

Board Action Summary

AGENDA ITEM: Temporary Child Care Rules Adoption as Permanent

Summary of Recommended Board Action

ACTION: Adopt the temporary rule corrections to CBR, safe sleep, Center training requirements, lead testing and parent information as permanent.

ISSUE: Temporary rules can only be in place for a maximum of 180 days before they must be made permanent in order to stay in effect.

BACKGROUND:

The Early Learning Council approved temporary rules to correct errors and inconsistencies in rules regarding safe sleep, Center training requirements, and lead testing requirements, and to update Central Background Registry rules to stay in compliance with CCDF requirements. The review process found an additional numbering error in rules pertaining to the Governor's directive on parent information that these permanent rule filings also correct.

Summary of Rules

Central Background Registry	Reorders and updates crimes that are disqualifying conditions, based on statutory changes that resulted in rules lacking some felony and class A misdemeanors to stay in compliance with CCDF requirements. Expands subject individuals to include Early Learning Programs that are unable to be licensed, so that all children in Preschool Promise programs are cared for by individuals that are enrolled in the CBR.
Safe Sleep	Corrects filing errors and inconsistencies related to infant sleep surfaces, whether infants can remain asleep in car seats, required safe sleep training and OCC's ability to send notifications to parents regarding safe sleep violations.
Center Aide I Training Requirements	Corrects inconsistency in Aide I training descriptions to comply with CCDF requirements.
Lead Testing Requirements	Clarifies and updates lead testing requirements by referencing the most recent U.S. EPA guidelines, and by reorganizing requirements into their own section of rule.
Governor's Directive on Parent Information	Corrects a numbering error to clarify that all serious valid complaints and non-serious compliance letters must be posted in an area where they can be clearly viewed by parents.

Implementation Timeline

Early Learning Council will consider permanent rules to adopt March 28, 2019, with an effective date of March 28, 2019 if adopted.

ACTION PRECEEDING BOARD ACTION:

Temporary Rule Adoption Dates

Central Background Registry	<u>Felony and misdemeanor updates</u> ELC approved temporary rules September 27, 2018 <u>Subject individuals</u> ELC approved temporary rules October 30, 2018
Safe Sleep	<u>Parental notification</u> ELC approved temporary rules September 27, 2018 <u>Training and appropriate surface terminology</u> ELC approved temporary rules October 30, 2018
Center Aide I Training Requirements	ELC approved temporary rules October 30, 2018
Lead Testing Requirements	ELC approved temporary rules November 30, 2018

Stakeholder Engagement

Providers received notice of temporary rules at the time of approval, and continue to receive guidance on the issue areas addressed in the temporary rules.

Notice of permanent rulemaking was sent to legislators January 28, 2019.

Notice of permanent rulemaking was sent to interested parties January 31, 2019.

Notice of permanent rulemaking appeared in the Oregon Bulletin February 1, 2019.

Providers were emailed and mailed notice of the proposed permanent rules, including information on submitting public comment and attending the hearing.

Public Comment and Recommended Action

Rule Section	Public Comment	Actions Recommended
CBR	Please consider adding the new wording for CBR enrollment status with an explanation about who is allowed to be on-site, operate in their role and be considered teacher qualified. This is very confusing and the new rules have not outlined the difference between "in process" and "conditional". Thank you! Michelle Fugere, M.S. Eugene Creative Care 541-600-0630	<u>Recommendation:</u> No change in temp to permanent rules. Input will be carried forward into upcoming rule revisions. <u>Reasoning:</u> Outside scope of proposed rule changes.
CC – safe sleep surfaces	Will the safe sleep surfaces mentioned in 414-350-(0220)-0235 Infant and Toddler Furniture and Equipment also include floor beds such as those proscribed in Montessori infant environments and used throughout the world for decades? Yours in health, Emily Canibano, M.ed MACTE AMI Primary Guide (MNW) Master Trainer (ORTP) ERYT/Children'sYT/PYT (Yoga Alliance) GFI/cPT/Children's Fitness Expert (ACE)	<u>Recommendation:</u> No change in temp to permanent rules. <u>Reasoning:</u> To ensure that safe sleep practices are followed, licensors need to work with providers on the use of floor beds through the formal exception process.

Fiscal Analysis: The Division was required to analyze the fiscal impact of the proposed rules. Analysis included financial impacts of the rules to stakeholders, to small business (defined as a business that is independently owned and operated with 50 or fewer employees) or to local government.

The financial impact to programs should be none to minimal overall. No fiscal impact expected for rules that clarify inconsistencies in existing rule. Minimal impact to rules that continue to require lead testing for every licensed child care facility. Rules require up to three tests with a cost of approximately \$22.00 each. Estimated costs to each facility would be no more than \$100.00. Certified Family and Registered Family may be reimbursed by OCC for their lead testing costs and corrective actions for faucets found to be above the limit.

Contact: Dawn Taylor, Child Care Director, ELD

414-061-0020

Definitions

- (1) "Adult protective services history-" means information about whether the subject individual has a substantiated finding of abuse or neglect in an adult abuse investigation conducted by the Oregon Department of Human Services or its contractor or designee, or similar information held by another state, county, municipal or other governmental entity or its contractor or designee.
- (2) "Adult protective services check" means a certification by the subject individual of the presence or absence of a substantiated finding of abuse or neglect in an adult abuse investigation, or obtaining and reviewing adult protective services records from appropriate governmental authority, its designee or contractor as required or permitted by these rules .
- (3) "Agency Agreement" means the written agreement between the Oregon State Police (OSP) and the Oregon Office of Child Care (OCC).
- (4) "Central Background Registry" or "CBR" means the registry established and operated pursuant to ORS 329A.030.
- (5) "Child Abuse and Neglect Records" means information on child abuse and neglect cases conducted by the Oregon Department of Human Services or its contractor or designee, or similar information held by another state, county, municipal or other governmental entity or its contractor or designee.
- (6) "Child Abuse and Neglect Records Check" means obtaining and reviewing child protective services reports and records as required or permitted by these rules.
- (7) "Computerized Criminal History (CCH) System" means the on-line computer files of significant criminal offender information maintained by the Oregon State Police (OSP).
- (8) "Conditional Enrollment" means temporary approval to be enrolled in the CBR following an OSP criminal records check and child abuse and neglect records check but prior to receipt by OCC of the results of a required FBI criminal records check.
- (9) "Criminal Records" means information, including fingerprints and photographs, received, compiled, and disseminated by the Oregon State Police for purposes of identifying criminal offenders and alleged offenders and maintained as to such persons' records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release and includes the OSP Computerized Criminal History System.

(10)"Criminal Records Check" means obtaining and reviewing criminal records as required or permitted by these rules and includes any or all of the following;

- (a) A check of Oregon criminal offender information and driving records conducted through use of the Law Enforcement Data System (LEDS) maintained by OSP, in accordance with the rules adopted and procedures established by OSP;
- (b) A check of Oregon criminal offender information, including through fingerprint identification or other means, conducted by OSP at the authorized agency or district's request; or
- (c) A nationwide check of federal criminal offender information, including through fingerprint identification, conducted by OSP through the Federal Bureau of Investigation (FBI).

(11)"Early Childhood Care and Education Program" means a regulated child care facility, federally-funded Head Start program, Oregon Department of Education funded pre-kindergarten program, parent-as-teacher program, or early childhood special education/early intervention program.

(12)"Early Learning Program" means a preschool provider referenced in ORS 329.172(3) that has applied to participate in the preschool program described in that section.

~~(12)~~(13) "Employee" means any individual caring for, overseeing, or who has or may have access to children, who holds a paid position in a requesting agency.

~~(13)~~(14) "Employee of the Early Learning Division" means any individual employed by the Early Learning Division.

~~(14)~~(15) "Enrollment" means approval for a five -year period to be enrolled in the Central Background Registry following an OSP criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification, and, an FBI records check.

~~(15)~~(16) "Fee" means the charges assessed by the subject individual for processing each criminal records check and/or fingerprint-based criminal records check.

~~(16)~~(17) "FBI" means the Federal Bureau of Investigation.

~~(17)~~(18) "Fingerprint-Based Criminal Records" means criminal offender information compiled and maintained by the Federal Bureau of Investigation.

~~(18)~~(19) "Foster Care Certification History" means information and records regarding the status of any application for or approval of the Oregon Department of Human Services permitting the subject individual to provide foster care, or similar information held by another state, county, municipal or other governmental authorities or their contractors or designees.

~~(19)~~(20) "Foster care certification check" means a certification by the subject individual of the presence or absence of any negative action taken on their foster care certification by appropriate governmental authority, or obtaining and reviewing foster care from appropriate governmental authority, its designee or contractor as required or permitted by these rules.

~~(20)~~(21) "Incident" means the commission of a Category I or Category II crime, a child abuse and neglect case, negative foster care history, or a substantiated finding of adult abuse or neglect

~~(21)~~(22) "OCC" means the Office of Child Care of the Early Learning Division of the Department of Education.

~~(22)~~(23) "OSP" means the Oregon State Police.

~~(23)~~(24) "Reciprocal Agreement Program" includes:

- (a) A metropolitan service district organized under ORS chapter 268; and
- (b) A private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.

~~(24)~~(25) "Requesting Agency" means a childhood care and education program or individual providing care to children that is:

- (a) Regulated by OCC under ORS 329A.280 or 329A.330; or
- (b) An early childhood care and education program.

~~(25)~~(26) "Unsupervised Contact with 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.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.030(7)

Statutes/Other Implemented: ORS 329A.030

414-061-0030

Subject Individuals

(1) For purposes of criminal records checks, including fingerprint-based criminal records checks, and child abuse and neglect records checks, foster care or adult protective services checks, "Subject Individual" means a person who is or applies to be:

- (a) The owner, operator or an employee or volunteer of a certified, registered or otherwise regulated facility caring for children that is subject to the jurisdiction of OCC;
- (b) The operator or an employee of an Oregon pre-kindergarten program or parent-as-teacher program under ORS 329.170 to 329.200;
- (c) The operator or an employee of a federal Head Start Program regulated by the United States Department of Health and Human Services;
- (d) A designated employee or a contractor with the Early Learning Division;
- (e) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534; or
- (f) A child care provider who is required to be enrolled in the Central Background Registry by any state agency.
- (g) A designated contractor, employee or volunteer of a Metro Service District.
- (h) A provider of respite services as defined in ORS 418.205 for parents pursuant to a properly executed power of attorney under ORS 109.056.
- (i) An employee, contractor or provider of child care services under any memorandum of understanding or similar arrangement with one of the nine federally recognized tribes in Oregon or administrators of the Tribal Child Care and Development Fund.

(j) The operator or an employee of an Early Learning Program.

(2) An individual in any of the above facilities or programs who may have unsupervised contact with children is also a subject individual. This includes but is not limited to permanent or temporary residents in the home or facility or persons visiting on a regular basis.

Statutory/Other Authority: ORS 329A.030(7)

Statutes/Other Implemented: ORS 329A.030

414-061-0045

Disqualifying Conditions for Enrollment

(1) A subject individual shall be ineligible for enrollment in the Central Background Registry and if enrolled may be removed or suspended, or have their renewal application denied if such individual:

(a) Refuses to consent to OCC's criminal background check or required fingerprinting;

(b) Knowingly makes or has knowingly made a materially false statement in connection with their application for initial enrollment or renewal of their enrollment in the Central Background Registry, including but not limited to the required criminal background check, or the individual's records or history related to child abuse and neglect, foster care, or adult protective services;

(c) Is registered, or is required to be registered, on any State, tribal, or US territory sex offender registry or repository or the National Sex Offender Registry; or

(d) Has been convicted of a felony or misdemeanor consisting of:

(A) Aggravated murder, murder, criminal homicide, aggravated vehicular homicide, or manslaughter in the first degree as defined by ORS 163.005, ORS 163.095, ORS 163.115, ORS 163.118, or ORS 163.149;

(B) Child abuse or neglect, or other crimes against children as defined by ORS 163.207, ORS 163.405, ORS 163.408, ORS 163.432, ORS 163.433, ORS 163.435, ORS 163.535, ORS 163.537, ORS 163.545, ORS 163.547, ORS 163.555, ORS 163.575, ORS 163.670, ORS 163.684, ORS 163.686, ORS 163.687, ORS 163.688, [ORS 163.689](#), or ORS [167.262](#)~~163.689~~;

(C) A crime involving rape, sexual assault, sexual abuse, sodomy, sexual misconduct or other sexual offenses as defined by; ORS 163.365, ORS 163.375, [ORS 163.385](#), ORS 163.395, ORS 163.405, ORS 163.408, ORS 163.411, [ORS 163.413](#), ORS 163.415, ORS 163.425, ORS 163.427 ORS 163.452, ~~OR~~ ORS 163.454, [or ORS 167.017](#);

(D) Kidnapping or trafficking in persons as defined by ORS 163.225, ORS 163.235 or ORS 163.266

(E) Arson as defined in ORS 164.315 or ORS 164.325

(F) Physical assault or battery as defined by ORS 163.165, ORS 163.175, ORS 163.185, ORS 163.187

(G) A drug-related offense under ORS chapter 475 [or 475B](#), committed during the preceding five years, that results in the conviction of the subject individual of a Class A felony, Class B felony, Class C felony, or a Class A Misdemeanor.

(2) These rules also apply to:

(a) A conviction of a crime in another jurisdiction which is the substantial equivalent of a crime listed Section 1(d);

(b) An adjudication of guilt by reason of insanity, of an act that is the substantial equivalent of a crime listed in section 1(d);

(c) An adjudication by a juvenile court that a youth has committed an act that is the substantial equivalent of a crime listed in Section 1(d);

(d) Any attempts, conspiracies or solicitations to commit any Felony or Misdemeanor crime listed in Section 1(d);

(e) A new crime, adopted by the legislature following the most recent amendment of these rules, which is the substantial equivalent of any crimes listed in Section 1(d);

(f) Any crime that is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in Section 1(d).

