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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED
06/30/2018 4:34 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rules governing Certified Center child care providers to conform with federal law and HB4065 (2018).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/20/2018 5:00 PM

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

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

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NEED FOR THE RULE(S):

The Early Learning Division Office of Child Care must comply with all requirements of the federal Child Care Development Fund (CCDF)/Child Care Development Block Grant (CCDBG). These requirements include the following changes.

Central Background Registry:

Federal law requires fingerprint background checks on all individuals that may have contact with child care children. Once an individual has submitted their fingerprints to OCC, they may be conditionally enrolled in the CBR while their fingerprint checks are completed. The new rule states that during conditional enrollment, the individual may be present on the premises and may function in their staff position, but they may not have unsupervised access to child care children until confirmation of enrollment in the CBR has been received.

Training Requirements:

Federal law requires Aide I's to receive training in CPR, First Aid and Recognizing and Reporting Child Abuse and Neglect (RRCAN). The new rule requires this training.

Serious Injury & Reporting:

Federal law requires child care programs report any serious injury to OCC within 5 calendar days of the occurrence. The new rules specifies the injuries that must be reported and revised the reporting time to 5 calendar days. Serious injury is defined in rule to include such things as choking, concussion, poisoning, broken bones, near-drowning as well as

several other specific situations. This does not include precautionary evaluations by a doctor, ongoing medical issues or injuries where first aid is administered at the center, but no further treatment is needed.

Staff Orientation and Critical Training:

Federal law requires that child care staff have critical training before having unsupervised access to children.

In addition to meeting the federal requirements, the Early Learning Division Office of Child Care must adhere to the statutory changes that resulted from the passage of House Bill 4065 during the 2018 legislative session, which have been reflected in ORS 329A.030, 329A.250, 329A.252, 329A.263, 329A.300, 329A.330, 329A.360, 329A.370 and 329A.992.

The following rules changes are required to align with these statutory changes:

- implement changes to certain restrictions that apply to individuals who have had a child care licensed or enrollment in the Central Background Registry revoked or denied for cause. These change include amending the Central Background Registry rules to make a revocation of denial of a facility license a basis for denial or removal in the Registry. These changes also include adjusting the existing rules regarding the types of care that cannot be provided by individuals who have had a child care licensed or enrollment in the Central Background Registry revoked or denied for cause.
- change the definition of school-aged and school aged child to include children eligible to be enrolled in kindergarten (currently first grade)
- increase the amount of money the agency can assess as civil penalties

Finally, the Early Learning Division Office of Child Care has identified the need for additional rules that will better meet the unique needs of infants while in child care. These practices are outlined below.

Safe Sleep:

The new rules require safe sleep training for all caregivers that care for infants. The new rules expand on safe sleep standards by prohibiting any items in the crib with infants, except for a pacifier. The new rules prohibit swaddling and other clothing or items that could restrict a child's movement or pose a strangulation hazard .

Restrictive Infant Equipment:

The new rules limit the amount of time children can be in restrictive infant equipment. Restrictive infant equipment, such as bouncers, swings, infants seats, high chairs may be used for no more than 20 minutes in any 2 hour period. Studies have shown that restricting a child's freedom of movement can be detrimental to a child's physical, mental and emotional development. The use of infant walkers will continue to be prohibited.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

Final Federal CCDF Rules: <https://www.acf.hhs.gov/occ/resource/ccdf-final-regulations>

FISCAL AND ECONOMIC IMPACT:

Central Background Registry: We anticipate no additional fiscal impact as a result of these rules changes. The costs to businesses and individuals may actually decrease if the rule establishes enrollment periods longer than the current 2 year period.

Training Requirements: The addition of required trainings of First Aid, CPR and RRCAN for Aide I's in centers could incur additional costs to the program or the individual staff member. This cost will vary based on the size of the child care facility and number of Aide I's on staff.

Serious Injury & Reporting: No financial impact is anticipated. As injuries were already being required reports to OCC, a program would only need to modify the instances of reporting to meet the new requirements.

Staff Orientation and Critical Training: Minimal financial impact is expected. Programs may need to modify their staff orientation curriculum to incorporate new critical training requirements. The Early Learning Division will assist programs with revising orientations and attaining required trainings. There could be additional training costs in centers to meet the new training requirement for Aide I's.

