OCC offices in Salem.
    - (A) A determination of whether good cause has been shown to have an in-person review rests solely with the first level findings review panel members assigned to review the findings.
    - (B) If an in-person review is granted, OCC shall conduct the review within 30 calendar days of the date from which the panel made a determination that good cause has been shown.
  - (c) If the director requests a first level findings review they may choose to waive their right to give verbal testimony and submit relevant evidence and written statements to the review panel for its consideration and decision. When a director waives their right to appear, all documents must be submitted to OCC for review within 30 calendar days of the date of the findings review letter that is under consideration.
- (2) The action or decision that is under review shall remain in effect and shall be reported as such during the findings review process.
- (3) 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 findings letter.
- (4) The director does not have a right to representation by an attorney during the findings review process, but may at their own expense hire an attorney to represent them during the first level findings review process.
- (5) The director may be represented by a lay representative of their own choosing during the first level findings review process.
- (6) The director, their attorney, or lay representative may prepare documents for and present relevant evidence to the first level review panel.
- (7) The first level findings review panel shall consist of two OCC regional managers whose area of

responsibility does not include the facility seeking the findings review; or, the OCC licensing director and a regional manager whose area of responsibility does not include the facility seeking review.

(a) The first-level review panel shall consider all relevant evidence and written statements submitted to the review panel;

(b) The first-level review panel may question the director; and

(c) The review panel shall inform the director, or their attorney, in writing of its decision within 30 calendar days of the date the findings review request was received by OCC.

(8) The director may request a second-level review whenever the first-level review panel has decided a complaint finding or observed noncompliance remains unchanged, except:

(a) First level findings that result in a finding of unable to substantiate are not appealable to a second level review;

(b) The first level review panel's decisions regarding risk assessed rule values are not appealable to a second level review.

(9) The director must request a second level review within ten (10) business days of the date of the first level review letter.

(10) The second level review shall be conducted by OCC's legal administrator, who may only review the written record of the first level review, including:

(a) Relevant evidence and written statements that were submitted to the first level review panel;

(b) Case file materials that were presented to the first level panel;

(c) The decision of the first level findings review panel; and

(d) Any other document(s) the legal administrator believes to be relevant to the proceeding.

(11) 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.

(12) The legal administrator shall inform the director, or their attorney, in writing of the decision within 30 calendar days of the date the second level review request was received by OCC.

(13) Second level review decisions are final.

STATUTORY/OTHER AUTHORITY: ORS 329A.260

STATUTES/OTHER IMPLEMENTED: ORS 329A.260

