

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414  
OREGON DEPARTMENT OF EDUCATION  
EARLY LEARNING DIVISION

**FILED**

04/29/2022 12:41 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Updated requirements around fire safety in family care settings.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/25/2022 10:00 AM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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700 Summer St. NE  
Salem, OR 97301

Filed By:  
Remember Watts  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 05/18/2022

TIME: 5:30 PM - 6:30 PM

OFFICER: Remy Watts

ADDRESS: Virtual access only

700 Summer St. NE

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Please register for the public hearing on the ELD calendar.

<https://oregonearlylearning.com/meeting/firesafetyinfamilycare>

Please arrive to the meeting no later than 15 minutes past start time.

Please request an in-person hearing in Salem no later than 48 hours before meeting start time.

NEED FOR THE RULE(S)

Requirement to strengthen fire safety in home-based child care in order to eliminate the need for automatic sprinkler system installation required by partner agency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

DCBS posting: <https://www.oregon.gov/bcd/laws-rules/Documents/20220126-child-care-facilities-dwellings-tr.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated negative impact to racial equity.

FISCAL AND ECONOMIC IMPACT:

By allowing alternatives to installing automatic sprinkler systems, family home care providers will avoid installation fees potentially around \$10,000. There is potential for a small cost of compliance to individual child care providers, outlined below.

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COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

- (1) Registered Family & Certified Family care homes, which currently represent 1,223 and 899 homes, respectively.  
(2) (a) Registered Family & Certified Family care homes, which currently represent 1,223 and 899 homes, respectively.  
(b) There will be additional documentation of evacuation drills required, which is expected to be within the current administrative capacity of affected child care providers.  
(c) All items within the new requirements are available for a total cost of between \$120 to \$150, but many child care providers are anticipated to already have most, if not all, of the newly required items (fire extinguisher, carbon monoxide detector).

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There was a Rulemaking Advisory Committee consulted with several affected child care providers on the committee. The ELD holds regular child care provider calls with almost 400 attendees across the calls, where we solicited feedback as well. Furthermore, licensors were able to gather feedback from the temporary rules that were instated on this topic in January 2022, which shaped the final rule language submitted in this notice.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

414-205-0035, 414-205-0110, 414-205-0130, 414-205-0140, 414-350-0050, 414-350-0170, 414-350-0375

AMEND: 414-205-0035

RULE SUMMARY: Updated requirements around what is included in displayed floor plans.

CHANGES TO RULE:

414-205-0035

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) Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months; and¶
  - (c) A floor plan identifying the locations of the following: ¶
    - (A) Exits; ¶
    - (B) Primary evacuation routes; ¶
    - (C) Secondary evacuation routes; and ¶
    - (D) Fire extinguishers.¶
- (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 shall immediately notify all parents of any closure of the active license.¶
- (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.¶
- (23) Providers must post the Early Learning Division Website [[www.oregonearlylearning.com](http://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.¶
- (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.¶¶

(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

RULE SUMMARY: Updates to language based off of engagement around fire safety in family care.

CHANGES TO RULE:

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;~~Smoke alarms and carbon monoxide detectors shall be:¶  
(A) Installed on each floor level of the home, unless the floor is not accessible to the provider, and in any area where children nap; ¶  
~~(i) A working fire extinguisher with a rating of at least 2-A:10-BC;~~¶  
~~(j) Maintained in operating order; and ¶~~  
(C) Tested monthly to ensure they are in working order. The provider must document each test; ¶  
(i) There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home, unless the floor is not under the direct control of the provider; ¶  
(A) Fire extinguishers on floors where child care occurs must be mounted or stored in a permanently designated location along the primary evacuation route. Fire extinguishers must be easily accessible, visible, and out of reach of children; ¶  
(B) Fire extinguishers may be mounted in a cabinet or closet if there is a sign indicating the that the fire extinguisher is located within; ¶  
(j) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks access to the cabinet or closet; ¶  
(k) The provider must inspect the fire extinguishers monthly and the inspection must be documented; ¶  
(l) 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; ¶  
~~(m) Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock; ¶~~  
(n) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock; ¶  
~~(o) Flammable and combustible liquids, such as paint thinner and gasoline, smaterials; ¶~~  
(A) Shall be stored in the original container or a safety container and; i; ¶  
(B) Must not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters; and ¶  
(C) If over one gallon, kept in an unattached storage building; ¶  
~~(p) 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(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.¶
- (d) The provider must complete a daily inspection to ensure that evacuation routes are clear and usable exits, including doors and escape windows, are operable.¶
- (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) Fire drills shall be practiced monthly at varying times of day, including in the evening and during overnight hours for programs that care for children during those hours.¶
- (a) Fire drills must include: ¶
- (A) A drill including using an alternate evacuation route at least once per year; and¶
- (B) A drill observed by OCC staff; if requested; ¶
- (b) The provider must have an alert method (for example, a loud bell or whistle) to warn the occupants of the home of an emergency or drill. ¶
- (c) Full evacuation of all staff and child care children [SK\*E2] must be completed within three minutes.¶
- (5) One other aspect of the emergency plan shall be practiced every other month and must follow the recording requirements listed in OAR 414-205-0110(6)(a-f).¶
- (6) 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.¶
- (57) 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; and¶
- (b) Emergency telephone numbers for fire, ambulance, police and poison control and the provider's home address must be posted in a visible location.¶
- (68) 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; and¶
- (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.¶
- (79) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.¶
- (810) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.¶
- (911) 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; and¶
- (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.¶
- (102) 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