Clarification of exempt prohibition to match statute: No financial impact is expected as the intent of the rule has not changed.

Definition of "School-Age Child" to include the summer months prior to the start of kindergarten: Potential benefit to programs as the new definition could open up additional slots for pre-school children.

Civil Penalties increase : Financial impact would occur to those programs that were determined to be out of compliance with rules and a civil penalty was assessed at the increased amounts. This would only impact those programs found to be out of compliance with rules.

Safe Sleep Training: Some financial impact to programs could occur. The cost of the additional, required training would be incurred by the program or the individual staff member. The training is required to be taken only once, therefore, once the initial cost has been absorbed, only new, incoming staff will need to complete the training.

Safe Sleep for Infants: No financial impact expected. Current rules require that caregivers attend to the need of individual children. Caregivers may need to spend additional time comforting infants that may be accustomed to

swaddling, but no additional financial costs are expected.

Restrictive Infant Equipment: Minimal to no financial impact expected. Current rules require that caregivers attend to the need of individual children. Caregivers may need to spend additional time actively engaging infants rather than the infants being left in restrictive infant equipment for prolonged periods of time, but no additional financial costs are expected.

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) Some licensed child care providers may see an economic impact to meet the new Safe Sleep, Critical Training, and Aide I training requirements; (2)(a) Approximately 1342 licensed 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.

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

A series of community engagements were conducted, public testimony accepted during the convening of the Rules Advisory Committee meetings, a public hearing was held, and input from the public and small businesses was requested.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

414-300-0000, 414-300-0005, 414-300-0030, 414-300-0070, 414-300-0080, 414-300-0090, 414-300-0100, 414-300-0110, 414-300-0120, 414-300-0280, 414-300-0300, 414-300-0400, 414-300-0410, 414-300-0415

AMEND: 414-300-0000

RULE SUMMARY: Rules pertaining to the applicability of the administrative rules for Certified Centers.

CHANGES TO RULE:

414-300-0000

Applicability of Rules ¶

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

(a) Serve thirteen or more children; or¶

(b) Serve twelve or fewer children and are located in a building constructed as other than a single-family dwelling.¶

~~(c) Care for three or fewer children if the caregiver's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD; or¶~~

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

~~Central Background Registry has been denied or the person has been removed for Individuals who are not enrolled in the Central Background Registry because, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD; or¶~~

~~(e) Provide care on an occasional basis by a person not ordinarily engaged in providing child care if the caregiver's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD; or¶~~

~~(f) Provide care for children from only one family other than the person's own family if the caregiver's enrollment in the Central Background Registry has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by CCD~~
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.¶

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

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

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

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

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

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

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

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

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

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

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

(34) 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.¶

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

(56) Providers have a right to review any action or decision affecting them. The OCCD grievance procedures are available upon request to all applicants for child care certification or operators of centers.

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

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

CHANGES TO RULE:

414-300-0005

Definitions ¶¶

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

- (1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, isolation quarters, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.¶¶
- (2) "Attendance" means children actually present in the center at any given time.¶¶
- (3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.¶¶
- (4) "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.¶¶
- (5) "Central Background Registry" means OCC's Registry of individuals who have been approved to work in be associated with a child care facility in Oregon pursuant to ORS 657A.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) "Certificate" means the document that is issued by OCC to a child care center pursuant to ORS 657A.280.¶¶
- (7) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:¶¶
 - (a) In the home of the child;¶¶
 - (b) By the child's parent or guardian, or person acting in loco parentis;¶¶
 - (c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;¶¶
 - (d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care; or¶¶
 - (e) By providers of medical services.¶¶
- (8) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.¶¶
- (9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, for whom the child care center has supervisory responsibility in the temporary absence of the parent.¶¶
- (10) "Child Care Center" or "Center" means a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.¶¶
- (11) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.¶¶