Statutory/Other Authority: ORS 329A.030

Statutes/Other Implemented: ORS 329A.030; HB 2259 (2017)

414-061-0050

History to Be Considered

(1) OCC has determined that serious felonies and misdemeanors involving violence or unauthorized sexual conduct, especially with children or otherwise vulnerable persons, is fundamentally inconsistent with any responsibility for care of children. Conviction of crimes listed in Category I of this rule shall disqualify a subject individual from being enrolled in the Central Background Registry, unless the subject individual provides sufficient evidence of suitability as described in section [\(98\)](#) of this rule.

(a) OCC will consider conviction of the following crimes for 15 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 15 years will run from the date of arrest, citation, charge, or conviction whichever is later.

~~(A) 163.165 Assault in the third degree.~~

~~(B)~~(A) 163.515 Bigamy.

~~(C)~~(B) 164.225 Burglary in the first degree.

~~(D)~~(C) 163.275 Coercion.

~~(E)~~(D) 163.200 Criminal mistreatment in the second degree.

~~(F)~~ 163.555 Criminal nonsupport.

~~(G)~~(E) 163.225 Kidnapping in the second degree.

~~(H)~~(F) 166.270 Possession of weapons by certain felons.

~~(I)~~(G) 166.720 Racketeering activity unlawful; penalties.

~~(J)~~(H) 164.405 Robbery in the second degree.

~~(K)~~(I) 164.395 Robbery in the third degree.

~~(L)~~(J) 163.445 Sexual misconduct.

~~(M)~~(K) 163.732 Stalking.

~~(N)~~(L) 162.185 Supplying contraband.

~~(O)~~(M) 166.220 Unlawful use of weapon.

~~(P)~~(N) 163.257 Custodial interference in the first degree.

(b) OCC will consider conviction of the following crimes for 20 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 20 years will run from the date of arrest, citation, charge, or conviction whichever is later.

(A) 166.087 Abuse of corpse in the first degree.

(B) 166.085 Abuse of corpse in the second degree.

(C) 475.908 Causing another person to ingest a controlled substance.

(D) ~~167.017 Compelling prostitution.~~ [475B.367 Causing another person to ingest marijuana.](#)

(E) 163.205 Criminal mistreatment in the first degree.

~~(F)~~(F) 163.145 Criminally negligent homicide.

~~(F)~~(G) 162.165 Escape in the first degree.

~~(G)~~(H) 163.693 Failure to report child pornography.

~~(H)~~(I) 181.812 Failure to report as sex offender; defense.

~~(H)~~(J) 166.429 Firearms used in felony.

~~(J)~~(K) 163.525 Incest.

~~(K)~~(L) 166.165 Intimidation in the first degree.

~~(L)~~(M) 166.155 Intimidation in the second degree.

~~(M)~~(N) 163.125 Manslaughter in the second degree.

~~(N)~~(O) 166.382 Possession of destructive device prohibited; exceptions.

~~(O)~~(P) 166.275 Possession of weapons by inmates of institutions.

~~(P)~~(Q) 167.012 Promoting prostitution.

~~(Q)~~(R) 167.090 Publicly displaying nudity or sex for advertising purposes.

~~(R)~~(S) 163.355 Rape in the third degree.

~~(S)~~(T) 164.415 Robbery in the first degree.

~~(T)~~(U) 167.062 Sadomasochistic abuse or sexual conduct in live show.

~~(U)~~(V) 167.212 Tampering with drug records.

~~(V)~~(W) 164.075 Theft by extortion.

~~(W)~~(X) 163.479 Unlawful contact with a child.

~~(X)~~(Y) 166.384 Unlawful manufacture of destructive device.

~~(Y)~~(Z) 166.660 Unlawful paramilitary activity.

~~(Z)~~(AA) 166.272 Unlawful possession of machine guns, certain short-barreled firearms and firearms silencers.

~~(AA)~~(BB) 163.212 Unlawful use of an electrical stun gun, tear gas or mace in the second degree.

~~(BB)~~(CC) 163.476 Unlawfully being in a location where children regularly congregate.

(c) OCC will consider the following crimes regardless of the length of time since the conviction.

(A) 167.820 Concealing the birth of an infant.

(B) 167.080 Displaying obscene materials to minors.

(C) [167.341 Encouraging sexual assault of an animal.](#)

~~(C)~~(D) 167.075 Exhibiting an obscene performance to a minor.

~~(D)~~(E) 167.057 Luring a minor.

~~(E)~~(F) 166.370 Possession of firearm or dangerous weapon in public building or court facility exception; discharging a firearm in a school.

~~(F)~~(G) 433.010 Spreading disease prohibited; health certificates to be issued by physicians; rules.

~~(G)~~(H) 163.264 Subjecting another person to involuntary servitude in the first degree.

~~(H)~~(I) 163.263 Subjecting another person to involuntary servitude in the second degree.

~~(I)~~(J) 163.213 Unlawful use of an electrical stun gun, tear gas or mace in the first degree.

(2) OCC has further determined that felonies and misdemeanors involving theft, fraud, or deception, crimes against the state and public justice, and major traffic violations may

substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual was convicted of a crime listed in Category II of this rule, OCC will seek to obtain and review information on all intervening circumstances and other background information related to criminal activity, subject to section (89) of this rule. OCC will make a determination whether an individual is suitable for enrollment in the Central Background Registry based on all information available.

- (a) OCC will consider conviction of the following crimes for 5 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 5 years will run from the date of arrest, citation, charge, or conviction whichever is later.

- (A) 162.015 Bribe giving.
- (B) 162.025 Bribe receiving.
- (C) 162.275 Bribe receiving by a witness.
- (D) 162.265 Bribing a witness.
- (E) 162.335 Compounding.
- (F) 811.182 Criminal driving while suspended or revoked; penalties.
- (G) 164.354 Criminal mischief in the second degree.
- (H) 192.865 Criminal penalty (192.852 Prohibition on obtaining actual address or telephone number; prohibition on disclosure by employee of public body).
- (I) 165.022 Criminal possession of a forged instrument in the first degree.
- (J) 165.017 Criminal possession of a forged instrument in the second degree.
- (K) 165.032 Criminal possession of a forgery device.
- (L) 164.245 Criminal trespass in the second degree.
- (M) 166.025 Disorderly conduct in the second degree.
- (N) 830.475 Duties of operators and witnesses at accidents (failure to perform the duties of an operator of a boat).

- (O) 162.145 Escape in the third degree.
- (P) 162.205 Failure to appear in the first degree.
- (Q) 162.195 Failure to appear in the second degree.
- (R) 811.705 Failure to perform duties of driver to injured persons; penalty (hit and run, injury).
- (S) 811.700 Failure to perform duties of driver when property is damaged; penalty (hit and run, property).
- (T) 165.007 Forgery in the second degree.
- (U) 418.630 Foster home must be certified as approved.
- (V) 165.570 Improper use of emergency reporting system.
- (W) 162.375 Initiating a false report.
- (X) 165.572 Interference with making a report.
- (Y) 162.257 Interfering with a firefighter or emergency medical services provider.
- (Z) 162.247 Interfering with a peace officer or parole and probation officer.
- (AA) 166.116 Interfering with public transportation.
- (BB) 418.327 Licensing of certain schools and organizations offering residential programs; fees; rules.
- (CC) 166.095 Misconduct with emergency telephone calls.
- (DD) 162.425 Misuse of confidential information.
- (EE) 166.450 Obliteration or change of identification number on firearms.
- (FF) 162.235 Obstructing governmental or judicial administration.
- (GG) 162.415 Official misconduct in the first degree.

(HH) 162.405 Official misconduct in the second degree.

(II) 167.431 Participation in cockfighting.

(JJ) 167.370 Participation in dogfighting.

(KK) 162.065 Perjury.

(LL) 165.070 Possessing fraudulent communications device.

(MM) 164.235 Possession of a burglary tool or theft device.

(NN) 164.335 Reckless burning.

(OO) 811.140 Reckless driving; penalty.

(PP) 811.231 Reckless endangerment of highway workers; penalties.

(QQ) 830.315 Reckless operation; speed (boat).

(RR) 162.315 Resisting arrest.

(SS) 165.090 Sports bribe receiving.

(TT) 165.085 Sports bribery.

(UU) 411.675 Submitting wrongful claim for payment of public assistance or medical assistance.

(VV) 162.295 Tampering with physical evidence.

(WW) 162.305 Tampering with public records.

(XX) 164.045 Theft in the second degree.

(YY) 166.649 Throwing an object off an overpass in the second degree.

(ZZ) 033.045 Types of sanctions (Contempt of Court).

(AAA) 162.175 Unauthorized departure.

- (BBB) 165.074 Unlawful factoring of payment card transaction.
- (CCC) 165.810 Unlawful possession of a personal identification device.
- (DDD) 165.813 Unlawful possession of fictitious identification.
- (EEE) 411.840 Unlawfully obtaining or disposing of supplemental nutrition assistance.
- (FFF) 411.630 Unlawfully obtaining public assistance or medical assistance.
- (GGG) 811.060 Vehicular assault of bicyclist or pedestrian; penalty.
- (HHH) 163.750 Violating a court's stalking protective order.

(b) OCC will consider conviction of the following crimes for 7 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 7 years will run from the date of arrest, citation, charge, or conviction whichever is later.

- (A) 163.196 Aggravate driving while suspended or revoked.
- (B) 167.340 Animal abandonment.
- (C) 167.330 Animal neglect in the first degree.
- (D) 167.325 Animal neglect in the second degree.
- (E) 166.240 Carrying of concealed weapons.
- (F) 164.365 Criminal mischief in the first degree.
- (G) 166.023 Disorderly conduct in the first degree.
- (H) 813.010 Driving under the influence of intoxicants; penalty.
- (I) 314.075 Evading requirements of law prohibited (tax evasion).
- (J) 475.918 Falsifying drug test results.

[\(K\) 813.011 Felony driving under the influence of intoxicants; penalty](#)

~~(K)~~(L) ____ 811.540 Fleeing or attempting to elude police officer; penalty.

~~(L)~~(M) ____ 166.065 Harassment- if against a child.

~~(M)~~(N) ____ 609.098 Maintaining dangerous dog.

~~(N)~~(O) ____ 830.325 Operating boat while under influence of intoxicating liquor or controlled substance.

~~(O)~~(P) ____ 163.195 Recklessly endangering another person.

~~(P)~~(Q) ____ 162.285 Tampering with a witness.

~~(Q)~~(R) ____ 166.090 Telephonic harassment.

~~(R)~~(S) ____ 166.651 Throwing an object off an overpass in the first degree.

~~(S)~~(T) ____ 164.135 Unauthorized use of a vehicle.

~~(T)~~(U) ____ 166.250 Unlawful possession of firearms.

~~(U)~~(V) ____ 167.808 Unlawful possession of inhalants.

~~(V)~~(W) ____ 133.310 Authority of peace officer to arrest without warrant (Violation of restraining order).

- (c) OCC will consider conviction of the following crimes for 10 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 10 years will run from the date of arrest, citation, charge, or conviction whichever is later.

(A) 165.803 Aggravated identity theft.

(B) 167.315 Animal abuse in the second degree.

(C) 164.215 Burglary in the second degree.

(D) 165.581 Cellular counterfeiting in the first degree.

(E) 167.428 Cockfighting.

(F) 164.377 Computer crime.

- (G) 162.365 Criminal impersonation.
- (H) 162.367 Criminal impersonation of peace officer.
- (I) 164.138 Criminal possession of a rented or leased motor vehicle.
- (J) 164.255 Criminal trespass in the first degree.
- (K) 164.265 Criminal trespass while in possession of a firearm.
- (L) 163.245 Custodial interference in the second degree.
- (M) 167.365 Dogfighting.
- (N) 165.013 Forgery in the first degree.
- (O) 165.055 Fraudulent use of a credit card.
- (P) 165.800 Identity theft.
- (Q) 167.355 Involvement in animal fighting.
- (R) 166.470 Limitations and conditions for sales of firearms.
- (S) 164.162 Mail theft or receipt of stolen mail.
- (T) 163.190 Menacing.
- (U) 164.098 Organized retail theft.
- (V) 166.190 Pointing firearm at another; courts having jurisdiction over offense.
- (W) 819.300 Possession of a stolen vehicle; penalty.
- (X) 162.369 Possession of false law enforcement identification card.
- (Y) 163.467 Private indecency.
- (Z) 685.990 Penalties (pertaining to naturopathic medicine).
- (AA) 677.080 Prohibited acts (regarding the practice of medicine).

~~(BB)~~ 475B.329 Prohibition regarding person who is visibly intoxicated; prohibition against allowing consumption of marijuana by person under 21 years of age on private property; penalty.

~~(BB)~~~~(CC)~~ 471.410 Providing liquor to person under 21 or to intoxicated person; allowing consumption by minor on property; mandatory minimum penalties.

~~(CC)~~~~(DD)~~ 689.527 Prohibited practices; rules (pertaining to pharmacy technicians and practitioners).

~~(DD)~~~~(EE)~~ 166.480 Sale or gift of explosives to children.

~~(EE)~~~~(FF)~~ 164.085 Theft by deception.

~~(FF)~~~~(GG)~~ 164.095 Theft by receiving.

~~(GG)~~~~(HH)~~ 164.055 Theft in the first degree.

~~(HH)~~~~(II)~~ 164.125 Theft of services.

