



## Presiding Officer's Report on Rulemaking Public Hearing

Public Hearing on:     Rules for Certified Child Care Centers, OAR 414-300  
                              Rules for Certified Family Child Care Homes, OAR 414-350  
                              Rules for Registered Family Child Care Homes, OAR 414-205  
                              Rules for Regulated Subsidy Child Care, OAR 414-180

The Early Learning Division held a public hearing on **May 15, 2018**, to receive public comment on the proposed rules. Notice of hearing was published in a timely manner in the Secretary of State's Bulletin. The hearing was held at the Veteran's Administration Building in Salem before Peter Blume, Hearing Officer.

Attendees were asked to sign in on designated sign-in sheets indicating if they wished to observe, testify or submit written testimony. Instructions were given that each person wishing to testify would be called forth and given five minutes to offer testimony. All attendees were informed the proceedings would be recorded.

**Twenty-four** persons signed in. **Eight** persons indicated they wished to offer verbal testimony. **Two** parties submitted written testimony. The hearing was officially called to order at 6:00 PM.

Summary of testimony received:

- The proposed rule to eliminate Table 3B (in 2023) in the rules for certified child care centers would require programs that are currently utilizing Table 3B to modify their caregiver to child ratios resulting in a reduction in children or an increase in staff members to comply with Table 3A. This could result in thousands of dollars of financial impact. It is recommended that Table 3B remain with a rule added stating that all children "must be potty trained for ages 30 months and up" to keep the 1:10 caregiver to child ratio as stated in Table 3B.
- The proposed rule requiring a minimum of six feet of clearance between outdoor play structures and walkways, buildings and other structures would adversely affect certified centers and certified family child care programs that have established outdoor play areas that don't meet this requirement. Many programs built their play areas using previous standards and equipment may be cemented into the ground. Having to relocate equipment would be a huge expense. It is recommended that existing programs with outdoor play areas that would not meet the new requirement be grandfathered in. The new requirement should only apply to those programs applying for certification after the effective date of the rule.



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- The proposed rule requiring Aide I's in Certified Centers to have certifications in First Aid and CPR creates an added expense that is not necessary. An Aide I cannot be left alone with children and must be supervised by a teacher. Teachers are required to have First Aid and CPR certifications.
- The proposed rules increase continuing education from 15 hours to 18 hours annually for certified centers and require Aide II's to have 12 hours of continuing education annually. This is increase in expenses for programs.
- The proposed rule requiring nine inches of material depth under outdoor play equipment that is 18 inches or higher creates a financial and practical hardship. Children constantly push, shove and move ground material around everyday. "I would dare say every child care center and public school in the area is out of compliance of this rule."
- There is concern on how the proposed rules will affect current exceptions. Many Montessori programs have ongoing exceptions for rules around group size, age groups and ratios. Some of these exceptions have been approved and ongoing for 30 years. Will the new rules allow for the same exceptions?
- Many of these proposed rules are "vast changes" that will affect the financial viability of many small businesses, "some of which have operated safely and effectively for 40 or more years".

The hearing was officially adjourned at 7:15 PM. The audio recording of the hearing, the submitted written testimony and the sign-in sheets are on file and available for review.

Respectfully submitted

Peter Blume  
Hearing Officer