



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED

04/26/2023 2:37 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends Certified Child Care Center Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/14/2023 5:00 PM

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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Filed By:
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HEARING(S)

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

DATE: 06/01/2023

TIME: 5:00 PM - 6:00 PM

OFFICER: Crys O'Grady

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-216-1590

CONFERENCE ID: 1605394560

SPECIAL INSTRUCTIONS:

Zoom: <https://www.zoomgov.com/j/1605394560?pwd=SjE0ZXhA0RnBUZWIENnZ3MGxGbkl3Zz09>

Meeting ID: 160 539 4560

Passcode: 889680

Call-in: +1 669 254 5252

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Crys O'Grady by email at Crys.OMGrady@ode.oregon.gov.

NEED FOR THE RULE(S)

In the last decade, there have been many changes to licensing and health and safety practices that are not in alignment with current best practice. The updates to the certified center rule set include updates to align with the best practices in the field and remove barriers for child care providers and staff to increase child care capacity. This rule change is a repeal of the old rule set and proposed adoption of the amended rules in a new rule division.

Culturally and Racially Diverse Learning Opportunities. OCC is proposing that certified child care programs provide

culturally and racially diverse learning opportunities within the center’s curriculum, activities, and materials that represent all children, families and staff. OCC is proposing rules to ensure that diversity is represented through books, dolls, games, and activities within child care programs. In addition, certified centers must actively reflect on learning opportunities provided within the program to broaden cultural understanding and representation of cultural backgrounds of the children in the program.

Creating a Healthy Climate for Child Development. Proposed rule changes specifically address how certified center personnel can develop a climate for healthy, culturally responsive child development. Rules address interactions amongst children and staff, observing children in order to learn about their families, cultural, and individual interests. In addition, proposed rule describes how a certified center must intervene appropriately to stop biased behavior displayed by children or adults.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The documents relied on for this rule revision include Caring for our Children, “a collection of national standards that represent the best practices, based on evidence, expertise, and experience, for quality health and safety policies and practices for today’s early care and education settings.” Available here: <https://nrckids.org/CFOC>. The agency also reviewed feedback from the National Center on Early Childhood Quality Assurance (NCECQA) and reviewed the certified center licensing rule sets from Washington, Utah, and Georgia as sample licensing rule sets.

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

Certified Center Child Care Workforce Race and Ethnicity: Race and ethnicity information, as well as reported education level on the child care workforce is collected through OCC’s partnership with Portland State University Oregon Center for Career Development in Early Childhood (PSU OCCD) Individuals provide this information on a voluntary basis.

As of the last report received by OCC (July 2022), 77% of those in the child care workforce responded to requests for demographic information. This data indicates that roughly 26.2% of the certified center workforce identified as a person of color. It should be noted that of respondents, 24% of those surveyed did not provide a response when asked for race and ethnicity.

Race and Ethnicity Group % of center workforce	
Asian	3.2%
Black or African American	2.4%
Latino or Hispanic	18.1%
Multiracial	0.8%
American Indian or Alaska Native	0.9%
Native Hawaiian or other Pacific Islander	0.7%

OCC is proposing to expand options in the education and experience required to meet teacher qualifications. This will remove barriers for those may not have a college degree. PSU OCCD data indicates those that identify as Black or African American, Latino or Hispanic, Native Hawaiian or Pacific Islander, American Indian or Alaska Native as less likely than their white counterparts to hold a 4 year or master’s degree. Expand opportunities to work at certified centers.

- Creating a teacher training pathway program that combines on-site experience with additional training and coaching

from center personnel.

- Considering experience as a registered family and/or certified family child care provider as comparable teaching experience. More than 24% of in-home child care providers identify as a person of color.

Reported highest education level

Race and Ethnicity Group GED/HS Diploma AA BA/MA*

Asian 14.7% 13.7% 50.4%

Black or African American 40.3% 10.2% 19.1%

Latino or Hispanic 38.9% 10.9% 15.5%

Multiracial 32.6% 6.5% 26.1%

American Indian or Alaska Native 47.5% 11.5% 18.9%

Native Hawaiian or other Pacific Islander 38.2% 13.2% 19.7%

White (non Latino or Hispanic) 30.7% 13.4% 30.7%

Plain Language. The ruleset was developed using a plain language approach whenever possible. By using plain language whenever possible, allows for better understanding and compliance with rule requirement for both those whose first language is English and those whose speak a language other than English. Using plain language will support the accuracy of any translations needed. An estimated 4.32% of respondents identified a primary language other than English (Spanish, Russian, Vietnamese, Chinese, and Other).

Through consultation with our Tribal partners, OCC is proposing the use of cradleboards and other traditional indigenous infant sleep practices. Previously, the use of cradleboards in licensed child care was only allowed through an exception request.

FISCAL AND ECONOMIC IMPACT:

Early Learning Division/Office of Child Care currently competes inspections of certified child care centers across the state. These rules are scheduled to be voted on in June of 2023, if adopted at this time, OCC will have 6 months to plan and implement the changes within the field. Changes in this rule set require creation of new resources for licensing staff and technical assistance for child care providers. This is also require updates to existing resources in the OCC on licensing requirements, databases, and training. There is no specific fiscal estimate associated with the updates required in OCC. This work will be included in the ongoing operational budget of OCC for the 2023-2025 biennium.

At this time, ELD does not anticipate that these rule changes will have any additional economic impact on any additional state agency.

Certified center providers and staff are most like to be economically impacted.

Children and families who receive child care at certified child care centers.

Positive Fiscal Impact:

OCC is proposing rules that will give more flexibility to a child care facilities staffing patterns and a pathway for promotion for existing staff. OCC projects that this will increase capacity and in turn may produce more revenue for child care programs. This rule change came in response to feedback received during community engagement.

OCC is proposing modifications to staff-to-child ratios for use when less than 16 children are on-site, which may reduce a center's staffing costs. This will support facilities that may just be opening and are not yet at full capacity.

OCC is also proposing rules to create pathways to operate under a shared services model. This would allow for overall oversight of small child care centers to be overseen by a central organization. This could financially benefit small programs in rural areas where operating costs could be coordinated through a lead agency/organization.

Potential costs associated with implementation of rule changes:

Training Requirements. Those that hold the position of Aide II within a certified child care center, will have the same annual training requirements of teachers and directors (15 hours annually). Some training is already required, and OCC anticipates an additional 8 hours of training for each employee identified as an Aide II. Training costs vary depending on the where the facility or individual receives the training. OCC estimates that \$0-\$55 per individual.

Emergency Kit. Proposed changes require certified child care centers maintain emergency supplies including: first aid materials, hand sanitizer, wet wipes, tissue, a whistle or air horn, flashlight and battery/solar powered radio. OCC estimates that each emergency supply kit can vary in cost depending on the materials purchased. OCC estimates \$44-\$181.

Cribs/Infant Sleep Equipment. Proposed changes include that cribs and other infant sleep equipment be manufactured after July 2011. OCC does not anticipate this change will impact many child care programs, as outreach regarding this federal requirement was completed in 2011. If a child care program must replace any infant sleep equipment, OCC estimates that the facility will spend between \$91-\$650, depending on the type of equipment purchased.

Culturally Responsive Materials. \$50-\$200 depending on existing materials and number of classrooms.

Alternative water if not retesting the faucet; Liquid Soap and Paper Towels; Stickers on vehicles; Each child wears an easily identifiable item, such as a label, shirt or wristband, listing the name and telephone number of the child care center; Protective surfacing for indoor elevated equipment; (\$8/sq. ft-\$60/sq. ft)

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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).

OCC estimates that roughly 837 (62%) of licensed certified child care centers employ less than 100 individuals and

would therefore be considered small businesses.

Reporting: OCC does not anticipate an increase in reporting requirements for small businesses.

Recordkeeping: OCC does not anticipate an increase in recordkeeping activities for small businesses.

Administrative Activities: Proposed rules include an increase in the number and specificity of a certified center's policies and procedures. These policies and procedures are intended to support a safe, healthy environment for children in care, while allowing some autonomy and flexibility to the program to meet the policy requirement. This allows programs in specific areas to review the policy requirement and develop a policy that is tailored to meet the specific needs of the program and community.

Professional Services: OCC does not anticipate an increase in professional services needed to implement the proposed changes.

Equipment Supplies: Purchase of emergency kit supplies, potentially new infant sleep equipment,

Labor: OCC does not anticipate any increase in labor costs for small businesses.

Increased Administration: OCC does not anticipate an increase in administration.

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

OCC hosted listening sessions with certified center representatives to identify common barrier and propose solutions to those barriers. OCC intentionally invited small business owners, culturally specific programs, and those in rural areas to participate.

After completion of the listening sessions, a community rule revision workgroup was convened to develop rule language to address the barriers identified in the listening sessions. Members of the workgroup identified several fiscal and operational impacts. OCC made modifications of draft rules to remove or minimize these impacts.

The Rulemaking Advisory Committee will be held in April and May of 2023. Selection will include representatives from across the state, including those from small businesses/child care centers.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

414-300-0000, 414-300-0005, 414-300-0010, 414-300-0015, 414-300-0020, 414-300-0030, 414-300-0040, 414-300-0050, 414-300-0060, 414-300-0070, 414-300-0080, 414-300-0090, 414-300-0100, 414-300-0110, 414-300-0115, 414-300-0120, 414-300-0130, 414-300-0140, 414-300-0150, 414-300-0160, 414-300-0170, 414-300-0180, 414-300-0190, 414-300-0200, 414-300-0205, 414-300-0210, 414-300-0215, 414-300-0220, 414-300-0230, 414-300-0240, 414-300-0250, 414-300-0260, 414-300-0270, 414-300-0280, 414-300-0290, 414-300-0295, 414-300-0300, 414-300-0310, 414-300-0320, 414-300-0330, 414-300-0340, 414-300-0350, 414-300-0360, 414-300-0380, 414-300-0390, 414-300-0400, 414-300-0415, 414-305-0100, 414-305-0110, 414-305-0120, 414-305-0130, 414-305-0140, 414-305-0150, 414-305-0160, 414-305-0200, 414-305-0210, 414-305-0220, 414-305-0225, 414-305-0230, 414-305-0235, 414-305-0240, 414-305-0250, 414-305-0260, 414-305-0270, 414-305-0300, 414-305-0310, 414-305-0320, 414-305-0340, 414-305-0350, 414-305-0355, 414-305-0360, 414-305-0370, 414-305-0380, 414-305-0385, 414-305-0400, 414-305-0500, 414-305-0510, 414-305-0520, 414-305-0525, 414-305-0530, 414-305-

0600, 414-305-0610, 414-305-0620, 414-305-0630, 414-305-0650, 414-305-0660, 414-305-0700, 414-305-0710, 414-305-0720, 414-305-0800, 414-305-0810, 414-305-0820, 414-305-0830, 414-305-0840, 414-305-0850, 414-305-0860, 414-305-0900, 414-305-0910, 414-305-0920, 414-305-1000, 414-305-1010, 414-305-1020, 414-305-1030, 414-305-1050, 414-305-1100, 414-305-1110, 414-305-1130, 414-305-1140, 414-305-1200, 414-305-1210, 414-305-1220, 414-305-1230, 414-305-1240, 414-305-1300, 414-305-1400, 414-305-1500, 414-305-1600, 414-305-1610, 414-305-1620

REPEAL: 414-300-0000

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0000

Applicability of Rules ¶¶

- (1) OAR 414-300-0000 through 414-300-0415 set forth the Office of Child Care's (OCC) requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, ORS 329A.030, 329A.250 through 329A.310, 329A.350 through 329A.460 and 329A.990, that:¶¶
- (a) Serve thirteen or more children; or¶¶
 - (b) Serve twelve or fewer children and are located in a building constructed as other than a single-family dwelling.¶¶
- (2) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.¶¶
- (3) These rules do not apply to child care facilities specifically excluded by law. Excluded facilities are those that:¶¶
- (a) Provide care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day except as provided in 414-300-0000(2); or¶¶
 - (b) Provide care for school-age children that is primarily a single enrichment activity, for eight hours or less a week; or¶¶
 - (c) Provide care in which youth development activities are provided to school-age children during hours that school is not in session and which does not take the place of a parent's care; or¶¶
 - (d) Provide care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or. This exclusion applies only to the time engaged in the group athletic or social activities and if the children can come and go as they please; or¶¶
 - (e) Are operated by a school district, political subdivision of this state, or a government agency; or¶¶
 - (f) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care except as provided in 414-300-0000(2); or¶¶
 - (g) Operate as a parent cooperative for no more than four hours a day; or¶¶
 - (h) Provide care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity; or¶¶
 - (i) Provide care for three children other than the person's own children except as provided in 414-300-0000(2); or¶¶
 - (j) Provide care for children from only one family other than the person's own family except as provided in 414-300-0000(2).¶¶
- (4) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.¶¶
- (5) For purposes of these rules, the determination of compliance or noncompliance shall be made by OCC.¶¶
- (6) Providers have a right to review any action or decision affecting them. The OCC grievance procedures are available upon request to all applicants for child care certification or operators of centers.

Statutory/Other Authority: ORS 329A

Statutes/Other Implemented: ORS 329A

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0005

Definitions ¶¶

The following words and terms, when used in OAR 414-300-0000 through 414-300-0415, have the following meanings:¶¶

(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, isolation quarters, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.¶¶

(2) "Attendance" means children actually present in the center at any given time.¶¶

(3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.¶¶

(4) "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.¶¶

(5) "Central Background Registry" means OCC's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.¶¶

(a) "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification and an FBI records check.¶¶

(b) "CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following a Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check.¶¶

(6) "Certificate" means the document that is issued by OCC to a child care center pursuant to ORS 329A.280.¶¶

(7) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:¶¶

(a) In the home of the child;¶¶

(b) By the child's parent or guardian, or person acting in loco parentis;¶¶

(c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;¶¶

(d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care; or¶¶

(e) By providers of medical services.¶¶

(8) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.¶¶

(9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, for whom the child care center has supervisory responsibility in the temporary absence of the parent.¶¶

(10) "Child Care Center" or "Center" means a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.¶¶

(11) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.¶¶

(12) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 329A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.¶¶

(13) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.¶¶

(14) "Comparable group care program" means a program which has the following elements:¶¶

- (a) Staff are supervised by knowledgeable professionals;¶¶
- (b) Training of staff is provided or required annually;¶¶
- (c) Group size is similar to a certified child care facility;¶¶
- (d) Curriculum is age appropriate; and¶¶
- (e) The program is not providing uncertified drop-in care.¶¶
- (15) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.¶¶
- (16) "Director" means a person who is designated by the operator as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0080.¶¶
- (17) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center.¶¶
- (18) "Enrollment" means all children registered to attend the center.¶¶
- (19) "Group" means a specific number of children assigned to specific staff.¶¶
- (20) "Guidance and discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.¶¶
- (21) "Head Teacher" means the person(s) who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school-age program in the center.¶¶
- (22) "Infant" means a child who is at least six weeks of age up to 12 months of age.¶¶
- (23) "Infant and Toddler Age Program" means care and education provided in a center, or part of a center, to children between the ages of six weeks and thirty-six months.¶¶
- (24) "Night Care" means care given to children who sleep at the child care center for all or part of the night.¶¶
- (25) "Non-serious Violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-300-0005(44)¶¶
- (26) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of the Office of Child Care.¶¶
- (27) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.¶¶
- (28) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the operator is other than the owner, an individual must be appointed as the operator by the owner.¶¶
- (29) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.¶¶
- (30) "Outbreak of a communicable disease" means two cases from separate households associated with a suspected common source.¶¶
- (31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner may or may not be active in the operation of the center; the owner may also be the operator.¶¶
- (32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.¶¶
- (33) "Parent cooperative" means a child care program in which:¶¶
 - (a) Care is provided by parents on a rotating basis;¶¶
 - (b) Membership in the cooperative includes parents;¶¶
 - (c) There are written policies and procedures; and¶¶
 - (d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.¶¶
- (34) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care under the direct control of the child care facility.¶¶
- (35) "Preschool-Age Child" means a child who is 36 months of age to eligible to attend kindergarten or above in public school.¶¶
- (36) "Preschool-Age Program" means care and education provided in a center, or part of a center, to children 36 months of age to eligible to attend kindergarten.¶¶
- (37) "Program" means all activities and care provided for the children during their hours of attendance at the center.¶¶
- (38) "Qualifying Teaching Experience" means:¶¶
 - (a) For infant/toddler and preschool age groups, 1,500 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period;¶¶

(b) For school-age groups, 600 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.¶¶

(39) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.¶¶

(40) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This includes the months from the end of the prior school year to the start of the kindergarten school year.¶¶

(41) "School-Age Program" means care and education provided in a center, part of a center, school or other facility to children attending kindergarten or eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, eligible to be enrolled in the first grade or above in the next school year.¶¶

(42) "Serious complaint" means a complaint filed against:¶¶

(a) A certified child care center by a person who has alleged that:¶¶

(A) Children are in imminent danger;¶¶

(B) There are more children in care than allowed by certified capacity;¶¶

(C) Corporal punishment is being used;¶¶

(D) Children are not being supervised;¶¶

(E) Multiple or serious fire, health or safety hazards are present in the center;¶¶

(F) Extreme unsanitary conditions are present in the center; or¶¶

(G) Adults are in the center who are not enrolled in the Central Background Registry; or¶¶

(b) A facility providing child care, as defined ORS 329A.250(3), which is not a certified child care center by a person who has alleged that there are more children in care than allowed by law.¶¶

(43) "Serious Injury or Incident" means any of the following:¶¶

(a) Injury requiring surgery;¶¶

(b) Injury requiring admission to a hospital;¶¶

(c) Injury requiring emergency medical attention;¶¶

(d) Choking and unexpected breathing problems;¶¶

(e) Unconsciousness;¶¶

(f) Concussion;¶¶

(g) Poisoning;¶¶

(h) Medication overdose;¶¶

(i) Broken bone;¶¶

(j) Severe head or neck injury;¶¶

(k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;¶¶

(l) All burns;¶¶

(m) Allergic reaction requiring administration of Epi-Pen;¶¶

(n) Severe bleeding or stitches;¶¶

(o) Shock or confused state;¶¶

(p) Near-drowning.¶¶

(44) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges:¶¶

(a) Children are in imminent danger;¶¶

(b) There are more children in care than allowed by law;¶¶

(c) Corporal punishment is being used;¶¶

(d) Children are not being supervised;¶¶

(e) Multiple or serious fire, health or safety hazards are present in the center;¶¶

(f) Extreme unsanitary conditions are present in the center;¶¶

(g) Adults are in the center who are not enrolled in the Central Background Registry; or¶¶

(h) A facility is providing child care as defined in ORS 329A.250(4) which is not a certified child care center, by a person who has alleged that there are more children in care than allowed by law.¶¶

(45) "Site Director/Supervisor" means the person in charge of the facility at a site which is part of a larger multi-site program.¶¶

(46) "Site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.¶¶

(47) "Staff" means an individual who is the director, an employee, or a volunteer who is in the center for more than a single activity.¶¶

(48) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site.¶¶

(49) "Supervision" means the act of caring for a child or group of children. This includes awareness of and

responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.¶¶

(50) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR 414-300-0100.¶¶

(51) "Teacher Aide" means a caregiver who works under the direct supervision of a teacher and who meets the qualifications of Aide I or Aide II pursuant to OAR 414-300-0110.¶¶

(52) "Toddler" means a child who is able to walk alone but is under 36 months of age. "Younger toddler" means a child who is able to walk alone but is under 24 months of age; "older toddler" means a child who is 24 months of age but under 36 months of age.¶¶

(53) "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 child care provider or staff with supervisory authority.¶¶

(54) "Usable Exit" means an unobstructed door or window through which caregivers and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0010

Application for a Child Care Certificate¶¶

- (1) Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a child care center without a valid certificate issued by the Office of Child Care.¶¶
- (2) Application for a certificate shall be made on forms provided by OCC.¶¶
- (3) A completed application is required:¶¶
 - (a) For the initial certificate;¶¶
 - (b) For the annual renewal of the certificate; and¶¶
 - (c) Whenever there is a change of owner, operator or location.¶¶
- (4) The applicant shall complete and submit an application to OCC at least:¶¶
 - (a) 45 days before the planned opening date of a new center; and¶¶
 - (b) For renewal of certification, 30 days prior to the expiration of the certificate.¶¶

(A) If an application for renewal and payment of the required fee is received by OCC at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.¶¶

