



## Early Learning Council

August 13, 2019

1:30-2:00pm

Virtual Meeting

Zoom

<https://zoom.us/j/550784185>

### Agenda

SUE MILLER  
*Early Learning Council Chair*

PATRICK ALLEN

MARTHA BROOKS

DONALDA DODSON

COLT GILL

HOLLY MAR

FARIBORZ PAKSERESHT

EVA RIPPETEAU

SHAWNA RODRIGUES

DONNA SCHNITKER

TERI THALHOFER

KALI THORNE-LADD

BOBBIE WEBER

MIRIAM CALDERON  
*Early Learning System  
Director*

*Advisors*  
Cate Wilcox, OHA

Liesl Wendt, DHS

Candace Pelt, ODE

Chelsea Bunch, OHCS

- |                                                                                                                                                                                                                               |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| I. Board Welcome & Roll Call<br>Sue Miller, Chair                                                                                                                                                                             | 1:30-1:35 |
| II. Child Care Rules – <i>Action Item</i><br>a. Public Testimony/Hearing Summary<br>b. Central Background Registry – Vote on Adoption<br>c. Training Requirements – Vote on Adoption<br>Dawn Taylor, Child Care Director, ELD | 1:35-2:00 |
| III. Adjournment                                                                                                                                                                                                              | 2:00      |

*\*Times are approximate; items may be taken out of order, meetings may conclude early and breaks may be added as needed. All meetings of the Early Learning Council are open to the public and will conform to Oregon public meetings laws. The upcoming meeting schedule and materials from past meetings are posted [online](#). A request for an interpreter for the hearing impaired or for accommodations for people with disabilities should be made to Shaire Santibanez 503-983-1301 or by email at [Shaire.Santibanez@state.or.us](mailto:Shaire.Santibanez@state.or.us). Requests for accommodation should be made at least 48 hours in advance.*

## Board Action Summary

**AGENDA ITEM:** Central Background Registry & Training Requirements Permanent Rules Adoption

### Summary of Recommended Board Action

**ACTION:** Adopt permanent rules pertaining to required annual health and safety training requirements to correct language for Certified Child Care Centers, Certified Family Child Care Homes and Registered Family Child Care Homes and adopt temporary rules pertaining to performing out-of-state background checks for new applicants and current enrollees in the Central Background Registry (CBR).

#### ISSUE:

##### All Rule Sets

The federal Child Care Development Block Grant (CCDBG) indicates that states must require staff of licensed child care programs to complete a health and safety training curriculum annually.

Presently, the rules for licensed child care programs requires program staff to complete the health and safety training once, with no on-going curriculum.

CCDBG further requires that states perform out-of-state background checks on all applicants and enrollees of the Central Background Registry. States are required to perform out-of-state background checks on all people currently enrolled in the CBR, not just new applicants. These temporary rules will allow the Office of Child Care to remove an enrollee if they are:

- A.) Non responsive to our information requests
- B.) If adverse information is returned from a state

These temporary rules will allow the Office of Child Care to move forward with this process immediately, reducing the backlog of background checks in an effort to come into compliance with this requirement by our waiver end date.

**BACKGROUND:** Temporary rules requiring the health and safety training became effective on Sept. 9, 2016. The permanent rules were adopted by the Early Learning Council on March 27, 2017. These rules only required staff of licensed programs to complete the required health and safety training only once to maintain the license.

Further review and clarification of the CCDBG mandates indicated that the health and safety training should be on ongoing curriculum to provide child care programs with up-to-date information on child health and safety.

CCDBG requires OCC to perform out of state background checks on all applicants and enrollees of the CBR. Currently, Oregon has a waiver from the federal government regarding compliance of this requirement while we put together a process. Many states have this same waiver. However, this waiver ends on September 30, 2019. Prior to the end of the waiver, the Office of Child Care

must go back and retroactively perform the out of state checks on people currently enrolled in the CBR, not just new applicants.

Each state has a different process for acquiring the needed information, such as a release form. In some cases, the enrollee has not been responsive to our information requests. As our rules are written currently, the Office of Child Care does not have the authority to remove someone from the CBR for being nonresponsive to a request pertaining to out of state checks.

**ACTION PRECEDING RECOMMENDED BOARD ADOPTION:**

The Early Learning Council adopted these as temporary rules on May 30, 2019. These rules were posted and available for public comment beginning on July 1, 2019. A public hearing was held on July 25, 2019. No written public comment was received and no members of the public attended the hearing.

