

Applicability of Rules 414-300-0000

(1) OAR 414-300-0000 through 414-300-0415 set forth the Office of Child Care's (OCC) requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, ORS 329A.030, 329A.250 through 329A.310, 329.350 through 329A.460 and 329A.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certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or~~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 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certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or~~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certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or~~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certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC.~~

(2) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.

Definitions 414-300-0005

(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.

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

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

(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;

Concern: What does "severe" mean?
 Recommended change: None.
 Rationale: Merriam-Webster defines severe as "very painful or harmful as in *severe* wound". Additional guidance can be given with an interpretive guide accompanying the rule.

- (k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;
- (l) Severe burn;

Concern: What does "severe" mean? Does this include sunburns?
 Recommended change: ~~Severe~~ All burns
 Rationale: All burns (1st degree, 2nd degree and 3rd degree) should be reported. This would include sunburns.

- (m) Allergic reaction requiring administration of Epi-Pen;
- (n) Severe bleeding or stitches;

Concern: What does "severe" mean?
 Recommended change: None.
 Rationale: Merriam-Webster defines severe as "very painful or harmful as in *severe* wound". Additional guidance can be given with an interpretive guide accompanying the rule.

- (o) Shock or confused state;
- (p) Near-drowning.

(53) "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.

Application for a Child Care Certificate 414-300-0010

(8) A floor plan shall be submitted with the initial application and/or when a facility is being constructed or remodeled. The floor plan shall show dimensions of all rooms to be used (length and width), the planned use of each room, the placement and number of toilets, bathroom, diaper changing, and handwashing sinks not used for drinking water, and diaper changing tables, the location of the fixtures and plumbing in the kitchen, and the location of all drinking water faucets and fixtures used to obtain water to prepare food, infant formula, drinking or cooking. ~~Similar plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction or remodel.~~

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

(17) An applicant may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC, ~~and request a waiver of this requirement for a period not to exceed six years from the date of the test results submitted.~~ This provision applies only to tests conducted in accordance with the United States Environmental Protection Agency 3T’s for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and the results were below 15 ppb. The OCC shall determine whether the tests submitted conform to the requirements of OAR 414-300-0010(16).

General Requirements 414-300-0030

(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:

<p>Concern: Need more guidance on where items need to be posted. Recommended change: The operator shall display the following near the entrance, or in some other area of the center, where they may be clearly viewed by parent(s) of children in care: Rationale: Provides clearer wording to meet the intent of the rule.</p>
<p>Concern: What about programs located in schools and there is no room to post everything that is required? Recommended change: None. Rationale: Licensors will work with programs to find the best way to post required items.</p>

(j) Water testing results, in accordance with OAR 414-300-0060(1)(e).

(4) The operator shall report to OCC:

(a) ~~An accident at the center resulting in the death of a child, within 48 hours after the occurrence;~~ Any death of a child while in care, within 24 hours;

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

<p>Concern: What does “unattended” mean? Is there a time limit on how long a child can be unattended? Recommended change: None. Rationale: Further guidance will be given by licensors and an interpretive guide accompanying the rule. Examples given in engagement were if the group of children are brought in from the play area and while engaged in an activity, a head count reveals that a child had been left in the play area. Supervision rules would also be used to determine if a child was left “unattended”.</p>
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(c) ~~Injuries to a child at the center which require attention from a licensed health care professional, such as a physician, EMT or nurse, within 7 days after the occurrence;~~ 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 for which a child is evaluated by a professional as a precaution;

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

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

(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

<p>Concern: Reports of any instance in the rule above that will appear on the parent portal may be viewed by parents as non-compliances and could negatively affect programs. Recommended change: Include a lead-in statement on the parent portal informing parents that reports do not automatically indicate non-compliance. If a non-compliance has occurred, it will be clearly indicated.</p>
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(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.

(13) The written emergency plan must be given to parents of children in care.

Personnel General Requirements 414-300-0070

(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.

Concern: What about other authorized persons who are dropping off or picking up children?
 Recommended change: This does not apply to ~~parents of children in care when they drop off and pick up their children:~~ persons authorized to drop off and pick up a child care child.