(B) If an application for renewal and payment of the required fee is not received by OCC at least 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the facility, unless the renewal is completed before the expiration date.¶¶
- (5) An application for a certificate shall be accompanied by a non-refundable filing fee.¶¶
 - (a) For the initial application, a change of owner/operator, the reopening of a center after a lapse in certification, or a change of location (except when a facility is forced to move due to circumstances beyond the control of the operator), the fee is \$100 plus \$2 for each certified space (e.g., the fee for a child care center certified to care for 30 children is \$60 + \$100 = \$160).¶¶
 - (b) For a renewal application, the fee is \$2 for each certified space.¶¶
- (6) An application for a certificate must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If an application is denied, an applicant must submit a new application for a certificate.¶¶
- (7) All civil penalties must be paid in full.¶¶
- (8) Floor plans shall be submitted to the environmental health specialist, the fire marshal and the buildings department prior to initial construction or remodel.¶¶
- (9) If the facility is located within or attached to a building used for purposes other than child care, the floor plan shall describe the other activities which are carried out in adjoining rooms or buildings.¶¶
- (10) If the applicant is a firm, association, corporation, public agency, or governmental entity, the application shall be signed by the chief executive officer or a person designated in writing to have the authority to sign for the applicant. If the applicant is a partnership, the application shall be signed by each partner.¶¶
- (11) A management list shall be submitted with the application and updated annually. The list must specify who is responsible for each of the following:¶¶
 - (a) Financial management;¶¶
 - (b) Maintaining records;¶¶
 - (c) Budgeting;¶¶
 - (d) Policy Development;¶¶
 - (e) Staff management, orientation and training;¶¶
 - (f) Maintenance of building and grounds;¶¶
 - (g) Meal planning and preparation;¶¶
 - (h) Transportation of children, if provided; and¶¶
 - (i) Ensuring the appropriateness of program activities according to age and development of the children.¶¶
- (12) An operator shall provide verification to OCC that the center meets all applicable building codes and zoning requirements that apply to child care facilities:¶¶
 - (a) Before the initial certificate is issued; and¶¶
 - (b) Whenever the facility is remodeled.¶¶

~~(13) The center shall be approved by an environmental health specialist registered under ORS chapter 700, or an authorized representative of the Health Division, and by a state or local fire marshal, before a certificate is issued by OCC.¶¶~~

~~(a) If structural, emergency or permit problems occur, OCC may request that the operator have the center inspected by the appropriate authority; and¶¶~~

~~(b) The operator is responsible for payment of any applicable fees for fire safety and sanitation inspections.¶¶~~

~~(14) Upon receipt of a completed application, a representative of OCC shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0415).~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

REPEAL: 414-300-0015

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0015~~

~~Issuance of a Child Care Certificate~~

~~(1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card. A certificate shall not be issued to an applicant who grows marijuana or distributes marijuana.~~

~~(2) A certificate shall be issued by OCC when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0415. There are two types of certifications. These are:~~

~~(a) A regular certificate, which, except as provided in OAR 414-300-0010(4)(b)(A), is valid for no more than one year; and~~

~~(b) A temporary certificate. A child care center may not operate under a temporary certification for more than 180 days in any 12-month period. A temporary certificate is issued when:~~

~~(A) The center is in compliance with most requirements;~~

~~(B) There are no deficiencies identified by OCC that are hazardous to children; and~~

~~(C) The operator demonstrates an effort to be in full compliance.~~

~~(3) A certificate is not transferable to any other location or to another organization or individual.~~

~~(4) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A~~

REPEAL: 414-300-0020

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0020~~

~~Exceptions to Rules ¶¶~~

~~(1) OCC may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0415) for a specified period of time when: ¶¶~~

~~(a) A requirement does not apply to the facility; or ¶¶~~

~~(b) The intent of the requirement can be met by a method not specified in the applicable rule. ¶¶~~

~~(2) The operator shall request an exception to a rule on a form provided by OCC. The request shall include: ¶¶~~

~~(a) A justification for the requested exception; and ¶¶~~

~~(b) An explanation of how the center will meet the intent of the rule. ¶¶~~

~~(3) No exception to a rule shall be granted: ¶¶~~

~~(a) If the requirement is established by statute; or ¶¶~~

~~(b) Unless the health, safety, and well-being of the children are ensured. ¶¶~~

~~(4) Exceptions may not be implemented until approval is received from OCC. ¶¶~~

~~(5) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits. ¶¶~~

~~(6) OCC may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0030

General Requirements ¶¶

- (1) The operator shall display the following near the entrance, or in some other area of the center, where they may be clearly viewed by parent(s) of children in care: ¶¶
- (a) The most current certificate issued by OCC; ¶¶
 - (b) Name of the director and/or the substitute director; ¶¶
 - (c) Notice of planned field trips away from the immediate neighborhood, showing the date and place of each excursion; ¶¶
 - (d) The current week's menu for all meals and snacks, if meals are provided by the center. Any substitution shall be recorded on the menu; ¶¶
 - (e) A notice that the items identified in section (2) of this rule are available for review on request; ¶¶
 - (f) Information on how to report a complaint to OCC regarding certification requirements; ¶¶
 - (g) Notice that custodial parents have access to the center during the hours of operation and without advance notice; ¶¶
 - (h) Notice of center closures (vacation days, holidays, etc.); ¶¶
 - (i) The Early Learning Division Website [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; and ¶¶
 - (j) Centers must post all serious valid complaint and serious non-compliance letters for 12 calendar months. ¶¶
- (2) The certified child care center shall immediately notify all parents of any closure of the active license. ¶¶
- (3) The operator shall have available for review on request: ¶¶
- (a) A copy of OAR 414-300-0000 through 414-300-0415, Rules for the Certification of Child Care Centers; and ¶¶
 - (b) The most recent OCC, sanitation, and fire safety inspection reports. ¶¶
- (4) The operator 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 414-300-0010(43) 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 center, 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) Damage to the building which affects the operator's ability to comply with these requirements, within 48 hours after the occurrence; ¶¶
- (e) Any animal bites to a child within 48 hours of occurrence; and ¶¶
- (f) Any change in director prior to the director being on site. Such prior notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. An e-mail or a phone call, followed by written documentation, or a FAX will serve as notification. ¶¶
- (5) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate. ¶¶
- (6) Staff shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.050), to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day. ¶¶
- (7) The child care center 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). ¶¶

(8) The following information shall be in writing and made available to staff, OCC, and to parent(s) at the time of enrollment:¶¶

(a) Name, business address, and business telephone number of the person(s) who have immediate responsibility for the daily operation of the center;¶¶

(b) Guidance and discipline policy;¶¶

(c) Arrival and departure procedures;¶¶

(d) Emergency plan, as specified in OAR 414-300-0170(3);¶¶

(e) Procedures for field trips; and¶¶

(f) Information on transportation, when provided by the center;¶¶

(9) Representatives of all agencies involved in certification and custodial parents shall have immediate access to all parts of the center during hours of operation. OCC staff shall have the right to enter and inspect the center, including access to all staff, records of children enrolled in the center, and all records and reports related to the center operation regarding compliance with these rules.¶¶

(10) The center shall comply with the Health Division's administrative rules relating to:¶¶

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

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

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

(d) Dishwashing (OAR 333-150-0000).¶¶

(11) Facilities must have parent(s) or guardian(s) of each child enrolled in the center, 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.¶¶

(12) The written emergency plan must be given to parents of children in care.¶¶

(13) A center shall have written health policies and procedures approved by the Health Division or the county health department which cover, but are not limited to, the following:¶¶

(a) Storage and handling of food;¶¶

(b) Diaper changing and disposal, if applicable. The diaper changing procedure must be posted in the diaper changing area;¶¶

(c) Bathing infants, if the center cares for infants;¶¶

(d) Care of bed linen;¶¶

(e) Hand washing procedures. The hand washing procedures must be posted at hand washing sinks; and¶¶

(f) Serving formula, storage and handling of bottles, and feeding infants, if the center cares for infants.¶¶

(14) Parental request or permission to waive any of the rules for the certification of child care centers does not give the center permission to do so.¶¶

(15) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the center of any valid non-compliance with regulations for safe sleep included in OAR 414-300-0300(6).¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0040

Enrollment

- (1) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.¶¶
 - (2) All children visiting the center on a regular basis will count in capacity. Children attending with a non-staff parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children.¶¶
 - (3) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the center shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.¶¶
 - (a) Refusal by the operator to care for a child with a need for special care because of lack of related skills and degree of competence, or because of structural barriers in the center, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are knowledgeable about the specific disability. The operator shall record the assessment that was made for each child with special needs.¶¶
 - (b) If a child with special needs is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between center staff, parent(s), and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.¶¶
 - (4) The operator shall obtain the following information in writing from parent(s) of each child before admission. The information shall be kept current at all times.¶¶
 - (a) Name and birth date of child;¶¶
 - (b) Date child entered care;¶¶
 - (c) Name(s), home and business address(es) and telephone number(s) of the custodial parent(s);¶¶
 - (d) The school attended by a school-age child;¶¶
 - (e) Name and telephone number of child's medical provider(s) and dentist, if applicable;¶¶
 - (f) Name and telephone number of person to be called in an emergency if the parent cannot be located;¶¶
 - (g) Name and telephone number of person(s) to whom the child may be released; and¶¶
 - (h) Any chronic health problem(s) the child has, including allergies.¶¶
 - (5) The operator shall obtain the following information in writing from parent(s) of each infant and toddler before admission:¶¶
 - (a) Schedule of feeding;¶¶
 - (b) Types of food introduced and timetable for new foods;¶¶
 - (c) Toilet and diapering schedule;¶¶
 - (d) Sleep schedule;¶¶
 - (e) Child's way of communicating and being comforted; and¶¶
 - (f) Developmental and health history of any problems that could affect the child's participation in child care.¶¶
 - (6) The operator shall obtain the following written authorizations from parent(s) of each child before admission:¶¶
 - (a) Permission for the center to obtain emergency medical treatment for the child. The emergency medical release shall be:¶¶
 - (A) On a form accepted by the medical treatment facility used by the operator for emergency medical services; and¶¶
 - (B) Immediately accessible to all staff.¶¶
 - (b) Permission for the center to call an ambulance or take a child to an available physician or medical treatment facility; and¶¶
 - (c) Approval when applicable for:¶¶
 - (A) Participation in field trips; and¶¶
 - (B) Participation in swimming or wading activities, both on and off the premises of the center.¶¶
 - (7) A center shall maintain separate information and authorization forms on each child in care.¶¶
 - (8) An opportunity shall be given for each child, with his/her parent(s), to have a pre-placement visit to the center and for the center staff to exchange information with the parent(s).¶¶
 - (9) No child under six weeks of age shall be enrolled in a center.¶¶
- [Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 657A.260
Statutes/Other Implemented: ORS 657A.260

REPEAL: 414-300-0050

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0050~~

~~Arrival and Departure~~

~~(1) A center shall require that the person bringing a child to the center remain with the child until the child is accepted by staff.¶~~

~~(2) A center shall release a child only to a parent or another person named and identified by the parent(s). The operator shall verify the identification of any person, other than the parent, who picks up a child.¶~~

~~(3) If a school-age child arrives at or leaves the center without a parent, there shall be arrangements in advance, in writing, from the parent(s) for the arrival and departure times and what to do if a child has not arrived at the center by the expected time.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0060

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0060~~

~~Record Keeping~~

- ~~(1) The operator shall keep all records, except those specified in OAR 414-300-0060(1)(d)(F) and 414-300-0205(7)(a), for at least two years, and staff and children's records for two years after termination of employment or care. These records shall be available at all times to OCC;~~
- ~~(a) Complete and current information on each child as required in OAR 414-300-0040(4) and (6);~~
- ~~(b) Records of daily attendance showing:~~
- ~~(A) The date of employment, time of arrival and departure, and room assignment for each staff; and~~
- ~~(B) The date, name of each child in attendance, and time of arrival and departure. The record must show the children in attendance at any given time;~~
- ~~(C) The current day's attendance record shall be maintained in the child's classroom in paper format.~~
- ~~(c) Personnel record for each staff, which shall include:~~
- ~~(A) Name, address and telephone number of staff;~~
- ~~(B) Position in center;~~
- ~~(C) Written verification (such as transcripts, payroll records, time sheets, documented resumes, notes regarding telephone conversations, etc.) that the person possesses the qualifications for the position;~~
- ~~(D) Verification that the staff is currently enrolled in the Central Background Registry;~~
- ~~(E) Statement of the staff's duties;~~
- ~~(F) Record of current health-related training, such as CPR, Life Support, Life Saving, and First Aid, and current food handler certifications, as appropriate;~~
- ~~(G) Driving record, driver's license number and expiration date if the person is to transport children; and~~
- ~~(H) Documentation of dates and participation in orientation, training, and staff development activities, as required in OAR 414-300-0120.~~
- ~~(d) A written record of:~~
- ~~(A) A death of or injury to a child, as specified in OAR 414-300-0030(5)(a);~~
- ~~(B) Dates and times of the practices of emergency procedures;~~
- ~~(C) Child abuse reports made to the Department of Human Services Child Welfare (DHS) or a law enforcement agency;~~
- ~~(D) Authorizations to administer medication to a child, as specified in OAR 414-300-0230(1)(a);~~
- ~~(E) Medications dispensed, as specified in OAR 414-300-0230(1)(d);~~
- ~~(F) Meals and snacks provided by the center for the previous three weeks;~~
- ~~(G) The program of activities for each group of children, as specified in OAR 414-300-0295; and~~
- ~~(H) The daily schedule for each group of children, as specified in OAR 414-300-0290.~~
- ~~(2) The operator shall allow custodial parent(s), upon request, to review records and reports, except for child abuse reports, maintained on their own children.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0070

General Requirements ¶¶

- (1) The operator shall establish a system of job descriptions, staff selection, and staff evaluation. All caregivers shall: ¶¶
 - (a) Have competence, sound judgment, and self-control in working with children; ¶¶
 - (b) Be mentally, physically, and emotionally capable of performing duties related to child care; and ¶¶
 - (c) Have the required training and/or experience for the position for which they are hired. ¶¶
- (2) There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-0090). A person assigned the duties of the position must meet the qualifications of the position. ¶¶
- (3) Notwithstanding OAR 414-300-0120(3), there shall be at least one person in the center at all times who has current certification in first aid and CPR. ¶¶
- (4) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties. ¶¶
- (5) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information. ¶¶
- (6) No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child. This includes any individual in the center who has or may have unsupervised access, however brief, to child care children (i.e., the owner, the operator, all child care staff, maintenance staff who work on-site during hours of operation, volunteers who may be left alone with children, etc.). This does not apply to persons authorized to drop off and pick up a child care child. ¶¶
 - (a) The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification; ¶¶
 - (b) The facility must receive confirmation from OCC that staff who are 18 years of age or older, are enrolled or conditionally enrolled in the CBR before they may be on-site of the child care premises during child care hours. ¶¶
 - (c) When a center is notified by OCC that a staff member or other individual has been removed from the Central Background Registry, the center shall not permit the staff member or other individual to have access to child care children; ¶¶
 - (d) If any person listed in section (6) and section (6)(a) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center; ¶¶
 - (e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, address, and telephone number. ¶¶
- (7) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with OCC the individual is enrolled. ¶¶
- (8) All caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the center license is active. ¶¶
- (9) Individuals whose CBR enrollment has been revoked, denied or suspended, may not be on the premises during child care hours; or have contact with child care children. ¶¶
- (10) Any visitor to the center or other adult who is not enrolled in the CBR shall not have unsupervised access to children. ¶¶
- (11) The center shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children. ¶¶
- (12) The center shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the center while child care children are present, excluding persons authorized to drop off and pick up a child care child. ¶¶

(13) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.¶¶

(14) Alcohol shall not be consumed or stored on the child care center premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the child care center premises during the hours the child care business is conducted or when child care children are present.¶¶

(15) No one shall possess, use or store illegal controlled substances on the child care center premises. No one shall be under the influence of illegal controlled substances on the child care center premises.¶¶

(16) No one shall grow or possess marijuana plants or distribute marijuana on the child care center premises. No one shall possess, use or store marijuana on the premises of the child care center unless medically necessary to treat a child care child. No adult shall use or be under the influence of marijuana on the child care center premises.¶¶

(17) Marijuana, derivatives and associated paraphernalia shall not be kept on the child care center premises unless medically necessary to treat a child care child. All associated medical marijuana must be kept in original container if purchased at a dispensary, and together with derivatives and related paraphernalia must be kept under child safety lock.¶¶

(18) Volunteers must meet the following requirements:¶¶

(a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry;¶¶

(b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry;¶¶

(c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the center must have a written policy to this effect, the policy must be known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.¶¶

(19) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the certified center or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the certified center during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0080

~~Director—Qualifications and Duties~~

~~(1) The director shall:~~

~~(a) Be at least 21 years of age; and~~

~~(b) Have:~~

~~(A) At least one year of training and/or experience in management and supervision of adults; and~~

~~(B) Have knowledge of child development for the primary ages served in the center, as evidenced by a combination of professional references, education, experience or training; or~~

~~(C) Documentation of attaining at least step nine in the Oregon Registry; or~~

~~(c) Have:~~

~~(A) One year of training and/or experience in management and supervision of adults OR have knowledge of child development for the primary ages served by the center as evidenced by a combination of professional references, education, experience or training; and~~

~~(B) A plan, approved by OCC, that shows how the missing component in (A) above will be addressed and how the program will be operated until the director has obtained the training, experience or knowledge.~~

~~(2) The director of the center shall be accountable for:~~

~~(a) Administrative functions, including, but not limited to: financial management; maintaining records; budgeting; policy development; ensuring the appropriateness of program activities according to age and developmental levels of children; staff orientation; management and training; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided; and~~

~~(b) Operating the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0415).~~

~~(3) If head teacher qualifications (OAR 414-300-0090) are met by the director, that person may serve as head teacher for the age range of children for which she/he is qualified if she/he works full-time in the center:~~

~~(a) If the center is certified for less than 40 children, the director may serve as head teacher and have regular teaching duties, if qualified;~~

~~(b) If the center is certified for 40 or more children, the director may serve as head teacher, but shall have no regular teaching duties.~~

~~(4) A director responsible for a center certified for fewer than 100 children shall be in the center at least one-third of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.~~

~~(5) A director responsible for a center certified for more than 100 children can be responsible for only one site. The director shall be in the center at least half of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.~~

~~(6) The director, or a substitute director, shall be on the premises during all hours of operation.~~

~~(7) If the center is certified to care for infants, the director must have completed OCC approved safe sleep training.~~

~~(8) The substitute director shall:~~

~~(a) Meet at least the qualifications of a teacher;~~

~~(b) Be familiar with the certification requirements;~~

~~(c) Be authorized, able, and available to correct a deficiency that might be an immediate threat to children's health or safety; and~~

~~(d) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a director.~~

~~(9) Whenever a director is absent from the center, the name of the substitute director shall be posted in the center, as required in OAR 414-300-0030(1)(b).~~

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0090

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0090~~

~~Head Teacher – Qualifications and Duties ¶¶~~

- ~~(1) For each infant and toddler, preschool age, and school age program in the center, there shall be a qualified person designated as head teacher who is at least 18 years of age.¶¶~~
- ~~(2) The head teacher shall be accountable for:¶¶~~
- ~~(a) The development and implementation of the center's program of activities for that age group or groups; and¶¶~~
- ~~(b) Ensuring the appropriateness of program activities according to the age, interests, and developmental level of the children.¶¶~~
- ~~(3) A head teacher shall meet the qualification requirements of one of the options listed in Table 1 of this rule.¶¶~~
- ~~(4) A person may serve as head teacher for more than one age group as long as the qualifications for head teacher for each age group are met.¶¶~~
- ~~(5) Head teachers shall be in the center at least one-fourth of the hours, calculated on a weekly basis, that the center is in operation. Table 1.¶¶~~

~~[NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

REPEAL: 414-300-0100

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0100~~

~~Teacher ¶¶~~

~~(1) For each group of children, a person shall be designated as the teacher. This person shall:¶¶~~

~~(a) Be at least 18 years of age;¶¶~~

~~(b) Be responsible for and supervise a designated group of children; and¶¶~~

~~(c) Supervise the activities of an aide assigned to his/her group.¶¶~~

~~(2) A teacher shall meet the qualification requirements of one of the options listed in Table 2 of this section. Table 2.¶¶~~

~~[NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

REPEAL: 414-300-0110

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

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) 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~~