~~(II)~~~~(JJ)~~ 164.272 Unlawful entry into a motor vehicle.

(d) OCC will consider conviction of the following crimes for 15 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 15 years will run from the date of arrest, citation, charge, or conviction whichever is later.

(A) 167.322 Aggravated animal abuse in the first degree.

(B) 166.070 Aggravated harassment.

(C) 164.057 Aggravated theft in the first degree.

(D) 167.320 Animal abuse in the first degree.

(E) 475B.359 Arson incident to manufacture of cannabinoid extract in first degree.

(F) 475B.363 Arson incident to manufacture of cannabinoid extract in second degree.

~~(F)~~(G) 163.160 Assault in the fourth degree.

~~(F)~~(H) 163.208 Assaulting a public safety officer.

~~(G)~~(I) 167.339 Assaulting a law enforcement animal.

(J) 167.008 Commercial sexual solicitation.

~~(H)~~(K) 475.900 Crime category classification; proof of commercial drug offense.

~~(H)~~(L) 475.962 Distribution of equipment, solvent, reagent, or precursor substance with intent to facilitate manufacture of controlled substance.

~~(H)~~(M) 164.172 Engaging in a financial transaction in property derived from unlawful activity.

~~(K)~~(N) 162.155 Escape in the second degree.

~~(L)~~(O) 475.955 Failure to report missing precursor substances.

~~(M)~~(P) 475.950 Failure to report precursor substance transaction.

~~(N)~~(Q) 167.222 Frequenting a place where controlled substances are used.

~~(O)~~(R) 162.325 Hindering prosecution.

~~(P)~~(S) 475.960 Illegally selling drug equipment.

~~(Q)~~(T) 167.352 Interfering with an assistance, a search and rescue or a therapy animal.

~~(R)~~(U) 167.337 Interfering with law enforcement animal.

~~(S)~~(V) 163.700 Invasion of personal privacy.

~~(T)~~(W) 164.170 Laundering a monetary instrument.

~~(U)~~(X) 165.117 Metal property transaction records; prohibited conduct; commercial sellers; penalties.

~~(V)~~(Y) 166.180 Negligently wounding another.

~~(W)~~[\(Z\)](#) 475.967 Possession of precursor substance with intent to manufacture controlled substance.

~~(X)~~[\(AA\)](#) 475.977 Possession or disposing of methamphetamine manufacturing waste.

~~(Y)~~[\(BB\)](#) 475.914 Prohibited acts for registrants; penalties.

~~(Z)~~[\(CC\)](#) 475.752 Prohibited acts generally; penalties; affirmative defense for certain peyote uses; causing death by Schedule IV substance.

[\(DD\)](#) 475.916 Prohibited acts involving records and fraud; penalties.

[\(EE\)](#)[475B.333 Prohibition against giving marijuana item as prize; penalty.](#)

[\(FF\)](#)[475B.227 Prohibition against importing or exporting marijuana items.](#)

~~(AA)~~[\(GG\)](#) [475B.311 Prohibition against producing, processing or storing homemade cannabinoid extracts.](#)

~~(BB)~~[\(HH\)](#) 167.007 Prostitution.

[\(II\)](#) [475.920 Providing drug test falsification equipment.](#)

~~(CC)~~[\(JJ\)](#) 475.965 Providing false information on precursor substance report or record.

~~(DD)~~[\(KK\)](#) 163.465 Public indecency.

~~(EE)~~[\(LL\)](#) 166.015 Riot.

[\(MM\)](#) [475.973 Rulemaking authority regarding products containing ephedrine, pseudoephedrine and phenylpropanolamine; records.](#)

~~(FF)~~[\(NN\)](#) 475.525 Sale of drug paraphernalia prohibited; definition of drug paraphernalia; exceptions.

~~(GG)~~[\(OO\)](#) 166.005 Treason.

~~(HH)~~[\(PP\)](#) 475.870 Unlawful delivery of 3,4-methylenedioxymethamphetamine.

~~(HH)~~[\(QQ\)](#) 475.880 Unlawful delivery of cocaine.

~~(JJ)~~[\(RR\)](#) 475.850 Unlawful delivery of heroin.

~~(KK)~~[\(SS\)](#) 475.810 Unlawful delivery of hydrocodone.

~~(LL)~~[\(TT\)](#) 475.912 Unlawful delivery of imitation controlled substance.

~~(MM)~~[\(UU\)](#) 475.860 [B.346](#) Unlawful delivery of marijuana [item](#).

~~(NN)~~[\(VV\)](#) 475.820 Unlawful delivery of methadone.

~~(OO)~~[\(WW\)](#) 475.890 Unlawful delivery of methamphetamine.

~~(PP)~~[\(XX\)](#) (XX) 475.830 Unlawful delivery of oxycodone.

~~(QQ)~~[\(YY\)](#) 475.866 Unlawful manufacture of 3,4-methylenedioxymethamphetamine.

~~(RR)~~[\(ZZ\)](#) 475.876 Unlawful manufacture of cocaine.

~~(SS)~~[\(AAA\)](#) 475.846 Unlawful manufacture of heroin.

~~(TT)~~[\(BBB\)](#) 475.806 Unlawful manufacture of hydrocodone.

~~(UU)~~[\(CCC\)](#) 475.856 Unlawful manufacture of marijuana.

~~(VV)~~[\(DDD\)](#) 475.816 Unlawful manufacture of methadone.

~~(WW)~~[\(EEE\)](#) 475.886 Unlawful manufacture of methamphetamine.

~~(XX)~~[\(FFF\)](#) 475.826 Unlawful manufacture of oxycodone.

[\(GGG\)](#) 475B.337 Unlawful [possession by person 21 years of age or older](#).

[\(HHH\)](#) 475B.341 Unlawful [possession by person under 21 years of age](#).

~~(YY)~~[\(III\)](#) 475.814 Unlawful possession of hydrocodone.

~~(ZZ)~~[\(JJJ\)](#) 475.824 Unlawful possession of methadone.

~~(AAA)~~(KKK) 475.834 Unlawful possession of oxycodone.

~~(BBB)~~(LLL) 475.874 Unlawful possession of 3,4-methylenedioxymethamphetamine.

~~(CCC)~~(MMM) 475.971 Unlawful possession of anhydrous ammonia.

~~(DDD)~~(NNN) 475.884 Unlawful possession of cocaine.

~~(EEE)~~(OOO) 475.854 Unlawful possession of heroin.

~~(FFF)~~(PPP) 475.975 Unlawful possession of iodine in its elemental form; recording transfers; unlawful distribution of iodine in its elemental form.

~~(GGG)~~(QQQ) 475.976 Unlawful possession of iodine matrix; recording transfers; unlawful distribution of iodine matrix.

~~(HHH)~~(RRR) 475.979 Unlawful possession of lithium metal or sodium metal.

~~(III)~~ 475.864 Unlawful possession of marijuana or marijuana product.

~~(JJJ)~~(SSS) 475.894 Unlawful possession of methamphetamine.

~~(KKK)~~(TTT) 475.969 Unlawful possession of phosphorus.

- (e) OCC will consider conviction of the following crimes for 20 years or less prior to the date the subject individual signed the Application for Enrollment in OCC's Central Background Registry. The 20 years will run from the date of arrest, citation, or conviction whichever is later.

(A) 475B.371 Administration to another person under 18 years of age.

~~(A)~~(B) 475.910 Application of controlled substance to the body of another person; prohibition.

~~(B)~~(C) 475.906 Penalties for unlawful delivery to minors.

~~(C)~~(D) 475.744 Providing hypodermic device to minor prohibited; exception.

~~(D)~~(E) 475.872 Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school.

~~(F)~~(F) 475.882 Unlawful delivery of cocaine within 1,000 feet of school.

~~(F)~~(G) 475.852 Unlawful delivery of heroin within 1,000 feet of school.

~~(G)~~(H) 475.812 Unlawful delivery of hydrocodone within 1,000 feet of school.

~~(H) 475.862 Unlawful delivery of marijuana within 1,000 feet of school.~~

(I) 475.822 Unlawful delivery of methadone within 1,000 feet of school.

(J) 475.892 Unlawful delivery of methamphetamine within 1,000 feet of school.

(K) 475.832 Unlawful delivery of oxycodone within 1,000 feet of school.

(L) 475.868 Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school.

(M) 475.878 Unlawful manufacture of cocaine within 1,000 feet of school.

(N) 475.848 Unlawful manufacture of heroin within 1,000 feet of school.

(O) 475.808 Unlawful manufacture of hydrocodone within 1,000 feet of school.

~~(P) 475.858 Unlawful manufacture of marijuana within 1,000 feet of school.~~

~~(Q)~~(P) 475.818 Unlawful manufacture of methadone within 1,000 feet of school.

~~(R)~~(Q) 475.888 Unlawful manufacture of methamphetamine within 1,000 feet of school.

~~(S)~~(R) 475.828 Unlawful manufacture of oxycodone within 1,000 feet of school.

~~(T)~~(S) 475.904 Unlawful manufacture or delivery of controlled substance within 1,000 feet of school.

(3) These rules also apply to:

- (a) A ~~conviction of a~~ crime in another jurisdiction which is the substantial equivalent of a crime listed in Category I and II;

- (b) An adjudication of guilt by reason of insanity, of an act that is the substantial equivalent of a crime listed in Category I and II;
 - (c) An adjudication by a juvenile court that a youth has committed an act that is the substantial equivalent of a crime listed in Category I and II;
 - (d) Any attempts, conspiracies or solicitations to commit any Felony or Misdemeanor crime listed in Category I and II;
 - (e) A new crime, adopted by the legislature following the most recent amendment of these rules, which is the substantial equivalent of any crimes listed in Category I and II;
 - (f) Any crime that is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in Category I and II;
 - (g) Any felony in Oregon Revised Statutes not listed in Category I and II that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by OCC;
 - (h) Any misdemeanor in Oregon Revised Statutes not listed in Category I and II that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by OCC; and
 - (i) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.
- (4) OCC has determined that child abuse and neglect history may substantially jeopardize the safety of children and is inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual has a child abuse and neglect history, OCC will seek to obtain and review information related to the history, including information from the subject individual, subject to section (9) of this rule. Based on this information, OCC will make a decision whether or not to enroll, suspend or remove the subject individual in or from the Central Background Registry.
- (5) OCC has determined that a substantiated finding of adult abuse may substantially jeopardize the safety of child care children and could be inconsistent with any position of unsupervised contact with children. If a subject individual discloses adult protective services history, OCC will seek to obtain and review information related to the history, including information from the subject individual, subject to section (9) of this rule. Based on this information, OCC will make a decision whether or not to enroll, suspend or remove the subject individual in or from the Central Background Registry.

- (6) OCC has determined that foster care certification history may, depending on the history, substantially jeopardize the safety of child care children and could be inconsistent with any position of unsupervised contact with children. If a subject individual discloses foster care certification history, OCC will seek to obtain and review information related to the history, including information from the subject individual, subject to section (9) of this rule. Based on this information, OCC will make a decision whether or not to enroll, suspend or remove the subject individual in or from the Central Background Registry.
- (7) OCC has determined a subject individual in a diversion program or similar agreement for any Category I or Category II crime, depending on the history, may substantially jeopardize the safety of child care children and could be inconsistent with any position of unsupervised contact with children. If a subject individual discloses a diversion program or similar agreement for any Category I or Category II crime, OCC will seek to obtain and review information related to the history, including information from the subject individual, subject to section (9) of this rule. Based on this information, OCC will make a decision whether or not to enroll, suspend or remove the subject individual in or from the Central Background Registry.
- (8) If OCC determines that additional information is needed to assess a person's suitability to be enrolled or remain enrolled in the Central Background Registry, the subject individual shall provide the requested information within the required timeframes. The additional information may include, but is not limited to, an evaluation or assessment by a physician, counselor or other qualified person, documents to determine positive identification of the subject individual, and court documents.
- (9) Factors to be considered in determining suitability, based on information available to OCC and information provided by the subject individual, include:
- (a) The nature of the₇ child abuse and neglect, foster care, adult protective services, or criminal history;
 - (b) The facts that support the child abuse and neglect, foster care, adult protective services, or criminal history or that indicate the making of a false statement;
 - (c) The relevancy of the₇ child abuse and neglect, foster care, adult protective services₂, criminal history, or false statement to the individual's enrollment in the Central Background Registry; and
 - (d) Intervening circumstances relevant to the individual's enrollment in the Central Background Registry, including but not limited to:
 - (A) The passage of time since the child abuse and neglect, foster care, adult protective services, or criminal history;

- (B) The age of the individual at the time of the child abuse and neglect, foster care, adult protective services, or criminal history;
- (C) The likelihood of repetition of the incident or the commission of another crime;
- (D) The existence of subsequent child abuse and neglect, foster care, adult protective services, or criminal history;
- (E) The recommendation of an employer, if provided;
- (F) For criminal history, whether the conviction was set aside or overturned and the legal effect of that setting aside or overturning; and
- (G) For child abuse and neglect, foster care, or adult protective services, whether the subject individual has had an opportunity to contest the abuse finding through the agency or entity that made the finding and, if so, the status of any such challenge.

(10) OCC will not bar from enrollment in the Central Background Registry any subject individual because of the existence or contents of a juvenile record that has been expunged by the court.

Statutory/Other Authority: ORS [329657A.030](#)

Statutes/Other Implemented: ORS [329657A.030](#)

414-180-0015

Health

- (1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.
- (2) The child care facility must be a healthy environment for children.
- (3) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.
- (4) There must be at least one flush toilet and one hand-washing sink available to children. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from hand-washing sinks.