**CONCERNS:**

(1) Failure to take immediate action would put the Office of Child Care regulatory standards out of compliance with the intent of the CCDBG requirements.

(2) The implementation of the temporary rules and the subsequent adoption of the permanent rules should have no immediate perceptible impact on child care providers or other stakeholders. As a child care program's license period progresses, the program could experience impacts of human resource time spent on completing the additional required training. It is important to note that this annual training will meet the ongoing training requirements.

**CONTACT:** Dawn Taylor, Child Care Director, ELD

Division 205

REGISTERED FAMILY CHILD CARE HOMES

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~~ and must complete annual OCC approved health and safety training curriculum.

(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

History:

ELD 8-2019, amend filed 03/28/2019, effective 03/28/2019

ELD 18-2018, temporary amend filed 10/31/2018, effective 10/31/2018 through 04/27/2019

ELD 12-2018, amend filed 10/16/2018, effective 10/16/2018

ELD 5-2017, f. & cert. ef. 3-27-17

CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 3-2004, f. 7-30-04 cert. ef 8-1-04; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 4-2015, f. & cert. ef. 2-3-15; ELD 5-2016, f. & cert. ef. 9-29-16 thru 3-27-17

Division 300

CERTIFIED CHILD CARE CENTERS

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 shall 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.

(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. [The annual 15 clock hours of training or education must include OCC approved health and safety training curriculum.](#) 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

History:

ELD 7-2019, amend filed 03/28/2019, effective 03/28/2019

ELD 19-2018, temporary amend filed 10/31/2018, effective 10/31/2018 through 04/27/2019

ELD 11-2018, amend filed 10/16/2018, effective 10/16/2018

ELD 3-2017, f. & cert. ef. 3-27-17

ELD 3-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

CCD 8-2010, f. 12-29-10, cert. ef. 1-1-11

CCD 3-2010, f. 6-29-10, cert. ef. 7-1-10

CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10

CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01

CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0637

CSD 21-1988, f. & cert. ef. 9-29-88

Division 350

CERTIFIED FAMILY CHILD CARE HOMES

414-350-0115

Training Requirements

(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 home 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 414-350-0000 through 414-350-0405);

(c) The facility policies, as required in OAR 414-350-0050; and

(d) Procedures for reporting suspected child abuse or neglect.

(2) The provider and all caregivers who function as substitute providers and Assistant II staff, including volunteers, shall participate yearly in at least 15 clock hours of training related to child care, of which at

least eight clock hours shall be in child development or early childhood education. [The annual 15 clock hours of training or education must include OCC approved health and safety training curriculum.](#)

Substitute providers and volunteers who provide care in the home for less than 20 hours in a calendar year are not required to participate in the 15 clock hours of training. 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) Training may include correspondence courses, conferences, workshops and audio-visual programs.

(c) 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.

(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.

(3) During the first year of certification and the first year of employment staff may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's and recognizing and reporting child abuse and neglect training, as part of the 15 clock hours of training required in OAR 414-350-0115(2), but may not use these toward the eight hours required in child development or early childhood education.

(a) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.

(b) Recognizing and reporting child abuse and neglect training must be two clock hours or more in duration to be accepted.

(4) During subsequent years of certification and subsequent years of employment staff may count five 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 training can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.

(5) The provider shall document each caregiver's training, showing the subject matter, the date completed, and the number of clock hours of training in each certification year.

(6) The provider and all staff, with the exception of Assistant 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, prior to having unsupervised access to children and functioning in their position. Assistant I's must complete the training within the first 30 days of employment.

(7) The provider and all staff, with the exception of Assistant I's, who count in staff to child ratios must complete OCC approved training on safe sleep prior to having unsupervised access to children. Assistant I's must complete the training within the first 30 days of employment.

(8) All current staff must complete OCC approved safe sleep training by January 1, 2019.

(9) When a reopen or address change application is submitted, OCC shall, prior to approving it, receive evidence that the provider and all staff have completed OCC approved safe sleep training. If the reopen is a result of an address change, the person must complete the OCC approved safe sleep training by January 1, 2019.

Statutory/Other Authority: ORS 329A.260

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

History:

ELD 10-2018, amend filed 10/16/2018, effective 10/16/2018

ELD 4-2017, f. & cert. ef. 3-27-17

ELD 6-2016(Temp), f. & cert. ef. 10-28-16 thru 3-27-17

ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11

Reverted to CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02

CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10

CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02

## CBR Rule Revisions

### 414-061-0020

#### Definitions

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(8) "Conditional Enrollment" means ~~temporary approval to be enrolled~~ enrollment 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.~~ pursuant to ORS 329A.030(6)(a).