- (12) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of the Office of Child Care.¶
- (13) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.¶
- (14) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.¶
- (15) "Comparable group care program" means a program which has the following elements:¶
- (a) Staff are supervised by knowledgeable professionals;¶
 - (b) Training of staff is provided or required annually;¶
 - (c) Group size is similar to a certified child care facility;¶
 - (d) Curriculum is age appropriate; and¶
 - (e) The program is not providing uncertified drop-in care.¶
- (16) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.¶
- (17) "Director" means a person who is designated by the operator as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0080.¶
- (18) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center.¶
- (19) "Enrollment" means all children registered to attend the center.¶
- (20) "Group" means a specific number of children assigned to specific staff.¶
- (21) "Guidance and discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.¶
- (22) "Head Teacher" means the person(s) who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school-age program in the center.¶
- (23) "Infant" means a child who is at least six weeks of age but is not yet walking alone.¶
- (24) "Infant and Toddler Age Program" means care and education provided in a center, or part of a center, to children between the ages of six weeks and thirty-six months.¶
- (25) "Night Care" means care given to children who sleep at the child care center for all or part of the night.¶
- (26) "Nonserious Violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-300-0005(42)¶
- (27) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.¶
- (28) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the operator is other than the owner, an individual must be appointed as the operator by the owner.¶
- (29) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.¶
- (30) "Outbreak of a communicable disease" means two cases from separate households associated with a suspected common source.¶
- (31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner may or may not be active in the operation of the center; the owner may also be the operator.¶
- (32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.¶

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

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

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

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

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

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

(35) "Preschool-Age Child" means a child who is 36 months of age to eligible to ~~be enrolled~~attend ~~kin the first grade~~ and, ~~during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year. For purposes of these rules, children attending kindergarten may be considered school-age children.~~ dergarten or above in public school. ¶¶

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

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

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

(a) For infant/toddler and preschool age groups, 1,500 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period;¶¶

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

(39) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.¶¶

(40) "School-Age Child" means a child eligible to ~~be enrolled~~attend ~~kin the first grade~~dergarten or above and, ~~during the months of summer vacation from school, a child eligible to be enrolled in in public school. This includes the monthes first grade or above in the next~~ rom the end of the prior school year, up to age 13. For purposes of these rules, children attending kindergarten may be considered school-age children to the start of the kindergarten school year. ¶¶

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

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

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

(A) Children are in imminent danger;¶¶

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

(C) Corporal punishment is being used;¶¶

(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; or¶¶

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

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

(43) "Serious Injury or Incident" means any of the following: ¶¶

(a) Injury requiring surgery;¶¶

(b) Injury requiring admission to a hospital;¶¶

(c) Injury requiring emergency medical attention;¶¶

(d) Choking and unexpected breathing problems;

(e) Unconsciousness;

(f) Concussion;

(g) Poisoning;

(h) Medication overdose;

(i) Broken bone;

(j) Severe head or neck injury;

(k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;

(l) Severe burn;

(m) Allergic reaction requiring administration of Epi-Pen;

(n) Severe bleeding or stitches;

(o) Shock or confused state;

(p) Near-drowning.

(44) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges:

(a) Children are in imminent danger;

(b) There are more children in care than allowed by law;

(c) Corporal punishment is being used;

(d) Children are not being supervised;

(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the center;

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

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

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

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

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

(478) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site.

(489) "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.

(4950) "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 414-300-0100.

(501) "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.

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

(523) "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.

(54) "Usable Exit" means an unobstructed door or window through which caregivers and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-300-0030

RULE SUMMARY: Rules were added to the General Requirements section concerning required items that must be reported to OCC. These items include any death of a child, any child left unattended and any animal bites.

CHANGES TO RULE:

414-300-0030

General Requirements ¶

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

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

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

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

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

(e) A notice that the items identified in section (24) of this rule are available for review on request;¶

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

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

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

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

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

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

(35) The operator shall report to OCCD:¶

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

~~(b) y death of a child while in care, within 24 hours;¶~~

(b) Any child that was left unattended within 24 hours;¶

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

(A) Injuries to a child at the center which require for which a child is evaluated by a professional as a precaution;¶

(B) Injuries for which first aid is administered attention from a licensed health care professional, such as a physician, EMT or nurse, within 7 days after the occurrence;¶

~~(c) 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.¶

(d) Damage to the building which affects the operator's ability to comply with these requirements, within 48 hours after the occurrence; ¶

(e) Any animal bites to a child within 48 hours of occurrence; and¶

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

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

(57) Staff shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.050), to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.¶

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

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

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

(b) Guidance and discipline policy;¶

(c) Arrival and departure procedures;¶

(d) Emergency plan, as specified in OAR 414-300-0170(3);¶

(e) Procedures for field trips; and¶

(f) Information on transportation, when provided by the center;¶

(810) Representatives of all agencies involved in certification and custodial parents shall have immediate access to all parts of the center during hours of operation. QCCD 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.¶