- (5) The facility shall identify the location of all drinking water faucets and fixtures accessible to children or used to obtain water for preparing food, infant formula, drinking or cooking and shall sample the water from these faucets and fixtures for lead. The facility shall sample in accordance with United States Environmental Protection Agency 3T's for Reducing lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.
- (6) Lead testing as required by 414-180-0015(5) shall be conducted within the past six years of the effective date of this section and no later than six months after the effective date of this section and at least once every six years.
- (7) The test results shall be kept on the facility premises at all times and a copy provided to the Office of Child care within ten (10) days of receiving the results.
- (8) Irrespective of test results, the facility must immediately notify all parents and guardians verbally, in writing, or by email, of the test results and post results in a prominent place in the facility where they will be seen by parents and guardians within one business day. Information provided to parents and guardians shall be in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.
- (9) If the test results are at or above 15 parts per billion (ppb), the facility must immediately:
 - (a) Prevent children from using or consuming water from faucets or fixtures identified in 414-180-0015(5) that have test results at or above 15 ppb, supplying water from drinking water faucets or fixtures identified in 414-180-0015(5) that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section;
 - (b) Within sixty days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006;
 - (c) The facility must implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval; and
 - (d) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets or fixtures identified in 414-180-0015(5) that previously tested at or above 15 ppb.

(10)A provider may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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 414-180-0015(5).

(11)Irrespective of results obtained in accordance with 414-180-0015(5), actions to protect children from exposure to lead contamination in drinking water include:

- (a) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (30 seconds to two minutes); and
- (b) Using only cold water from drinking water faucets or fixtures identified in 414-180-0015(5) that have test results below 15 ppb for preparing food, infant formula, drinking or cooking.
- (c) Boiling water does not remove lead from water and is not considered an acceptable action to protect children from exposure to lead contamination in drinking water.

(12)Existing programs must submit test results by September 30, 2018.

(13)If a provider replaces any faucets or fixtures identified pursuant to OAR 414-180-0015(5) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to the requirements of OAR 414-180-0015(5) and provide the test results to the OCC within ten (10) days of receiving the results. The provider may not allow access to the replaced faucet or fixture until the OCC approves access.

(14)The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

(15)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) While on the child care premises, 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, portable crib, bassinet or playpen 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 child care facility and placed in an appropriate sleep surface.

(16) If the parent(s) so request, siblings may share the same bed.

(17) The upper level of bunk beds shall not be used for children under ten years of age.

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

(a) Infants up to 6 months of age shall be held or sitting up in a caregiver's lap for bottle feeding;

(b) Bottles shall never be propped. The child or a caregiver shall hold the bottle; and

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

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

(20) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.

(21) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, a solution for disinfecting after a blood spill, a sanitary temperature taking device.

(22) Illness:

- (a) Except for mild cold symptoms that do not impair a child's daily functioning, sick children shall not be in care.
- (b) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:

- (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or

- (B) Has one of the following symptoms or combination of symptoms or illness;

- (i) Fever over 100°F, taken under the arm;

- (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

- (iii) Vomiting;

- (iv) Nausea;

- (v) Severe cough;

- (vi) Unusual yellow color to skin or eyes;

- (vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

- (viii) Stiff neck and headache with one or more of the symptoms listed above;

(ix) Difficult breathing or abnormal wheezing; or

(x) Complaints of severe pain.

(c) A child who, after being admitted into child care, shows signs of illness, as defined in this rule, whenever possible will be separated from the other children, and the parent(s) notified and asked to remove the child from the child care facility as soon as possible.

(d) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the child care facility and the parent(s) notified when they pick up their child.

(23)Section 22 of this rule does not apply when the provider is caring only for children from the same family and no other unrelated child care children are present, except that the provider shall notify the parent if a child who, after being admitted into child care, shows signs of illness.

(24)Parents must be notified if their child is exposed to an outbreak of a communicable disease.

(25)If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider and parents, and, if necessary, outside specialists. All caregivers who come in contact with that child shall be fully aware of the plan.

(26)No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the child care facility 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.

(27)No person shall use smokeless tobacco in the child care facility during child care hours or when child care children are present.

(28)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.

(29)No one shall consume alcohol on the child care facility premises during child care hours or when child care children are present.

(30)No one shall be under the influence of alcohol on the child care facility premises during child care hours or when child care children are present.

- (31) No one shall possess, use or store illegal controlled substances on the child care facility premises. No one shall be under the influence of illegal controlled substances on the child care facility premises.
- (32) No one shall grow or distribute marijuana on the premises of the child care facility. No adults shall use marijuana on the child care facility premises during child care hours or when child care children are present.
- (33) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.
- (34) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.
- (35) All marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.
- (36) Any animal at the child care facility shall be in good health and be a friendly companion for the children in care.
- (37) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.
- (38) Dogs and cats shall be kept free of fleas, ticks and worms.
- (39) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.
- (40) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.
- (41) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent.

- (42) Prescription and non-prescription medications must be properly labeled and stored.
- (43) Non-prescription medications or topical substances must be labeled with the child's name.
- (44) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.
- (45) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.
- (46) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- (47) Sunscreen may be used with written parental authorization.
- (a) In instances where parent has provided written permission to use sunscreen, providers must reapply sunscreen every two hours while the child care children are exposed to the sun.
 - (b) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".
 - (c) Providers shall not use aerosol sunscreens on child care children.
 - (d) Sunscreen shall not be used on child care children younger than six months.
- (48) Parents must be given the telephone number so they can contact the provider if needed.

Statutory/Other Authority: ORS 326.425(7)
Statutes/Other Implemented: ORS 329A.505

414-180-0025

Safety

- (1) The room temperature must be at least 68°F during the hours which child care children are in care.

- (2) Rooms child care children are predominantly occupying must have a combination of natural and artificial lighting.
- (3) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (4) Potentially aggressive animals must not be in the same physical space as the children.
- (5) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
 - (a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.
 - (b) Extension cords shall not be used as permanent wiring;
 - (c) All appliance cords must be in good condition;
 - (d) Multiple connectors for cords shall not be used;
 - (e) A grounded power strip outlet with a built-in over-current protection may be used;
 - (f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;
 - (g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;
- (6) The child care facility has a working smoke detector on each floor level and in any area where a child naps.
- (7) Cleaning supplies, paints, matches, lighters, and any plastic bags large enough to fit over a child's head kept under child-safety lock.
- (8) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock.
- (9) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;

(10) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children;

(11) All clear glass panels in doors clearly marked at child level.

(12) Each provider must:

(a) Ensure that the child care facility where care is provided meets all of the following standards:

(A) Each floor level used by a child has two useable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a useable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The child care facility has a working telephone or telephone service in operating condition.

(C) Emergency telephone numbers for fire, ambulance, police and poison control and the child care facility address must be posted in a visible location.

(D) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(E) Broken toys, furniture and equipment must be removed from areas accessible to children.

(13) Wading pools are prohibited for wading.

(14) The provider is responsible for the children in care. At all times the provider must:

(a) Be within sight or sound of all children;

(b) Be aware of what each child is doing;

(c) Be near enough to children to respond when needed.

(15) A center-based child care facility may not exceed the ratios and group sizes in Table A.

(16) In a mixed-age group of children, the number of caregivers and group size shall be determined by the age of the youngest child in the group.

(17) 414-180-0025(15) and 414-180-0025(16) apply to center-based child care defined as a child care facility located in a building constructed as other than a single-family dwelling.

(18) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the child care facility, familiar to the children and the caregivers, and practiced at least every other month and must include:

- (a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;
- (b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs and children with chronic medical conditions;
- (c) An acceptable method to ensure that all children in attendance are accounted for;
- (d) Procedures for handling natural disasters (e.g. fire, earthquake, etc.) and man-caused events, such as violence at a child-care facility;
- (e) Procedures in the event that children must shelter-in-place or if the child-care facility must be locked-down so that no one can enter or leave; and
- (f) Procedures for maintaining continuity of child care operations.

(19) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

(20) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

~~(21) Car seats are to be used for transportation only. Children who arrive at and brought into the child care facility asleep in a car seat may remain in the car seat until the child awakens.~~

~~(22)~~(21) The provider must take precautions to protect children from vehicular traffic. The provider shall:

- (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.
- (b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.

~~(23)~~(22) The following vehicles may be used to transport child care children:

- (a) A vehicle manufactured to carry fewer than ten passengers;
- (b) A school bus or a multi-function school activity bus;
- (c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or
- (d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:
 - (F) Travel speed may not exceed 50 mph; and
 - (G) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

~~(24)~~(23) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:

- (a) Take a child on a field trip or other activity outside the child care facility or participate in any water activity; and
- (b) Transport a child to or from school or allow a child to bus or walk to or from school or child care facility.

Statutory/Other Authority: ORS 326.425(7)
Statutes/Other Implemented: ORS 329A.505

414-180-0050

General Requirements

- (1) OCC records are open to the public on request. However, information protected by state or federal law will not be disclosed.
- (2) The name and status of providers is public information.
- (3) The provider shall report to OCC:
 - (a) Any death of a child while in care, within 24 hours;

(b) Within 24 hours:

- (A) Any child that is lost or missing from the premises;
- (B) Any child that is left behind on a facility excursion;
- (C) Any child that is left unattended on the premises;
- (D) Any child that is left alone on the playground; or
- (E) Any child that is left alone in a vehicle.

(c) Any serious injury or incident, as defined in OAR 414-180-0010(21) 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 operation, 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) Any animal bites to a child within 48 hours of occurrence.

(4) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the regulated subsidy child care program of any valid non-compliance with regulations for safe sleep included in OAR 414-180-0015(15).

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329A.505

414-205-0020

Application for Registration

- (1) The applicant must apply for registration on the form(s) supplied by OCC. The original form(s) must be submitted to OCC for processing.
- (2) Persons submitting new applications must attend a family child care overview session prior to submitting their application to OCC.

- (3) Persons interested in submitting an application must meet the training requirements outlined in OAR 414-205-0055.
- (4) An application for registration is required:
 - (a) For a new registration;
 - (b) For renewing a registration; and
 - (c) For reopening a registration.
- (5) There is a non-refundable filing fee of \$30 for each application. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.
- (6) All civil penalties must be paid in full.
- (7) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit OCC, a fire marshal, or a public health official to assess the home and/or review child care records.
- (8) Providers must satisfactorily complete an on-site health and safety review conducted by OCC prior to issuance of a new, renewal or reopen registration. The review will ensure that the provider is in compliance with the rules related to health, safety and sanitation.
- (9) If an application for renewal is received by OCC at least 30 days prior to the expiration date of the current registration, the current registration, unless officially revoked, remains in effect until OCC has acted on the application for renewal and has given notice of the action taken.
- ~~(10) An applicant shall identify the location of drinking water faucets and fixtures used to obtain water to prepare food, infant formula, drinking or cooking, and the location of bathroom, diaper changing, bathing and handwashing faucets and fixtures that are not used for drinking water.~~
- ~~(11) An application for certificate shall be accompanied by lead testing results for drinking water at all drinking water faucets and fixtures identified in OAR 414-205-0020(10). Results shall be those obtained within the past six years.~~
- ~~(12) An applicant shall have all drinking water faucets and fixtures identified in OAR 414-205-0020(10) tested for lead.~~
- ~~(13) An applicant shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory and shall test in accordance with the United States~~

~~Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.~~

~~(14) An applicant may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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 414-205-0020(13)~~

Statutory/Other Authority: ORS 329A

Statutes/Other Implemented: ORS 329A.260, 329A.330 & 329A.440

414-205-0035

(1) General Requirements

- (1) The home in which child care is provided must be the residence of the provider.
- (2) The provider may not hold a medical marijuana card, grow marijuana, or be a distributor of marijuana.
- (3) Registration is limited to one provider per household.
- (4) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.
- (5) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from OCC.
- (6) OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.
- (7) The name, address, telephone number, and registration status of providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.

(8) The provider shall display the following near the entrance, or in some other area of the home where they may be clearly viewed by parent(s) of children in care:

(a) The Certificate of Registration; and

~~(b) Water testing results, in accordance with OAR 414-205-0020(12) must be posted in a prominent place in the family child care home where it can be seen by parents and guardians. Information provided to parents and guardians shall be in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.~~

(b) Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months.

(9) The provider shall have no other employment, either in or out of the home, during the hours children are in care.

(10) OCC staff may conduct an unannounced monitoring visit at least once during the license period.

(11) The provider or substitute must allow a representative from the Office of Child Care access to the premises any time child care children are present.

(12) The provider or substitute shall allow an inspection of all areas of the facility that are accessible to child care children, and a health and safety review of other areas of the facility to ensure the health and safety of child care children.

(13) The provider must allow parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.

(14) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

(15) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

(16) The provider must notify parents if there will be a substitute provider and the caregiver's name. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

(17)The provider must notify parents if the children will be away from the home for any part of the day for visits, field trips or any other activity off the premises and the name of the caregiver.

(18)If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren).

(19)Registered providers shall comply with all conditions placed on their license.

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

~~(21)Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months.~~

~~(22)~~(21) Providers shall immediately notify all parents of any closure of the active license.

~~(23)~~(22) Providers must have parent(s) or guardian(s) of each child enrolled in the registered family child care home, sign a declaration form approved by the Office of Child Care verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.

~~(24)~~(23) Providers must post the Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal.

~~(25)~~(24) The provider shall report to OCC:

(a) Any death of a child while in care, within 24 hours;

(b) Within 24 hours:

(A) Any child that is lost or missing from the premises;

(B) Any child that is left behind on a facility excursion;

(C) Any child that is left unattended on the premises;

(D) Any child that is left alone on the playground; or

(E) Any child that is left alone in a vehicle.

