



# Oregon

Kate Brown, Governor

Early Learning Division



## Temporary Changes to Child Care Rules in Response to COVID-19 State of Emergency

The temporary changes below are authorized under Executive Order 20-08. We understand that child care programs are making individual decisions regarding closure, and we respect those decisions. Leadership at child care facilities are making complex choices, taking into account their own safety, the safety of their staff, operational challenges, the resiliency of their businesses, and the need to continue to serve children and families who are still required to work.

For child care programs that choose to remain open, these changes are provided to allow child care providers to continue to operate safe care, during this public health emergency. Additional temporary changes may be necessary in response to adaptation in the state's COVID-19 response.

These temporary changes are effective immediately and expire after the Governor lifts the emergency declaration. These changes do not apply to any person or facility previously denied, suspended, or removed from the Central Background Registry, or under an Office of Child Care (OCC) legal order, settlement agreement, or currently in the administrative hearing process.

### **Social Distancing**

The Governor's directive to limit gatherings to 25 people does not apply to the total capacity of child care facilities. However, child care providers must adhere to the new social distancing guidelines provided by the Early Learning Division, in partnership with the Oregon Health Authority.

### **Licensed Care Exceptions on a Case-by-Case Basis**

OCC will consider case-by-case exceptions to current licensing requirements, as is already provided for in law, on an expedited timeframe. Examples could include allowing mixed-age groupings in Certified Center facilities, or allowing existing child care centers to open additional temporary rooms without seeking approval from local jurisdictions or other state agencies.

Approval of an exception will be based on the size of facility, staffing, compliance history, and guidance from public health officials.

## **Expedited Training**

OCC will adapt training requirements so that staff can begin working more quickly, without sacrificing safety. OCC will grant extensions for completing training for license renewals. For example, staff who have unsupervised access to children will complete online training that addresses health and safety, child abuse reporting, First Aid/CPR, and safe sleep practices.

## **Emergency Background Check**

To expedite filling the needed child care workforce during this declared emergency, and due to the significant time required to achieve enrollment in the Central Background Registry (CBR), OCC is establishing an emergency background check process for those not already enrolled in the CBR. Applicants will be subject to LEDS (Law Enforcement Data System) check for Oregon criminal and sex offender registry, Child and Protective Services check for child abuse, National Sex Offender Registry Public web site check, and run against the CBR.

OCC will work with organizations filling the child care gap during the emergency – child care providers, child care resource and referral agencies, 211 Info, and others – to supply information about people who have passed the emergency background check. OCC may cancel or revoke an emergency background authorization at any time, due to any concern that the person poses a risk to children. Once the emergency declaration is lifted, the authorization provided by this emergency background check is canceled. That person will need to be enrolled in the CBR to continue work in child care.

## **Emergency Child Care Facilities**

OCC is creating an expedited process for providers to stand up new child care facilities to serve medical personnel, emergency responders, and other essential personnel where the need for child care exists due to closures caused by COVID-19 during the Governor's declared emergency. The following are the basic standards:

- Schools, Head Starts operating a non-Head Start child care, and private child care providers with significant current experience (home based and centers) may apply as an Emergency Child Care Facility by completing a simple application and agreeing to meet basic safety assurances as appropriate for the setting.
- Child care providers must adhere to specific social distancing guidelines as directed by the governor.
- Staff may use the emergency background check process authorized above or staff enrolled in the CBR.
- Staff must complete basic online training. At least one person on site must have First Aid/Infant CPR (online acceptable) and Intro to Child Care Health and Safety; any staff caring for infants must complete Safe Sleep, and all staff must complete Recognizing and Reporting Child Abuse and Neglect.
- To the extent it furthers opening emergency care facilities, OCC will allow child care to open without seeking other approval from local jurisdictions.

- Equipment (e.g., cribs, playpens, high chairs) must meet U.S. Consumer Product Safety Commission or equivalent standards.
- Outdoor play spaces must be age appropriate and accessible to all children.
- Smoking, vaping, alcohol, marijuana, and illegal substances are prohibited.
- Building, grounds, and water supply must be maintained and hazard-free.
- Toilets, sinks, smoke detectors, fire extinguishers, phone (mobile acceptable) on site and in working condition.
- Children must be supervised, and adults provide positive guidance/discipline, hand washing and other hygiene practices enforced, toxics and weapons must be child-safety locked, safe sleep and safe bottle feeding rules enforced.
- Home-based care may have 10 children, with only 6 being preschool and younger, including no more than two are under 24 months. Center-based care may have the following ratios:

Age	Caregiver to Child ratio	Max children in group
6 weeks – 23 months	1:4	8
24 months – 35 months	1:5	10
36 months – Kindergarten	1:10	10
Attending Kindergarten and older	1:10	10

- OCC accepts reports from parents or others who may report concerns. OCC may inspect and investigate at any time. If OCC determines there is danger to children, the agency may close the facility.

Child care must operate in a safe manner, while being made accessible to Oregonians struggling at this time.

So ordered by \_\_\_\_\_ on \_\_\_\_\_  
 Miriam Calderon, Early Learning System Director March 18, 2019