(a) The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification;

(b) ~~Prior to any new staff, including a director, or individual being on-site at the center during child care hours, the staff/individual shall be enrolled in the Central Background Registry and the center shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are assisting in the provision of child care. Volunteers may be exempt from this rule, as specified in OAR 414-300-0070(11);~~ The facility must receive confirmation from OCC that staff who are 18 years of age or older, are enrolled or conditionally enrolled in the CBR before they may be on-site of the child care premises during child care hours.

(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 center while child care children are present, excluding parents who are dropping off or picking up their children.

Concern: Why does the plan apply to the premises and the log only apply to the center?
 Recommended change: None.
 Rationale: The plan is designed to ensure that no one has access to child care children who is not enrolled or conditionally enrolled in the CBR regardless of where the children may be. For example, landscapers or contractors. The log is designed to monitor and document who has entered the building as there is an increased potential for unsupervised contact due to multiple rooms, etc.

(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.

Director 414-300-0080

(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.

Head Teacher 414-300-0090

(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.

Teacher 414-300-0100

(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.

Teacher Aides 414-300-0110

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

(a) Be at least 15 years of age;

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

(7) An Aide II must:

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

Training 414-300-0120

Concern: Increased training will put too large a burden on large facilities.
 Recommended change: None.
 Rationale: Training is required by CCDF state plan and to better meet the unique needs of infants in child care settings.

(9) ~~All new staff that may have unsupervised access to children must have completed OCC approved health and safety training within thirty days of employment.~~ All staff, with the exception of Aide I's, who count in staff to child ratios must complete OCC approved training on recognizing and reporting child abuse and neglect, and health and safety training, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.

(10) ~~All current staff that may have unsupervised access to children must have completed OCC approved health and safety training by June 30, 2017.~~ All infant caregivers, with the exception of Aide I's, must complete OCC approved training on safe sleep, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.

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

Sanitation 414-300-0180

(1) Water Supply:

(i) A provider may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC, ~~and request a waiver of this requirement for a period not to exceed six years from the date of the test results submitted.~~ This provision applies only to tests conducted in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and the results were below 15 ppb. The OCC shall determine whether the tests submitted conform to the requirements of OAR 414-300-0010(16).

Meals and Snacks 414-300-0280

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

- (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 ~~or sitting up in a caregiver’s lap for bottle feeding while bottle fed.~~
 - (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.

Infant and Toddler Program of Activities 414-300-0300

- (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;

Concern: Do bassinets and playpens also have to have a tightly fitting sheet? Those types of equipment typically don’t have mattresses, they have pads.
 Recommended change: None. Additional guidance can be given through an interpretive guide accompanying the rule.
 Rationale: The intent of the rule is to ensure that bedding will not restrict the infant’s movement or interfere with breathing.

- (d) A clean sheet shall be provided for each child;
- (e) ~~Infants must be placed on their backs on a flat surface for sleeping;~~

Concern: What about infants that can easily turn over, do we need to keep repositioning them on their backs?
 Recommended change: None.
 Rationale: Caring for Our Children 3.1.4.1: Safe Sleep Practices and Sudden Unexpected Infant Death (SUID)/SIDS Risk Reduction (American Academy of Pediatrics): Infants up to twelve months of age should be placed for sleep in a supine position (wholly on their back) for every nap or sleep time
<http://nrckids.org/CFOC/Database/3.1.4.1>

- (f) ~~If an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the caregiver must immediately move the infant to an appropriate sleep surface;~~

Concern: What if an infant falls asleep in a stroller while on a walk, or on a blanket or pad while at a park? Shall the walk or park visit be cut short so that the infant can “immediately” be moved to an appropriate sleep surface?
 Recommended change: ~~While on the child care premises~~ if an infant falls asleep...
 Rationale: It seems unnecessary to require caregivers to curtail activities such as walks or park visits if an infant falls asleep. The additional language should provide clarity to the intent of the rule.