AMEND: 414-205-0130

RULE SUMMARY: Updates to rule language to require documentation of emergency evacuation drills.

CHANGES TO RULE:

414-205-0130

Record Keeping ¶

(1) The following records, except those specified in OAR 414-205-0105(7)(a), 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) The provider shall maintain a written record of each emergency evacuation drill showing:¶

(A) The date and time;¶

(B) The exits used; ¶

(C) The number and age range of children evacuated;¶

(D) The total number of people in the home at the time of the drill;¶

(E) The amount of time taken to evacuate the home;¶

(F) The name of the person conducting the drill, and ¶

(G) The alert method used.¶

(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



AMEND: 414-205-0140

RULE SUMMARY: Requiring evacuation routes be illuminated in night care.

CHANGES TO RULE:

414-205-0140

Night Care ¶

A provider providing night care must:¶

- (1) Have a written plan for the care, mutually agreed upon by the parent(s) and the provider;¶
- (2) Have a written plan for emergency situations occurring during the night;¶
- (3) Be awake for the arrival and departure of each child in night care; ~~and~~¶
- (4) Follow all other applicable Registration rules; ~~and~~¶
- (5) Illuminate evacuation routes using a continuously powered light source (e.g. plug-in night light).

Statutory/Other Authority: ORS 657A.260

Statutes/Other Implemented: ORS 657A.260

AMEND: 414-350-0050

RULE SUMMARY: Updated requirements for what is included in posted floor plan.

CHANGES TO RULE:

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) 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). ¶¶

(e) The Early Learning Division Website [[www.oregonearlylearning.com](http://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. ¶¶

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

(g) A floor plan identifying the locations of the following: ¶¶

(A) Exits; ¶¶

(B) Primary evacuation routes; ¶¶

(C) Secondary evacuation routes; and ¶¶

(D) Fire extinguishers. ¶¶

(2) Providers shall immediately notify all parents of any closure of the active license. ¶¶

(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. ¶¶

(4) Caregivers shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.055) to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day. ¶¶

(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). ¶¶

(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. ¶¶

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

(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. ¶¶

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

(a) Immunization of children (OAR 333-050-0010 through 333-050-0140); ¶¶

(b) Reporting communicable diseases (OAR 333-018-0000); and ¶¶

(c) Child care restrictable diseases (OAR 333-019-0010). ¶¶

- (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(32) 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.¶
- (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.¶
- (12) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0405).¶
- (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.¶
- (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.¶
- (15) The written emergency plan must be given to parents of children in care.¶
- (16) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the certified family child care home of any valid non-compliance with regulations for safe sleep included in OAR 414-350-0220(7).

Statutory/Other Authority: ORS 329A.260

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

RULE SUMMARY: Updated requirements around fire extinguishers.