(911) The center shall comply with the Health Division's administrative rules relating to:¶

(a) Immunization of children (OAR 333-050-0010 through 333-050-0140);¶

(b) Reporting communicable diseases (OAR 333-019-0000);¶

(c) Child care restrictable diseases (OAR 333-019-0010); and¶

(d) Dishwashing (OAR 333-150-0000).¶

(102) A center shall have written health policies and procedures approved by the Health Division or the county health department which cover, but are not limited to, the following:¶

(a) Storage and handling of food;¶

(b) Diaper changing and disposal, if applicable. The diaper changing procedure must be posted in the diaper changing area;¶

(c) Bathing infants, if the center cares for infants;¶

(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 feeding infants, if the center cares for infants.¶

(113) 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.¶

~~Publications: Publications ref~~(14) The written emergency plan must be given to parents of children in care.

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

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

AMEND: 414-300-0070

RULE SUMMARY: Rules pertaining to the enrollment of individuals in the Central Background Registry.

CHANGES TO RULE:

414-300-0070

General Requirements ¶

- (1) The operator shall establish a system of job descriptions, staff selection, and staff evaluation. All caregivers shall:¶
 - (a) Have competence, sound judgment, and self-control in working with children;¶
 - (b) Be mentally, physically, and emotionally capable of performing duties related to child care; and¶
 - (c) Have the required training and/or experience for the position for which they are hired.¶
- (2) There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-0090). A person assigned the duties of the position must meet the qualifications of the position.¶
- (3) Notwithstanding OAR 414-300-0120(3), there shall be at least one person in the center at all times who has current certification in first aid and CPR.¶
- (4) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties.¶
- (5) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.¶
- (6) No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child. This includes any individual in the center who has or may have unsupervised access, however brief, to child care children (i.e., the owner, the operator, all child care staff, maintenance staff who work on-site during hours of operation, volunteers who may be left alone with children, etc.). This does not apply to parents of children in care when they drop off and pick up their children:¶
 - (a) The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification;¶
 - (b) ~~Prior to any new staff, including a director, or individual being on-site at the center during child care hours, The facility must receive confirmation from OCC that staff/individual shall be enrolled in the Central Background Registry and th~~ who are 18 years of age or older, are center shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are assisting in the provision of child care. Volunteers may be exempt from this rule, as specified in OAR 414-300-0070(11); rolled or conditionally enrolled in the CBR before they may be on-site of the child care premises during child care hours.¶
 - (c) When a center is notified by OCC that a staff member or other individual has been removed from the Central Background Registry, the center shall not permit the staff member or other individual to have access to child care children;¶
 - (d) If any person listed in section (6) and section (6)(a) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center;¶
 - (e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, address, and telephone number.¶
- (7) 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.¶

- (8) 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.¶
- (9) 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.¶
- (10) Any visitor to the center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶
- (11) 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.¶
- (12) 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.¶
- (13) 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.¶
- (14) Alcohol shall not be consumed or stored on the child care center premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the child care center premises during the hours the child care business is conducted or when child care children are present.¶
- (815) No one shall possess, use or store illegal controlled substances on the child care center premises. No one shall be under the influence of illegal controlled substances on the child care center premises.¶
- (916) No one shall grow or possess marijuana plants or distribute marijuana on the child care center premises. No one shall possess, use or store marijuana on the premises of the child care center unless medically necessary to treat a child care child. No adult shall use or be under the influence of marijuana on the child care center premises.¶
- (107) Marijuana, derivatives and associated paraphernalia shall not be kept on the child care center premises unless medically necessary to treat a child care child. All associated medical marijuana must be kept in original container if purchased at a dispensary, and together with derivatives and related paraphernalia must be kept under child safety lock.¶
- (118) Volunteers must meet the following requirements:¶
- (a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry;¶
- (b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry;¶
- (c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the center must have a written policy to this effect, the policy must be known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.¶
- (129) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the certified center or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the certified center during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

AMEND: 414-300-0080

RULE SUMMARY: Rules pertaining to the qualifications of directors in certified centers.