- (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);~~

Concerns: What about security blankets or comfort toys?
 Recommended change: None.
 Rationale: Caring for Our Children 3.1.4.1: Safe Sleep Practices and Sudden Unexpected Infant Death (SUID)/SIDS Risk Reduction (American Academy of Pediatrics): Soft or loose bedding should be kept away from sleeping infants and out of safe sleep environments. These include, but are not limited to: bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, etc. Also, blankets/items should not be hung on the sides of cribs. Loose or ill-fitting sheets have caused infants to be

strangled or suffocated. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of the crib should be kept away from sleeping infants and out of safe sleep environments. <http://nrckids.org/CFOC/Database/3.1.4.1>

(i) [Swaddling or other clothing or covering that restricts the child's movement is prohibited;](#)

Concern: Why is swaddling bad? It helps the infant sleep. They do it in hospitals.
 Recommended change: None. Additional guidance will be given by licensors and interpretive guides accompanying the rule. Special circumstances can be assessed using the exception process.
 Rationale: Caring for Our Children 3.1.4.2: Swaddling (Jointly published by the National Resource Center for Health and Safety in Child Care and Early Education, the AAP and the American Public Health Association): There is evidence that swaddling can increase the risk of serious health outcomes, especially in certain situations. The risk of sudden infant death is increased if an infant is swaddled and placed on his/her stomach to sleep or if the infant can roll over from back to stomach. Loose blankets around the head can be a risk factor for sudden infant death syndrome (SIDS). With swaddling, there is an increased risk of developmental dysplasia of the hip, a hip condition that can result in long-term disability. Hip dysplasia is felt to be more common with swaddling because infants' legs can be forcibly extended. With excessive swaddling, infants may overheat (i.e., hyperthermia).
<http://nrckids.org/CFOC/Database/3.1.4.2>

(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.](#)

~~Denial and Revocation of Certification 414-300-0400 and Suspension of Certification 414-300-0410~~
Suspension, Denial and Revocation 414-300-0400

~~(1) Certification may be denied or revoked if a center fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care.~~

~~(2) Revocation of a certification shall occur only after the director receives notification of deficiencies, has adequate time to make corrections, and fails to do so.~~

~~(3) The operator has the right to appeal any decision to deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.~~

~~(4) An operator whose certification has been revoked shall not be eligible to reapply for three years after the revocation is effective.~~

~~(5) If necessary to protect children, OCC may give public notice of denial or revocation action taken. The type of notice will depend on individual circumstances.~~

~~(1) OCC 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, OCC may give public notice of suspension action taken. The type of notice will depend on individual circumstances.~~

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

(2) A center whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.

(3) A center whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.

(4) A center whose certification has been suspended must post the suspension on the main entry door where it can be viewed by parents and others for the duration of the suspension.

(5) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.

(6) If the center does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.

(7) Certification may be denied or revoked if 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.

(8) A center whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.

(9) The center has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.

(10) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system.

(11) A center whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked shall not be eligible to reapply for 5 years after the effective date of the closure.

(12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended 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 or 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.

414-300-0415 Civil Penalty

(1) ~~A facility that violates these rules or the terms and conditions of certification under these rules may be subject to a civil penalty.~~ Violations of these rules or terms and conditions of certification under these rules may be subject to a civil penalty up to \$2500 per violation.

(2) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:

- (a) Provide technical assistance as appropriate;
- (b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and
- (c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:
 - (A) Numbers of previous violations of the same rule; or
 - (B) Circumstances surrounding the rule violation.

~~(2) For a serious violation, as defined in OAR 414-300-0005(42) a facility 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 violations.~~

(3) For a serious violation, as defined in OAR-414-350-0010 (43), a center may be subject to a civil penalty not to exceed \$2500 for each violation.

~~(3) For other violations, a facility may be subject to a civil penalty of \$75 for the first violation after a written warning with time to correct is issued, \$150 for a second violation, \$250 for a third violation and an additional \$100 for each subsequent violation up to \$500 per violation, not to exceed \$1,000 in a quarter for all rule violations.~~

(4) For a non-serious violation, a center may be subject to a civil penalty of \$800 for each 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.

Feedback was very supportive of the increase in civil penalty for illegal care.

(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.

(8) 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.

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