(9) "Criminal Records" means information, including fingerprints and photographs, received, compiled, and disseminated by the Oregon State Police, or by other states or jurisdictions, 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~~records 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~~records, 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~~records, including through fingerprint identification, conducted by OSP through the Federal Bureau of Investigation (FBI);

(d) A check of criminal records repositories maintained by any state or jurisdiction, including through fingerprint identification or name-based identification;

(e) A check of the National Criminal Information Center's National Sex Offender Registry (NSOR); or

(f) A check of a sex offender registry maintained by any state or jurisdiction.

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### 414-061-0035



## Applications

(1) As part of an initial or renewal application, a subject individual must submit requested fee and provide all information required for a criminal records check ~~of the Oregon State Police Computerized Criminal History (CCH) System, and FBI criminal records check~~, a child abuse and neglect records check, a foster care certification check, and an adult protective services check; including:

(a) A properly completed and signed Application for Enrollment in OCC's Central Background Registry, available from the agency;

(b) For a subject individual who acknowledges criminal history, child abuse and neglect history, foster care certification history, or adult protective services history, an explanation of the history and any steps the subject individual has taken to address the history;

(c) Consent to the use of the subject individual's social security number or other personally identifying information for criminal, child protective services history, child abuse and neglect, foster care certification or adult protective services checks, for identifying enrollees in the Central Background Registry, for sharing information with other governmental agencies their contractors or designees to verify child care licensing status for child care payments, and for compiling statistical information for program planning and evaluation;

(d) The information required for the FBI criminal records check under OAR 414-061-0080

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(3) As part of the application process, the subject individual shall, upon request from OCC, provide OCC with an authorization sufficient to:

(a) allow OCC to obtain records and information regarding [criminal records checks](#), ~~out-of-state~~ child abuse and neglect ~~history records~~, foster care certification history, or adult protective services history; and

(b) use those records and information to for the purpose of evaluating [whether](#) the subject individual [is eligible's suitability](#) for enrollment in the Central Background Registry.

(4) An application is incomplete if:

(a) it does not include all of the required information identified in subsections (1), (2) or (3) of this rule; or

(b) is not accompanied by the required fee.

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**414-061-0040**

## **Limitations of Criminal and Judicial Inquiries**

(1) Only OCC employees or contractors who have been fingerprinted and cleared by the Oregon State Police shall access or have access to criminal records information pursuant to a valid

agency agreement, as defined in OAR 414-061-0020(23). All such information shall be handled in compliance with the agency agreement and rules and procedures of the Oregon State Police relating to the criminal records information (OAR 257-015-0000 to 257-015-0100). It is the responsibility of OCC to assure strict compliance with federal and state laws, rules, and procedures regarding, access, dissemination, maintenance, and destruction of criminal records information.

(2) Criminal records information obtained from OSP, ~~and/or~~ the FBI, or another criminal records repository will not be used for any purpose other than that for which it was obtained nor given to unauthorized persons or agencies.

(3) Criminal records information, including fingerprint-based criminal records information held by the FBI, OSP or other state, county or municipal law enforcement agency and records of all state, federal or municipal judicial proceedings information shall be obtained by OCC to determine whether a subject individual has criminal history which is related to enrollment in the Central Background Registry.

(4) If a subject individual has been convicted of a crime which is related to enrollment in the Central Background Registry, the subject individual will be notified by OCC that he or she:

(a) Has a right to inspect and challenge the accuracy of his/her Oregon criminal records by contacting the Oregon State Police;

(b) May challenge the accuracy or completeness of any entry on the subject individual's criminal records provided by the FBI by filing a challenge with the FBI's CJIS Division.

#### **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~~ has a disqualifying condition and is ineligible for enrollment in the Central Background Registry if such individual:

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#### **414-061-0070**

#### **Procedures for Conducting Criminal Records Checks, Child Abuse and Neglect Records Checks, Foster Care Certification Checks and Adult Protective Services Checks**

(1) OCC shall perform a criminal records check, child abuse and neglect records check, foster care certification check, and adult protective services check on all subject individuals who:

(a) Are currently enrolled in the Central Background Registry as of January 1, 2017; or

(b) Submit an initial or renewal application for enrollment in the Office of Child Care's Central Background Registry after January 1, 2017.

(2) Subject individuals shall consent to being fingerprinted, and complete all requirements of OAR 414-061-0035.