REPEAL: 414-300-0115

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0115~~

~~School-Age Multi-Site Programs—Additional Staff~~

- ~~(1) In a multi-site program, the operator shall develop a written plan which shows:¶¶~~
 - ~~(a) How the administrative functions in section OAR 414-300-0080(2)(a) will be met; and¶¶~~
 - ~~(b) How Head Teacher functions in OAR 414-300-0090(2)(a) and (b) will be met.¶¶~~
- ~~(2) All staff of school-age multi-site programs shall meet qualifications for the position they hold, as specified in OAR 414-300-0080, -0090, -0100 and -0110, unless otherwise specified in this section.¶¶~~
- ~~(3) If the multi-site program does not have a director, the site coordinator and the site director/supervisor shall jointly perform the functions of director.¶¶~~
- ~~(4) A site coordinator shall:¶¶~~
 - ~~(a) Be at least 21 years of age;¶¶~~
 - ~~(b) Have at least one year of training and/or experience in management and supervision of adults;¶¶~~
 - ~~(c) Be authorized, able and available to correct deficiencies; and¶¶~~
 - ~~(d) If acting as a substitute teacher, be teacher qualified.¶¶~~
- ~~(5) A site coordinator shall be at each site on a monthly basis during the hours of operation. The time at each site must include time spent directly observing staff and children.¶¶~~
- ~~(6) A site director/supervisor shall:¶¶~~
 - ~~(a) Be at least 18 years of age;¶¶~~
 - ~~(b) Be at least teacher-qualified;¶¶~~
 - ~~(c) Be authorized, able and available to correct deficiencies; and¶¶~~
 - ~~(d) If the facility is certified for 40 or more children, not have teaching duties unless the number of children on site is less than 40.¶¶~~
- ~~(7) A site director/supervisor shall be on-site at least one-half of the hours, calculated on a weekly basis, that the school-age program is in operation.¶¶~~
- ~~(8) If a school-age multi-site program does not have a head teacher at each site, a designated head teacher for the multi-site program shall observe at each site on a monthly basis during the hours of operation.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~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. 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.~~
 - ~~(g) Each director, site director, head teacher, and teacher must complete one hour of training in the core knowledge category of Health, Safety, and Nutrition each year.~~
- ~~(6) All staff, including substitutes, must have the following initial training within 30 days of hire and prior to having unsupervised access to children:~~
 - ~~(a) Staff must complete Introduction to Child Care Health and Safety;~~
 - ~~(b) A minimum of 2 hours of OCC-approved training on recognizing and reporting child abuse and neglect; and~~

(c) Infant caregivers must complete training on safe sleep prior to having unsupervised access to infants. Directors and substitute directors at a center caring for infants must also complete this training. According to OAR 414-300-0110(1)(b), Aide Is must be directly supervised at all times.¶¶

(7) After September 30, 2022, all staff who count in staff:child ratio, excluding cooks, shall complete OCC-approved child development training within the first 90 days of employment.¶¶

(8) All staff must complete OCC-approved child development training by December 31, 2022.¶¶

(9) 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.¶¶

(10) 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.¶¶

(11) Staff meetings shall not count as training.¶¶

(12) All infant caregivers, with the exception of Aide Is, must complete OCC-approved training on safe sleep, prior to having unsupervised access to children and functioning in their position. Aide Is must complete the training within the first 30 days of employment.¶¶

(13) Notwithstanding OAR 414-300-0110(1)(c)(A) and (C), 414-300-0110(3)(c), 414-300-0110(4)(c), and 414-300-0120(3), an online-only CPR certification obtained between March 24, 2020 and June 30, 2022 will be accepted to meet the training requirement until the CPR certification expires.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0130

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0130

Staff/Child Ratios and Group Size

- (1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance.
- (2) The maximum number of children in a group and the ratio of caregivers to children specified in Table 3A of this rule shall apply, except that:
 - (a) When all toddler, preschool and school-age children are at rest, the situation permits, and the room is arranged so all children are supervised, there may be one teacher or Aide II supervising the resting room. As children awaken and become active, additional staff shall be added to return ratios to those in Table 3A. Sufficient staff to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the resting room; and
 - (b) Maximum group size shall not apply to field trips, outdoor play, planned large group activities, napping and eating. Staff/child ratios shall apply to these activities.
 - (c) Centers with certification in effect on July 15, 2001, shall comply with age groupings, staff/child ratios and group size in either Table 3A or Table 3B for as long as the facility is continuously used for child care, under the following conditions:
 - (A) The center must choose to operate under Table 3A or Table 3B; centers shall not operate under a combination of both;
 - (B) If centers wish to change from operating under one set of ratios to operating under the other set of ratios, the change shall occur at the time of certification renewal; and
 - (C) Centers may change options only twice.
- (3) Children shall at all times have the full attention of the appropriate number of staff. Children shall be within sight and sound of a caregiver at all times, except as specified below.
 - (a) School-age children shall be within sight and/or sound of staff at all times, and staff shall be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas. A written plan regarding the use and monitoring of these activity areas must be approved by OCC.
 - (b) School age programs with toilet facilities or activities off-site shall have a written plan, approved by OCC, to assure accountability for all children.
- (4) At least one caregiver who meets the qualifications of a teacher (OAR 414-300-0100) shall supervise each group of children.
- (5) In a mixed group of older toddler, preschool and school-age children, the number of caregivers shall be determined by the age of the youngest child in the group.
- (6) If there are four or fewer children of any age in care for 45 minutes or less directly after opening or directly before closing, OAR 414-300-0300(10) does not apply and infants and younger toddlers may be included with older children. The staff shall be teacher-qualified in one of the represented age groups and the staff/child ratio must be 1:4.
- (a) Each age group must have age appropriate activities, equipment and toys available for use; and
- (b) If infants or toddlers are part of the multiple age group, a diaper changing area must be located in the room being utilized for care.
- (7) Any time there are children in care,
 - (a) There shall be a staff person and one other adult on site. The other adult shall be enrolled in the Central Background Registry and shall be physically available to be called on by staff, if needed; or
 - (b) There shall be a written plan, approved by OCC, for a second caregiver to be available within 5 minutes for emergencies. The name and telephone number of the emergency back-up shall be known to all staff who work alone.

[NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0140

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0140~~

~~Indoor Space¶¶~~

~~(1) There shall be a minimum of 35 square feet of indoor activity area per child. Space considered in determining the facility capacity shall be available for use by children at all times, shall be used exclusively for child care during the hours of operation and shall be determined on a room-by-room basis. The following shall not be counted as part of the 35 square feet per child requirement: heating units; storage areas; teachers' desks; large permanent equipment; any space not useable by children. Cribs will be counted as useable space if the space underneath the cribs is accessible to children.¶¶~~

~~(2) A school-age program shall have a minimum of 50 square feet of indoor activity area per child or may have a minimum of 35 square feet of indoor activity area per child if:¶¶~~

~~(a) The children in care have access to a larger gross motor area, either indoor or outdoor, on a daily basis; or¶¶~~

~~(b) The center has a plan, approved by OCC, which addresses how the gross motor needs of children in care will be met.¶¶~~

~~(3) In a room used by more than one group of children not yet attending kindergarten, the area occupied by each group shall be defined by use of portable or permanent room dividers or program equipment that stand above the eye level of the children who use the area. Rooms used only for large group activities (e.g., eating, napping, large muscle activities) are exempt from this requirement.¶¶~~

~~(4) Storage space shall be available for each child's clothing and personal possessions.¶¶~~

~~(5) Storage space shall be available for play equipment, teaching equipment and supplies, records and files, cots, mats, and cleaning equipment and supplies.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

REPEAL: 414-300-0150

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0150~~

~~Outdoor Space ¶¶~~

~~(1) There shall be an outdoor activity area which the children can reach safely. If an outdoor activity area is not next to the center, or not under the control of the center during hours of operation, it cannot be used without the specific approval of OCC.¶¶~~

~~(2) There shall be at least 75 square feet of outdoor space for each child using the area at one time. In centers where groups of children are scheduled at different times for outdoor play, there shall be 75 square feet times one-third of the center's capacity, if permitted by local zoning regulations.¶¶~~

~~(3) The outside activity area shall:¶¶~~

~~(a) Be suitably surfaced. All pieces of playground equipment shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission;¶¶~~

~~(b) Be well drained;¶¶~~

~~(c) Be kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and¶¶~~

~~(d) Be equipped to provide age-appropriate activities for gross motor development.¶¶~~

~~(4) The outdoor activity area of a center serving children not yet attending kindergarten shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Centers with certification in effect on July 15, 2001, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must meet applicable local codes.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

REPEAL: 414-300-0160

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0160~~

~~Fire Protection~~

~~(1) The building, occupant load and means of egress, including the number of exits, exiting distances, doors and exit illumination and signs, shall meet the requirements of the Oregon Structural Specialty Code.~~

~~(2) Rooms used for child care shall not be located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code.~~

~~(3) Fire Extinguishers~~

~~(a) There shall be at least one 2A-10BC-rated fire extinguisher in the center;~~

~~(b) Fire extinguisher(s) shall be placed as recommended by the fire marshal.~~

~~(4) Smoke Detectors~~

~~(a) Smoke detectors shall be installed in all areas where children nap;~~

~~(b) When the center's capacity is 50 or more, an approved manual fire alarm system shall be provided, as required by the Oregon Structural Specialty Code;~~

~~(c) Smoke detectors shall be tested each month.~~

~~(5) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in corridors, stairwells or exit ways.~~

~~(6) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.~~

~~(7) There shall be written evidence that any wood stove in the building has been inspected and approved for use by the local building official.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0170

Hazards and Emergencies-

(1) Protection from Hazards:¶¶

- (a) Glass surfaces subject to impact by children shall be of safety glass and marked at a child's eye level or have a protective barrier in place.¶¶
- (b) Electrical outlets accessible to children not yet attending kindergarten shall have protective caps or safety devices when not in use.¶¶
- (c) All stairways with three steps or more used by children shall have handrails installed a minimum of thirty inches to a maximum of thirty-four inches above the stair tread.¶¶
- (d) Protective barriers shall be used in any hazardous location accessible to a child.¶¶
- (e) A movable barrier, such as a 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.¶¶
- (f) Lights shall be protected from hazards or breakage by installation of covers or shields.¶¶
- (g) All rooms used by staff and children shall have adequate lighting.¶¶
- (h) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.¶¶
- (i) Items of potential danger to children (e.g., cleaning supplies and equipment, poisonous and toxic materials, paints, plastic bags, aerosols, detergents) shall be:¶¶
 - (A) Kept in the original container or labeled;¶¶
 - (B) Secured by a child-proof lock or latch;¶¶
 - (C) Stored in an area not used by children; and¶¶
 - (D) Stored separately from food service equipment and supplies.¶¶
- (j) Lead-based paint or other toxic finishing materials shall not be used on walls, furnishings, toys, or any other equipment, materials or surface which may be used by children or are within their reach.¶¶
- (k) The possession and/or storage of firearms and ammunition are prohibited in the center.¶¶
- (l) The center must take precautions to protect children from vehicular traffic. The center 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.¶¶
- (m) Other hazards observed in the certification process must be corrected.¶¶

(2) Preparation for Emergencies:¶¶

- (a) A portable emergency light source, in working condition, shall be available with each group of children.¶¶
- (b) Telephone service shall be accessible and available in the center at all times when children are in care.¶¶
- (c) The center must have a system in place to ensure that parents can have contact with facility staff at all times when children are in care.¶¶
- (d) Telephone numbers for fire, emergency medical care, and poison control shall be posted on or near all telephones. Portable telephones must have emergency numbers on the phone.¶¶
- (e) Written instructions for evacuating the building, including a map illustrating exiting, shall be posted in each room children use.¶¶

(3) Emergency Plan:¶¶

- (a) The center shall have a written plan for handling emergencies, including, but not limited to, acute illness of a child or staff, floods, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility and evacuation of the facility. The plan must include:¶¶
 - (A) How the center will ensure that parents or the parents' emergency contacts can be reached in person;¶¶
 - (B) Designation of an alternate safe location in the event of evacuation;¶¶
 - (C) How the center will inform parents where children will be located in the event of evacuation and how children will be reunited with their families;¶¶
 - (D) An accessible file of emergency contact numbers for children and staff;¶¶
 - (E) Designation of a staff member(s) to take the emergency contact numbers file to the evacuation site in the event of an evacuation;¶¶
 - (F) Procedures to address the needs of individual children, including infants and toddlers, children with special

needs, and children with chronic medical conditions;¶¶

(G) An acceptable method to ensure that all children in attendance are accounted for;¶¶

(H) 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¶¶

(I) Procedures for maintaining continuity of child-care operations.¶¶

(b) All staff shall be familiar with the emergency telephone numbers and emergency procedures.¶¶

(c) Fire drills shall be practiced monthly. In addition, one other aspect of the emergency plan shall be practiced every other month.¶¶

(A) The director shall keep a written record of the type, date, time, and duration of the practices.¶¶

(B) If a center has on-site swimming or is responsible for off-site swimming, the practices must include pool and swimming safety.¶¶

(d) Fire and other emergency exiting shall not be through a swimming pool area.

Statutory/Other Authority: ORS 657A.260

Statutes/Other Implemented: ORS 657A.260

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0180

Sanitation¶¶

(1) Water Supply:¶¶

(a) The center's water supply shall be continuous in quantity and from a water supply system approved by the Health Division.¶¶

(b) There shall be safe drinking water available to children that is supplied in a sanitary manner. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks.¶¶

(2) Heat and Ventilation:¶¶

(a) The center shall be ventilated, by natural or mechanical means, and shall be free of excessive heat, condensation, and obnoxious odors.¶¶

(b) Room temperature shall be at least 68° F. (20 C.) and not so warm as to be dangerous or unhealthy in the center when children are present.¶¶

(c) After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.¶¶

(3) Insect and Rodent Control:¶¶

(a) The center shall be in such condition as to prevent the infestation of rodents and insects.¶¶

(b) Doors and windows used for ventilation shall be equipped with fine-meshed screens.¶¶

(c) Automatic insecticide dispensers, vaporizers, or fumigants shall not be used.¶¶

(4) Maintenance:¶¶

(a) The building, toys, equipment, and furniture shall be maintained in a clean and sanitary condition.¶¶

(A) Kitchen and toilet rooms shall be cleaned when soiled and at least daily;¶¶

(B) The isolation area shall be thoroughly cleaned after each use and all bedding laundered before it is used again;¶¶

(C) Door knobs and cabinet pulls in toilet rooms and diaper changing areas shall be sanitized daily;¶¶

(D) All clean linen shall be stored in a sanitary manner;¶¶

(E) Soiled bed linen and clothing shall not be stored in food preparation or food storage areas, and shall be inaccessible to children;¶¶

(F) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;¶¶

(G) All food storage areas shall be kept clean and free of food particles, dust, dirt, and other materials;¶¶

(H) Cribs, mats, and cots shall be sanitized with a sanitizing solution at least once a week and upon change of occupant. If visibly soiled, items must be cleaned prior to sanitizing.¶¶

(I) Bedding shall be cleaned when soiled, upon change of occupant and at least once a week;¶¶

(J) Water tables and toys used in water tables shall be emptied and sanitized daily;¶¶

(K) When a chemical, such as chlorine, is used for sanitizing, a test kit that measures the parts per million concentration of the solution shall be used to ensure the proper concentration; and¶¶

(L) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.¶¶

(b) The center shall be kept hazard-free, in good repair, and free of litter or rubbish and unused or inoperable equipment and utensils.¶¶

(5) Infant and Toddler Care:¶¶

(a) The following shall be sanitized immediately after each use. If visibly soiled, items must be cleaned prior to sanitizing:¶¶

(A) A bathtub or other receptacle used for bathing a child;¶¶

(B) A diaper-changing table;¶¶

(C) High chairs, tables and chairs;¶¶

(D) Toys that infants and toddlers put in the mouth; and¶¶

(E) Toilet training seat inserts.¶¶

(b) Pacifiers must be labeled, stored individually and sanitized after contamination. The health department must

approve methods of sanitation.¶¶

(c) A sanitizing solution shall be kept in each diaper changing area ready for immediate use. This solution need not be stored in a locked cabinet but must be out of children's reach.¶¶

(6) Hand washing:¶¶

(a) Staff and children shall wash their hands with soap and warm running water:¶¶

(A) After using the toilet;¶¶

(B) After diaper changing;¶¶

(C) After assisting someone with toileting;¶¶

(D) Before handling food;¶¶

(E) When arriving at the center;¶¶

(F) Before and after eating; and¶¶

(G) Before assisting with feeding.¶¶

(b) Staff and children must either wash their hands with soap and warm running water or use hand sanitizer with alcohol content between 60-95%:¶¶

(A) After wiping the nose;¶¶

(B) After coughing or sneezing;¶¶

(C) After outside activities; and¶¶

(D) After handling pet toys or touching animals, other than dogs and cats..¶¶

(c) Hand sanitizer must be stored out of reach of children.¶¶

(d) Hand sanitizer shall not be used on children under 24 months of age.¶¶

(e) Application of hand sanitizer on older toddlers and preschool-aged children must be supervised by an adult.¶¶

(f) When hand washing is not possible, but required by OAR 414-300-0180(6)(a)-(b), e.g. on field trips and on the playground, moist towelettes and hand sanitizer with alcohol content between 60-95% shall be used together.¶¶

(7) Waste Disposal:¶¶

(a) All sewage and liquid wastes shall be collected, treated, and disposed of in compliance with the requirements of the Department of Environmental Quality.¶¶

(b) All garbage, solid waste, and refuse shall be disposed of at least once a week.¶¶

(c) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids.¶¶

(d) Diaper disposal containers shall be approved by the environmental health specialist.¶¶

(e) All garbage storage areas and garbage containers shall be kept clean.¶¶

(f) All rubbish and garbage storage shall be inaccessible to children.¶¶

(g) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0190

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0190~~

~~Toilet Facilities-~~

~~(1) Toilets:¶¶~~

- ~~(a) Toilet rooms shall have at least one flush toilet for each 15 children in the center 36 months old or older.¶¶~~
- ~~(b) Urinals may be substituted for not more than one-half the required number of toilets, as long as there is at least one toilet in each toilet room and at least two toilets in the center. Facilities built after July 15, 2001, specifically as child care centers shall not substitute urinals for the required number of toilets.¶¶~~
- ~~(c) Toilet facilities shall provide privacy for school age children.¶¶~~

~~(2) Hand washing Sinks:¶¶~~

- ~~(a) There shall be at least one hand washing sink with mixing faucets for every two toilets. Centers with certification in effect on July 15, 2001, shall comply with the requirement for mixing faucets when toilet facilities are remodeled.¶¶~~
- ~~(b) A sink used for hand washing, bathing, or diaper-changing shall not be used in any way for preparation of food or drinks, or for dish washing.¶¶~~
- ~~(c) Hot and cold running water, as well as soap and paper towels dispensed in a sanitary manner, shall be provided at each hand washing sink. Other hand drying options must be approved by the environmental health specialist.¶¶~~
- ~~(d) Self-closing metered faucets shall be designed to provide water flow for at least 15 seconds without the need to reactivate the faucet. Centers with certification in effect on July 15, 2001, shall comply with the water flow requirement for self-closing metered faucets when toilet facilities are remodeled.¶¶~~
- ~~(e) Drinking fountains shall not be installed at sinks. If installed at sinks, the fountains shall not be used as a source of drinking water.¶¶~~
- ~~(3) If toilets or hand washing sinks are adult size, easily-cleanable steps or blocks shall be provided so that preschool age children can use the toilets and sinks without adult assistance.¶¶~~
- ~~(4) Bathrooms shall have smooth, washable, easily-cleanable walls and floors.¶¶~~
- ~~(5) Infants and Toddlers – In a center serving children under 36 months old, there shall be:¶¶~~
 - ~~(a) At least one flush toilet in or adjacent to each older toddler area;¶¶~~
 - ~~(b) One toilet with training seat, or child-size toilet, for every ten older toddlers. Potty chairs are prohibited;¶¶~~
 - ~~(c) At least one diaper-changing table in or adjacent to each activity and sleeping room. Each table shall have a surface that is non-absorbent and easily cleaned. The diaper-changing policy shall be posted above each table;¶¶~~
 - ~~(d) A hand-washing sink in each diaper changing area, except that centers with certification in effect on July 15, 2001, shall comply with this requirement when the diaper changing area is remodeled; and¶¶~~
 - ~~(e) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0200

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0200

Kitchens

(1) Kitchens shall have facilities for dish washing, storage, and preparation of food. The kitchen shall be separate from any child caring areas. ¶

(2) If there is no kitchen in the center and if meals or snacks are not catered, the center shall observe the requirements in OAR 414-300-0280(8). ¶

(3) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored, or utensils are washed or stored, shall be smooth, washable, and easily cleanable. ¶

(4) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, shall be: ¶

(a) Easily cleanable; ¶

(b) Durable; ¶

(c) Nontoxic; ¶

(d) Nonabsorbent; and ¶

(e) Maintained in a clean and sanitary condition. ¶

(5) All equipment used for food preparation shall be installed and maintained in a manner providing ease of cleaning beneath, between, and behind each unit. ¶

(6) A center shall have a: ¶

(a) Mechanical dishwasher that meets the requirements in the Health Division's administrative rules, OAR 333-150-0000; or ¶

(b) Compartmentalized sink that meets the requirements in the Health Division's administrative rules, OAR 333-154-0000. ¶

(c) Centers with a maximum capacity of 19 children may use a light commercial dishwasher approved by the National Sanitation Foundation. ¶

(7) There shall be separate sinks in the kitchen designated by the environmental health specialist for hand washing, for food preparation activities, and for dishwashing activities. ¶

(a) The sink designated for hand washing shall be equipped with soap and paper towels dispensed in a sanitary manner and posted with a hand washing sign. ¶

(b) In centers in which there is not a sink provided for food preparation, a sink used for dishwashing may be used as long as dishwashing activities do not interfere with sanitary food preparation, and the sink is sanitized before being used for food preparation. ¶

(c) Sinks in the kitchen shall be used exclusively for food service activities. ¶

(d) Centers newly constructed or remodeled after July 15, 2001, shall meet the requirements for hand washing sinks established by State Building Code, as defined in ORS chapter 455. ¶

(8) Children shall not be allowed in the kitchen except for a supervised learning activity.