CHANGES TO RULE:

414-300-0080

Director - Qualifications and Duties ¶

(1) The director shall:¶

(a) Be at least 21 years of age; and¶

(b) Have:¶

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

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

(C) Documentation of attaining at least step nine in the Oregon Registry, or¶

(c) Have:¶

(A) One year of training and/or experience in management and supervision of adults OR have knowledge of child development for the primary ages served by the center as evidenced by a combination of professional references, education, experience or training; and¶

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

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

(a) Administrative functions, including, but not limited to: financial management; maintaining records; budgeting; policy development; ensuring the appropriateness of program activities according to age and developmental levels of children; staff orientation; management and training; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided; and¶

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

(3) If head teacher qualifications (OAR 414-300-0090) are met by the director, that person may serve as head teacher for the age range of children for which she/he is qualified if she/he works full-time in the center:¶

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

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

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

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

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

(7) The substitute director shall:¶

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

(b) Be familiar with the certification requirements;¶

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

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

(8) Whenever a director is absent from the center, the name of the substitute director shall be posted in the center, as required in OAR 414-300-0030(l).¶

(9) The director must have completed OCC approved health and safety training.¶

(10) If the center is certified to care for infants, the director must have completed OCC approved safe sleep training.

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

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

AMEND: 414-300-0090

RULE SUMMARY: The addition of OCC approved health and safety training and OCC approved safe sleep training for Head Teachers.

CHANGES TO RULE:

414-300-0090

Head Teacher - Qualifications and Duties ¶¶

- (1) For each infant and toddler, preschool age, and school age program in the center, there shall be a qualified person designated as head teacher who is at least 18 years of age.¶¶
- (2) The head teacher shall be accountable for:¶¶
 - (a) The development and implementation of the center's program of activities for that age group or groups; and¶¶
 - (b) Ensuring the appropriateness of program activities according to the age, interests, and developmental level of the children.¶¶
- (3) A head teacher shall meet the qualification requirements of one of the options listed in Table 1 of this rule.¶¶
- (4) A person may serve as head teacher for more than one age group as long as the qualifications for head teacher for each age group are met.¶¶
- (5) Head teachers shall be in the center at least one-fourth of the hours, calculated on a weekly basis, that the center is in operation. Table 1.¶¶

~~[ED NOTE: Tables referenced are available from the agency.]~~ (6) Head teachers must have completed OCC approved health and safety training.¶¶

(7) If the center is certified to care for infants, the head teacher must have completed OCC approved safe sleep training.¶¶

[ED NOTE: Tables referenced are attached.]

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

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

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

AMEND: 414-300-0100

RULE SUMMARY: The addition of OCC approved health and safety training and OCC approved safe sleep training requirements for teachers.

CHANGES TO RULE:

414-300-0100

Teacher ¶

(1) For each group of children, a person shall be designated as the teacher. This person 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 his/her group.¶

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

~~[ED NOTE: Tables referenced are available from the agency.]~~ (3) Teachers must have completed OCC approved health and safety training.¶

(4) If caring for infants, teachers must have completed OCC approved safe sleep training.¶

[NOTE: Tables referenced are attached.]

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

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

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

**Qualifications for
Teacher TABLE 2**

Option	Infant and Toddler Age Program	Preschool-Age Program	School-Age Program
(a) Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in:	<ul style="list-style-type: none"> • Early childhood education • Child development 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education 	<ul style="list-style-type: none"> • Child development • Elementary education • Physical education • Recreation • Special education • Early childhood education
OR (b) A one year state or nationally recognized credential:	<ul style="list-style-type: none"> • Related to infant and toddler care 	<ul style="list-style-type: none"> • Related to preschool-age care 	<ul style="list-style-type: none"> • Related to school-age care
OR (c) At least one year of qualifying teaching experience, with at least one year as a teacher, in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Infants and/or toddlers 	<ul style="list-style-type: none"> • Preschool-age children 	<ul style="list-style-type: none"> • School-age children
OR (d) Completion of 10 credits (semester system) or 15 credits (quarter system) of training at a college or university in: AND At least six months of qualifying teaching experience in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Early childhood education • Child development • Infants and/or toddlers 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education • Preschool-age children 	<ul style="list-style-type: none"> • Child development • Elementary education • Physical education • Recreation • Special education • Early childhood education • School-age children
OR (f) Documentation of attaining at least step 8 (eight) in the Oregon Registry			

AMEND: 414-300-0110

RULE SUMMARY: Additions requiring Aide I's to have current certification in CPR and first aid and completed training in recognizing and reporting child abuse and neglect. Aide I's must also take OCC approved training in health and safety and safe sleep within 30 days of employment. Additions requiring Aide II's to have completed training in recognizing and reporting child abuse and neglect. Aide II's must also take OCC approved training in health and safety and safe sleep.