CHANGES TO RULE:

414-350-0170

Home Safety ¶

- (1) All floor levels used by children for play and napping shall have two usable exits to ground level.¶
- (2) All rooms used by children for play and napping shall have two usable exits.¶
- (3) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks usable exits. The provider must complete a daily inspection to ensure that evacuation routes are clear and usable exits, including doors and escape windows, are operable.¶
- (4) There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home. Fire extinguishers shall be easily accessible, kept must be mounted along the evacuation route, in an easily accessible and visible location that is out of the reach of children, and located along the path of emergency exiting.¶
- ~~(5) Smoke alarm.~~ The fire extinguisher may be mounted in a closet if there is a sign indicating the location of the extinguisher and the access to the closet must be unobstructed. ¶
- (5) The provider must inspect the fire extinguishers monthly and the inspection must be documented.¶
- (6) Smoke alarms and carbon monoxide detectors shall be:¶
  - (a) Installed on each floor level of the home and in any area where children nap; and¶
  - (b) Maintained in operating order; and¶
  - (c) Tested monthly to ensure they are in working order. The provider must document each test. ¶
- ~~(6)~~ Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.¶
- ~~(7)~~ Matches and lighters shall be kept in locked storage when not in use.¶
- ~~(8)~~ A portable light source, to be used in emergencies, shall be:¶
  - (a) Available in all activity areas used by children;¶
  - (b) In working condition; and¶
  - (c) Stored in an easily accessible place.¶
- ~~(9)~~ Items of potential danger (e.g., cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents) shall be:¶
  - (a) Kept in the original container or labeled;¶
  - (b) Stored under child-proof lock; and¶
  - (c) Kept away from food service supplies.¶
- ~~(10)~~ The provider shall protect children from safety hazards, including but not limited to:¶
  - (a) A rigid screen or guard shall be installed to prevent children from falling into a fireplace or against a heater or wood stove;¶
  - (b) A movable barrier, such as mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety;¶
  - (c) Child-proof latches shall be installed on all cupboards, closets, and drawers that contain hazardous objects and may be accessible to preschool-age and younger children;¶
  - (d) Firearms, ammunition, and other potentially hazardous equipment, such as darts, other projectiles, power tools, and knives shall be kept under lock:¶
    - (A) Firearms, pellet or BB guns must be unloaded and kept in areas not used by child-care children; and¶
    - (B) Ammunition shall be stored separately from firearms;¶
  - (e) Hot water heaters shall be equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location;¶
  - (f) Unused appliances, such as old refrigerators or freezers, that present a risk for entrapment, shall be secured so as to prevent entry by children;¶
  - (g) Clear glass panels in doors shall be clearly marked at child level;¶
  - (h) All exposed electrical outlets in rooms used by preschool or younger children shall have hard-to-remove protective caps or safety devices when not in use;¶
  - (i) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power-strip outlet with built-in over-current protection may be used;¶
  - (j) Floors shall be free of splinters, large unsealed cracks, sliding rugs, and other hazards;¶
  - (k) Devices which generate heat and are hot from recent use shall be inaccessible to children; and¶

- (l) After painting or laying carpet, the certified home must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.¶
- ~~(142)~~ The provider shall have written evidence that any wood stove in the home has been inspected and approved for use by the local building official.¶
- ~~(123)~~ All wood stove and fireplace flues shall be cleaned as needed or, at a minimum, once a year. A written record of cleaning shall be maintained on site.¶
- ~~(134)~~ The use of unvented, fuel-fired space heaters is prohibited.¶
- ~~(145)~~ Flammable and combustible liquids, such as paint thinner and gasoline, materials:¶
- ~~(a)~~ Shall be stored in the original container or a safety container and, i;¶
- ~~(b)~~ Must not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters; and¶
- ~~(c)~~ If over one gallon, kept in an unattached storage building.¶
- ~~(156)~~ All caregivers and children Fire drills shall be practice at least one aspect of the emergency plan, as described in OAR 414-350-0050(7)(c), once per month. d monthly at varying times of day, including in the evening and during overnight hours for programs that care for children during those hours.¶
- ~~(a)~~ Fire drills must include: ¶
- ~~(aA)~~ Evacuating the home shall be practiced at least eight times per year. If the facility is certified to care for more than 12 children and more than 4 children regularly in care are under 24 months of age, evacuating the home shall be practiced monthly A drill including using an alternate evacuation route at least once per year; and¶
- ~~(B)~~ A drill observed by OCC staff; if requested. ¶
- ~~(b)~~ The provider must have an alert method (for example, a loud bell or whistle) to warn the occupants of the home of an emergency or drill. ¶
- ~~(c)~~ Full evacuation of all staff and children must be completed within three minutes.¶
- ~~(b17)~~ The provider shall maintain a written record showing to of each fire drill showing: ¶
- ~~(a)~~ The date; and time of day, participants, and type of emergency of each;¶
- ~~(b)~~ The exits used; ¶
- ~~(c)~~ The number and age range of children evacuated;¶
- ~~(d)~~ The total number of people in the home at the time of the drill;¶
- ~~(e)~~ The amount of time taken to evacuate the home;¶
- ~~(f)~~ The name of the person conducting the drill; and ¶
- ~~(g)~~ The alert method used.¶
- ~~(18)~~ One other aspect of the emergency plan practice sessions shall be practiced every other month and must follow the recording requirements listed in OAR 414-350-0170(17)(a-g).¶
- ~~(169)~~ The written plan for evacuating and removing children to a safe location in an emergency must be posted in the home and must be familiar to the children and the caregivers. The plan 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 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¶
- ~~(e)~~ Procedures for maintaining continuity of child-care operations.¶
- ~~(1720)~~ 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; and¶
- ~~(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.¶
- ~~(218)~~ Other hazards observed in the certification process must be corrected.
- Statutory/Other Authority: ORS 657A.260
- Statutes/Other Implemented: ORS 657A.260, 657A.280, 657A.290, 657A.420