Statutory/Other Authority: ORS 657A.260

Statutes/Other Implemented: ORS 657A.260

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0205~~

~~Testing for Lead in Drinking Water~~

~~(1) For purposes of this rule, "drinking water faucet or fixture" ¶¶~~

~~(a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and ¶¶~~

~~(b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing. ¶¶~~

~~(2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food. ¶¶~~

~~(3) Initial Testing ¶¶~~

~~(a) Any operator with an active certificate as of September 30, 2018 must test each drinking water faucet or fixture by November 30, 2018. ¶¶~~

~~(b) The following operators must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC: ¶¶~~

~~(A) Any operator with a pending certificate application as of September 30, 2018; and ¶¶~~

~~(B) Any operator applying for certificate on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications. ¶¶~~

~~(c) An operator identified in subsection (3)(a) or (b) does not need to conduct the initial testing if: ¶¶~~

~~(A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and ¶¶~~

~~(B) The testing was conducted in accordance with the requirements of subsection (5) of this rule. ¶¶~~

~~(d) An operator identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested. ¶¶~~

~~(e) An operator identified in subsection (3)(b) must submit test results to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested. ¶¶~~

~~(4) Ongoing Testing ¶¶~~

~~(a) After an operator conducts the initial testing under subsection (3) of this rule, the operator must test all drinking water faucets or fixtures at least once every six years from the date of the last test. ¶¶~~

~~(b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested. ¶¶~~

~~(5) Sampling and Testing ¶¶~~

~~(a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference. ¶¶~~

~~(b) All testing must be performed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018. ¶¶~~

~~(c) If a center does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the operator must: ¶¶~~

~~(A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and ¶¶~~

~~(B) Notify OCC in writing if the alternative source of water changes. ¶¶~~

~~(6) Results ¶¶~~

~~(a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the operator must: ¶¶~~

~~(A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and ¶¶~~

~~(B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule. ¶¶~~

~~(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per~~

billion (ppb) or more of lead, the operator must:¶¶

(A) Submit a corrective action plan to OCC for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference; and¶¶

(B) Implement the mitigation method within 30 days of approval by OCC.¶¶

(7) Recordkeeping and Posting¶¶

(a) The operator must keep a copy of the most recent lead test results on-site at all times.¶¶

(b) The operator must post the most recent lead test results summary provided by OCC in an area of the facility where the summary can be clearly viewed by parents. The operator must post the lead test results summary immediately after receiving the summary from OCC.¶¶

(8) Certified child care centers must follow the routine practices identified in Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference, at all times.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A

REPEAL: 414-300-0210

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0210~~

~~Furniture~~

~~(1) Furniture shall:~~

~~(a) Be durable;~~

~~(b) Have cleanable or non-absorbent surfaces;~~

~~(c) Be safely constructed, with no sharp, rough, loose, or pointed edges; and~~

~~(d) Be in good repair.~~

~~(2) Tables and seating shall be scaled to the height and size of a child.~~

~~(3) There shall be a safe, washable cot or rest mat for each toddler and preschool age child in the center at nap time and for each school-age child who wants to rest.~~

~~(4) Each mat used for napping shall be:~~

~~(a) Covered with a waterproof cover; and~~

~~(b) At least one inch thick.~~

~~(5) Mats or cots shall be placed at least two feet apart if children are placed head to toe; or three feet apart otherwise. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.~~

~~(6) Each child who is resting shall have individual bedding consisting of at least a sheet or blanket.~~

~~(7) Mats, cots and bed linen shall be properly stored, as recommended by the environmental health specialist.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0215

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0215

Infant and Toddler Furniture and Equipment ¶¶

(1) Each infant shall have a crib, portable crib, or play pen with a clean, non-absorbent mattress that meets the following requirements:¶¶

- (a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;¶¶
- (b) Locks and latches on the dropside of a crib shall be safe and secure from accidental release or release by the infant inside the crib;¶¶
- (c) Cribs shall not be used with the dropside down;¶¶
- (d) Each mattress shall fit snugly;¶¶
- (e) Each mattress shall be covered by a sheet;¶¶
- (f) Crib bumpers, if used, shall be easily cleanable, durable, and not dangerous to children;¶¶
- (g) There shall be no restraining devices of any type used unless prescribed by a physician; and¶¶
- (h) Wall or stacking cribs shall not be used.¶¶

(2) Sleeping arrangements other than cribs, portable cribs or playpens must be approved by OCC.¶¶

(3) There shall be at least two feet of space between cribs, portable cribs or play pens when in use. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.¶¶

(4) If high chairs are used, they shall have:¶¶

- (a) A broad base to prevent tipping;¶¶
- (b) A latch to keep a child from raising the tray; and¶¶
- (c) Straps to prevent a child from sliding out.¶¶

(5) If clip-on table chairs are used, they shall have straps to prevent a child from sliding out.¶¶

(6) There shall be at least one adult-sized chair for each group of infants and toddlers.¶¶

(7) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.¶¶

(8) The use of infant walkers is prohibited.¶¶

(9) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0220~~

~~Illness or Injury~~

~~(1) Illness:~~

~~(a) A center shall not admit or retain in care, except with the written approval of the local health officer, a child who:~~

~~(A) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Health Division administrative rules, OAR 333-019-0010; or~~

~~(B) Has one of the following symptoms, or combination of symptoms, of illness:~~

~~(i) Fever over 100 degrees F taken under the arm;~~

~~(ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);~~

~~(iii) Vomiting;~~

~~(iv) Nausea;~~

~~(v) Severe cough;~~

~~(vi) Unusual yellow color to skin or eyes;~~

~~(vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;~~

~~(viii) Stiff neck and headache with one or more of the symptoms listed above;~~

~~(ix) Difficult breathing or abnormal wheezing; or~~

~~(x) Complaints of severe pain.~~

~~(b) A child who shows signs of illness, as defined in this rule, shall be isolated and the parent(s) notified and asked to remove the child from the center as soon as possible;~~

~~(c) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the center and the parent(s) notified when they pick up their child;~~

~~(d) A specific place for isolating a child who becomes ill shall be provided. The isolation area:~~

~~(A) Shall be located where the child can be seen and heard by staff; and~~

~~(B) Shall be equipped with a cot, mat, or bed for each sick child.~~

~~(e) An outbreak of a child care restrictable disease, as defined in OAR 333-019-0010, or food poisoning shall be reported immediately to the local health department and posted for the parents of all children who attend the facility.~~

~~(f) A written care plan must be developed at the time of enrollment, or when an allergy is identified for each enrolled child who has an allergy that poses a threat to the child's health, safety, and well-being. The plan must include instructions regarding the allergen and steps to be taken to avoid the allergen; signs and symptoms of an allergic reaction; and a detailed treatment plan including the names, doses, and methods of prompt administration of any medication in response to allergic reactions.~~

~~(A) The parent must be notified immediately of any suspected allergic reactions or if the child consumed or came in contact with the allergen, even if a reaction did not occur.~~

~~(B) If epinephrine is administered, emergency medical services must be contacted immediately, and Office of Child Care must be notified within five calendar days of the occurrence.~~

~~(C) All staff involved in care of the child must be trained on the written care plan.~~

~~(D) Specific food allergies must be shared with all staff that prepare and serve food.~~

~~(E) A list of each child's allergies should be easily accessible for staff but not visible to those who are not parents or guardians of the enrolled child.~~

~~(2) Injuries:~~

~~(a) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.~~

~~(b) The operator shall have written procedures for handling injuries that shall be made known to all staff, including:~~

~~(A) Procedure for taking a child to emergency medical care;~~

~~(B) Routine for treatment of minor injuries; and~~

~~(C) First aid measures for serious accidents.~~

~~(c) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but kept out of reach of children.~~

~~(A) The first aid supplies shall include Band-Aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, and a sanitary temperature-taking device;¶¶~~
~~(B) Separate first aid supplies and a copy of each child's medical release form shall be taken on all field trips away from the immediate neighborhood.¶¶~~
~~(d) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:¶¶~~
~~(A) A written report of the injury or accident shall be maintained on file;¶¶~~
~~(B) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).¶¶~~
~~(e) The injury to or death of a child shall be reported to OCC in accordance with OAR 414-300-0030(5)(a) and (c).¶¶~~
~~(3) Emergency Medical Care:¶¶~~
~~(a) The operator shall identify a licensed physician, hospital, or clinic to be used for emergency medical care;¶¶~~
~~(b) In the event of an illness or injury which requires immediate medical care, the director or the substitute director is responsible for securing such care and notifying the parent(s).~~
Statutory/Other Authority: ORS 657A.260
Statutes/Other Implemented: ORS 657A.260

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0230~~

~~Medications~~

- ~~(1) No prescription medication or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, may be given to a child except under the following conditions:¶¶~~
 - ~~(a) A signed, dated, written authorization by the parent(s) is on file;¶¶~~
 - ~~(b) Prescription medication is in the original container and labeled with the child's name, name of the drug, dosage, directions for administering, date, and physician's name;¶¶~~
 - ~~(c) Non-prescription medication is in the original container, labeled with the child's name, dosage, and directions for administering; and¶¶~~
 - ~~(d) A written record of all medications administered listing, as a minimum, the name of the child, type of medication, the signature of the person administering the medication, date, time, and dosage given, shall be kept.¶¶~~
- ~~(2) All medications shall be:¶¶~~
 - ~~(a) Secured in a tightly covered container with a child-proof lock or latch; and¶¶~~
 - ~~(b) Stored in an area not used by children.¶¶~~
- ~~(3) Medications requiring refrigeration shall be kept in the refrigerator in a separate tightly covered container, with a child-proof lock or latch, clearly marked "medication".¶¶~~
- ~~(4) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:¶¶~~
 - ~~(a) Providers must obtain written parental authorization prior to using sunscreen.¶¶~~
 - ~~(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.¶¶~~
 - ~~(A) Parents must be informed of the type of product and the sun-protective factor (SPF).¶¶~~
 - ~~(B) Parents must be given the opportunity to inspect the product and active ingredients.¶¶~~
 - ~~(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.¶¶~~
 - ~~(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.¶¶~~
 - ~~(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".¶¶~~
 - ~~(f) Providers shall not use aerosol sunscreens on child care children.¶¶~~
 - ~~(g) Sunscreen shall not be used on child care children younger than six months.¶¶~~
 - ~~(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.¶¶~~
- ~~(5) Parent(s) shall be informed daily of medication administered to their child.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0240~~

~~Animals in the Center~~

- ~~(1) Animals shall be in good health, show no evidence of carrying any disease, and be a friendly companion for the children.¶¶~~
- ~~(a) When immunizations are required, proof of current compliance signed by a veterinarian shall be on file at the center.¶¶~~
- ~~(b) Dogs and cats shall be maintained on a flea, tick and worm control program. Products toxic to humans are prohibited.¶¶~~
- ~~(c) Animals shall be cared for as recommended by a veterinarian.¶¶~~
- ~~(2) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, monkeys, hook-beaked birds, baby chicks, ferrets, and potentially aggressive animals are prohibited. Educational programs which include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.¶¶~~
- ~~(3) Parent(s) shall be informed in writing of any animal in the center.¶¶~~
- ~~(4) Animals, except fish, shall not be in classrooms for infants or toddlers.¶¶~~
- ~~(5) The center shall have and follow written procedures for the care and maintenance of the animals in the center.¶¶~~
- ~~(6) Animals shall be kept in an approved cage for the type of animal. Cages shall have removable bottoms and shall be kept clean and sanitary.¶¶~~
- ~~(7) Animal litter boxes shall not be located in areas accessible to children.¶¶~~
- ~~(8) There shall be assigned staff who are responsible for the handling, care and feeding of the animal(s).¶¶~~
 - ~~(a) The cleaning of cages shall not be done in areas used for food preparation, storage or serving.¶¶~~
 - ~~(b) Staff must immediately and thoroughly wash their hands after handling animals or cleaning cages.¶¶~~
 - ~~(c) The cleaning of cages shall be scheduled when children are not present.¶¶~~
 - ~~(d) Animal food supplies shall be kept out of the reach of children and stored separately from food supplies and equipment. Animal food shall be stored in a manner that does not attract rodents or insects.¶¶~~
 - ~~(e) Chemicals related to the care of animals shall be kept under lock.¶¶~~
- ~~(9) Caregivers shall always be present when children are exposed to animals.¶¶~~
- ~~(10) If children are allowed to handle animals, they shall immediately and thoroughly wash their hands after handling.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0250

Food Selection, Storage, and Preparation

(1) All food and drink provided by the center shall be selected, stored, prepared, and served in a sanitary manner.¶¶

(2) Selection:¶¶

(a) All food products served by the center shall be obtained from commercial suppliers, except that:¶¶

(A) Fresh fruits and vegetables and center-frozen fruits or vegetables may be served;¶¶

(B) Home-canned or processed food may be served to a child only when supplied by the child's parent(s); and¶¶

(C) The serving of unpasteurized juice is prohibited.¶¶

(b) Only Grade A pasteurized and fortified milk shall be served to children.¶¶

(A) Powdered milk shall be used only in cooking.¶¶

(B) The serving of unpasteurized milk is prohibited.¶¶

(3) Storage:¶¶

(a) A center shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods. "Potentially hazardous food" means any food or beverage that contains milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice or beans, and all other previously cooked foods.¶¶

(A) A spirit stem (alcohol filled—usually red) thermometer in working condition shall be affixed to the door, or the front edge of the top shelf, of each refrigerator.¶¶

(B) Refrigerators equipped with a temperature gauge visible from the exterior are acceptable.¶¶

(b) All potentially hazardous food shall, except when being prepared, be kept at 41 degrees Fahrenheit (F) or below, or 140 degrees F or above.¶¶

(A) Foods requiring refrigeration after preparation shall be rapidly cooled to a temperature of 41 degrees F or below.¶¶

(B) Refrigerated storage space at 41 degrees F or less shall be used to store lunches which contain potentially hazardous food that children bring from home.¶¶

(C) A metal stem-type probe thermometer shall be used to ensure food requiring hot storage is maintained at 140 degrees F or above.¶¶

(D) Foods that have been cooked, and then refrigerated, shall be reheated rapidly to at least 165 degrees F before being served or placed in a hot food storage unit.¶¶

(4) Preparation:¶¶

(a) Food shall be prepared with a minimum of manual contact.¶¶

(b) Raw fruits and vegetables shall be washed in a clean, sanitized sink before being cooked or served.¶¶

(c) Food shall be prepared on food-contact surfaces and with utensils that are clean and have been sanitized.¶¶

(d) Food-contact surfaces and utensils shall be cleaned and sanitized after each use and/or whenever there is a change in processing from raw to ready-to-eat foods.¶¶

(e) Only approved food additives and preservatives shall be used by the center.¶¶

(5) Service:¶¶

(a) Each child shall be provided with his/her own individual use utensils for eating and drinking. These may be:¶¶

(A) Single service paper and plastic which shall be used once only; or¶¶

(B) Multiple use utensils which shall be washed in the prescribed manner between each use (OAR 414-300-0260).¶¶

(b) To protect food from contamination:¶¶

(A) A suitable dispensing utensil, that is not used for any other purpose, shall be used to transfer a food item to each child's plate or bowl; and¶¶

(B) A bowl, platter, pitcher, or dispensing utensil used for serving food or drink shall not be refilled or reused without first being washed and sanitized.¶¶

(c) Milk and fluid milk products shall be dispensed from a commercially filled plastic container of not more than one-gallon capacity, individual half-pint containers, or from a refrigerated bulk container equipped with an approved dispensing device.¶¶

(A) Milk containers shall be opened immediately before pouring.¶¶

(B) Any unused portions left in the original container shall be returned immediately to refrigeration.¶¶

(C) Unused portions of milk left in a pitcher shall be discarded.¶¶

~~(d) All food, once removed from the kitchen for service, shall be discarded.¶~~

~~(e) Leftover prepared food which has not been served shall be labeled and dated, rapidly cooled, and used within 36 hours, or frozen immediately for later use.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0260

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0260~~

~~Cleaning, Sanitizing, and Storage of Food Service Equipment and Utensils-~~

~~(1) Tableware and kitchenware (e.g., pots, pans and equipment) shall be washed, rinsed, and sanitized after each use.¶¶~~

~~(a) When mechanical cleaning and sanitizing methods are used, the requirements in the Health Division's administrative rules, OAR 333-150-0000, Food Sanitation Rules, shall be met.¶¶~~

~~(b) When manual washing, rinsing, and sanitizing of dishes and equipment is used, the requirements in the Health Division's administrative rules, OAR 333-150-0000, Food Sanitation Rules, shall be met.¶¶~~

~~(2) Food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use.¶¶~~

~~(3) All multi-use utensils and counters, shelves, tables, refrigeration equipment, sinks, drain boards, dish tables, cutting boards, appliances, and other equipment or utensils used for food preparation shall be kept clean and in good repair.¶¶~~

~~(4) After being sanitized, all tableware, equipment, and utensils shall be air dried.¶¶~~

~~(5) After being cleaned and sanitized, tableware and utensils shall be:¶¶~~

~~(a) Stored in a clean, dry place protected from insects, dust, and other contamination; and¶¶~~

~~(b) Handled in a way that protects them from contamination.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0270~~

~~Nutrition~~

- ~~(1) An operator shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. USDA guidelines will be used to determine if meals and snacks are adequate and nutritious. Foods of minimal nutritional value (e.g., Jell-O, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.¶¶~~
- ~~(2) Each lunch and dinner served shall equal at least 1/3 of a child's daily nutritional needs. Every meal shall meet USDA guidelines and shall include at least one serving from each of the following groups: fluid milk; breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese). Each meal shall include two servings of fruits and vegetables. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition.¶¶~~
- ~~(3) Each breakfast served shall meet USDA guidelines and shall include at least one serving each of milk, fruit or vegetable, and bread or grain.¶¶~~
- ~~(4) Snacks (mid-morning or mid-afternoon) shall meet USDA guidelines and shall consist of food or beverage from at least two of the following food groups: fluid milk; breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese); fruits and vegetables. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition. A snack shall not consist of only two beverages.¶¶~~
- ~~(5) No liquids other than milk, formula, water, and 100 percent fruit juices shall be served to the children in care.¶¶~~
- ~~(6) Water shall be freely available to children.¶¶~~
- ~~(7) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without written instructions from a registered dietician or medical practitioner and written parental consent.¶¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0280

Meals and Snacks ¶¶

(1) Meals and snacks provided to children shall meet the following requirements:¶¶

(a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any center providing care for the same children 3-1/2 or more consecutive hours;¶¶

(b) In a center open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served in the center to all children, a midmorning snack is not required, as long as there is no more than 3-1/2 hours between meals;¶¶

(c) School age children arriving after school shall be served a snack; and¶¶

(d) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided or arranged for by the parent(s).¶¶

(2) Meals for children shall be:¶¶

(a) Prepared on-site;¶¶

(b) Catered; or¶¶

(c) Provided by the parent(s).¶¶

(3) During the service and eating of meals and snacks, the appropriate number of staff to meet staff/child ratios shall be engaged with the children in food-related activities.¶¶

(4) Proper hand washing, as specified in OAR 414-300-0180(6) shall be practiced prior to and after eating meals or snacks.¶¶

(5) When parent(s) provide food for the meal:¶¶

(a) Food shall be brought on a daily basis and be ready to eat;¶¶

(b) All food and beverage containers shall be labeled with the child's name;¶¶

(c) The center shall provide at least one serving of milk to each child at meals and shall provide morning and afternoon snacks;¶¶