(c) Any serious injury or incident, as defined in OAR 414-205-0010(29) 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 facility, 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) Any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours of the occurrence.

(e) Any animal bites to a child within 48 hours of occurrence.

~~(26)~~(25) The written emergency plan must be given to parents of children in care.

(26)The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the registered family child care home of any valid non-compliance with regulations for safe sleep included in OAR 414-205-0090(11).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

414-205-0055

Training Requirements

(1) When a person submits a new application for registration as a family child care provider, OCC shall, prior to approving the registration, receive evidence from the person that the person has:

- (a) Completed the Family Child Care Overview session;
- (b) A current certification in first aid and infant and child CPR. 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.
- (c) A current food handler certification pursuant to ORS 624.570;
- (d) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law;

- (e) Completed OCC approved health and safety training; and
 - (f) Completed OCC approved safe sleep training.
- (2) When a registered family child care provider submits a renewal application, the OCC shall, prior to approving it, receive evidence from the provider that the provider has:
- (a) A current certification in first aid and infant and child CPR. 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) A current food handler certification pursuant to ORS 624.570; and
 - (c) Completed a minimum of ten hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least six clock hours of the ten hours of training must be in child development or early childhood education. A training on recognizing and reporting child abuse and neglect will be accepted after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.
 - (d) Completed OCC approved health and safety training. If the training is not complete at the time of the application, it must be completed by June 30, 2017.
 - (A) 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.
 - (B) 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).
- (3) When a person submits a reopen application, the OCC shall, prior to approving it, receive evidence from the individual that the individual has:
- (a) A current certification in first aid and infant and child CPR. 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) A current food handler certification pursuant to ORS 624.570; and
 - (c) Documentation that individual has ten hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: 2.5 hours of training for each six months of the previous license period. A training on recognizing and reporting child abuse and neglect will be accepted again after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.
 - (d) 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.
 - (e) Completed OCC approved health and safety training.
 - (f) Completed OCC approved safe sleep training. If the reopen is the result of an address change, the person must complete the OCC approved safe sleep training by January 1, 2019.
- (4) While the registered family child care license is active, the provider must maintain current certification in first aid, infant and child CPR and food handler training.

[\(5\) All current providers must complete OCC approved safe sleep training by January 1, 2019.](#)

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-205-0090

Program of Activities

- (1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.
- (2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).

- (3) The children's activities must allow choice and develop skills based on each child's age and abilities.
- (4) A balance of active and quiet play must be provided, both indoors and outdoors.
- (5) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.
- (6) An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.
 - (a) Family beds or sofas may be used with individual bedding appropriate to the season.
 - (b) If the parent(s) so request, siblings may share the same bed.
 - (c) The upper level of bunk beds shall not be used for children under ten years of age.
 - (d) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.
- (7) Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate.
- (8) Throughout the day, each infant and toddler shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the home).
- (9) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.
- (10) Infants shall have a variety of appropriate infant toys stimulating to the senses.
- (11) 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) While on the child care premises, 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, [portable crib, bassinet or playpen](#) 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 home and placed in an appropriate sleep surface.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-205-0100

Health

(1) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(2) The home must be a healthy environment for children.

- (a) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home 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 family child care home 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.
- (b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.
- (c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.
- (d) Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present.
- (e) No adult under the influence of marijuana shall have contact with child care children.
- (f) Notwithstanding OAR 414-205-0000(5), marijuana plants shall not be grown or kept on the registered family child care home premises.
- (g) All medical marijuana must be kept in its original container if purchased from a dispensary and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under child safety lock.
- (h) Effective July 1, 2015, all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.
- (i) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from [bathroom sinks or diaper changing](#) ~~hand-washing~~ sinks.-
- (j) The room temperature must be at least 68°F during the hours the child care business is conducted.

- (k) Rooms occupied by children must have a combination of natural and artificial lighting.
 - (l) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (3) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.
- (a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.
 - (b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.
- (4) Infants must be laid on their backs on a flat surface for sleeping.
- (5) Illness:
- (a) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:
 - (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or
 - (B) Has one of the following symptoms or combination of symptoms or illness;
 - (i) Fever over 100°F, taken under the arm;
 - (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);
 - (iii) Vomiting;
 - (iv) Nausea;
 - (v) Severe cough;
 - (vi) Unusual yellow color to skin or eyes;
 - (vii) Skin or eye lesions or rashes that are severe, weeping or pus-filled;
 - (viii) Stiff neck and headache with one or more of the symptoms listed above;
 - (ix) Difficulty breathing or abnormal wheezing;
 - (x) Complaints of severe pain.

- (b) A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.
- (6) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child.
- (7) Parents must be notified if their child is exposed to an outbreak of a communicable disease.
- (8) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent, as required in OAR 414-205-0130(2)(b).
- (9) Prescription and non-prescription medications must be properly labeled and stored.
 - (a) Non-prescription medications or topical substances must be labeled with the child's name.
 - (b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.
 - (c) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.
- (10) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:
 - (a) Providers must obtain written parental authorization prior to using sunscreen.
 - (b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.
 - (A) Parents must be informed of the type of product and the sun protective factor (SPF).
 - (B) Parents must be given the opportunity to inspect the product and active ingredients.
 - (c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

- (d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.
 - (e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".
 - (f) Providers shall not use aerosol sunscreens on child care children.
 - (g) Sunscreen shall not be used on child care children younger than six months.
 - (h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.
- (11) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- (12) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.
- (13) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.
- (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.
 - (b) Foods must be stored and maintained at the proper temperature.
 - (c) Foods must be prepared and served according to the minimum standards for food handler certification.
 - (d) Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.
 - (e) Children shall not be laid down with a bottle for sleeping.
- (14) 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;
 - (b) Bottles shall never be propped. The child or a caregiver shall hold the bottle.

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

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

(16) Any animal at the family child care home shall be in good health and be a friendly companion for the children in care.

- (a) Potentially aggressive animals must not be in the same physical space as the children.

- (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

- (c) Dogs and cats shall be kept free of fleas, ticks and worms.

(17) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.

(18) Caregivers must be physically present when children are interacting with animals.

(19) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(20) Parents must be made aware of the presence of any animals on the premises.

~~(21) The facility shall sample the water from all drinking water faucets and fixtures identified pursuant to OAR 414-205-0020(10) for lead. The facility shall sample in accordance with United States Environmental Protection Agency 3T's for Reducing lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.~~

~~(22) Lead testing as required by 414-205-0020(12) and 414-205-0100(21) shall be conducted within the past six (6) years of the effective date of this section and no later than six months after the effective date of this section and at least once every six years.~~

~~(23) The test results shall be kept on the facility premises at all times and a copy provided to the Office of Child Care within ten (10) days of receiving the results.~~

~~(24) Irrespective of test results, the facility must immediately notify all parents and guardians verbally, in writing, or by email, of the test results and post results in a prominent place in the facility where they will be seen by parents and guardians within one business day. Information provided to parents and guardians shall be in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.~~

~~(25) If the test results are at or above 15 ppb, the facility shall:~~

~~(a) Immediately prevent children from using or consuming water from faucets or fixtures identified in OAR 414-205-0020(10) that have test results at or above 15 ppb by supplying water from drinking water faucets or fixtures identified in OAR 414-205-0020(10) that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section;~~

~~(b) Within sixty days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006; and~~

~~(c) Implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval.~~

~~(26) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets or fixtures identified in 414-205-0020(10) that previously tested at or above 15 ppb.~~

~~(27) A provider may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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 414-205-0100(21).~~

~~(28) Irrespective of results obtained in accordance with 414-205-0020(10) and 414-205-0100(21), actions to protect children from exposure to lead contamination in drinking water should be taken at all times, including:~~

~~(a) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (approximately 30 seconds to two minutes); and~~

~~(b) Using only cold water from drinking water faucets and fixtures identified in OAR 414-205-0020(10) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking.~~

~~(c) Boiling water does not remove lead from water and is not an acceptable action to protect children from exposure to lead contamination in drinking water.~~

~~(29) Existing programs must submit testing results by September 30, 2018.~~

~~(30) If a provider replaces any faucets or fixtures identified pursuant to OAR 414-205-0020(10) at any time, the provider must notify OCC, and sample the water from these faucets and fixtures pursuant to the requirements of OAR 414-205-0100(21) and provide the test results to the OCC within ten (10) days of receiving the results. The provider may not allow access to the replaced faucet or fixture until the OCC approves access.~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

414-205-0105

Testing for Lead in Drinking Water

(1) For purposes of this rule, "drinking water faucet or fixture"

(a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and

(b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.

(2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.

(3) Initial Testing

(a) Any provider with an active registration as of September 30, 2018 must test each drinking water faucet or fixture by November 30, 2018.

(b) The following providers must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:

(A) Any provider with a pending registration application as of September 30, 2018; and

(B) Any provider applying for registration on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications.

(c) A provider identified in (3)(a) or (b) does not need to conduct the initial testing if:

(A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and

(B) The testing was conducted in accordance with the requirements of subsection (5) of this rule.

(d) A provider identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.

(e) A provider identified in (3)(b) must submit test results to OCC within 10 calendar days of the facility receiving the results from the laboratory. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.

(4) Ongoing Testing

(a) After a provider conducts the initial testing under subsection (3) of this rule, the provider must test all drinking water faucets or fixtures at least once every six years from the date of the last test.

(b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the provider receiving the results from the laboratory. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

(a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.

(b) All testing must be performed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.

(c) If a facility does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the provider must:

(A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and

(B) Notify OCC in writing if the alternative source of water changes.

(6) Results

(a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

(A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and

(B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule.

(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

(A) Submit a corrective action plan to OCC for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference; and

(B) Implement the mitigation method within 30 days of approval by OCC.

(7) Recordkeeping and Posting

(a) The provider must keep a copy of the most recent **lead** test results on-site at all times.

(b) The provider must post the most recent lead test results summary provided by OCC in an area of the facility where the summary can be clearly viewed by parents. The provider must post the lead test results summary immediately after receiving the summary from OCC.

(8) Providers must follow the routine practices identified in Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference, at all times.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

414-205-0110

Safety

- (1) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
 - (a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.
 - (b) Extension cords shall not be used as permanent wiring;
 - (c) All appliance cords must be in good condition;
 - (d) Multiple connectors for cords shall not be used;
 - (e) A grounded power strip outlet with a built-in over-current protection may be used;
 - (f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;
 - (g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;
 - (h) A working smoke detector on each floor and in any area where children nap;
 - (i) A working fire extinguisher with a rating of at least 2-A:10-BC;
 - (j) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;
 - (k) Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock;
 - (l) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock;
 - (m) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building;

- (n) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and
 - (o) All clear glass panels in doors clearly marked at child level.
- (2) All floor levels used by children must have access to two useable exits, as defined in OAR 414-205-0010(~~32~~34), to the outdoors.
- (a) If a basement is used for child care purposes, the requirement for two useable exits may be met by one of the following:
 - (A) A sliding glass door or swinging door to the outside and a window that meets the definition of a useable exit; or
 - (B) A window which meets the definition of a useable exit and an internal stairway to ground level that has unobstructed and direct access to the outdoors.
 - (b) If a window, which meets the definition of a useable exit, is used:
 - (A) Steps must be placed under the window to allow children to exit without assistance; and
 - (B) The window must be kept in good working condition.
 - (c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.
- (3) Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence):
- (a) Child care children shall not sleep on the second floor or above;
 - (b) Care shall not be provided for infants and toddlers on the second floor or above;
 - (c) Night care shall not be provided on the second floor or above;
 - (d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;
 - (e) Care can be provided for preschool and school-age children on the second floor or above, if:

- (A) There are two staircases to the ground level and all children are mobile enough to exit safely; or
 - (B) The designated fire marshal has approved the use of the upper floor.
- (4) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month and must include:
 - (a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;
 - (b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs and children with chronic medical conditions;
 - (c) An acceptable method to ensure that all children in attendance are accounted for;
 - (d) Procedures for handling natural disasters (e.g. fire, earthquake, etc.) and man-caused events, such as violence at a child-care facility;
 - (e) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and
 - (f) Procedures for maintaining continuity of child care operations.
- (5) A telephone in working condition must be in the family child care home.
 - (a) Parents must be given the telephone number so they can contact the provider if needed.
 - (b) Emergency telephone numbers for fire, ambulance, police and poison control and the provider's home address must be posted in a visible location.
- (6) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.
 - (a) Broken toys, furniture and equipment must be removed from areas accessible to children.
 - (b) Both the exterior and interior of the home must be maintained in good repair.

(c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint.

(d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.

(7) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

~~(8) Car seats are to be used for transportation only. Children who arrive at the provider's home asleep in a car seat may remain in the car seat until the child awakens.~~

~~(9)~~(8) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

~~(10)~~(9) The provider must take precautions to protect children from vehicular traffic. The provider shall:

~~(A)~~(a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.

~~(B)~~(b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.

~~(11)~~(10) The following vehicles may be used to transport child care children:

(a) A vehicle manufactured to carry fewer than ten passengers;

(b) A school bus or a multi-function school activity bus;

(c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or

(d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:

(A) Travel speed may not exceed 50 mph; and

(B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

Statutory/Other Authority: ORS 329A.250 – 329A.450 & 326.425

Statutes/Other Implemented: ORS 329A.250 – 329A.450

414-205-0130

Record Keeping

(1) The following records, except those specified in OAR 414-205-~~0105(7)(a)~~~~0130~~, shall be kept by the provider for at least one year. These records shall be available at all times to OCC:

(a) Information from the parent(s) for each child at the time of admission:

- (A) Name and birth date of the child;
- (B) Any chronic health problem(s), including allergies, the child has;
- (C) Date child entered care;
- (D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);
- (E) Name and telephone number of person(s) to contact in an emergency;
- (F) Name and telephone number of person(s) to whom the child may be released;
- (G) The name of the school attended by the child care child; and
- (H) Name, address and telephone number of the child's doctor and dentist.
- (I) Health history of any problems that could affect the child's participation in child care.

