

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED
05/31/2022 12:38 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repeal of sunset around Aide II responsibilities in certified family child care centers.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/28/2022 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.

CONTACT: Remy Watts
971-701-1535
remy.watts@ode.oregon.gov

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: 06/22/2022

TIME: 5:30 PM

OFFICER: Remy Watts

ADDRESS: Virtual access only

700 Summer St NE

Salem, OR 97310

SPECIAL INSTRUCTIONS:

Please arrive no later than 15 minutes after meeting start time. Find more information on signing up for the public hearing on the ELD calendar: <https://oregonearlylearning.com/meeting/aide-2-sunset>

NEED FOR THE RULE(S)

Removal of sunset of Aide II responsibilities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

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:

There are no anticipated fiscal or economic impacts.

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) Certified Family Child Care Centers
- 2) a) 899 Certified Family centers
- b) No anticipated increase in administrative activity to comply with rules.
- c) No anticipated cost of professional services to comply with rules.

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

Certified Family centers were very supportive of the removal of the sunset clause to the rule allowing Aide IIs increased responsibility in the center that was added in the COVID-19 response. The ELD is removing the sunset clause and making the rule permanent because of its popularity with centers.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No anticipated fiscal or economic impacts.

AMEND: 414-300-0110

RULE SUMMARY: Removing sunset clause from Aide II responsibilities.

CHANGES TO RULE:

414-300-0110

Teacher Aides ¶¶

(1) Aide I shall:¶¶

(a) Be at least 15 years of age; and¶¶

(b) Be directly supervised, i.e., within sight and sound of a staff person who meets at least the qualifications of a teacher.¶¶

(2) Aide IIs must:¶¶

(a) Be at least 18 years of age;¶¶

(b) Completion of Aide I training requirements as referenced in 414-300-0110(1)(c-f); and¶¶

(c) Have at least 240 documented hours of experience as an Aide I, where 80 hours of the required 240 hours must be completed in the center where they are currently employed. Up to 160 of the hours may occur at another certified child care center.¶¶

(A) If working in a classroom with toddler or older age children, experience can be with any age group.¶¶

(B) If working in an infant room an Aide II must:¶¶

(i) Have 240 hours of experience working with infants; or¶¶

(ii) Complete 50 hours of training specific to infant and toddler care; or¶¶

(iii) Complete 25 hours of training specific to infant and toddler care and 120 hours of experience working with infants.¶¶

(3) An Aide II may support teachers in caring for children but may not be left alone with a group of children, except when:¶¶

(a) ~~Until June 30th 2022, s~~Supervising a group of children for no more than 60 minutes at a time, not to exceed more than 120 minutes of Aide II supervision per day, provided staff-to-child ratios are maintained, and there is another staff who is teacher, head teacher, or director qualified present at the facility. An Aide II may supervise an Aide I for no more than 60 minutes at a time.¶¶

(b) Accompanying a child or a group of children to the bathroom;¶¶

(c) Providing minor medical attention to a child;¶¶

(d) Supervising a child who is ill and has been separated from the other children until the child leaves the center;¶¶

(e) Transporting children; or¶¶

(f) Supervising children at rest, as described in OAR 414-300-0130(2)(a).¶¶

(4) An Aide II may not be left alone with a group of children, except as described in OAR 414-300-0130(2)(a) and 414-300-0350(5)(b).¶¶

(5) Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260