(d) Each child's food shall be monitored daily to ensure that the food meets nutritional requirements as defined in OAR 414-300-0270;¶¶

(e) The center shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in OAR 414-300-0270;¶¶

(f) If parents bring food for all the children as snacks or for celebrations, the food shall be commercially prepared and served by the center in an approved manner; and¶¶

(g) There shall be a refrigerator on site to store foods needing refrigeration.¶¶

(6) Catered foods shall be:¶¶

(a) Prepared in a kitchen approved by the State Health Division or a county health department; and¶¶

(b) Delivered in a safe, sanitary manner with food maintained at the required temperature (OAR 414-300-0250).¶¶

(c) If meals are catered, the process of receiving, holding and serving food shall be approved by the environmental health specialist.¶¶

(7) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a center must have a written plan, approved by the environmental health specialist and OCC, which includes at least the following elements:¶¶

(a) Provision for handwashing immediately prior to eating;¶¶

(b) Separate serving portions for each table;¶¶

(c) Serving utensils distinct from eating utensils;¶¶

(d) Table accommodations for group sizes no larger than those stated in OAR 414-300-0130, Table 3A or Table 3B, for that age group;¶¶

(e) Provision for serving mildly ill children so as to prevent the spread of the illness; and¶¶

(f) The discarding of any food brought to the table and not eaten.¶¶

(8) If there is no kitchen in the center and if meals or snacks are not catered:¶¶

(a) Only single service utensils shall be used;¶¶

(b) Either commercially prepared, individually packaged, single-serving foods shall be served or the serving of bulk food shall be approved by the environmental health specialist;¶¶

- (c) Utensils that require washing shall not be used or stored on site;¶¶
- (d) Food shall be stored in a space used only for food, beverages and single-service utensils; and¶¶
- (e) If foods needing refrigeration are served, the center shall have a refrigerator.¶¶
- (9) A center serving children under 12 months of age shall comply with the following requirements for those children:¶¶
- (a) Each child shall be fed on his/her own feeding schedule;¶¶
- (b) When formula is provided by the center, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, it must be mixed in a kitchen approved by the environmental health specialist, and the program must have a written plan for mixing formula and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist;¶¶
- (c) Formula, breast milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;¶¶
- (d) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission.¶¶
- (e) Any bottles used for feeding liquid must be sterilized at the center by boiling or must come from home labeled by the parent with the child's name. Nipples must be stored in a closed container after sterilizing;¶¶
- (f) Solid foods fed to infants shall be selected from the food groups specified in OAR 414-300-0270(2);¶¶
- (A) Solid foods shall not be fed to infants less than four months of age without parental consent;¶¶
- (B) Solid food shall not be served directly from the container;¶¶
- (C) Leftovers in the serving container shall be discarded; and¶¶
- (D) Solid foods, with the exception of finger foods, shall be fed with a spoon.¶¶
- (g) Honey or foods containing honey shall not be served to children under 12 months of age; and¶¶
- (h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.¶¶
- (A) Infants up to six months of age shall be held or sitting up in a caregiver's lap for bottle feeding.¶¶
- (B) Bottles shall never be propped. The child or a staff person shall hold the bottle.¶¶
- (C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.¶¶
- (10) Children of any age shall not be laid down with a bottle.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0290

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0290~~

~~Program Plan~~

~~(1) The center shall develop and post a written daily schedule for each group of children, according to their ages, interests and abilities. The schedule shall:~~

~~(a) Cover all hours of operation;~~

~~(b) Include regularity of routine activities such as eating, napping and toileting;~~

~~(c) Include periods of outdoor play each day when weather permits; and~~

~~(d) Include one or more regularly scheduled rest periods. Children who do not sleep after 20-45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.~~

~~(2) The center shall follow the written daily schedule, allowing flexibility to respond to the needs of individual children and/or groups of children.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0295

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0295~~

~~Program of Activities for All Children~~

- ~~(1) All caregivers must give the children's needs first priority, ensuring that they get adequate care and attention.¶¶~~
- ~~(2) The center shall provide a written program of activities for each group of children according to their developmental ages, interests, and abilities. The program of activities must allow for change and flexibility and show evidence of the preplanning.¶¶~~
- ~~(3) The program of activities shall be planned to provide:¶¶~~
 - ~~(a) Positive learning experiences appropriate to the individual developmental needs of children in care;¶¶~~
 - ~~(b) Individual and group activities;¶¶~~
 - ~~(c) A balance of active and quiet activities;¶¶~~
 - ~~(d) Opportunities for free choice by children; and¶¶~~
 - ~~(e) Daily indoor and outdoor activities in which children use both large and small muscles.¶¶~~
- ~~(4) The center shall follow the written program of activities.¶¶~~
- ~~(5) The center shall inform parents when children are participating in contracted services (e.g., tumbling, music) that the contracted services have not been certified by OCC.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0300

Infant and Toddler Program of Activities¶¶

(1) Each infant and toddler shall be:¶¶

(a) Allowed to form and follow his or her own pattern of sleeping and waking periods; and¶¶

(b) Given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.¶¶

(2) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the center).¶¶

(3) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self esteem, and other learning experiences.¶¶

(4) Children shall be encouraged to play with a variety of safe toys and objects.¶¶

(5) Children shall be given appropriate opportunities to use the five senses through sensory play.¶¶

(6) The following safe sleep practices must be followed:¶¶

(a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;¶¶

(b) Bassinets may only be used until the infant is able to roll over on their own;¶¶

(c) Each mattress shall:¶¶

(A) Fit snugly; and¶¶

(B) Be covered by a tightly fitting sheet;¶¶

(d) A clean sheet shall be provided for each child;¶¶

(e) Infants must be placed on their backs on a flat surface for sleeping;¶¶

(f) While on the child care premises, if an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the caregiver must immediately move the infant to an appropriate sleep surface;¶¶

(g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;¶¶

(h) There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier (e.g. bottles, toys, pillows, stuffed animals, blankets, bumpers); ¶¶

(i) Swaddling or other clothing or covering that restricts the child's movement is prohibited; ¶¶

(j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and¶¶

(k) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the center and placed in an appropriate sleep surface.¶¶

(7) Immediate attention shall be given to the emotional and physical needs of children.¶¶

(8) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.¶¶

(9) In addition to those activities specified in OAR 414-300-0295(2), toddlers shall be given opportunities to participate in:¶¶

(a) A variety of activities encouraging creative expression through the arts; and¶¶

(b) Running, climbing, and other vigorous physical activities.¶¶

(10) Infants and younger toddlers shall have an activity area not used by older children at the same time.¶¶

(11) The center shall provide the following information to each parent of an infant and toddler on a daily basis:¶¶

(a) Their child's schedule of feeding;¶¶

(b) Their child's toilet and diapering activities; and¶¶

(c) Their child's sleep schedule.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0310

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0310~~

~~Preschool-Age Program of Activities~~

~~In addition to those activities specified in OAR 414-300-0295(2), preschool-age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, which shall include:~~

- ~~(1) Creative expression through the arts;~~
- ~~(2) Dramatic play;~~
- ~~(3) Gross motor development;~~
- ~~(4) Fine motor development;~~
- ~~(5) Music and movement;~~
- ~~(6) Opportunities to listen and speak;~~
- ~~(7) Concept development;~~
- ~~(8) Appropriate sensory play; and~~
- ~~(9) A supervised nap or rest period.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0320

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0320~~

~~School-Age Program of Activities~~

~~(1) School-age programs shall provide an environment where adults' actions demonstrate respect for school-age children's changing physical, emotional and intellectual needs.¶¶~~

~~(2) School-age children shall have the opportunity to take part, on a daily basis, in activities which support their need to practice and build skills in problem-solving, making responsible choices, cooperation, creativity, and appropriate social interactions.¶¶~~

~~(3) In addition to those activities specified in OAR 414-300-0295(2), school-age children shall have opportunities to choose from a variety of activities, including:¶¶~~

~~(a) Creative expression through the arts;¶¶~~

~~(b) Individual projects, which may include homework;¶¶~~

~~(c) Exposure to individual and team physical activities;¶¶~~

~~(d) Opportunities to experience or learn about the tasks of adulthood (e.g., the world of work, taking responsibility, budgeting); and¶¶~~

~~(e) Opportunities to rest if tired. The center shall provide a space that encourages rest for those children who wish to rest.¶¶~~

~~(4) The center shall have age-appropriate activities and equipment for school-age children.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0330

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0330~~

~~Guidance and Discipline~~

- ~~(1) A center shall have a written policy on guidance and discipline of children. The policy shall be posted in the center.¶¶~~
- ~~(2) All staff, volunteers and parents shall be familiar with the guidance and discipline policy.¶¶~~
- ~~(3) The guidance and discipline policy shall:¶¶~~
 - ~~(a) Provide for positive guidance, redirection, and the setting of clear-cut limits; and¶¶~~
 - ~~(b) Be designed to help the child develop self-control, self-esteem, and respect for others.¶¶~~
- ~~(4) Only staff, excluding volunteers, shall provide guidance or discipline to a child.¶¶~~
- ~~(5) Guidance and discipline shall be fair, consistently applied, timely, and appropriate to the infraction and the age of the child. Positive statements or redirection of behaviors shall be used.¶¶~~
- ~~(6) Prohibited punishment includes, but is not limited to:¶¶~~
 - ~~(a) Hitting, slapping, shaking, striking with hand or instrument, pinching, tying or binding or inflicting any other form of corporal punishment;¶¶~~
 - ~~(b) Mental or emotional punishment including, but not limited to, name calling, ridicule, yelling, or threats;¶¶~~
 - ~~(c) Non-prescription chemical restraints used for discipline or to control behavior;¶¶~~
 - ~~(d) Confining a child in an enclosed area (e.g., a locked or closed room, closet, box);¶¶~~
 - ~~(e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or¶¶~~
 - ~~(f) Belittling a child for or forcing a child to clean up after toileting accidents.¶¶~~
- ~~(7) The center shall not accept parental permission to use any form of punishment listed in subsection (6) of this rule.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

REPEAL: 414-300-0340

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0340~~

~~Equipment and Materials~~

- ~~(1) The center shall have play equipment and materials that are:~~
 - ~~(a) Appropriate to the developmental needs and interests of the children;~~
 - ~~(b) Sturdy and free of sharp points or corners, splinters, protruding nails or bolts, loose rusty parts, hazardous small parts, or paint that contains lead or other toxic materials;~~
 - ~~(c) In good condition; and~~
 - ~~(d) Easily accessible to the children.~~
- ~~(2) The quantity and variety of play materials (i.e., toys, books and games) shall be sufficient to:~~
 - ~~(a) Avoid excessive competition;~~
 - ~~(b) Provide a variety of choices to each child;~~
 - ~~(c) Provide a balance of:~~
 - ~~(A) Active/quiet activities; and~~
 - ~~(B) Individual/group activities;~~
 - ~~(d) Meet the developmental needs of each group of children; and~~
 - ~~(e) Provide the variety of activities required in OAR 414-300-0295, 414-300-0300, 414-300-0310, and 414-300-0320, as appropriate.~~
- ~~(3) The center shall have a variety of age-appropriate toddler, preschool and school-age toys, materials and equipment which give children choices from the following:~~
 - ~~(a) Blocks;~~
 - ~~(b) Manipulatives;~~
 - ~~(c) Books;~~
 - ~~(d) Sensory experiences;~~
 - ~~(e) Gross motor activities;~~
 - ~~(f) Music;~~
 - ~~(g) Art;~~
 - ~~(h) Dramatic play;~~
 - ~~(i) Science and/or exploration; and~~
 - ~~(j) Discovery of nature.~~
- ~~(4) Infants shall have a variety of appropriate infant toys stimulating to the senses.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0350~~

~~Transportation~~

~~When transportation is provided by or arranged for by the center, the following requirements shall be met:~~

~~(1) Drivers shall:~~

- ~~(a) Be at least 18 years of age;~~
- ~~(b) Hold a current driver's license. If required by the Motor Vehicles Division (DMV), a commercial driver's license shall be obtained; and~~
- ~~(c) Maintain a safe driving record.~~
- ~~(d) The provider must take precautions to protect children from vehicular traffic.~~

~~(2) The operator shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties. The DMV check shall be updated annually.~~

~~(3) The vehicle shall be:~~

- ~~(a) In compliance with all applicable state and local motor vehicle laws; and~~
- ~~(b) Maintained in a safe operating condition.~~

~~(4) If transportation is provided between the center and the child's school or other destination, the center shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the center. If the pick-up schedule results in children being unsupervised at school or other location, the center shall notify parents of this fact.~~

~~(5) When transporting children on a regular basis, there shall be sufficient staff to meet the required staff/child ratios (OAR 414-300-0130) for each age group of children being transported.~~

~~(a) The driver may count in the staff/child ratios.~~

~~(b) Staff shall be teacher-qualified or Aide II qualified. Aide I qualified staff may count in the staff/child ratios if one other staff is teacher-qualified.~~

~~(c) If none of the staff is teacher-qualified, an adult in the vehicle shall be trained in first aid and the vehicle shall be equipped with a cell phone or other communication device.~~

~~(6) When transporting children on field trips, the center shall follow its procedures for field trips (OAR 414-300-0030(7)(e)). The procedures shall include, but not be limited to, requirements regarding drivers and adult supervision.~~

~~(7) When transporting children for any and all purposes:~~

- ~~(a) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;~~
- ~~(b) A seat that fully supports the passenger shall be provided for each child;~~
- ~~(c) All children, shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation;~~
- ~~(d) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter;~~

~~(e) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person; and~~

~~(f) No child shall be left unattended inside or outside a vehicle.~~

~~(8) The center shall maintain a written plan for transportation.~~

~~(9) 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~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0360~~

~~Night Care ¶¶~~

~~A center providing night care to children shall meet all the requirements for child care centers contained in OAR 414-000-0300 through 414-300-0415, except for 414-300-0150, 414-300-0290 through 414-300-0320, and 414-300-0340(2)(c). In addition, the center shall comply with the following requirements:¶¶~~

~~(1) Staffing:¶¶~~

~~(a) During the hours of night care, the required staff/child ratio shall be maintained in the center.¶¶~~

~~(b) There shall be at least two staff persons present and awake at all times.¶¶~~

~~(c) All sleeping and awake children shall be within sight and sound of staff at all times. Audio and/or video monitoring devices shall not substitute for sight and sound supervision.¶¶~~

~~(2) Safety:¶¶~~

~~(a) No one shall be allowed to enter except authorized persons including, but not limited to, the child's family, persons authorized by the parent(s), staff, OCC certification representatives, fire safety officials, and environmental health specialists.¶¶~~

~~(b) The center shall provide staff training for evacuating sleeping children in an emergency.¶¶~~

~~(c) There shall be emergency lighting in each room used by children.¶¶~~

~~(3) Activities:¶¶~~

~~(a) The center shall provide a program of activities for children according to their ages, interests, and abilities.¶¶~~

~~(b) There shall be quiet time activities, such as story time, games, arts and crafts, and reading, for each child arriving before bedtime.¶¶~~

~~(c) There shall be toys and equipment available to meet the needs of children in night care.¶¶~~

~~(d) There shall be an activity area away from sleeping children where the awake children may engage in activities.¶¶~~

~~(4) Sleeping Arrangements:¶¶~~

~~(a) Space shall be arranged 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 usable exits. A sliding door or window that can be used to evacuate children may be considered a usable exit.¶¶~~

~~(c) Each child who spends the majority of his/her sleeping hours per night in night care shall have a bed and mattress, or another sleeping arrangement that provides adequate support to a child's body with a waterproof cover and of a size appropriate to the age of the child.¶¶~~

~~(A) Cribs shall comply with OAR 414-300-0215(1).¶¶~~

~~(B) The upper level of bunk beds shall not be used for children under 10 years of age.¶¶~~

~~(C) The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are provided.¶¶~~

~~(d) Each child who does not spend the majority of his/her sleeping hours in night care shall have a crib, cot, or mat with bedding that complies with OAR 414-300-0210 and 414-300-0215.¶¶~~

~~(e) Children who attend the center for the evening hours, but do not spend the whole night, shall have an opportunity to sleep, if needed.¶¶~~

~~(f) No children shall share a bed.¶¶~~

~~(g) Each sleeping arrangement occupied by a child shall have sheets, pillows, pillowcases, and blankets.¶¶~~

~~(h) Bed linens shall be changed upon change of occupant and at least once a week.¶¶~~

~~(5) Personal Hygiene:¶¶~~

~~(a) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear.¶¶~~

~~(b) Children staying the night shall have the opportunity to bathe and brush their teeth.¶¶~~

~~(A) There shall be at least one bathtub or shower for each 15 children. Bathtubs and showers shall be equipped to prevent slipping.¶¶~~

~~(B) When bathing, showering, or brushing teeth, children shall be supervised by staff.¶¶~~

~~(C) Privacy between the sexes shall be maintained for school age children.¶¶~~

~~(D) Tubs or showers shall be cleaned after each use. If visibly soiled, tubs and showers must be cleaned prior to sanitizing.¶¶~~

~~(E) Glass shower doors or glass tub enclosures shall be constructed of safety glass.¶¶~~

~~(6) Meals and Snacks:¶¶~~

~~(a) Each child present at the time the evening meal is scheduled shall be served a meal.¶¶~~

~~(b) A nutritious nighttime snack (OAR 414-300-0270(4)) shall be available to all children in care.¶¶~~

~~(c) Each child present at the time breakfast is scheduled shall be served breakfast, unless the parent(s) specifies otherwise.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0380~~

~~Swimming Activities~~

~~The following requirements apply to swimming/water activities provided on the premises of a child care center, or off premises by another organization, public or private, when part of the center's program.~~

~~(1) Definitions:~~

~~(a) "Beginning swimmer" means a child who has mastered the skills required to:~~

~~(A) Hold his breath with his head submerged;~~

~~(B) Perform a front and back float;~~

~~(C) Perform the flutter kick on his front and back;~~

~~(D) Be able to level off from a vertical entry into a float position; and~~

~~(E) Do a combined stroke (front or back) for at least 20 feet without stopping.~~

~~(b) "Non-swimmer" means a child who does not meet the definition of beginning swimmer.~~

~~(c) "Lifeguard" means a person holding current certification and meeting the requirements of OAR 333-060-0015(13).~~

~~(d) "Swimming pool" means a swimming or wading pool licensed by the Oregon Health Division or one of its delegated agents under the requirements of OAR 333-060-0005 through 333-060-0225.~~

~~(e) "Wading" means water activities in which the water's depth is no higher than the child's knee.~~

~~(2) General Health and Safety:~~

~~(a) Children with diarrhea or who have had diarrhea within the last two weeks shall not use the pool.~~

~~(b) Children who are not toilet trained shall wear swim diapers.~~

~~(c) Children shall use the toilet and shower before entering the pool.~~

~~(d) Proper supervision shall be maintained, as specified in OAR 414-300-0380(3)(e), (f) and (g) and 414-300-0380(4)(d).~~

~~(e) The pool operator shall maintain water quality as required in OAR 333-060-0200 or pool use shall cease until the water quality is restored.~~

~~(f) Children using the pool shall participate in basic water safety instruction based on their ages and developmental levels.~~

~~(g) Recreational swimming is not allowed for non-swimmers ages 6 weeks to 36 months in swimming pools with water depth 24 inches and over.~~

~~(h) Portable-style wading pools are not permitted.~~

~~(3) On-Premises Pool Facilities:~~

~~(a) On-premises pool facilities shall be licensed by the Oregon Health Division or its delegated agent and shall comply with the requirements in OAR 333-060-0005 through 333-060-0225.~~

~~(b) On-premises pool facilities shall have toilets and showers for use by the swimmers.~~

~~(c) All new pools or pools at centers certified after July 15, 2001, shall have dressing areas for each sex, with storage for the childrens' clothes.~~

~~(d) All activities occurring in a pool shall be under the direction and direct supervision of lifeguards.~~

~~(e) Center staff/child ratios shall be maintained at all times children are in the pool area, as specified in Table 4 of this rule.~~

~~(A) All adults counted in the staff/child ratios in Table 4 shall be able to swim if the water is more than 48 inches deep and, regardless of the water depth, shall be dressed for swimming.~~

~~(B) For children 6 weeks to 36 months, one of the required staff must be in the water. Other staff may be on deck.~~

~~(f) Lifeguard/child ratios shall be maintained at all times children are in the pool area:~~

~~(A) For children not yet attending kindergarten, there shall be one lifeguard for every 20 children;~~

~~(B) For children attending kindergarten and older, there shall be one lifeguard for every 40 children; and~~