CHANGES TO RULE:

414-300-0110

Teacher Aides ¶¶

(1) Aide I shall ~~be~~:¶¶

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

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

(c) 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. ¶¶

(d) 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;¶¶

(e) Have completed OCC approved health and safety training within 30 days of employment; and¶¶

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

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

(a) Be at least 18 years of age;¶¶

(b) Have worked at least six months at the center where they are now employed; ~~and~~¶¶

(c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online 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.¶¶

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

(a) Be at least 18 years of age;¶¶

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

(c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.¶¶

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

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

(6) Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to children.

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

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

AMEND: 414-300-0120

RULE SUMMARY: Rules pertaining to the required training of staff in certified centers.

CHANGES TO RULE:

414-300-0120

Staff Training ¶

- (1) All staff shall receive an orientation within the first two weeks of employment and before they can have unsupervised access to children. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:¶
- (a) Individual responsibilities in the event:¶
 - (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 OAR 414-300-0030; and¶
 - (d) Procedures for reporting suspected child abuse or neglect.¶
- (2) The operator shall have documentation for each staff person of the date and type of orientation received and the person providing the orientation.¶
- (3) Within the first 90 days of employment, all staff, with the exception of Aide I's, shall:¶
- (a) Complete first aid and Infant and Child CPR training or have current certification in first aid and Infant and Child CPR on file. First aid and Infant and Child CPR training must be kept current during employment at the center. First aid training shall include the following components: bleeding; burns; poisoning; choking; injuries; shock; seizures; sprains and breaks; dental emergencies; and head injuries. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.¶
 - (b) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law before they can have unsupervised access to children.¶
- (4) Key people in food preparation must have food handler certification, pursuant to ORS 624.570, within 30 days of employment or have current certification on file. Food handler's training must be kept current during employment at the center. Key people include cooks, kitchen staff who handle food, and classroom staff who serve meals from a communal source.¶
- (5) The director, head teacher, and all teachers shall participate yearly in at least 15 clock hours of training or education related to child care, of which at least eight clock hours shall be in child development or early childhood education. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours for each month worked in the current license period.¶
- (a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).¶
 - (b) A head teacher whose qualifications for the position are based solely on work experience shall emphasize training in child development and early childhood education for the first two years of employment;¶
 - (c) Training may include correspondence courses, conferences, workshops, or audiovisual programs.¶
 - (d) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.¶
 - (e) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is

not taken within the same license period.¶

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

(6) During the first year of employment, a staff person may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's training, if applicable, and child abuse and neglect training as part of the 15 clock hours of training required in OAR 414-300-0120(5), but may not use these toward the eight hours required in child development or early childhood education.¶

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

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

~~(9) All new staff that may have unsupervised access to children must have 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.¶~~

~~(10) All infant caregivers, with the exception of Aide I's, must completed OCC approved health and safety training on safe sleep, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within thirtye first 30 days of employment.¶~~

~~(101) All current If certified to care for infants, current infant caregivers must complete OCC approved safe sleep training by January 1, 2019.¶~~

~~(12) All new staff that may have unsupervised access to children must have completed OCC approved health and safety training by June 30, 2017within thirty days of employment.~~

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

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

AMEND: 414-300-0280

RULE SUMMARY: Addition of rule requiring that infants up to six months of age must held or sitting in a caregiver's lap when bottle feeding. Addition of rule prohibiting children of any age being laid down with a bottle.