(b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;

(c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount; ~~and~~;

(d) Injuries to a child; ~~and~~

~~(e) Lead testing results for drinking water for the past six (6) years.~~

- (2) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:
- (a) Obtain emergency medical treatment for a child;
 - (b) Administer medications to a child;
 - (c) Take a child on a field trip or other activity outside the home or participate in any water activity; and
 - (d) Transport a child to or from school or allow a child to bus or walk to or from school or home.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-300-0010

Application for a Child Care Certificate

- (1) Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a child care center without a valid certificate issued by the Office of Child Care.
- (2) Application for a certificate shall be made on forms provided by OCC.
- (3) A completed application is required:
 - (a) For the initial certificate;
 - (b) For the annual renewal of the certificate; and
 - (c) Whenever there is a change of owner, operator or location.
- (4) The applicant shall complete and submit an application to OCC at least:
 - (a) 45 days before the planned opening date of a new center; and
 - (b) For renewal of certification, 30 days prior to the expiration of the certificate.
 - (A) If an application for renewal and payment of the required fee is received by OCC at least 30 days prior to the expiration date of the current certificate, the

current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.

- (B) If an application for renewal and payment of the required fee is not received by OCC at least 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the facility, unless the renewal is completed before the expiration date.

(5) An application for a certificate shall be accompanied by a non-refundable filing fee.

- (a) For the initial application, a change of owner/operator, the reopening of a center after a lapse in certification, or a change of location (except when a facility is forced to move due to circumstances beyond the control of the operator), the fee is \$100 plus \$2 for each certified space (e.g., the fee for a child care center certified to care for 30 children is $\$60 + \$100 = \$160$).

- (b) For a renewal application, the fee is \$2 for each certified space.

(6) An application for a certificate must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If an application is denied, an applicant must submit a new application for a certificate.

(7) All civil penalties must be paid in full.

~~(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.~~

~~(9)~~(8) Floor plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction or remodel.

~~(10)~~(9) If the facility is located within or attached to a building used for purposes other than child care, the floor plan shall describe the other activities which are carried out in adjoining rooms or buildings.

~~(11)~~(10) If the applicant is a firm, association, corporation, public agency, or governmental entity, the application shall be signed by the chief executive officer or a person designated in writing to

have the authority to sign for the applicant. If the applicant is a partnership, the application shall be signed by each partner.

~~(12)~~(11) A management list shall be submitted with the application and updated annually. The list must specify who is responsible for each of the following:

- (a) Financial management;
- (b) Maintaining records;
- (c) Budgeting;
- (d) Policy Development;
- (e) Staff management, orientation and training;
- (f) Maintenance of building and grounds;
- (g) Meal planning and preparation;
- (h) Transportation of children, if provided; and
- (i) Ensuring the appropriateness of program activities according to age and development of the children.

~~(13)~~(12) An operator shall provide verification to OCC that the center meets all applicable building codes and zoning requirements that apply to child care facilities:

- (a) Before the initial certificate is issued; and
- (b) Whenever the facility is remodeled.

~~(14)~~(13) The center shall be approved by an environmental health specialist registered under ORS chapter 700, or an authorized representative of the Health Division, and by a state or local fire marshal, before a certificate is issued by OCC.

- (a) If structural, emergency or permit problems occur, OCC may request that the operator have the center inspected by the appropriate authority; and
- (b) The operator is responsible for payment of any applicable fees for fire safety and sanitation inspections.

- ~~(15) An application for certificate shall be accompanied by lead testing results for drinking water faucets and fixtures identified in OAR 414-300-0010(8). Results shall be those obtained within the past six years.~~
- ~~(16) An applicant shall have all drinking water faucets and fixtures identified in OAR 414-300-0010(8) tested for lead.~~
- ~~(17) An applicant shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory and shall test in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.~~
- ~~(18) An applicant may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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(17).~~
- ~~(19)~~ (14) Upon receipt of a completed application, a representative of OCC shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0415).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

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 clearly viewed by parent(s) of children in care:
 - (a) The most current certificate issued by OCC;
 - (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 (2) of this rule are available for review on request;

- (f) Information on how to report a complaint to OCC regarding certification requirements;
- (g) Notice that custodial parents have access to the center during the hours of operation and without advance notice;
- (h) Notice of center closures (vacation days, holidays, etc.);
- (i) The Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal; and

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

~~(2)~~(i) Centers must post all serious valid complaint and serious non-compliance letters for 12 calendar months.

~~(3)~~(2) The certified child care center shall immediately notify all parents of any closure of the active license.

~~(4)~~(3) 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 OCC, sanitation, and fire safety inspection reports.

~~(5)~~(4) The operator shall report to OCC:

- (a) Any death of a child while in care, within 24 hours;
- (b) Within 24 hours:
 - (A) Any child that is lost or missing from the premises;
 - (B) Any child that is left behind on a facility excursion;
 - (C) Any child that is left unattended on the premises;
 - (D) Any child that is left alone on the playground; or

(E) Any child that is left alone in a vehicle.

(c) Any serious injury or incident, as defined in OAR 414-300-0010(~~45~~43) 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

(f) 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.

~~(6)~~(5) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate.

~~(7)~~(6) 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.

~~(8)~~(7) 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).

~~(9)~~(8) The following information shall be in writing and made available to staff, OCC, and to parent(s) at the time of enrollment:

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

- (b) 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;

~~(10)~~(9) Representatives of all agencies involved in certification and custodial parents shall have immediate access to all parts of the center during hours of operation. OCC staff shall have the right to enter and inspect the center, including access to all staff, records of children enrolled in the center, and all records and reports related to the center operation regarding compliance with these rules.

~~(11)~~(10) 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~~018-0000);
- (c) Child care restrictable diseases (OAR 333-019-0010); and
- (d) Dishwashing (OAR 333-150-0000).

~~(12)~~(11) Facilities must have parent(s) or guardian(s) of each child enrolled in the center, sign a declaration form approved by the Office of Child Care verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.

~~(13)~~(12) The written emergency plan must be given to parents of children in care.

~~(14)~~(13) 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.

~~(15)~~(14) 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.

(15)The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the center of any valid non-compliance with regulations for safe sleep included in OAR 414-300-0300(6).

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-300-0060

Record Keeping

- (1) The operator shall keep all records, except those specified in OAR 414-300-0060(1)(d)(F) and 414-300-~~0205(7)(a)~~~~0060(1)(e)~~, for at least two years, and staff and children's records for two years after termination of employment or care. These records shall be available at all times to OCC:

- (a) Complete and current information on each child as required in OAR 414-300-0040(4) and (6);

- (b) Records of daily attendance showing:

- (A) The date of employment, time of arrival and departure, and room assignment for each staff; and

(B) The date, name of each child in attendance, and time of arrival and departure.
The record must show the children in attendance at any given time;

(C) The current day's attendance record shall be maintained in the child's
classroom in paper format.

(c) Personnel record for each staff, which shall include:

(A) Name, address and telephone number of staff;

(B) Position in center;

(C) Written verification (such as transcripts, payroll records, time sheets,
documented resumes, notes regarding telephone conversations, etc.) that the
person possesses the qualifications for the position;

(D) Verification that the staff is currently enrolled in the Central Background
Registry;

(E) Statement of the staff's duties;

(F) Record of current health-related training, such as CPR, Life Support, Life
Saving, and First Aid, and current food handler certifications, as appropriate;

(G) Driving record, driver's license number and expiration date if the person is to
transport children; and

(H) Documentation of dates and participation in orientation, training, and staff
development activities, as required in OAR 414-300-0120.

(d) A written record of:

(A) A death of or injury to a child, as specified in OAR 414-300-0030(5)(a)(3);

(B) Dates and times of the practices of emergency procedures;

(C) Child abuse reports made to the Department of Human Services Child Welfare
(DHS) or a law enforcement agency;

(D) Authorizations to administer medication to a child, as specified in OAR 414-
300-0230(1)(a);

- (E) Medications dispensed, as specified in OAR 414-300-0230(1)(d);
- (F) Meals and snacks provided by the center for the previous three weeks;
- (G) The program of activities for each group of children, as specified in OAR 414-300-~~0295~~⁰³⁰⁰; and
- (H) The daily schedule for each group of children, as specified in OAR 414-300-0290.

~~(e) Lead testing results for drinking water for the past six (6) years.~~

- (2) The operator shall allow custodial parent(s), upon request, to review records and reports, except for child abuse reports, maintained on their own children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

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 complete first aid and ~~Infant and Child~~ 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 ~~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.;

~~(3) —;~~

~~(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 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 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.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-300-0180

Sanitation

(1) Water Supply:

- (a) The center's water supply shall be continuous in quantity and from a water supply system approved by the Health Division.
- (b) There shall be safe drinking water available to children that is supplied in a sanitary manner. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks.
- ~~(c) The facility shall identify the location of all drinking water faucets and fixtures identified in OAR 414-300-0010(8) tested for lead. The facility shall sample in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.~~
- ~~(d) Lead testing as required by OAR 414-300-0010(16), 414-300-0010(17) and 414-300-0180(1)(c) shall be conducted within the past six years of the effective date of this section and no later than six months of the effective date of this section and at least once every six (6) years.~~
- ~~(e) The test results shall be kept on the facility premises at all times and a copy provided to the OCC within ten (10) days of receiving the results.~~
- ~~(f) Irrespective of test results, the facility must immediately notify all parents and guardians verbally, in writing, or by email, of the test results and post results in a prominent place in the facility where they will be seen by parents and guardians within one business day. Information provided to parents and guardians shall be in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006.~~

~~(g) If test results are at or above 15 parts per billion (ppb), the facility shall:~~

~~(A) Immediately prevent children from using or consuming water from faucets or fixtures identified in OAR 414-300-0010(8) that have test results at or above 15 ppb by supplying water from drinking water faucets or fixtures that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section;~~

~~(B) Within sixty days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006; and~~

~~(C) Implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval.~~

~~(h) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets or fixtures identified in OAR 414-300-0010(8) that previously tested at or above 15 ppb.~~

~~(i) A provider may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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(17).~~

~~(j) Existing programs must submit testing results by September 30, 2018.~~

~~(k) Irrespective of results obtained in accordance with 414-300-0010(16), 414-300-0010(17) and 414-300-0180(1)(c), actions to protect children from exposure to lead contamination in drinking water should be taken at all times, including:~~

~~(A) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (approximately 30 seconds to two minutes); and~~

~~(B) Using only cold water from drinking water faucets and fixtures identified in OAR 414-300-0180(1)(c) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking.~~

~~(C) Boiling water does not remove lead from water and is not an acceptable action to protect children from exposure to lead contamination in drinking water.~~

~~(l) If a provider replaces any faucets or fixtures identified pursuant to OAR 414-300-0010(8) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to the requirements of OAR 414-300-0010(16) and 414-300-0010(17) and provide the test results to the OCC within ten (10) days of receiving the results. The~~

~~provider may not allow access to the replaced faucet or fixture until the OCC approves access.~~

(2) Heat and Ventilation:

- (a) The center shall be ventilated, by natural or mechanical means, and shall be free of excessive heat, condensation, and obnoxious odors.
- (b) Room temperature shall be at least 68° F. (20 C.) and not so warm as to be dangerous or unhealthy in the center when children are present.
- (c) After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.

(3) Insect and Rodent Control:

- (a) The center shall be in such condition as to prevent the infestation of rodents and insects.
- (b) Doors and windows used for ventilation shall be equipped with fine-meshed screens.
- (c) Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.

(4) Maintenance:

- (a) The building, toys, equipment, and furniture shall be maintained in a clean and sanitary condition:
 - (A) Kitchen and toilet rooms shall be cleaned when soiled and at least daily;
 - (B) The isolation area shall be thoroughly cleaned after each use and all bedding laundered before it is used again;
 - (C) Door knobs and cabinet pulls in toilet rooms and diaper changing areas shall be sanitized daily;
 - (D) All clean linen shall be stored in a sanitary manner;
 - (E) Soiled bed linen and clothing shall not be stored in food preparation or food storage areas, and shall be inaccessible to children;

- (F) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;
- (G) All food storage areas shall be kept clean and free of food particles, dust, dirt, and other materials;
- (H) Cribs, mats, and cots shall be sanitized with a sanitizing solution at least once a week and upon change of occupant. If visibly soiled, items must be cleaned prior to sanitizing.
- (I) Bedding shall be cleaned when soiled, upon change of occupant and at least once a week;
- (J) Water tables and toys used in water tables shall be emptied and sanitized daily;
- (K) When a chemical, such as chlorine, is used for sanitizing, a test kit that measures the parts per million concentration of the solution shall be used to ensure the proper concentration; and
- (L) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.

- (b) The center shall be kept hazard-free, in good repair, and free of litter or rubbish and unused or inoperable equipment and utensils.

(5) Infant and Toddler Care:

- (a) The following shall be sanitized immediately after each use. If visibly soiled, items must be cleaned prior to sanitizing:
 - (A) A bathtub or other receptacle used for bathing a child;
 - (B) A diaper-changing table;
 - (C) High chairs, tables and chairs;
 - (D) Toys that infants and toddlers put in the mouth; and
 - (E) Toilet training seat inserts.

