



CHILD CARE RULES UPDATE AND SUMMARY OF CHANGES

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Rules Timelines

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CCDF, HB 4065 & Infant Needs Requirements

- ❑ July 1st Public Comment Period Opens
- ❑ Broad communication to the field
- ❑ Adoption August 30, 2018
- ❑ Effective September 30, 2018

Full Rule Alignment

- ❑ Broad communication to the field
- ❑ Community engagement sessions
- ❑ Public Comment Period TBD
- ❑ Adoption 2018 TBD
- ❑ Effective Date TBD

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Permanent Rules Effective September 30, 2018

The following rules will be presented to the Early Learning Council for adoption on August 30th.

Requirements of HB 4065

Statutory Requirements



- ❑ Clarification of exempt prohibition to match statute
- ❑ Definition of “School-Age Child” to include the summer months prior to the start of kindergarten
- ❑ Civil Penalties increase

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Meeting the Needs of Infants

Safe Sleep

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- ❑ Safe sleep training is required for all caregivers that care for infants.
- ❑ Expands on safe sleep standards by prohibiting any items in the crib with infants, except for a pacifier.
- ❑ Addresses swaddling and other clothing or items that could restrict a child's movement or pose a strangulation hazard.

Restrictive Infant Equipment

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- ❑ 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.

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CCDF Requirements

Central Background Registry

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- 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.
- 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

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- Aid I & Assistant I Training
 - CPR
 - First Aid
 - RRCAN (Recognizing Reporting Child Abuse & Neglect)

Serious Injury and Reporting

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- ❑ Requires child care programs report any serious injury to OCC within 5 calendar days of the occurrence.
- ❑ 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.
- ❑ 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.

Lead Rules Corrections

The following changes will be proposed to correct some errors in the rules adopted in February 2018.

Technical Corrections to Lead Rules

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- ❑ Clarify acceptance previous lead testing results
- ❑ Clarifying that dishwashers can be used without lead testing in Registered Family care

Full Rule Alignment

The following rule summaries represent the proposed rule language in its latest form and may continue to change based on public comment and additional research.

Timeline



- Broad communication to the field beginning in July
- Community engagement sessions beginning in July
- Public Comment Period TBD
 - This will be determined based on the feedback received during the community engagement process.
- Adoption 2018 TBD
- Effective Date TBD

Technical Assistance & Information

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Currently in Place

- Website
 - Rule Guidance Documents
 - Interpretive Guidance for full rule alignment
 - Red-line
- Mailing
 - Opt-in/update email campaign
 - Notification of website resources

Ongoing Technical Assistance

- Community Engagement
- FAQs and additional resources

The Owner is the License Holder - CF

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- The certificate is issued in the name of the owner, not the provider.
- This will only affect a program if the certified home has an owner and provider who are not the same person.
- Issuing the certificate in the name of the owner will eliminate the facility having to go through a new application and inspection process if there is a change in provider.
- The compliance history will stay with the owner of the facility, rather than with the provider.

Outdoor Play Areas – CC, CF, RF

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- Requires depth of surface materials under play equipment and
- Requires specific clearance areas around play equipment (*looking at grandfathering in programs*).
- Rules for trampolines, hot tubs, spas and pools were added to help increase the safety of child care children where such equipment is present.
- Prohibiting cement under any play equipment that is higher than 18 inches was added to RF rules.

Program of Activities – RF

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- Requires providers to have a written daily schedule of activities.
- The schedule must be posted and must indicate:
 - Regular activities such as eating napping and toileting;
 - A balance of active and quiet activities;
 - Individual choice time and guided activities;
 - Daily indoor and outdoor activities; and
 - Intentional planning for electronic media, if used.

Indoor Square Footage – RF

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- ❑ Limits the number of children a provider can have at one time to 6 if the available space is 140 square feet or less.

Screen Time

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- ❑ Limit the exposure of video screens to child care children to no more than 2 ½ hours per week for each child.
- ❑ In centers, any screen time is prohibited for children under 2 years of age.
- ❑ Times may be extended for special events, projects or homework.

Supervision

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- ❑ Added requirements for sufficient light in rooms where children are napping or resting so caregivers can clearly see each child.
- ❑ Requires background noise not be so loud as to prevent sound supervision.