CHANGES TO RULE:

414-300-0280

Meals and Snacks ¶¶

(1) Meals and snacks provided to children shall meet the following requirements:¶¶

(a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any center providing care for the same children 3-1/2 or more consecutive hours;¶¶

(b) In a center open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served in the center to all children, a midmorning snack is not required, as long as there is no more than 3-1/2 hours between meals;¶¶

(c) School age children 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).¶¶

(2) Meals for children shall be:¶¶

(a) Prepared on-site;¶¶

(b) Catered; or¶¶

(c) Provided by the parent(s).¶¶

(3) During the service and eating of meals and snacks, the appropriate number of staff to meet staff/child ratios shall be engaged with the children in food-related activities.¶¶

(4) Proper hand washing, as specified in OAR 414-300-0180(6) shall be practiced prior to and after eating meals or snacks.¶¶

(5) When parent(s) provide food for the meal:¶¶

(a) Food shall be brought on a daily basis and be ready to eat;¶¶

(b) All food and beverage containers shall be labeled with the child's name;¶¶

(c) The center shall provide at least one serving of milk to each child at meals and shall provide morning and afternoon snacks;¶¶

(d) Each child's food shall be monitored daily to ensure that the food meets nutritional requirements as defined in OAR 414-300-0270;¶¶

(e) The center shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in OAR 414-300-0270;¶¶

(f) If parents bring food for all the children as snacks or for celebrations, the food shall be commercially prepared and served by the center in an approved manner; and¶¶

(g) There shall be a refrigerator on site to store foods needing refrigeration.¶¶

(6) Catered foods shall be:¶¶

(a) Prepared in a kitchen approved by the State Health Division or a county health department; and¶¶

(b) Delivered in a safe, sanitary manner with food maintained at the required temperature (OAR 414-300-0250).¶¶

(c) If meals are catered, the process of receiving, holding and serving food shall be approved by the environmental health specialist.¶¶

(7) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a center must have a written plan, approved by the environmental health specialist and CCD, which includes at least the following elements:¶¶

(a) Provision for handwashing immediately prior to eating;¶¶

(b) Separate serving portions for each table;¶¶

(c) Serving utensils distinct from eating utensils;¶¶

(d) Table accommodations for group sizes no larger than those stated in OAR 414-300-0130, Table 3A or Table

3B, for that age group;¶

(e) Provision for serving mildly ill children so as to prevent the spread of the illness; and¶

(f) The discarding of any food brought to the table and not eaten.¶

(8) If there is no kitchen in the center and if meals or snacks are not catered:¶

(a) Only single service utensils shall be used;¶

(b) Either commercially-prepared, individually-packaged, single-serving foods shall be served or the serving of bulk food shall be approved by the environmental health specialist;¶

(c) Utensils that require washing shall not be used or stored on site;¶

(d) Food shall be stored in a space used only for food, beverages and single-service utensils; and¶

(e) If foods needing refrigeration are served, the center shall have a refrigerator.¶

(9) A center serving children under 12 months of age shall comply with the following requirements for those children:¶

(a) Each child shall be fed on his/her own feeding schedule;¶

(b) When formula is provided by the center, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, it must be mixed in a kitchen approved by the environmental health specialist, and the program must have a written plan for mixing formula and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist;¶

(c) Formula, breast milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;¶

(d) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission.¶

(e) Any bottles used for feeding liquid must be sterilized at the center by boiling or must come from home labeled by the parent with the child's name. Nipples must be stored in a closed container after sterilizing;¶

(f) Solid foods fed to infants shall be selected from the food groups specified in OAR 414-300-0270(2):¶

(A) Solid foods shall not be fed to infants less than four months of age without parental consent;¶

(B) Solid food shall not be served directly from the container;¶

(C) Leftovers in the serving container shall be discarded; and¶

(D) Solid foods, with the exception of finger foods, shall be fed with a spoon.¶

(g) Honey or foods containing honey shall not be served to children under 12 months of age; and¶

(h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.¶

(A) Infants up to six months of age shall be held while or sitting up in a caregiver's lap for bottle feeding.¶

(B) Bottles shall never be propped. The child or a staff person shall hold the bottle.¶

(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.¶

(10) Children of any age shall not be laid down with a bottle.

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

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

AMEND: 414-300-0300

RULE SUMMARY: Addition of rules pertaining to safe sleep requirements for infants.