- (b) Pacifiers must be labeled, stored individually and sanitized after contamination. The health department must approve methods of sanitation.
- (c) A sanitizing solution shall be kept in each diaper changing area ready for immediate use. This solution need not be stored in a locked cabinet but must be out of children's reach.

(6) Hand washing:

- (a) Staff and children shall wash their hands with soap and warm running water after using the toilet or wiping the nose, and before and after eating.
- (b) Staff shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food and after assisting a child with toileting or wiping the nose.
- (c) Infants' and children's hands shall be washed with soap and warm running water after diaper changing.
- (d) Commercial products labeled "hand sanitizers" shall not replace hand washing. If hand sanitizers are present in the center, they shall be kept under child-proof lock and shall not be used by children.
- (e) When hand washing is not possible, e.g. on field trips and on the playground, moist towelettes shall be used.

(7) Waste Disposal:

- (a) All sewage and liquid wastes shall be collected, treated, and disposed of in compliance with the requirements of the Department of Environmental Quality.
- (b) All garbage, solid waste, and refuse shall be disposed of at least once a week.
- (c) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids.
- (d) Diaper disposal containers shall be approved by the environmental health specialist.
- (e) All garbage storage areas and garbage containers shall be kept clean.
- (f) All rubbish and garbage storage shall be inaccessible to children.

- (g) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

414-300-0205

Testing for Lead in Drinking Water

(1) For purposes of this rule, “drinking water faucet or fixture”

(a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and

(b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.

(2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.

(3) Initial Testing

(a) Any operator with an active certificate as of September 30, 2018 must test each drinking water faucet or fixture by November 30, 2018.

(b) The following operators must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:

(A) Any operator with a pending certificate application as of September 30, 2018; and

(B) Any operator applying for certificate on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications.

(c) An operator identified in subsection (3)(a) or (b) does not need to conduct the initial testing if:

(A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and

(B) The testing was conducted in accordance with the requirements of subsection (5) of this rule.

(d) An operator identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(e) An operator identified in subsection (3)(b) must submit test results to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(4) Ongoing Testing

(a) After an operator conducts the initial testing under subsection (3) of this rule, the operator must test all drinking water faucets or fixtures at least once every six years from the date of the last test.

(b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

(a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.

(b) All testing must be performed by a laboratory accredited by the Oregon laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.

(c) If a center does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the operator must:

(A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and

(B) Notify OCC in writing if the alternative source of water changes.

(6) Results

(a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the operator must:

(A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and

(B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule.

(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the operator must:

(A) Submit a corrective action plan to OCC for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference; and

(B) Implement the mitigation method within 30 days of approval by OCC.

(7) Recordkeeping and Posting

(a) The operator must keep a copy of the most recent **lead** test results on-site at all times.

(b) The operator must post the most recent lead test results summary provided by OCC in an area of the facility where the summary can be clearly viewed by parents. The operator must post the lead test results summary immediately after receiving the summary from OCC.

(8) Certified child care centers must follow the routine practices identified in Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference, at all times.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

414-300-0215

Infant and Toddler Furniture and Equipment

- (1) Each infant shall have a crib, portable crib, or play pen with a clean, non-absorbent mattress that meets the following requirements:
 - (a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;
 - (b) Locks and latches on the dropside of a crib shall be safe and secure from accidental release or release by the infant inside the crib;
 - (c) Cribs shall not be used with the dropside down;
 - (d) Each mattress shall fit snugly;
 - (e) Each mattress shall be covered by a sheet;
 - (f) Crib bumpers, if used, shall be easily cleanable, durable, and not dangerous to children;
 - (g) There shall be no restraining devices of any type used unless prescribed by a physician; and
 - (h) Wall or stacking cribs shall not be used.
- (2) Sleeping arrangements other than cribs, portable cribs or playpens must be approved by OCC.
- (3) There shall be at least two feet of space between cribs, portable cribs or play pens when in use. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.
- (4) If high chairs are used, they shall have:
 - (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) Straps to prevent a child from sliding out.
- (5) If clip-on table chairs are used, they shall have straps to prevent a child from sliding out.
- (6) There shall be at least one adult-sized chair for each group of infants and toddlers.

- (7) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.
- (8) The use of infant walkers is prohibited.
- (9) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.

~~(10) Car seats are to be used for transportation purposes only. Children who arrive at the center asleep in a car seat may remain in the car seat until they awake.~~

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

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) 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) While on the child care premises, 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;
 - (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, portable crib, bassinet or playpen 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 329A.260

Statutes/Other Implemented: ORS 329A.260

414-350-0020

414-350-0020

Application for a Child Care Certificate

- (1) No person, unless exempted by Oregon laws governing child care facilities, shall operate a certified family child care home without a valid certificate issued by OCC.
- (2) Application for a certificate shall be made on forms provided by OCC.
- (3) A completed application is required:
 - (a) For the initial certificate;
 - (b) For the annual renewal of a certificate; and
 - (c) Whenever there is a change of provider or location.
- (4) The applicant shall complete and submit an application to OCC at least:

- (a) 45 days before the planned opening date of the certified family child care home; and
- (b) For renewal of a certificate, 30 days prior to the expiration of the certificate.
 - (A) The expiration date of the current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.
 - (B) If an application for renewal and payment of the required fee is not received by OCC at least 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the facility, unless the renewal is completed before the expiration date.
 - (C) An application for a certificate shall be accompanied by a non-refundable filing fee.
 - (D) For the initial application, a change of provider, the reopening of a facility after a lapse in the certificate, or a change of location, the fee is \$25 plus \$2 for each certified space (e.g., the fee for a certified family child care home certified to care for 12 children is $\$24 + \$25 = \$49$).
 - (E) For a renewal application, the fee is \$2 for each certified space.
- (5) All civil penalties must be paid in full.
- (6) An application for a certificate must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If an application is denied, an applicant will be required to submit a new application for a certificate.
- (7) The applicant shall submit with the initial application or when the home is being remodeled a drawing showing the dimensions of all rooms to be used (length and width), the planned use of each room, the location of required exits, [and](#) the placement of the kitchen and bathrooms, ~~and the location of plumbing fixtures, identifying which are drinking water faucets and fixtures used to obtain water to prepare food, infant formula, drinking or cooking, and which are bathroom, diaper changing, bathing, and handwashing faucets or fixtures that are not used for drinking water.~~
- (8) The applicant shall provide verification to OCC that the home meets all applicable building codes and zoning requirements that apply to certified family child care homes:

- (a) Before the initial certificate is issued; and
 - (b) Whenever the home is remodeled.
- (9) The home shall be approved by a environmental health specialist registered under ORS Chapter 700 or an authorized representative of the Department of Human Services before a certificate is issued by OCC.
- (10)The home may be inspected by the local fire jurisdiction when local ordinances require a fire life safety survey as part of a business license or when OCC determines there is a need to do so.
- (11)If the provider applies to care for more than 12 children, the provider must complete a fire life safety self evaluation. OCC staff and the provider will review the self evaluation. If fire safety concerns are identified, OCC staff may consult with the fire marshal and after consultation, may request that the fire marshal complete a fire life safety inspection.
- (12)Upon receipt of a completed application, a representative of OCC shall evaluate the home and all aspects of the proposed operation to determine if certification requirements (OAR 414-350-0000 through 414-350-0405) are met.
- ~~(13)An application for certificate shall be accompanied by lead testing results for drinking water faucets and fixtures identified in OAR 414-350-0020(7). Results shall be those obtained within the past six (6) years.~~
- ~~(a) An applicant shall have all drinking water faucets and fixtures identified in OAR 414-350-0020(7) tested for lead;~~
 - ~~(b) The applicant shall test in accordance with United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water laboratory.~~
 - ~~(c) An applicant may submit documented lead testing results obtained within six years immediately preceding the effective date of this section to the OCC. 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 414-350-0020 (13)(b).~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260, 329A.270, 329A.280 & 329A.310

414-350-0050

General Requirements

- (1) The following items shall be posted in the certified family child care home where they may be clearly viewed by parents:
 - (a) The most current certificate issued by OCC;
 - (b) Notification of a communicable disease outbreak at the home;
 - (c) The evacuation plan and the location where parents may be reunited with their children in the event of an evacuation;
 - (d) Lead testing results for drinking water for the past six years;
 - (e) A notice that the following items are available for parents to review:
 - (A) The guidance/discipline policy;
 - (B) The current week's menus, with substitutions recorded;
 - (C) The description of the general routine;
 - (D) Information on how to report a complaint to OCC regarding certification requirements; and
 - (E) The most recent OCC and sanitation inspection reports and, if applicable, fire life safety self-evaluation (or fire marshal inspection report if completed).
 - (f) The Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal.
- ~~(2)~~(g) Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months.
- ~~(3)~~(2) Providers shall immediately notify all parents of any closure of the active license.
- ~~(4)~~(3) The provider shall ensure that a copy of these administrative rules is available in the certified family child care home to all parents and staff.

~~(5)~~(4) Caregivers 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.

~~(6)~~(5) The certified family child care home 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).

~~(7)~~(6) Representatives of all agencies involved in certification shall have immediate access to all parts of the home whenever the provider is conducting the child care business:

- (a) OCC staff shall have the right to inspect all areas of the facility that are accessible to child care children, and to conduct a health and safety review of other areas of the facility to ensure the health and safety of child care children. This includes access to all caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules; and
- (b) Representatives of the Department of Human Services Child Welfare (DHS) and the State Fire Marshal have the right to enter and inspect the home when an inspection has been requested by OCC.

~~(8)~~(7) Custodial parents of all children enrolled shall have access to the home during the hours their child(ren) are in care.

~~(9)~~(8) The provider shall develop the following information in writing and shall make it available to OCC, to staff, and to parent(s) at the time of enrollment:

- (a) Guidance and discipline policy;
- (b) Information on transportation, when provided by the provider or other caregiver; and
- (c) The plan for handling emergencies and/or evacuations, including, but not limited to, acute illness of a child or staff, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility, power outages, and situations which do not allow reentry to the home after evacuation.

~~(10)~~(9) The provider shall comply with the Department of Human Services' administrative rules relating to:

- (a) Immunization of children (OAR 333-019-0021 through 333-019-0090);

- (b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415); and
- (c) Child care restrictable diseases (OAR 333-019-0010).

~~(11)~~(10) The provider shall report to OCC:

- (a) Any death of a child while in care, within 24 hours;
- (b) Within 24 hours:
 - (A) Any child that is lost or missing from the premises;
 - (B) Any child that is left behind on a facility excursion;
 - (C) Any child that is left unattended on the premises;
 - (D) Any child that is left alone on the playground; or
 - (E) Any child that is left alone in a vehicle.
- (c) Any serious injury or incident, as defined in OAR 414-350-0010(38) 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 facility, 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) Any damage to the building that affects the provider's ability to comply with the rules for Certified Family Child Care Homes within 48 hours of the occurrence.
- (e) Any animal bites to a child within 48 hours of occurrence.
- (f) Any change in provider prior to being on site. Such notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. A phone call, followed by written documentation, an e-mail or a FAX will serve as notification.

~~(12)~~(11) Documentation of meals and snacks provided by the certified family child care home shall be made available to OCC upon request, if the home does not participate in the USDA Child and Adult Care Food Program. Documentation is limited to the three weeks prior to the request.

~~(13)~~(12) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0405).

~~(14)~~(13) Facilities must have parent(s) or guardian(s) of each child enrolled in the certified family child care home, sign a declaration form approved by the Office of Child Care verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.

~~(15)~~(14) Parental request or permission to waive any of the rules for certified family child care homes does not give the provider permission to do so.

~~(16)~~(15) The written emergency plan must be given to parents of children in care.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: 329A.290, 329A.300, 329A.390, ORS 329A.260, 329A.280 & 329A.400

414-350-0080

Records

(1) The provider shall keep the following records:

- (a) Complete and current information on each child, as required in OAR 414-350-0060(3) and (4);
- (b) Daily attendance record for each child, including dates each child attended and arrival and departure times each day;
- (c) Daily attendance record for the provider and each caregiver, including dates worked and arrival and departure times each day;
- (d) Medication administered, as specified in OAR 414-350-0180(~~8~~~~d~~9);
- (e) Emergency plan practice sessions and evacuations, as specified in OAR 414-350-0170(15);

- (f) An injury to or death of a child, as specified in OAR 414-350-0180(78);
- (g) Child abuse reports made to the Department of Human Services Child Welfare (DHS) or a law enforcement agency;
- (h) The general routine, as specified in OAR 414-350-0220(23);
- (i) Verification of the provider's and each caregiver's:
 - (A) Qualifications for the position, as specified in OAR 414-350-0100 and 414-350-0110;
 - (B) Current health-related training, such as CPR and First Aid, as specified in OAR 414-350-0100(3) ~~and 0100(6)~~;
 - (C) Training as required in OAR 414-350-0115;
 - (D) Current enrollment in the Central Background Registry;
 - (E) Current food handler's certification pursuant to ORS 624.570, when required; and
 - (F) Caregiver participation in an orientation to the provider's policies and practices and these administrative rules.