~~(C) For mixed age groups of children, the age of the youngest child shall determine the lifeguard/child ratio.~~

~~(g) During all periods of pool operation, the appropriate number of life guards shall be on duty in the pool area. During periods of recreational swimming, at least one of the required number of life guards shall be stationed on the pool deck.~~

~~(h) Water activities that involve a sprayer or spray feature using potable water that is not re-circulated or~~

collected may be conducted by the center. [Table not included. See ED. NOTE.]¶¶

(i) A written plan for pool emergencies shall be available to all staff. The plan shall cover procedures for medical emergencies, chemical emergencies and severe weather.¶¶

(A) Staff shall be familiar with emergency procedures, the use of safety equipment and emergency contacts.¶¶

(B) The center shall provide in-service training and/or drills of the emergency procedures for the pool at least every six months. The director shall keep a written record of the type, date, time and duration of the training/drills.¶¶

(C) Emergency telephone numbers shall be posted near the telephone in the pool area and near a centrally-located and accessible telephone in the center.¶¶

(j) Safety equipment shall be provided and comply with OAR 333-060-0005 through 333-060-0225. In addition:¶¶

(A) All pools shall have an emergency telephone located in the pool area. The telephone shall be able to dial directly for emergency assistance, unless otherwise approved by the Oregon Health Division.¶¶

(B) A bodily-fluid spill clean-up kit shall be provided in the pool area. The kit shall consist, at a minimum, of protective gloves, disinfectant, clean-up materials (e.g., bucket, sponge, paper towels), and a biohazard waste bag, be stored in a complete condition, and be replaced or restocked immediately after use.¶¶

(C) A rescue tube, of the type required by the lifeguard certifying agency, shall be provided for each lifeguard on duty.¶¶

(4) Off-Premises Pool Facilities:¶¶

(a) Off-premises pool facilities used by the center shall be licensed by the Oregon Health Division as public swimming pools.¶¶

(b) The off-premises pool management shall be made aware of the child care center rules regarding swimming activities.¶¶

(c) Center staff and children shall comply with the rules and regulations of the public swimming pool.¶¶

(d) Center staff shall comply with the staff/child ratios in Table 4 of this rule. Lifeguard/child ratios shall be determined by the public swimming pool.¶¶

(e) Children shall be within sight and sound of center staff at all times.¶¶

(f) First aid supplies and a copy of each child's medical release form shall be taken to off-premises pool facilities.¶¶

(5) Natural Bathing Areas:¶¶

(a) The center shall not conduct swimming activities in areas with flowing water.¶¶

(b) Wading is the only water activity permitted in shallow surf, lakes, rivers and streams.¶¶

[ED NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: ORS 657A.260

Statutes/Other Implemented: ORS 657A.260

REPEAL: 414-300-0390

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0390~~

~~Drop-in Care~~

~~(1) A Drop-In Center shall meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0415, except for 414-300-0150.¶¶~~

~~(2) The center shall comply with the following requirements which apply to Drop-In Care provided exclusively for drop-in children as a single primary service or as a separate component of a child care center.¶¶~~

~~(a) The child care area used for Drop-In Care shall not be used by the children from any other component of the center.¶¶~~

~~(b) Staff assigned to provide Drop-In Care shall not be responsible for children from any other component of the center at the same time.¶¶~~

~~(c) The planned attendance for a child in Drop-In Care shall not exceed two and one half full days per week, or twenty-five hours per week.~~

~~Statutory/Other Authority: ORS 657A.260~~

~~Statutes/Other Implemented: ORS 657A.260~~

RULE SUMMARY: A full review and revision of this ruleset has not occurred prior to 2011. Revision is needed to align with other rulesets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

414-300-0400

Suspension, Denial and Revocation

- (1) The Office of Child Care may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶¶
- (2) A center whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.¶¶
- (3) A center whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.¶¶
- (4) A center whose certification has been suspended must post the suspension on the main entry door where it can be viewed by parents and others for the duration of the suspension.¶¶
- (5) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.¶¶
- (6) If the center does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.¶¶
- (7) Certification may be denied or revoked if the center fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care.¶¶
- (8) A center whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.¶¶
- (9) The center has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of chapter 183, Oregon Revised Statutes.¶¶
- (10) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system.¶¶
- (11) A center whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child abuse and neglect involvement) or revoked shall not be eligible to reapply for five years after the effective date of the closure.¶¶
- (12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the center, or have access to children in the center.¶¶
- (13) Certification may be denied, suspended or revoked if an individual listed in OAR 414-350-0080(5) has a child abuse and neglect history or an open child abuse and neglect or law enforcement case that would disqualify the individual from the CBR.

Statutory/Other Authority: ORS 329A

Statutes/Other Implemented: ORS 329A.260

REPEAL: 414-300-0415

RULE SUMMARY: A full review and revision of this rule set has not occurred prior to 2011. Revision is needed to align with other rule sets, update rule language and use plain language, improve ruleset organization, align with best practices, and remove barriers to providing child care identified during community engagement.

CHANGES TO RULE:

~~414-300-0415~~

~~Civil Penalty~~

- ~~(1) Violations of these rules or terms and conditions of certification under these rules may be subject to a civil penalty up to \$2500 per violation.~~
- ~~(2) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:~~
 - ~~(a) Provide technical assistance as appropriate;~~
 - ~~(b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and~~
 - ~~(c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:~~
 - ~~(A) Numbers of previous violations of the same rule; or~~
 - ~~(B) Circumstances surrounding the rule violation.~~
- ~~(3) For a serious violation, as defined in OAR 414-350-0010 (43), a center may be subject to a civil penalty not to exceed \$2500 for each violation.~~
- ~~(4) For a non-serious violation, a center may be subject to a civil penalty of \$800 for each violation.~~
- ~~(5) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules.~~
- ~~(6) An individual or entity that provides child care subject to licensing in a home or facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified facility.~~
- ~~(7) Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations.~~
- ~~(8) The facility has the right to appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.~~
- ~~(9) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.~~

~~Statutory/Other Authority: ORS 329A.260~~

~~Statutes/Other Implemented: ORS 329A.260~~

RULE SUMMARY: These rules define the areas of activity applicable to the certified center rule set, as well as the person, business entity, or governing body who submits the child care license application. These rules give definitions of the terms used throughout the rule set on the applicable uses of the terms as they are used in the certified center setting.

CHANGES TO RULE:

414-305-0100

Definitions

The following words and terms within these rules have the following meanings:¶

- (1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes but is not limited to kitchens, hallways, toilet rooms, lockers, offices, storage areas, staff room, furnace room, and the part of rooms occupied by stationary equipment and fixtures not used by children. ¶
- (2) "Applicant" means a person, business entity, or governing body who submits the child care license application and in whose name the certificate will be issued. ¶
- (3) "Attendance" means children present in the care of the center at any given time. ¶
- (4) "Behavior and Guidance" means the on-going process of helping children develop self-control and assume responsibility for their own behaviors and actions. ¶
- (5) "Business Day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the central office of OCC is closed. ¶
- (6) "Capacity" means the total number of children in care at the certified child care center or in care away from the center at any one time. ¶
- (7) "Caregiver" means any person in the center, who works directly with the children, providing care, supervision, and guidance. ¶
- (8) "CBR" (Central Background Registry) means OCC's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120. ¶
- (a) "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification, and an FBI records check. ¶
- (b) "CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following an Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check. ¶
- (9) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodial parent, during a part of the 24 hours of the day, with or without compensation. ¶
- (10) "Child Care Center" or "Center" means a child care facility that is certified to provide care and education of children, generally in a commercial or nonresidential setting, that is not a certified family child care home. ¶
- (11) "Child with Special Needs" means a child under 18 years of age who requires some adaptation of the center's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary. ¶
- (12) "Children Related within the Fourth Degree" includes the child's grandparent, great-grandparent, sibling, aunt, uncle, brothers, sisters, nephews, nieces, great-nephews, great-nieces, and first cousins. ¶
- (13) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules. ¶
- (14) "Comparable Group Care Program" means a program which has the following elements: ¶
 - (a) Staff are supervised by knowledgeable professionals; ¶
 - (b) Training of staff is provided or required annually; ¶
 - (c) Group size is similar to a certified child care facility; and ¶
 - (d) Curriculum is developmentally responsive. ¶
- (15) "Contracted Services" means activities (e.g., tumbling, music, soccer classes) provided on the premises by an organization or program other than the center. ¶
- (16) "Developmentally Responsive" means: ¶
 - (a) Caregivers interact with each child in a way that respects the child's unique abilities; ¶
 - (b) Caregivers have knowledge about how children grow and learn; ¶
 - (c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children being served; ¶
 - (d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶

(17) "Director" means the individual serving as the on-site manager with the primary responsibility for the day-to-day operation, supervision, and administration of a child care center as identified pursuant to OAR 414-305-0260 and who meets the qualifications of director as provided in OAR 414-305-0320.

(18) "Disinfect" means to eliminate virtually all germs from an inanimate surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution following the manufacturer's instructions; or

(b) Other disinfectant products registered with the EPA, if used strictly according to the manufacturer's label instructions including, but not limited to, quantity, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled "safe for food."

(19) "Drop-in Care" means care provided only on an irregular basis, any time of the day or night for no more than 25 hours per week per child.

(20) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are like those found in such associations.

(21) "Field Trip" means an excursion or program activity with a specific destination away from the center that begins when staff and children leave the center's property, whether by vehicle or by walking. It does not include neighborhood walks, routine school or home pick-up and drop-offs provided by the center.

(22) "Hazard" means anything that may inflict injury or cause harm.

(23) "Inaccessible to children" means out of reach of children by meeting one of the following requirements:

(a) Secured with a child safety device, such as a child safety cupboard lock or doorknob device;

(A) A device specifically manufactured as a child safety product; or

(B) For a product not manufactured as a child safety product, the device must have a multi-step opening process, or require two hands to open.

(b) Locked, such as in a locked room, cupboard, or drawer; or locks that do not use a key or combination, such as a deadbolt or hook-and-eye latch, when they are installed at least 60 inches high;

(c) Behind a properly secured child safety gate; or

(d) In a cupboard or on a shelf that is not within reach of any surface from where a child could stand or climb.

(24) "Infant" means a child who is 6 weeks to 12 months of age.

(25) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths.

(26) "License" means the document that is issued by OCC to a certified child care center. A license may also be referred to as a certificate.

(27) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat.

(28) "Multi-site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.

(29) "Multi-site Program" means a single organization oversees or administers multiple single classroom sites, in which no individual site has a licensed capacity of more than 20. In this program, director duties are shared between on-site personnel and a multi-site coordinator.

(30) "Night Care" means care given between 9:00 p.m. and 5:00 a.m. or when any enrolled child sleeps for more than three hours at the center.

(31) "OCC" means the Office of Child Care in the Department of Early Learning and Care.

(32) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the operator is other than the owner, an individual must be appointed as the operator by the owner.

(33) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.

(34) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by OCC.

(35) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements.

(36) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent.

(37) "Potentially Hazardous Food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice, beans or pasta, and all other previously cooked foods, including leftovers.

(38) "Preschool-Age Child" means a child who is at least 36 months of age but not yet eligible to be enrolled in

kindergarten or above before the first day of the current school year.¶

(39) "Regular Teaching Duties" means routinely scheduled, ongoing teaching responsibilities either on a part or full-time basis. Serving as a substitute teacher on an infrequent basis does not count as regular teaching duties.¶

(40) "Rest" or "Rest Period" means the time when children are lying on an appropriate sleep surface.¶

(41) "Restrictable Disease" means an illness or infection as identified by the Public Health Division in OAR 333-019-0010 that would prohibit the child from attending child care.¶

(42) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.¶

(43) "School-Age Center" means a child care center that provides care only for school-age children eligible to be enrolled in kindergarten or above in the next school year, and which does not include night care as defined by these rules, in a nonresidential setting.¶

(44) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year.¶

(45) "Serious Injury or Incident" means any of the following:¶

(a) Injury requiring surgery;¶

(b) Injury requiring admission to a hospital;¶

(c) Injury requiring emergency medical attention;¶

(d) Choking and unexpected breathing problems;¶

(e) Unconsciousness;¶

(f) Concussion;¶

(g) Poisoning;¶

(h) Medication overdose;¶

(i) Broken or dislocated bone;¶

(j) Severe head or neck injury;¶

(k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;¶

(l) All burns;¶

(m) Allergic reaction requiring administration of Epi-Pen;¶

(n) Severe bleeding or stitches;¶

(o) Shock or confused state; or¶

(p) Near-drowning.¶

(46) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which:¶

(a) Children are in imminent danger;¶

(b) There are more children in care than allowed by licensed capacity;¶

(c) Disciplinary methods prohibited under OAR 414-305-0710 are being used;¶

(d) Children are not being supervised;¶

(e) Multiple or serious fire, health or safety hazards are present in the center;¶

(f) Extreme unsanitary conditions are present in the center; ¶

(g) Adults are in the center who are not enrolled in the CBR; or¶

(h) A center is providing child care without the appropriate certification.¶

(47) "Shelter-in-Place" means staff and children staying at the center due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building. ¶

(48) "Staff" means an individual who is an employee, or a volunteer who is in the center for more than a single activity.¶

(49) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site.¶

(50) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed.¶

(51) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR 414-305-0340.¶

(52) "Technical Assistance" means consultation and advice given to providers to assist them in maintaining compliance.¶

(53) "Toddler" means a child who is 12 months of age to 36 months of age.¶

(a) "Younger Toddler" means a child who is 12 months of age to 24 months of age.¶

(b) "Older Toddler" means a child who is 24 months of age to 36 months of age.¶

(54) "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.¶

(55) "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.¶

(56) "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.

Statutory/Other Authority: 329A.260

Statutes/Other Implemented: 329A.250

ADOPT: 414-305-0110

RULE SUMMARY: Establish the purpose of a certified center as a designated child care facility type and establish that a child care center must have a valid certificate issued by OCC to operate.

CHANGES TO RULE:

414-305-0110

Purpose

(1) A child care center is defined as a child care facility that is certified to provide child care for a number of children up to the maximum capacity in a setting other than a family child care home.¶

(2) The purpose of OAR 414-305-000 through 414-305-1620 is to protect the health, safety, and wellbeing of children when cared for outside their own homes by providing requirements for inspecting, certifying, monitoring and otherwise regulating care in a child care center.¶

(3) A person or entity may not operate a child care center without a valid certificate issued by OCC, unless exempt from registration or certification as provided in ORS 329A.250(5)(a) to (i) and OAR 414-305-0120.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.250

RULE SUMMARY: This rule creates certain exemptions for licensing as a certified child care center with the OCC.

CHANGES TO RULE:

414-305-0120

Exemptions for Licensing

A child care facility is exempt from certification if the child care facility:

- (1) Provides care in the home of the child;
- (2) Is the child's parent, a guardian or person acting in place of a parent;
- (3) Is related to the child by blood, marriage or adoption within the fourth degree;
- (4) Is a member of the child's extended family unit, as determined by OCC on a case-by-case basis;
- (5) Provides care infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, for fewer than 70 days in a calendar year;
- (6) Is a provider of medical services;
- (7) Provides care for children from only one family, not including the provider's children;
- (8) Provides care for three or fewer children, not including the provider's children;
- (9) Provides care for preschool children that is primarily educational for four hours or less per day and where no preschool-age child is present at the center for more than four hours per day;
- (10) Provides care for school-age children that is not intended for child care purposes and is primarily a single enrichment activity, such as swimming lessons, dance lessons, tutoring, music lessons, sports practice, or any single class in any subject, where no child attends for more than eight hours per week;
- (11) Provides group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. This exclusion applies only to the time engaged in the group athletic or social activities;
- (12) Is operated by a school district, charter school, political subdivision of this state, or a government agency;
- (13) Operates as a parent cooperative for no more than four hours a day and:
 - (a) Care is provided on a rotating basis by parents that are members of the cooperative; and
 - (b) Are overseen by a board of directors responsible for developing written program policies and procedures that are shared with all members.
- (14) Provides care while the child's parent or person responsible for the child remains on the premises and is engaged in an activity on site, and:
 - (a) A center informs parents that the center's program is not licensed by the state;
 - (b) Activities do not include work or attending school; and
 - (c) Caregivers are always able to contact the parent(s).
- (15) Provide youth development activities, as defined in ORS 329A.250(14), to school-age children during hours that school is not in session and which does not take the place of a parent's care.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.250(14), ORS 329.250(5)

RULE SUMMARY: This rule outlines the application process for a certificate from OCC, including renewals, change of ownership, change of location, and increase in capacity.

CHANGES TO RULE:

414-305-0130

Application Process

(1) An applicant must submit an original and complete application for a certificate on the forms provided by OCC.¶

(a) For the initial certificate;¶

(b) For the annual renewal of the certificate; ¶

(c) Whenever there is a change of owner; ¶

(d) Whenever the center moves to a new location; or¶

(e) For increase of capacity.¶

(2) If an applicant is a corporation, association, or other public or private organization or agency, the application must be signed by the chief executive officer or a person designated in writing to have the authority to sign the application. If an applicant is a partnership, the application must be signed by each partner.¶

(3) An application that is not the owner of the center must identify the owner on the application. ¶

(4) A certified child care center must submit a non-refundable filing fee with the application.¶

(a) For the initial application, a change of owner, the reopening of a center after a lapse in certification, or a change of location (except when a center is forced to move due to circumstances beyond the control of the owner), the fee is \$100 plus \$2 for each certified space. For example, the fee for a child care center certified to care for 30 children is \$100 + \$60 = \$160.¶

(b) For a renewal application, the fee is \$2 for each licensed capacity space.¶

(c) For an increase in capacity, the fee is \$2 for each additional capacity space.¶

(5) A certified child care center must complete and submit an application to OCC at least:¶

(a) 45 days before the planned opening date of a new center or change of owner or location; and¶

(b) 30 days prior to the expiration of the certificate for a renewal.¶

(A) If an application for renewal and payment of the required fee is received at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.¶

(B) If an application for renewal and payment of the required fee is not received at least 30 days prior to the expiration date of the current certificate, the certificate will expire and the certified child care center must cease operations unless the renewal is completed prior to the expiration date.¶

(6) An applicant must provide the following items with the application for an initial certificate, change of owner, change of address and when the center indoor floor plan or outdoor areas change:¶

(a) Evidence that the certified child care center meets all applicable building codes and zoning requirements.; ¶

(b) Approval by an environmental health specialist registered under ORS chapter 700 or an authorized representative of the Oregon Health Authority;¶

(c) Approval by a state or local fire code official prior to the initial certification date. If the certified child care center is housed in a public school, OCC will accept the most recent fire code inspection conducted at the school, if conducted within the last two years;¶

(d) A floor plan. If the certified child care center is located within or attached to a building used for purposes other than child care, the floor plan must also show that space and how it is used; and¶

(e) Initial or current lead testing results for each source of drinking water, as required in OAR 414-305-0820.¶

(7) An application for renewal of a certified child care center certificate may be approved by OCC upon OCC's receipt of the following:¶

(a) Written approval by an environmental health specialist registered under ORS chapter 700 or an authorized representative of the Oregon Health Authority;¶

(b) Written approval by a state or local fire code official within the last two years of the renewal date; and¶

(c) OCC's Health and Safety inspection completed successfully with the center's OCC licensur.¶

(8) The applicant must submit a floor plan to OCC, the environmental health specialist, the fire code official, and the local building department prior to initial construction, remodel, or change in location. An applicant is responsible for payment of any applicable fees for fire safety and sanitation inspections.¶

(9) An applicant must pay in full all civil penalties established by final order against the applicant or be compliant with an OCC approved payment plan before OCC will process an initial or renewal application.¶

(10) An application other than a timely renewal application is denied and a new application must be submitted if within 12 months of the date of submission: ¶

(a) The application is not completed;¶

(b) OCC has neither approved nor issued a notice of intent to deny the application; or¶

(c) OCC has issued a notice of intent to deny the application for which the applicant has not timely requested a contested case hearing. OCC may issue a final order of default denying the application after a new application is submitted and may deny the new application if the final order of default denied the application for cause.¶

(11) Notwithstanding OAR 414-305-0130(9), an applicant is not required to submit a new application if OCC has issued a notice of intent to deny the application and applicant has timely requested a contested case hearing.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.290, ORS 329A.300, ORS 329A.310, ORS 329A.400

ADOPT: 414-305-0140

RULE SUMMARY: This rule outlines how a certification will be issued to a certified center by OCC after an evaluation by a representative of OCC to determine if it meets all certification requirements.