~~(3)(a) If the Office of Child Care receives information a subject individual who is conditionally enrolled or enrolled in the Central Background Registry has foster care or adult protective services history, it shall require the person to sign a release and waiver of confidentiality so OCC may check whether the person has a substantiated finding of abuse or neglect or negative action taken on their certification.~~ In order to ensure the health and safety of children, OCC may require a subject individual who is enrolled or conditionally enrolled in the Central Background Registry to provide OCC with the following information or documents upon request:

(A) Authorization to complete a criminal records check, a child abuse and neglect records check, a foster care records check, or an adult protective services records check, in any state or jurisdiction; and

(B) Other documents of information necessary to complete a criminal records check, a child abuse and neglect records check, a foster care records check, or an adult protective services records check, in any state or jurisdiction.

(b) The requested items or information must be provided to OCC within 30 days of the date OCC issues the request.

(c) If the person fails to ~~sign the release and waiver of confidentiality~~ timely provide the requested authorization, documents, or necessary information, the Office of Child Care shall:

(A) If the individual is conditionally enrolled in the Central Background Registry the agency shall remove the conditional enrollment and cease processing the individual's application for enrollment or renewal .

(B) If the individual is enrolled in the Central Background Registry the Office of Child Care shall commence action to remove the person from the registry as provided in OAR 414-061-0110.

~~(3)(4)~~ (4) Central Background Registry enrollment forms shall contain notice that a criminal records check ~~of the Oregon State Police Computerized Criminal History (CCH) System~~, a child abuse and neglect records check, a foster care certification check and a check of adult protective services will be conducted as required by ORS 181.534 and 329A.030.

~~(4)(5)~~ (5) OCC will review the criminal records information, child abuse and neglect, foster care and substantiated adult abuse or neglect records information, and any additional relevant information and will make a determination whether a subject individual may be enrolled in the Central Background Registry.

~~(5)~~(6) OCC may accept FBI criminal background checks performed by the Department of Human Services when the FBI criminal background check has been completed within 24 months of the of the application date for enrollment in the central background registry

~~(6)~~(7) Fees for each name checked through OSP CCH and child abuse and neglect systems are as follows:

- (a) No charge for designated Early Learning Division employees; and
- (b) OCC will charge the subject individual up to the amount equal to the cost incurred by OCC for criminal record checks and child abuse and neglect checks and enrollment in the Central Background Registry, to be paid at the time of application.

**414-061-0090**

### **Central Background Registry Enrollment Procedures**

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(4) A subject individual may be conditionally enrolled in the Central Background Registry pending the results of an FBI criminal records check if the individual has been determined to be suitable based on their application having no disclosures of negative foster care history or a substantiated finding of adult abuse or neglect, no state disqualifying criminal records information as outlined in OAR 414-061-0045, no category I or II crime as listed in OAR 414- 061-0050, and no negative child abuse and neglect information.

- (a) The five-year enrollment period shall include the time the subject individual was conditionally enrolled.
- (b) A conditionally enrolled subject individual who has subsequently been determined not to be suitable based on FBI criminal records information, or any other information that was not disclosed on the application that OCC becomes aware of, shall be suspended or removed from the Central Background Registry, according to the provisions of OAR 414-061-0110.
- (c) A conditionally enrolled subject individual who is subsequently determined to be suitable based on FBI criminal records information shall be enrolled in the Central Background Registry.
- (d) A conditional enrollment will expire if the subject individual has not been enrolled in the Registry within one year of the conditional enrollment.

(e) A conditionally enrolled subject individual shall not have unsupervised access to child care children at any time.

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**414-061-0100**

**Office of Child Care Denial Procedures**

A subject individual may be denied enrollment in the Central Background Registry if the individual:

- (a) Has been determined not suitable;
- (b) Has misrepresented information or failed to submit requested information or documentation;
- (c) Has been charged with, arrested for, or a warrant for a Category I or Category II crime in OAR 414-061-0050 with final disposition not yet reached;
- (d) Has an open child abuse or neglect investigation, or a substantiated finding of abuse or neglect against an adult, or law enforcement case with final disposition not yet reached;
- (e) Is in a diversion program or similar agreement and has failed to provide written documentation of compliance with the terms of diversion or the agreement; or
- (f) Has been charged with, arrested for, or has a warrant for a crime listed in OAR 414-061- 0045(4) or of a crime from another jurisdiction that is substantially similar.

(2) A subject individual must be denied enrollment in the Central Background Registry if the individual has a disqualifying condition under OAR 414-061-0045

[renumber the rest of the rule]