~~(j) Lead testing results for drinking water for the past six (6) years.~~

- (2) A provider shall allow custodial parent(s), upon request, to review all records and reports, except for child abuse reports, maintained on their own children.
- (3) Records, except those specified in OAR 414-350-~~0165(7)(a)0080~~, shall be kept for at least two years, and caregivers' and children's records for two years after termination of employment or care. These records shall be available at all times to OCC.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260 & 329A.290

414-350-0160

Sanitation

(1) Water Supply:

- (a) The home's water supply shall be continuous in quantity and from a water supply system approved by the Department of Human Services.
- ~~(b) The facility shall sample the water from all drinking water faucets and fixtures identified in OAR 414-350-0020(7) and have the water tested for lead. The facility shall test in accordance with the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006 and shall use an Oregon Health Authority Oregon Environmental Laboratory Accreditation Program (ORELAP) accredited drinking water testing laboratory.~~
- ~~(c) Lead testing as required by 414-350-0020(7) shall be conducted within the past six years of the effective date of this section and no later than six months after the effective date of this section and at least once every six years.~~
- ~~(d) The test results shall be kept on the facility premises at all times and a copy provided to the Office of Child Care within ten (10) days of receiving the results.~~
- ~~(e) If the test results are at or above 15 parts per billion (ppb), the facility shall:
 - ~~(A) Immediately prevent children from using or consuming water from faucets or fixtures identified in OAR 414-350-0020(7) that have test results at or above 15 ppb by supplying water from drinking water faucets or fixtures that have test results below 15 ppb or bottled or packaged water to meet the requirements of this section;~~
 - ~~(B) Within sixty days of receiving the test results, the provider shall submit a corrective action plan for approval by the OCC for any faucet or fixture that has test results at or above 15 ppb, following the United States Environmental Protection Agency 3T's for Reducing Lead in Drinking Water in Schools: Revised guidance dated October 2006; and~~
 - ~~(C) Implement corrective actions or remedies identified in the approved plan within 30 days of OCC approval.~~~~
- ~~(f) The facility must conduct follow-up sampling and results must demonstrate lead below 15 ppb before the facility may resume use of faucets or fixtures identified OAR 414-350-0020(7) that previously tested at or above 15 ppb.~~
- ~~(g) With approval by OCC, the facility may resume use of faucets or fixtures that previously tested at or above 15 ppb once corrective actions or remedies have been implemented.~~
- ~~(h) Irrespective of results obtained in accordance with 414-350-0020(13)(a) and 414-350-0020(13)(b), actions to protect children from exposure to lead contamination in drinking water should be taken at all times, including:
 - ~~(A) Flushing pipes before using to prepare food, infant formula, drinking or cooking by running the tap each time before use until the water is noticeably cooler (approximately 30 seconds to two minutes); and~~~~

~~(B) Using only cold water from drinking water faucets and fixtures identified in OAR 414-350-0020(7) that have lead test results below 15 ppb for preparing food, infant formula, drinking or cooking.~~

~~(i) Boiling water does not remove lead from water and is not an acceptable action to protect children from exposure to lead contamination in drinking water.~~

~~(j) Existing programs must submit testing results by September 30, 2018.~~

~~(k) If a provider replaces any faucets or fixtures identified pursuant to OAR 414-350-0020(7) at any time, the provider must notify OCC and sample the water from these faucets and fixtures pursuant to requirements of OAR 414-350-0020(13)(b) and provide the test results to the OCC within ten (10) days of receiving the results. The provider may not allow access to the replaced faucet or fixture until the OCC approves access.~~

~~(h)~~(b) If drinking water is from a private source, the provider shall provide evidence of bacterial and chemical analysis which establish safety of the water;

~~(m)~~(c) The tests shall be conducted by the local health department, the Department of Human Services, or an approved commercial laboratory;

~~(n)~~(d) The bacterial analysis shall be done quarterly;

~~(o)~~(e) The chemical analysis shall be done only once for a well and yearly for other water sources;

~~(p)~~(f) The provider shall have drinking water available to children that is supplied in a safe and sanitary manner. If drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks. ~~is obtained from bathroom sinks or sinks used for handwashing after changing a diaper, the sink must be sanitized after each handwashing.~~

(2) Hand Washing:

(a) Caregivers and children shall wash their hands with soap and warm running water after nose wiping, after using the toilet, and before and after eating;

(b) Caregivers shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food, and after assisting a child with toileting and nose wiping;

(c) Infants' and children's hands shall be washed with soap and warm running water after diaper changing;

- (d) Staff shall immediately and thoroughly wash their hands after handling animals or cleaning cages;
- (e) Commercial products labeled "hand sanitizers" shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept under child-proof lock and shall not be used by children;
- (f) When hand washing is not possible, e.g., on field trips or the neighborhood park, moist towelettes shall be used.

(3) Maintenance:

- (a) The building, toys, equipment, and furniture shall be maintained in a clean, sanitary, and hazard-free condition:
 - (A) Kitchen and bathrooms shall be cleaned when soiled and at least daily;
 - (B) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;
 - (C) All kitchen counters, shelves, tables, refrigeration equipment, sinks, drain boards, cutting boards, and other equipment or utensils used for food preparation shall be kept clean and in good repair;
 - (D) All food storage areas shall be kept clean and free of food particles, dust, dirt and other materials;
 - (E) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.
 - (F) The isolation area shall be thoroughly cleaned after use and all bedding laundered after each use;
 - (G) A diaper-changing table shall:
 - (i) Have a surface that is non-absorbent and easily cleaned;
 - (ii) Be cleaned and sanitized after each use;

(iii) Not be used for any purposes other than diapering, including food or drink preparation or storage, dish washing, storage of food service utensils, arts and crafts supplies or products, etc.; and

(iv) Comply with the requirements for diaper changing area specified in OAR 414-350-0235(2)(b).

(H) Bathtubs, showers, sinks, bathinettes, or other receptacles used for bathing children shall be cleaned and sanitized after each use and shall not be used to obtain water for preparing food, infant formula, drinking or cooking.

(I) Bedding shall be cleaned when soiled, with change of occupant, or at least once a week.

(b) Tableware, kitchenware (pots, pans and equipment), and food-contact surfaces of equipment shall be washed, rinsed, sanitized, and air-dried after each use. The cleaning and sanitizing of tableware and kitchenware shall be accomplished by using:

(A) A dishwasher that is operated according to the manufacturer's instructions; or

(B) A three-step manual process as follows:

(i) Washing in the first compartment;

(ii) Rinsing in a second compartment; and

(iii) Immersion in a third compartment or large dishpan or tub for at least two minutes in a sanitizing solution containing at least 2 teaspoons of household chlorine bleach in each gallon of warm water.

(b) A sink used for diapering or bathing activities shall not be used for any part of preparing food, infant formula, drinking, cooking or dish washing.

(c) Soap, paper towels dispensed in a sanitary manner, and mixing faucets with hot and cold running water shall be provided at each hand washing sink.

(d) The home and grounds shall be kept clean and free of litter or rubbish and unused or inoperable equipment, utensils, and vehicles.

(e) All garbage, solid waste, and refuse shall be disposed of at least once a week.

(A) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids;

(B) All garbage storage areas and garbage containers shall be kept clean; and

(C) All garbage storage shall be inaccessible to children.

(f) Bio-contaminants including, but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

(4) Insect and Rodent Control:

(a) The home shall be in such condition as to prevent the infestation of rodents and insects.

(b) Doors and windows which are opened for ventilation shall be equipped with fine-meshed screens.

(c) Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260, 329A.280, 329A.290, 329A.400 & 329A.420

414-350-0165

Testing for Lead in Drinking Water

(1) For purposes of this rule, "drinking water faucet or fixture"

(a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and

(b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.

(2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.

(3) Initial Testing

(a) Any provider with an active certificate as of September 30, 2018 must test each drinking water faucet or fixture for lead by November 30, 2018.

(b) The following providers must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:

(A) Any provider with a pending certificate application as of September 30, 2018;
and

(B) Any provider applying for a certificate on or after September 30, 2018,
including, but not limited to, initial applications, renewal applications, and
reopen applications.

(c) A provider identified in subsection (3)(a) or (b) does not need to conduct the initial testing if:

(A) All drinking water faucets or fixtures have been tested within 6 years prior to
the effective date of this rule; and

(B) The testing was conducted in accordance with the requirements of subsection
(5) of this rule.

(d) A provider identified in subsection (3)(a) must submit all test results to OCC no later
than November 30, 2018. The test results must be accompanied by a floor plan or map
of the facility that identifies the location of each drinking water faucet or fixture tested.

(e) A provider identified in (3)(b) must submit test results to OCC within 10 calendar days of
the facility receiving the results from the laboratory. The test results must be
accompanied by a floor plan or map of the facility that identifies the location of each
drinking water faucet or fixture tested.

(4) Ongoing Testing

(a) After a provider conducts the initial testing under subsection (3) of this rule, the
provider must test all drinking water faucets or fixtures at least once every six years
from the date of the last test.

(b) All test results obtained in accordance with subsection (4)(a) of this rule must be
submitted to OCC within 10 calendar days of the provider receiving the results from the
laboratory. The test results must be accompanied by a floor plan or map of the facility
that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

(a) All sample collection and testing must be in accordance with the Environmental
Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child
Care Facilities, Revised Manual from October 2018, adopted by reference.

(b) All testing must be performed by a laboratory accredited by the Oregon laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.

(c) If a facility does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the provider must:

(A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and

(B) Notify OCC in writing if the alternative source of water changes.

(6) Results

(a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

(A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and

(B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule.

(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

(A) Submit a corrective action plan to OCC for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference; and

(B) Implement the mitigation method within 30 days of approval by OCC.

(7) Recordkeeping and Posting

(a) The provider must keep a copy of the most recent lead test results on-site at all times.

(b) The provider must post the most recent lead test results summary provided by OCC in an area of the facility where the summary can be clearly viewed by parents. The

[provider must post the lead test results summary immediately after receiving the summary from OCC.](#)

[\(8\) Providers must follow the routine practices identified in Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference, at all times.](#)

[Statutory/Other Authority: ORS 329A.260](#)

[Statutes/Other Implemented: ORS 329A](#)

414-350-0220

General Requirements

- (1) The provider and any caregivers must give the children's needs first priority, ensuring they get adequate care and attention.
- (2) There shall be activities for children according to their ages, interests, and abilities. If the provider is certified to care for more than 12 children the provider shall have a written program of activities for each age group.
- (3) A description of the general routine, covering all hours of operation, shall be in writing and shall provide:
 - (a) Regularity of such activities as eating, napping, and toileting with flexibility to respond to the needs of individual children;
 - (b) A balance of active and quiet activities;
 - (c) Individual and group activities;
 - (d) Daily indoor and outdoor activities in which children use both large and small muscles;
 - (e) Periods of outdoor play each day when weather permits; and
 - (f) Opportunities for a free choice of activities by children.
- (4) The provider and other caregivers shall use the written description of the general routine as a guide, allowing flexibility to respond to the needs of individual children and/or groups of children and to appropriate variations in daily activities.

(5) No child may view television or videos or play computer or electronic games for more than two hours per day.

(6) Infant and toddler program of activities. The following apply to infant and toddlers in care at the certified home.

(a) Infants shall be allowed to form and follow their own patterns of sleeping and waking periods.

(b) Children shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, warm, and uncluttered area.

(c) Throughout the day, each infant and toddler shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the home).

(d) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.

(e) Infants shall have a variety of appropriate infant toys stimulating to the senses.

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

(g) Infants shall be put to sleep on their backs.

(h) Immediate attention shall be given to the emotional and physical needs of the children. No child shall be routinely left in a crib except for sleep or rest.

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

(j) In addition, 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.

(7) 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) While on the child care premises, 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, [portable crib, bassinet or playpen](#) 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 home and placed in an appropriate sleep surface.
- (8) Preschool-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2), preschool-age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, which shall include:
- (a) Creative expression through the arts;
 - (b) Dramatic play;

- (c) Gross (large) motor development;
 - (d) Fine (small) motor development;
 - (e) Music and movement;
 - (f) Opportunities to listen and speak;
 - (g) Concept development;
 - (h) Appropriate sensory play; and
 - (i) A supervised nap or rest period. Children who do not sleep after 20–45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.
- (9) School-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2), school age children shall have opportunities to choose from a variety of activities, including:
- (a) Individual or group projects and activities, including homework; and
 - (b) Rest or relaxation.
- (10) A home providing swimming or other water activities to children shall meet all of the requirements set forth in OAR 414-350-0380.
- (11) Spa pools on the grounds of the certified family child care home shall be enclosed by a barrier at least 48 inches high, with a lockable gate or door, and have a lockable pool cover. The enclosure and cover shall be locked whenever the child care business is being conducted.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260, 329A.280 & 329A.290

414-350-0235

Infant and Toddler Furniture and Equipment

- (1) Each infant shall have a crib, portable crib, or playpen with a clean, non-absorbent mattress that meets the following requirements:

- (a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;
 - (b) Locks and latches on the dropside of the crib shall be safe and secure from accidental release or release by the infant inside the crib;
 - (c) Each mattress shall fit snugly; and
 - (d) Sleeping arrangements shall be appropriate to the cultural background of the infant, with individual bedding appropriate to the season.
- (2) If infants and toddlers are in care there shall be:
- (a) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children; and
 - (b) A diaper-changing area. The area shall be located so that handwashing can occur immediately after diapering without contact with other surfaces or other children.
 - (c) If the provider is certified to care for more than 12 children and more than 8 infants and toddlers are regularly in care, there must be a second diaper-changing area available.
- (3) The diaper-changing table or area shall comply with the requirements specified in OAR 414-350-0160(3)(a)(G).
- (4) If high chairs are used, they shall have:
- (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) Straps to prevent a child from sliding out.
- (5) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.
- ~~(6) Car seats are to be used for transportation purposes only. Children who arrive at the home asleep in a car seat may remain in the car seat until they awake.~~
- ~~(7)~~(6) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.

~~(8)~~(7)_____The use of infant walkers is prohibited.

~~(9)~~(8)_____The use of potty chairs must be approved by the environmental health specialist and/or
by OCC.

Statutory/Other Authority: ORS 329A

Statutes/Other Implemented: ORS 329A.260 & 329A.280