CHANGES TO RULE:

414-305-0140

Issuance of Certification

(1) Upon receipt of a completed application, a certified child care center will be evaluated by a representative of OCC to determine if it meets all certification requirements.¶¶

(2) OCC will issue a regular certified child care center certification when the center is determined to be in compliance with all of these rules. A regular certified child care center certification is valid for no more than one year.¶¶

(3) OCC will issue a temporary certified child care center certificate when the center is determined to be in compliance with most of these rules, OCC has not identified deficiencies that are hazardous to children, and the operator demonstrates an effort to be in full compliance. ¶¶

(a) OCC may issue a temporary certified child care center certification when a renewal application is submitted less than 30 days prior to the certification expiration date or in response to an initial application.¶¶

(b) A certified child care center may not operate under a temporary certification for more than 180 days in any 12-month period.¶¶

(c) OCC may deny an initial or renewal application or revoke a temporary certificate if deficiencies continue while the temporary certification is in effect.¶¶

(4) A certified child care center may not operate after expiration or revocation of a temporary certificate unless a prior regular certification is active due to a renewal application submitted more than 30 days before the regular certification expiration date.¶¶

(5) A certified child care center certificate cannot be transferred to any other location or to another organization or individual.¶¶

(6) A certified child care center must request in writing to OCC any changes in the conditions of the certificate such as center capacity, age range of children, changes in room use, or hours of operation. A certified child care center must receive approval from OCC before making such changes.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.280, ORS 329A.300

ADOPT: 414-305-0150

RULE SUMMARY: This rule outlines that the child care center must comply with the conditions of the certificate when admitting children and must allow representatives of all agencies involved in certification to have immediate access to all areas of the center and premises when child care children are present.

CHANGES TO RULE:

414-305-0150

Certification Process

(1) A certified child care center must comply with the conditions of the certificate when admitting children, including, but not limited to, capacity, hours of operation, age range, and special conditions.¶

(2) A certified child care center must allow representatives of all agencies involved in certification to have immediate access to all areas of the center and premises when child care children are present, including:¶

(a) Areas deemed inaccessible to children, including rooms not typically used for child care, second floors and other structures on the property; ¶

(b) Records of children enrolled in the center, and all records and reports related to the child care operation regarding compliance with these rules; and ¶

(c) All staff.¶

(3) A certified child care center certification may be denied, suspended or revoked if the owner has been removed, denied or suspended from the CBR.¶

(4) If a complaint alleges that a certified child care center is not in compliance with these rules, an assessment is made which may include a visit, interviews with the center staff, records review, and program observation to determine whether a complaint allegation is valid, unable to substantiate, or invalid. ¶

(5) Information that a certified child care center provides to OCC on applications, in records or reports, or any other written or verbal communication, must be current, complete, and accurate.¶

(6) Parental request or permission to waive any of the rules for the certification of child care centers does not give a certified child care center permission to do so.¶

(7) OCC certification records are open to the public on request, including findings of "valid" and "unable to substantiate", of complaint investigations. However, information protected by state or federal law and the names of children and adults will not be disclosed.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.300, ORS 329A.310

ADOPT: 414-305-0160

RULE SUMMARY: This rule outlines when a certified center may request an exception to a rule and how they may request the exception.

CHANGES TO RULE:

414-305-0160

Exceptions to Rules

(1) A certified child care center may request an exception to a rule on a form provided by OCC for a specified period of time when:

(a) A requirement does not apply to the center; or

(b) The intent of the requirement can be met by a method not specified in the applicable rule.

(2) An exception request must include:

(a) A justification for the requested exception; and

(b) An explanation of how the center will meet the intent of the rule.

(3) An exception request will not be granted:

(a) If the requirement is established by state statute or federal law; or

(b) If the health, safety, and well-being of the children cannot be ensured.

(4) A certified child care center must remain in compliance with the rule as written until OCC approves the exception request.

(5) In certain circumstances, a certified child care center may be granted an ongoing exception that will be reviewed annually to confirm the center is in compliance with all exception requirements.

(6) Each exception request is unique to the applicable center and is evaluated on its own merits. The granting of an exception to a rule does not set a precedent.

(7) OCC may withdraw approval of an exception at any time, to ensure the health, safety and well-being of the children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule requires that certified centers have written policies relating to health and safety, operational information for parents, emergency preparedness, daily scheduled, etc. and provide them to staff and parents.

CHANGES TO RULE:

414-305-0200

Policies

(1) A certified child care center must have written policies identified in 414-305-0200(2)(a-t) and provide them to:

(a) Staff and volunteers at the time of hire and when policies change; and

(b) Parents at the time of a child's enrollment and when policies change.

(2) A certified child care center must provide the following written information for parents:

(a) Name, business address, and business telephone number of the person(s) who has immediate responsibility for the daily operation of the center;

(b) A center description including the licensed capacity, ages and number of children in care, hours, days and months of operation, closure dates and observed holidays, and staff-to-child ratios;

(c) Arrival and departure procedures, including sign in and out requirements and individuals authorized for pick-up;

(d) Parent responsibilities for providing current required information and what parents are expected to provide;

(e) Health policies and procedures to include toileting, diaper changing and handwashing methods, support for parents feeding their infants, storage and handling of bottles and pacifiers, immunization tracking, medication administration, use of insect repellent and sunscreen, care of bed linen, care of children who are ill and exclusion criteria, and response to injuries (also see OAR 414-305-1020), Injuries;

(f) Safety measures including safe sleep practices, monitoring of sleeping infants, injury prevention, use of pesticides and other potentially toxic substances, animals, water activities, and prohibited substances;

(g) A plan to ensure that any visitor or other adult not enrolled or conditionally enrolled in the CBR does not have unsupervised access to children;

(h) Emergency preparedness plan (also see OAR 414-305-0210, Emergency Preparedness and Response);

(i) Curriculum philosophy on how children learn and develop, and how this philosophy is implemented;

(j) Daily schedules that include planned activities, rest time, physical activity, and screen time;

(k) Center-sponsored religious and cultural activities, if any, including how holidays will be recognized;

(l) Meals, snacks, and food service practices including food storage and handling, children's dietary needs and allergies, infant feeding, and food brought from the child's home;

(m) Transportation and field trips including driver and vehicle requirements and supervision;

(n) Behavior and guidance policies;

(o) Communication methods and notifications, including how parent grievances, questions, or concerns are handled by the center;

(p) Prevention of and duty to report suspected child abuse and neglect;

(q) Evening and night care, if provided;

(r) How to view inspection reports, access the Department of Early Learning and Care website and center certification rules, and contact OCC and child abuse and neglect hotline; and

(s) A statement advising parents that they can access information about child care providers on the child care safety portal.

(3) A certified child care center must have written personnel policies for staff and volunteers that include at a minimum:

(a) Position descriptions, job duties assigned, and supervision of each position; and

(b) Initial and ongoing training requirements.

(4) If a certified child care center uses volunteers, the center must provide a copy of volunteer policies to any volunteers that includes procedures for ensuring training if the volunteer counts in the staff-to-child ratio, compliance with certification rules and center procedures, and an understanding of emergency preparedness plans.

(5) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), a certified child care center cannot discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.

(a) Suspected violations will be reported to the overseeing agency, with whom OCC may share any information available to it.

(b) OCC may deny an initial or renewal application or revoke a regular or temporary certification if a certified child care center is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination.¶¶

(6) A certified center's decision to whether to provide or continue care for a child known to have special needs must be made after an individualized assessment is completed. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and certified center personnel. The assessment must be documented for each child and must include: ¶¶

(a) Reasonable accommodations the center made to support the individual child's participation in the program, or an explanation of why the center could not make reasonable accommodations; ¶¶

(b) Reasonable modifications the center made to their policies and practices to fully integrate the child into the program or an explanation of why the center could not make reasonable modifications; and ¶¶

(c) If applicable, any direct threats to the health and safety of others posed by the child's presence at the facility.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

RULE SUMMARY: This rule outlines how a certified center is required to have a written plan for emergency preparedness that addresses evacuation, relocation, shelter-in-place and lockdown procedures, and responding to medical emergencies and other incidents that center staff will follow, unless otherwise instructed by emergency personnel.

CHANGES TO RULE:

414-305-0210

Emergency Preparedness and Response

(1) A certified child care center must have a written plan for emergency preparedness that addresses evacuation, relocation, shelter-in-place and lockdown procedures, and responding to medical emergencies and other incidents that center staff will follow, unless otherwise instructed by emergency personnel. The plan must identify a licensed physician, hospital, or clinic to be used for emergency medical care.¶

(2) A certified child care center's written plan must clearly define roles and responsibilities for all staff in an emergency and identify the center's procedures for:¶

(a) Responding to a lost or missing child;¶

(b) Ensuring that all children in attendance are supervised and accounted for during and after an emergency;¶

(c) Sounding an alarm and alerting staff of the emergency;¶

(d) Responding to health and safety emergencies or suspected abuse of children, staff, volunteers, or family members occurring while they are on the premises of the center;¶

(e) Notifying emergency authorities, including the poison control center, when necessary;¶

(f) Evacuating children to a designated safe area or relocating children to alternate shelter. Designated safe areas and alternate shelters must be a minimum of 50 feet from the building being evacuated;¶

(g) Moving children to a designated location in the center for sheltering-in-place and lockdown emergencies;¶

(h) Responding to natural and man-made disasters including power outages; ¶

(i) Responding to serious illness, serious injury or death of a child or staff;¶

(j) Responding to incidents involving a hostile intruder;¶

(k) Addressing the needs of individual children, including children with disabilities or other special needs, and children with chronic medical conditions;¶

(l) Ensuring children's emergency contact information and medical authorization and staff emergency contact information is accessible during and after an emergency;¶

(m) Notifying parents after the emergency ends and how children will be reunited with their families as the evacuation, relocation, or sheltering/lockdown is lifted; ¶

(n) Maintaining continuity of care after a natural or man-made disaster, including access to copies of records, documents, and computer files necessary for continued operation stored in either a portable file or at an off-site location; and¶

(o) Ensuring pool and swimming safety if applicable (also see OAR 414-305-1400, Swimming).¶

(3) A certified child care center must observe weather conditions and other possible hazards to take appropriate action for child health and safety. Conditions that pose a health or safety risk may include, but are not limited to:¶

(a) Heat in excess of 100°F or pursuant to advice of the local authority;¶

(b) Cold less than 20°F, or pursuant to advice of the local authority;¶

(c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger;¶

(d) Earthquake;¶

(e) Air quality emergency ordered by a local, state, or federal authority on air quality or public health;¶

(f) Lockdown notification ordered by a public safety authority; and¶

(g) Other similar incidents.¶

(4) A certified child care center must review the written plan and all emergency procedures at least once per licensing year and update the procedures as needed.¶

(5) A certified child care center must review the written plan with center staff once annually and whenever the plan is updated.¶

(6) A certified child care center must practice evacuation drills monthly and one other aspect of the emergency plan every two months that:¶

(a) Vary in days, times, and when drills are conducted;¶

(b) Are documented including the type of drill, date, time of day, name of the person supervising the drill, number of children and staff in attendance, and length of time taken for all individuals to complete the drill; ¶

(c) Include another method, in addition to working smoke detectors, to alert all staff and enrolled children of a fire, emergency situation or drill; and¶

(d) Include staff taking emergency contact information, medical authorization, and current attendance records with them if leaving the child care area during a drill.¶

(e) An emergency evacuation drill must be conducted within the first 10 operating days after initial licensure.¶

(7) A certified child care center must post on each floor and in each classroom in use, a diagram of the building showing:¶

(a) Room numbers or names of rooms;¶

(b) Emergency exits. Exits must not be through a swimming pool area.¶

(c) Room location and exit pathways from the room and building; and¶

(d) The predetermined safe location where everyone will gather after evacuation, unless emergency personnel provide alternative instructions.¶

(8) A certified child care center must have an emergency light source, such as a flashlight, in working condition, available in:¶

(a) Each classroom used by children; ¶

(b) The center's kitchen; and¶

(c) The center's office, if applicable.¶

(9) A certified child care center must have an emergency supply kit available in a location known to all staff.

Supplies must include at a minimum:¶

(a) First aid supplies, hand sanitizer, wet wipes, and tissue;¶

(b) A whistle or air horn; ¶

(c) A working flashlight and spare batteries; and¶

(d) A battery or solar powered radio.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.263

ADOPT: 414-305-0220

RULE SUMMARY: This rule outlines the information that a child care center must obtain for each child prior to the first day of attendance.

CHANGES TO RULE:

414-305-0220

Childrens Records

(1) A certified child care center must obtain the following information for each child, in paper or electronic format, prior to the first day of attendance that includes the parent's signature: ¶

(a) The child's name, date of birth, and home address; ¶

(b) Date the child entered care; ¶

(c) Name(s), home and business address(es) and telephone number(s) of the custodial parent(s) or legal guardian(s); ¶

(d) Name and contact information of the person to be called in an emergency if the parent(s) cannot be reached; ¶

(e) Name and telephone number of person(s) to whom the child may be released; ¶

(f) The name and telephone number of the school that a child attends, if applicable; ¶

(g) Name and telephone number of child's medical provider(s) or emergency care facility, if applicable; ¶

(h) Immunization record or exemption that is updated when the child receives additional vaccines (also see OAR 414-305-1000 Health); ¶

(i) Authorization to obtain emergency medical care and to transport the child for emergency medical treatment; ¶

(j) Developmental and health history of any problems that could affect the child's participation in child care; ¶

(k) A written care plan for any child must be readily accessible to those caring for the children with chronic health issues or special care needs such as allergies, previous serious illnesses or injuries, and medications prescribed for continuous, long-term use (also see OAR 414-305-1050, Care of Children with Special Needs); and ¶

(l) Verification that parents received a copy of the center policies. ¶

(2) A certified child care center must ensure that all children's records are immediately accessible to caregivers during hours of operation for use in an emergency or for children with chronic health issues or special care needs. ¶

(3) A certified child care center must permit parents, upon request, to review records and reports, except for child abuse reports, on their own children. ¶

(4) A certified child care center must have the parent or guardian review, update, and sign or initial the enrollment form at least annually.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0225

RULE SUMMARY: This rule outlines the immunization requirements of a child in the care of a certified center and the documentation requirements.

CHANGES TO RULE:

414-305-0225

Immunizations

(1) The center shall comply with Oregon Health Authority's administrative rules (see OAR 333-050-0040) relating to the immunization of children. If a child is enrolled in a public or private elementary school, immunizations are not required to be documented by the child care facility. ¶

(2) A certified child care center may provide care for children who are in foster care or experiencing homelessness while parents/guardians are taking necessary actions to comply with immunization requirements of the center.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines when a certified center needs a parent's permission to provide certain types of specialized care or medication management and administration.

CHANGES TO RULE:

414-305-0230

Parental Permissions

(1) A certified child care center must have the following current permissions from parent(s) when applicable: ¶

(a) Documentation of permission for a person not listed in the child's records to pick up the child that includes: ¶

(A) Date and time of the permission; ¶

(B) Period of time the permission is valid; ¶

(C) Name of the individual providing permission; ¶

(D) Name of the individual permitted to pick up the child; and ¶

(E) Name of the center staff receiving the permission. ¶

(b) Signed and dated parent permission for each medication, prior to administration, that includes: ¶

(A) The child's name; ¶

(B) The name of and reason for the medication; ¶

(C) The dosage, dates, and times to administer the medication, and how the medication will be given; and ¶

(D) Whether the medication needs to be refrigerated. ¶

(c) For chronic medical conditions, a certified child care center may obtain permission for 12 months or less with specific instructions including when administration is needed, such as diaper cream and inhalers (also see OAR 414-305-1030, Medications). ¶

(d) Parental permission for participation in special occasions where food is served; ¶

(e) A certified child care center must have signed parent permission prior to transporting a child that includes: ¶

(A) The child's name; ¶

(B) The purpose of transportation; ¶

(C) Whether a center or personal vehicle is used and whether the driver is staff or a volunteer; and ¶

(D) A specific pick-up and drop-off plan that addresses the location, times, and transfer of supervision. ¶

(f) Parental permission for a school-age child to leave the facility on their own. ¶

(g) Permission to bathe a child, if necessary. ¶

(2) A certified child care center must have parent permission prior to a field trip or other activity away from the immediate neighborhood. Field trip permission must be specific with dates, times, and locations for each field trip. ¶

(3) A certified child care center must inform and obtain written permission from parents for children to participate in contracted (e.g., gymnastics, music) or individualized services (e.g., therapeutic or medical services) not directly operated by the center. The permission form must state that the services are not licensed by OCC. ¶

(4) A certified child care center must have parental permission prior to a high risk activity, such as swimming, on or off the premises, and share the safety plan with parents that includes: ¶

(a) Minimum ratios for the activity; ¶

(b) Conditions for the child's participation, such as their age and skill levels; ¶

(c) Special equipment necessary, such as safety helmets or specific clothing; and ¶

(d) Safety practices followed. ¶

(5) A certified child care center must obtain a parent's permission prior to their child being photographed or recorded. ¶

(6) If a family served by a certified child care center is experiencing homelessness, the center must make efforts to follow 414-305-0230 (1-5). If a certified child care center is unable to acquire written parental permissions, permissions may be received verbally, when documented by the certified child care center, or electronically, such as through a text message or e-mail.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0235

RULE SUMMARY: This rule outlines arrival and departure procedures for when a child arrives or is picked up from the facility.

CHANGES TO RULE:

414-305-0235

Arrival and Departure

(1) A certified child care center shall require that any person bringing a child to the center remain with the child until the child is accepted by staff.¶

(2) A certified child care center may only release a child to a parent or another person named and identified by the parent(s). A person picking up the child must show identification if not known to staff.¶

(3) A certified child care center must also be in compliance with OAR 414-305-0270 Notifications, 414-305-0230 Parental Permissions, and OAR 414-305-0200 Policies.¶

(4) If a school-age child has parental permission to arrive or depart on their own (also see OAR 414-305-0230, Parental Permissions), a staff member must sign the child in or out, as appropriate.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0240

RULE SUMMARY: This rule outlines how a child care center must maintain current personnel records for staff, which includes training, CBR enrollment, and other relevant information.

CHANGES TO RULE:

414-305-0240

Staff Records

A certified child care center must maintain current personnel records for each staff, in paper or electronic format, which include: ¶

(1) Name, address and telephone number of staff; ¶

(2) Job title and duties; ¶

(3) Dates of first and last days on the job; ¶

(4) Emergency contact information; ¶

(5) Completed employment application or resume; ¶

(6) Evidence of education and qualifying work experience showing that the person meets the qualifications for the position; ¶

(7) The CBR confirmation letter sent from OCC to a certified child care center. If a certified child care center does not yet have a CBR confirmation letter for staff, a certified child care center must have written documentation that the certified child care center has verified with OCC that the staff is linked to the center. Documentation must include the date, time, and name of the OCC staff member the certified child care center spoke with; ¶

(8) Current first aid and CPR training certificate; ¶

(9) Current food handler certification, if applicable; ¶

(10) Driving record, driver's license number and expiration date if the person is to transport children; ¶

(11) Evidence of participation in an orientation; and ¶

(12) A statement signed and dated by the employee showing they have access to the center's policies and the rules for the Certification of Child Care Centers.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: Certified centers must maintain records that demonstrate compliance with all rules for two years following the record's creation, such as parent permissions, attendance records, emergency preparedness drills, and pet vaccinations. Certified child care centers must maintain staff and children's records for two years after termination of employment or care.