AMEND: 414-350-0375

RULE SUMMARY: Updated requirements around lit evacuation routes in night care.

CHANGES TO RULE:

414-350-0375

Night Care ¶

(1) When a certified family home provides night care to child care children, the provider shall meet all of the requirements for certified family child care homes contained in OAR 414-350-0000 through 414-350-0405, except for 414-350-0150 and 414-350-0220. In addition, the home shall comply with the following requirements, and the certification shall reflect that regulated night care is offered.¶

(12) Staffing:¶

(a) During the hours of night care, the required staff/child ratios, as specified in OAR 414-350-0120 shall be maintained.¶

(b) A caregiver must be present on the same floor level as the child care children who are sleeping.¶

(c) A caregiver must be awake for the arrival and departure of each child in night care. A caregiver must be awake during night care hours if more than six (6) children are in care. and¶

(d) All persons 18 years of age and older, inclusive of guests sleeping in the home during night care hours, shall comply with OAR 414-350-0090(4)(a)-(f).¶

(23) Activities:¶

(a) There shall be quiet activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime. These activities shall be appropriate to the child's age, interests and abilities.¶

(b) The use of television, videos, and computer or electronic games shall comply with OAR 414-3050-0220(4-5).¶

(c) The provider shall have a written plan for night care which includes:¶

(A) Regular routines;¶

(B) Supervision of children;¶

(C) Evacuation procedures for awake and sleeping children;¶

(D) Sleeping arrangements; and¶

(E) Arrival and departure procedures.¶

(d) If 24-hour care is provided, the provider shall have a written plan for self care, i.e., how ~~their~~his own needs will be met.¶

(34) Sleeping Arrangements:¶

(a) Space shall be available so that children may go to sleep at various times, based on their age and need for rest.¶

(b) All sleeping rooms used by children shall have two useable exits. A sliding door or window can be considered a useable exit if it meets the definition, as specified in OAR 414-350-0010(36-8); and¶

(c) Beds and bedding shall comply with OAR 414-350-0230(3) and 414-350-0235(1).¶

(45) Personal Hygiene:¶

(a) When bathing is provided, there shall be:¶

(A) Individual washcloths and towels for each child;¶

(B) Individual bathing opportunities for each child, unless a parent(s) has given permission for siblings to bath together;¶

(C) Safety glass in glass shower doors or glass tub enclosures;¶

(D) Appropriate cleaning and sanitizing procedures implemented after each child has used the shower or tub; and¶

(E) Appropriate equipment in bathtubs and showers to prevent slipping.¶

(b) Children spending the night shall have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with ~~his~~their name. and¶

(c) When bathing, showering or brushing teeth, children shall be supervised by a caregiver. For school-age children, privacy shall be maintained.¶

(6) During night care, evacuation routes must be illuminated.

Statutory/Other Authority: ORS 657A

Statutes/Other Implemented: ORS 657A.260, 657A.280