Trampolines – CF, RF

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- ❑ Requires that all trampolines used by child care children must:
 - Be maintained in good condition;
 - Have a pad that covers the springs;
 - Have direct adult supervision at all times when children are on the trampoline; and
 - Only have one child on the trampoline at a time.

Visitor Log and Plan – CC, CF, RF

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- ❑ Expand on safeguards for children in care.
- ❑ A written plan must be in place to ensure that individuals who are not enrolled or conditionally enrolled in the CBR shall not have unsupervised access to child care children.
- ❑ The provider shall maintain a log of arrival and departure times of all individuals over the age of 18 who are not enrolled or conditionally enrolled in the CBR. This does not include parents dropping off or picking up their children.

Increase in Training Hours – CC, CF, RF

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- ❑ Increase the annual ongoing professional development for most CC staff from 15 hours to 18 hours. Aide II's are now required to complete 12 hours of professional development annually.
- ❑ Increase the annual ongoing professional development for CF staff, not including Assistant I's, from 15 hours to 16 hours.
- ❑ Increase the ongoing professional development for RF providers from 10 hours to 15 hours every two years.

Staff Qualifications – CC

- ❑ Specifies the qualifying options for Directors in centers. The Oregon Registry step level option is reduced from step 8 to step 5.
- ❑ Directors must increase 2 step levels every 2 years until at least a step 7.5 is attained.
- ❑ Incorporates experience and training as required components in teacher qualifications. For example, one qualifying option is a teacher must have at least 1 year of teaching experience AND completion of 30 clock hours of training.

RS Changes

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- ❑ Requires providers to have a written plan, developed with parents, to address known allergies the child has.
- ❑ Requires providers have proof that dogs are current on rabies vaccinations.
- ❑ Provides clear requirements for caregiver to child ratios for programs that operate as centers. The ratios are the same as currently required by DHS rules.
- ❑ Expands on guidance and discipline requirements by including additional prohibited behaviors by caregivers.
- ❑ Removes prohibition of the use of 15-passenger vans, but place conditions on the use of vehicles manufactured to carry more than 10 passengers and were built prior to 2010.

What happens after all this is done?

- ❑ After the new rules have been adopted the Early Learning Division will continue to gather feedback on the impact of the rules, as well as questions and concerns on other areas of regulation.
- ❑ All rule sets will have an annual review to address any issues.
- ❑ This is an iterative process, with additional rule change proposals moving forward as needed.

Questions and thoughts?



TEMPORARY RULES

The following rules are being presented for adoption as temporary rules in response to the June 11, 2018 Governor's Directive.

Governor's Directive



1. Implement a more robust vetting process for out-of-state providers who are caring for children in Oregon.

- When an out-of-state provider moves to Oregon and applies for a child care license, the Division currently relies on the provider to self-report whether there were issues with their license. The Division must start reviewing licensing histories from other states before granting a license to someone who previously has been licensed in another state. Additionally, I expect the Division to examine all current licensed providers who had a previous, out-of-state license, and take appropriate action if any issues are found.

Out of State Vetting Process

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Current Work

- Pulled applications that indicated out of state licenses
 - ▣ Checking retroactively
- Moving forward, will continue to check with other states

Ongoing Analysis

- Exploring other states' access to information
- Exploring ways to further identify if an individual has been licensed or lived in another state
- Working with federal partners for additional support

Governor's Directive



2. Implement new licensing procedures regarding communication with families.

- Requiring facilities to provide notices to families about any serious issues found by the state or status changes to the facility's license and post information at their facility about the state child care safety portal.
- Making families aware immediately when the state finds that a facility is operating illegally without a license. This may require a statutory change. In the interim, state licensing staff must make every effort to notify families.

Proposed Temporary Rules

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- Effective July 1, 2018
 - Effective for 180 or until permanent rules are adopted
1. Post the ELD Website and phone number and a statement advising parents that they can access information about their child care provider on the child care safety portal.
 2. Post all serious valid complaint and non-compliance letters for 12 calendar months.
 3. Immediately notify all parents of any closure of the active license.
 4. Providers must give the parent(s) of each child enrolled a copy of the current license certificate.

Procedural Changes

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- Identifying processes for all types of legal actions that may result in a closure, for example:
 - Emergency Suspension/Final Order
 - Intent to Revoke/Final Order
 - Intent to Deny/Final Order
 - CBR Removal/Final Order