CHANGES TO RULE:

414-300-0300

Infant and Toddler Program of Activities ¶¶

(1) Each infant and toddler shall be:¶¶

(a) Allowed to form and follow his or her own pattern of sleeping and waking periods; and¶¶

(b) Given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.¶¶

(2) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the center).¶¶

(3) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self esteem, and other learning experiences.¶¶

(4) Children shall be encouraged to play with a variety of safe toys and objects.¶¶

(5) Children shall be given appropriate opportunities to use the five senses through sensory play.¶¶

~~(6) Infants must be put to sleep on their backs~~ 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; ¶¶

(j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and¶¶

(k) 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.¶¶

(7) Immediate attention shall be given to the emotional and physical needs of children.¶¶

(8) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.¶¶

(9) In addition to those activities specified in OAR 414-300-0295(2), toddlers shall be given opportunities to participate in:¶¶

(a) A variety of activities encouraging creative expression through the arts; and¶¶

(b) Running, climbing, and other vigorous physical activities.¶¶

(10) Infants and younger toddlers shall have an activity area not used by older children at the same time.¶¶

(11) The center shall provide the following information to each parent of an infant and 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 ~~657329~~329A.260
Statutes/Other Implemented: ORS ~~657329~~329A.260

AMEND: 414-300-0400

RULE SUMMARY: Combining of all rules pertaining to the suspension, denial and revocation into one section. Rule language revised to meet new statutory requirements.

CHANGES TO RULE:

414-300-0400

Suspension, Denial and Revocation of Certification ¶

(1) Certification may be denied or revoked if a 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 the 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.¶

(28) Revocation of a A center whose certification shall occur only after the director receives notification of deficiencies, has adequate-s been denied or revoked must immediately notify all parents of the closure and shall post a notimce to make corrections, and fails to do so.¶

(3) The operatøof 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.¶

(410) An operator whose certification has beeny 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 three5 years after the revocation is effective.¶

(5) If necessary to protect children, CCDeffective 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 gihave public notice of denial or revocation action taken. The type of notice will dea detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the center, or have access to children in the center.¶

(13) Certification may be denied, suspended on individual circumstancesr revoked if an individual listed in OAR 414-350-0080(5) has a child protective services history or an open child protective services or law enforcement case that would disqualify the individual from the CBR.

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

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

REPEAL: 414-300-0410

RULE SUMMARY: The rules in this section have been combined in a section containing rules for suspensions, denials and revocations.

CHANGES TO RULE:

~~414-300-0410~~

~~Suspension of Certification~~

~~(1) CCD may immediately, and without prior notice, suspend the child care certification when, in the opinion of CCD, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶¶~~

~~(a) An operator whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.¶¶~~

~~(b) An operator whose certification has been suspended must post the suspension on the main entry door where it can be viewed by parents and others.¶¶~~

~~(2) The operator has the right to appeal any decision to suspend the certification, subject to the provisions of chapter 183, Oregon Revised Statutes.¶¶~~

~~(3) If the operator does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked (OAR 414-300-0400).¶¶~~

~~(4) If necessary to protect children, CCD may give public notice of suspension action taken. The type of notice will depend on individual circumstances.~~

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

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

AMEND: 414-300-0415

RULE SUMMARY: Addition of rules pertaining to civil penalties and revision of maximum penalty amounts to match revised statutory language.

CHANGES TO RULE:

414-300-0415

Civil Penalty ¶

~~(1) A facility that violates~~Violations of these rules or ~~the~~ terms and conditions of certification under these rules may be subject to a civil penalty.¶

~~(2) For a serious violation, as de~~up to \$2500.¶

~~(2) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified in OAR 414-300-0005(42) facility, or a facility that may be subject to a civil penalty of \$100 for the first violation after a written warning with time to correct is issued; and an additional \$100 for each subsequent violation up to \$500 per violation, not to exceed \$1,000 in a quarter for all rule~~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) Numbers of previous violations of the same rule; or~~¶

~~(B) Circumstances surrounding the rule violation.~~¶

~~(3) For a serious violation, as defined in OAR 414-300-0005(44) a facility may be subject to a civil penalty not to exceed \$2500 for each violations.~~¶

~~(34) For other a non-serious violations, a facility center may be subject to a civil penalty of \$75800 for the first violation after a written warning with time to correct is issued, \$150 for a second violation, \$250 for a third violation and an additional \$100 for each subsequent violation up to \$500 per violation, not to exceed \$1,000 in a quarter for alleach violation.~~¶

~~(5) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules.~~¶

~~(6) An individual or entity that provides child care subject to licensing in a home or 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 facility.~~¶

~~(7) 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.~~¶

~~(48) The facility has the right to appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.~~¶

~~(9) 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 ~~657~~329A.260

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