

RULE GUIDANCE



Volunteer, Visitor, New or Potential Employee

LICENSE TYPE AND RULES

Registered Family Child Care (RF)

OAR 414-205-0040 (4)

Certified Child Care Center (CC)

OAR 414-300-0070(6)(b); 414-300-0070(18)

Certified Family Child Care (CF)

OAR 414-350-0090(4)(b); 414-350-0090(7); 414-350-0090(11)

Certified School-age Child Care Center (SC)

OAR 414-310-0170(1)(g); 414-310-0240(5); 310-0280(6)

WHY THESE RULES ARE IN PLACE

The rules regarding visitors, volunteers, new employees and potential employees are based on federal requirements for background checks, and are meant to protect the health and safety of the children in child care. **Specifically, the facility must receive confirmation from OCC that staff who are 18 years of age or older, are enrolled or conditionally enrolled in the Central Background Registry (CBR) before they may be on the child care premises during child care hours.**

Definitions

- **"Premises"** includes the areas and rooms where child care is provided, the outdoor area, offices and all spaces used by the child care staff, parents and children.
- **"Staff"** means an individual who is an employee, or a volunteer who is in the program for more than a single activity.
- **"Visitor"** means someone who is at the program for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio.
- **"Volunteer"** includes any person who provides labor or services to a child care center but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the child's parent or if the volunteer is enrolled in the Central Background Registry.
- **"Unsupervised Access to Children"** means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a qualified child care provider or staff with supervisory authority.

HOW THIS MAY LOOK IN YOUR PROGRAM

If the individual is applying for, seeking a position, interviewing for employment, or newly hired, they may not volunteer in the program or spend time in the facility until they are conditionally or actively enrolled in the CBR. If the intent is to hire the individual and they are pending in the CBR, then the individual shall not be on-site while their CBR enrollment is processing.

Confirmed Enrollment in the CBR

A CBR verification letter from OCC must be on file for each adult associated with the child care site. It has to be addressed directly to the facility, rather than the person, that ensures authenticity.

Before a new staff member can start working at the facility, the staff person in charge must call OCC to verify a new employee's enrollment in the Central Background Registry (CBR). If they are enrolled, they have to be linked to the facility with correct hire and start dates. The program must document CBR enrollment verification including the date, time, and name of the OCC staff member they spoke with. The new staff member can start working on site prior to receiving the letter from OCC if needed, once this verification is complete.

OCC LICENSING SPECIALIST MAY REVIEW (IF APPLICABLE)

Field staff have occasionally come across a potential staff person “volunteering” while their CBR enrollment is processing. Sometimes the individual is job shadowing, conducting a working interview, or volunteering in the program to ensure it is a good fit. Your licensing specialist may ask questions about the individual's role/responsibilities within the program to determine whether CBR enrollment would be required. For example, what sort of activities does this person do while in the program? Is the program's intent to hire this individual? Does the individual have a pending CBR application?

However, if the individual will be participating in the program in a manner that necessitates CBR enrollment, then they may not volunteer, job shadow, or have a working interview, etc. until they are conditionally enrolled or actively enrolled in the CBR. Only if a job applicant is confirmed as enrolled in the CBR can they have a working interview or job shadow.

ADDITIONAL INFORMATION

Bus Drivers

Bus Drivers are considered staff members if they are employed by the child care program. If they work for a licensed child care facility, they must be conditionally enrolled or actively enrolled in the CBR before they can be on-site during child care hours or functioning in their position as a driver.

- The child care program is required to verify bus driver's enrollment in the CBR with OCC, and keep the verification letter from OCC in the individual's personnel file.
- A private or contracted bus driver cannot be counted in ratio or have unsupervised access to children unless they are actively enrolled in the CBR, have current First Aid/CPR certification and a new hire orientation.
- If the bus driver works for another agency and is not in the CBR (like a city bus driver when on a field trip), child care staff must maintain the appropriate staff to child ratio as the bus driver cannot be included in ratio.

OPTIONAL RESOURCES

Online Central Background Registry Application: <https://secure.emp.state.or.us/ccd/>

Oregon Administrative Rules, Oregon Department of Education, Early Learning Division, Chapter 414, Divisions 205 [Registered Family Child Care Homes](#), 300 [Certified Child Care Centers](#), 310 [Certified School-age Child Care Centers](#), and 350 [Certified Family Child Care Homes](#).

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