CHANGES TO RULE:

414-305-0250

Program Records

(1) A certified child care center must maintain records that demonstrate compliance with all rules for two years following the record's creation, such as parent permissions, attendance records, emergency preparedness drills, and pet vaccinations. A certified child care center must maintain staff and children's records for two years after termination of employment or care. ¶

(a) A certified child care center may store records off-site that are older than one year but they must be made available within 48 hours, upon request. A certified child care center must make all other records available to OCC at all times. ¶

(b) A certified child care center must have at least one staff member on-site who can access any records that are stored in paper or electronic formats. ¶

(c) Electronic records must be portable for use during an emergency evacuation. ¶

(d) If using electronic records, the center must have procedures in place to ensure prompt access, including an on- or off-site electronic back-up method to ensure access in the event of data loss. ¶

(e) A certified child care center must keep child and personnel records confidential and only available to personnel as necessary, the individual child's parents, and OCC staff. ¶

(2) A certified child care center must maintain the current day's attendance record in paper or electronic format with each group of children. All caregivers must have access to the attendance records to determine which children are in care during their work shift, changes in caregivers, and emergency evacuations. A certified child care center's daily attendance records must include: ¶

(a) The child's full name; and ¶

(b) Times recorded as children arrive and depart so that the record shows the children in attendance at any given time. ¶

(3) If a group of children separates from the larger group to move to another activity, such as going outside, the responsible staff member must have a method to account for the children in the separate group, such as a written list of the children's names. ¶

(4) A certified child care center must maintain staff attendance records to include: ¶

(a) The staff's full name; ¶

(b) Times of arrival and departure; and ¶

(c) Group or room assignment. ¶

(5) A certified child care center must have a visitor log to document all adults, excluding persons authorized to drop off and pick up a child, that includes name, relationship to center (e.g., volunteer, vendor, guest, etc.), and recorded time in and out of the center. ¶

(6) A certified child care center must immediately document the administration of any medication that includes: ¶

(a) The child's name; ¶

(b) Medication administered; ¶

(c) The date and time when medication was administered; ¶

(d) The dosage or amount of medication administered; ¶

(e) Any side effects exhibited by the child; and ¶

(f) The signature of the person who administered the medication (also see OAR 414-305-1030, Medications). ¶

(7) A certified child care center must maintain records regarding emergency preparedness and fire prevention such as dates of drills for at least two years (also see OAR 414-305-0210, Emergency Preparedness and Response, and OAR 414-305-0860, Fire Protection). ¶

(8) A certified child care center must have parents or guardians of each child enrolled in the center sign a declaration form approved by OCC verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time an exception or condition is added to or removed from the license.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.263

RULE SUMMARY: Certified centers must have certain items available to view in a prominent and frequently visited location for the parents and public, including the most current certificate issued by OCC, all serious valid complaints, and any current or pending legal sanctions.

CHANGES TO RULE:

414-305-0260

Items Available to View

- (1) A certified child care center must have the following items available in a prominent and frequently visited location for the parents and public to view:¶
- (a) The most current certificate issued by OCC; ¶
 - (b) All serious valid complaints and serious non-compliance letters for 12 calendar months from the date of the letter; ¶
 - (c) A notice of any current or pending legal sanctions posted immediately and while in effect, including throughout any appeal period;¶
 - (d) A notice that the most recent OCC inspection and rules for Certification of Child Care Centers are available upon request;¶
 - (e) The Department of Early Learning and Care Website [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) The most recent water test results summary provided by OCC (also see OAR 414-305-0820, Water Supply and Plumbing);¶
 - (g) Information on how to report a complaint to OCC regarding certification requirements;¶
 - (h) The Oregon Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect;¶
 - (i) The director's full name and at least one additional personnel who is responsible for the center if the director is not present at the center. When the individuals listed are not present, the appointed personnel in charge is identified in writing;¶
 - (j) A notice that custodial parents have access to all child care areas upon notifying any staff member of their presence during the hours of operation and without advance notice; ¶
 - (k) Center closures (vacation days, holidays, etc.); ¶
 - (l) The dated current week's menu of all snacks and meals served by the center with any substitutions recorded; ¶
 - (m) A notice of planned field trips showing the date, times, and place of each excursion and posted at least 48 hours in advance of the trip;¶
 - (n) When on a neighborhood walk and all staff and children have left the premises, a notice with staff contact information and approximate return time; ¶
 - (o) A notice when any child or staff member has a child care restrictable disease, as defined in Oregon Health Authority rule, or food poisoning (also see OAR 414-305-1010, Illness); and¶
 - (p) The center's behavior and guidance policy. ¶
- (2) A certified child care center must post the following items in classrooms where they are easily visible to personnel and parents unless the rule specifically states otherwise:¶
- (a) Emergency numbers to include 9-1-1, where available, or local law enforcement, local mental health crisis line, fire department, and ambulance service; the center name and address, with main cross streets or directions to the center; child abuse reporting hotline and poison control (1-800-222-1222); ¶
 - (b) Emergency evacuation procedures and emergency evacuation and relocation diagram, including primary and secondary routes, near the entrance or exit of the room; ¶
 - (c) Daily classroom schedule and dated weekly lesson plan; ¶
 - (d) The menu and children's dietary restrictions, known allergies, and nutrition requirements in a location easily accessible for staff but not available to those who are not parents or guardians of the enrolled child. Rather than posting in a classroom, a certified center may post this information in areas where food is served;¶
 - (e) Visual and written handwashing procedures at sinks;¶
 - (f) Diaper changing procedures where staff can view it while changing diapers; and¶
 - (g) The applicable ratios and group sizes.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: The rule outlines when a certified center must notify OCC of a change or emergency and the required timeframe of notice.

CHANGES TO RULE:

414-305-0270

Notifications

- (1) A certified child care center must notify OCC within 24 hours or by the next business day of the following items: ¶
- (a) A change of director; ¶
 - (b) A change in mailing address, when different from the physical address; ¶
 - (c) A change in phone number; ¶
 - (d) A known legal action or child abuse or neglect investigation, such as an arrest, criminal investigation or charge, or Victim Protection Order, involving any person for which a certified child care center is required to request a background check; ¶
 - (e) An unscheduled temporary or permanent center closure or relocation; ¶
 - (f) Any occurrence, including a natural disaster, that renders all or part of the certified child care center unsafe or unsanitary for a child including disruption of utilities or contaminated water; ¶
 - (g) An incident that exposes children to an imminent risk of harm, such as a child leaving the center without the center's knowledge or being left alone on- or off-site or in a vehicle; ¶
 - (h) An animal bite to an individual that occurs on-site at any time or off-site when participating in center activities; ¶
 - (i) An accident involving transportation, unless there were no injuries and only minor damage to the vehicles; ¶
 - (j) Any serious injury or incident involving a child; ¶
 - (k) A child who is given the incorrect dosage of any medication; ¶
 - (l) A child who took or received another person's medication; ¶
 - (m) The death of a child or staff member that occurred on the premises of the center; ¶
 - (n) Other dangers or incidents requiring emergency response such as a fire or temporarily relocating children; ¶
 - (o) Any time prohibited discipline or prohibited actions occur (also see 414-305-0710, Prohibited Discipline and Actions); and ¶
 - (p) Any incident where physical restraint is used (also see OAR 414-305-0720, Physical Restraint). ¶
- (2) A certified child care center must notify OCC at least 30 calendar days prior to the following: ¶
- (a) An anticipated temporary or permanent center closing, other than a scheduled closing identified in center policy; ¶
 - (b) An anticipated temporary or permanent change in location; ¶
 - (c) An anticipated center change or alteration that impacts the amount of usable square footage or compliance with the requirements; and ¶
 - (d) A change in center name. ¶
- (3) Any staff member who has reason to believe a child has been abused or neglected is required to report the matter immediately to the Oregon Child Abuse Hotline 1-855-503-7233), Department of Human Services Child Welfare, or a law enforcement agency. This requirement applies 24 hours a day. This requirement applies to any suspected physical, sexual or emotional abuse; child neglect, child endangerment, or child exploitation; inappropriate sexual contact between two or more children; or attempted suicide or threats of suicide by a child. ¶
- (4) A certified child care center must immediately notify the Oregon Health Authority of a known case, in individuals associated with the center, of a child care-restrictable disease, as defined in Oregon Health Authority administrative rules, OAR 333-019-0010. ¶
- (5) A certified child care center must immediately notify parents or an emergency contact if the parent cannot be reached and document if their child: ¶
- (a) Does not arrive on their own at the center as scheduled, such as when a school-age child is walking to the center or when a child is transported from another program; ¶
 - (b) Is not present at the pick-up location as scheduled; ¶
 - (c) Is involved in an incident that placed the child at risk such as being lost, missing or left alone on a playground, a field trip, or on a vehicle; ¶
 - (d) Has experienced any suspected allergic reactions, as well as the ingestion of or contact with the problem food even if a reaction did not occur; ¶
 - (e) Was not administered medication in accordance with directions; ¶
 - (f) Received emergency medication for a life-threatening condition such as epinephrine; ¶
 - (g) Sustains an injury that may need evaluation by a physician or any impact to a child's head; ¶

(h) Has been exposed to poison; ¶
(i) Has been fed human milk or formula intended for another child (see OAR 414-305-0610, Feeding Infants and Toddlers); ¶
(j) Is bitten by an animal, when the skin is broken or when an evaluation by a physician may be needed; ¶
(k) Is separated from the group due to an illness; ¶
(l) Dies while in care; or ¶
(m) Is involved in any incident where physical restraint is used. ¶
(6) A certified child care center must notify parents upon child pick-up of: ¶
(a) Daily happenings, including the infant and toddler daily records (also see OAR 414-305-0600, General Requirements for the Care of Infants and Toddlers and OAR 414-305-0220, Children's Records); ¶
(b) Significant changes in their child's physical or emotional state; ¶
(c) Known minor injuries such as minor cuts, scratches, and bites from other children requiring first aid treatment by employees; ¶
(d) Their child being unsupervised at school or another location when not picked up on time; ¶
(e) Illness or infestation symptoms that developed or changed; ¶
(f) A child care restrictable disease or infestation exposure from staff or another child; ¶
(g) Administration of a medication for a non-life-threatening condition that is only administered as needed; ¶
(h) An animal bite to a child, when the skin is not broken; ¶
(i) Implemented emergency plans and procedures, except for drills; and ¶
(j) Anticipated closure of the center. ¶
(7) The Office of Child Care will notify parent(s) or guardian(s) of children under 12 months of age enrolled in the center of any valid non-compliance with OAR 414-305-0620(1)(a)(A) through (C), 414-305-0620(1)(b) and (c), and 414-305-0630(1)(a) through (l).
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented:

ADOPT: 414-305-0300

RULE SUMMARY: This rule outlines the general staffing requirements for a certified center.

CHANGES TO RULE:

414-305-0300

General Staffing Requirements

(1) A certified child care center must ensure that all staff, including persons not counted in the staff-to-child ratio and volunteers;¶

(a) Know and comply with certification rules;¶

(b) Recognize and act to correct hazards to physical safety, both indoors and outdoors;¶

(c) Demonstrate good judgment as evidenced by responsible behavior that reasonably ensures the health and safety of children;¶

(d) Have not consumed nor are under the influence of any substance that impairs their ability to care for children. "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others;¶

(e) Relate to children with courtesy, respect, acceptance, and patience;¶

(f) Demonstrate realistic expectations for behavior based on the age, abilities, and needs of children; ¶

(g) Recognize and respect the uniqueness and potential of all children, their families, and their cultures; ¶

(h) Report suspected abuse, neglect, and exploitation in accordance with Oregon law (also see OAR 414-305-0270, Notifications); and¶

(i) Have the required training and experience for the position they are filling.¶

(2) A certified child care center must ensure that employees counted in the staff-to-child ratios: ¶

(a) Individualize the care and learning opportunities to meet each child's needs based upon the child's age and abilities, including reviewing the information provided by parents while respecting confidentiality;¶

(b) Have a method to identify each child for whom they are responsible; and¶

(c) Are physically capable of performing duties related to child care.¶

(3) A certified child care center must ensure that at least one person who has current certification in first aid and Pediatric Cardiopulmonary Resuscitation (CPR) is present in the center at all times, during transportation, and on field trips.¶

(4) A certified child care center must ensure that any person who has demonstrated behavior that could endanger the health, safety or wellbeing of a child is not on the premises during child care hours or has access to children in care.¶

(5) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, a symptom of physical illness as described in OAR 414-305-1010(2)(b)(A) through (K), or mental incapacity that poses a threat to the health or safety of children shall be relieved of their duties.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0310

RULE SUMMARY: This rule outlines the requirements for enrollment in the Central Background Registry for the operator, all child care staff and any person 18 years of age or older, who may have unsupervised access to children at certified centers prior to an initial or renewal certification.

CHANGES TO RULE:

414-305-0310

Central Background Registry Enrollment

(1) The operator, all child care staff and any person 18 years of age or older, who may have unsupervised access to children shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification.¶

(2) An individual who is the owner or the principal of an entity that is the owner of a certified child care center must be enrolled in the CBR to be on the center premises or present with children off-site during child care hours.¶

(3) A certified child care center must have written confirmation from OCC that staff 18 years of age or older are enrolled or conditionally enrolled in the CBR before the staff may be on the child care premises or present with children off-site during child care hours.¶

(4) All caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the center license is active.¶

(5) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with OCC the individual is enrolled.¶

(6) Any visitor to the certified child care center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶

(7) A certified child care center must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶

(a) The individual's name and relationship to the center (e.g. volunteer, vendor, guest, etc.);¶

(b) Arrival and departure times; and¶

(c) Name of qualified staff responsible for monitoring the individual's presence and accompanying the individual while on the premises.¶

(8) A certified child care center must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended are not on the premises during child care hours or have contact with children in care.¶

(9) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0320

RULE SUMMARY: This rule outlines the duties and qualifications of the director of a certified center.

CHANGES TO RULE:

414-305-0320

Duties and Qualifications of the Director

(1) A certified child care center must employ at least one individual who meets the qualifications of director as outlined in (4) below. The director is responsible for:

(a) Maintaining compliance with all certified child care center rules and all conditions placed on the certification;

(b) Developing and implementing the center's operational and personnel policies;

(c) Supervising the personnel, volunteers, and other individuals providing services in the center;

(d) Overseeing the training and professional development of staff including setting educational goals, observation and mentoring;

(e) Implementing program development;

(f) Overseeing parent communication and family engagement and sharing community resources with families including resources for children with special needs; and

(g) Managing administrative functions, including, but not limited to: maintaining records; financial management; budgeting; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided.

(2) To allow for adequate oversight of the center, a certified child care center's director:

(a) Must be on-site a minimum of 50 percent of the weekly operating hours or 40 hours per week, whichever is less, as documented by the center.

(b) May serve as a teacher, if qualified, and have regular teaching duties when 40 or fewer children on-site.

(3) A certified child care center must have the director or a substitute director on the premises during all hours of operation.

(4) A certified child care center director must:

(a) Be at least 21 years of age;

(b) Meet the initial and annual training requirements under Training; and

(c) Have attained one of the options in Table 1 below; OR

(d) Participate in a plan, approved by OCC, to substitute for a missing component (either management and supervision of adults OR knowledge of child development) in Option C in the table below. The plan must address how the director will attain the required training, education, or experience in the missing component and how the program will operate until the director has met the missing component.

(5) A certified child care center's substitute director must meet teacher qualifications, understand the director's responsibilities, be familiar with the certification requirements, have access to all records, and be authorized and able to correct deficiencies.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

TABLE 1

Director Qualifications		
Have at least the qualifications in A, B, or C		
A. At least Step 9 in the Oregon Registry		
B. For a single facility that has a licensed capacity of 20 or fewer, one year as a Provider at a Certified Family Child Care		
OR		
C. Have verifiable knowledge of management and supervision of adults , evidenced by a combination of professional references, education, experience or training as follows:		
(1) 7 credit hours in business administration or management at a college or university, OR	(2) 70 training hours in program management with an emphasis on the following subjects: financial management and budgeting; policy development; staff management, evaluation and training; record keeping, OR	(3) 600 hours of documented experience where there was an opportunity to participate in the following activities: financial management and budgeting; policy development; record keeping; staff management, evaluation and training
AND		
Have verifiable knowledge of child development for the primary ages served in the center, evidenced by a combination of professional references, education, experience or training as follows:		
(1) 7 quarter credit hours at a college or university in two of the following Core Knowledge Categories: Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN) or Observation and Assessment (OA), OR	(2) 70 community based training clock hours in two of the following: Core Knowledge Categories: Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN), Observation and Assessment (OA), relevant to ages of the children served in	(3) 600 additional hours of qualifying teaching experience with children the same age as those in the center

	the center, OR	
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ADOPT: 414-305-0340

RULE SUMMARY: This rule outlines the duties and qualifications for a certified child care center's teachers by age group.

CHANGES TO RULE:

414-305-0340

Duties and Qualifications of Teachers

(1) A certified child care center's teachers are responsible for:¶¶

(a) The supervision of their assigned group of children at all times; and¶¶

(b) The supervision of any aides or volunteers assigned to their group.¶¶

(2) A certified child care center's teachers must:¶¶

(a) Be at least 18 years of age;¶¶

(b) Meet the initial and annual training requirements under Training; and ¶¶

(c) Meet the experience and training qualification requirements for their assigned age group in one of the options listed in Table 2 of this section; OR ¶¶

(d) For school-age only classrooms, meet the experience and/or training qualification requirements in Table 3 of this section.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Qualifications for Teacher

TABLE 2

Teacher Qualifications			
Have attained 1 of the following options (A, B, C, D or E)		Infant and/or Toddler Age	Preschool-Age
A	At least 750 hours of qualifying teaching experience* in a Certified Child Care Center, or comparable group care program** in the appropriate age level.	Infants and/or toddlers;	Older toddlers OR Preschool-age OR school-age children;
B	One year or 1,500 hours of qualifying teaching experience in Registered Family or Certified Family child care.		
C	Documentation of attaining at least step 6 in the Oregon Registry		
D	A minimum of an Associate's Degree from a college or university with a major in:	<ul style="list-style-type: none"> · Early childhood education · Child development · Special education · Human development · Child and family studies 	<ul style="list-style-type: none"> · Early childhood education · Child development · Special education · Elementary education · Human development · Child and family studies
E	A state or nationally recognized credential , e.g. Child Development Associate (CDA).	Related to infant and toddler care	Related to preschool- age care

* Qualifying Teaching Experience means:

For infant/toddler and preschool age groups, gained with a group of the same age children in at least 3-hour blocks, within a 36-month period; Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying

teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.

** Comparable group care program means a program which has the following elements:

- (a) Individuals are supervised by knowledgeable professionals;
- (b) Training of individuals is provided or required annually;
- (c) Group size is similar to a certified child care facility;
- (d) Curriculum is age appropriate; and
- (e) The program is not providing uncertified drop-in care;

Qualifications for School-age Classroom Teacher

TABLE 3

School-age only Classroom Teacher Qualifications:	
Have attained 1 of the following options (A, B, C, or D)	
A	<p>60 hours of experience working in the classroom; AND Completion of 20 clock hours of training, completed within the last five years, focused on school-age child care that meets the following core knowledge criteria:</p> <ul style="list-style-type: none"> ● Five clock hours in understanding and guiding behavior (UGB). ● Five clock hours in learning environments and curriculum (LEC). ● Five clock hours in human growth and development (HGD) ● Five clock hours in program management (PM).
B	<p>At least 240 hours of qualifying experience working with school-age children in the last five years in a Certified Child Care Center, Certified Family, Registered Family or comparable group care program.</p>
C	<p>At least an Associate's Degree in:</p> <ul style="list-style-type: none"> ● Early childhood education ● Child development ● Elementary education ● Special education ● Physical education ● Recreation ● Human development ● Child and family studies ● Home economics
D	<p>At least a Step 6 in the Oregon Registry</p>

RULE SUMMARY: This rule outlines the duties and qualifications for a certified center's aides who support teachers in caring for a group of children under the supervision of the teacher.

CHANGES TO RULE:

414-305-0350

Duties and Qualifications of Aides

(1) A certified center's aides support teachers in caring for a group of children under the supervision of the teacher.¶

(2) An aide I must: ¶

(a) Be at least 15 years old; ¶

(b) If under 18 years of age, be within sight AND sound of a staff person who meets the qualifications of a teacher or aide II, as specified in 414-300-0350(6)(a), at all times with children; ¶

(c) If over 18 years of age, be within sight OR sound of a staff member who meets the qualifications of a teacher or aide II, as specified in 414-305-0350(6)(a), except as specified in 414-305-0350(3); at all times while with children; and ¶

(d) Meet the initial training requirements (also see 414-305-0370, Orientation and Initial Training). ¶

(3) If over 18 years old, an aide I may be alone with a child or group of children when: ¶

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

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

(c) A child is ill and has been separated from the other children until the child leaves the center; or ¶

(d) Rest time staff-to-ratios apply, per OAR 414-305-0400(7). ¶

(4) If under 18 years old, an aide I may never be left alone with a child or group of children. ¶

(5) An aide II must: ¶

(a) Be at least 18 years of age; ¶

(b) Meet initial (see OAR 414-305-0370, Orientation and Initial Training) and annual training requirements (see OAR 414-305-0380); and ¶

(c) Have at least 240 documented hours of experience as an aide I or aide II, of which at least 80 hours must be at the center where the individual is currently employed. ¶

(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 have 240 hours of experience working with infants. ¶

(6) An aide II may not be alone with a group of children except when: ¶

(a) Supervising a group of children and aide I to cover for staff breaks, provided staff-to-child ratios are maintained, and there is another staff who is teacher, or director qualified present at the facility. ¶

(b) Times identified in 414-305-0350(3)(a) through (d); ¶

(c) Transporting children; ¶

(d) Substituting for the teacher in the primary group of children the aide II works with. Substituting for the teacher is limited to up to two consecutive weeks. If longer than two weeks, the director must notify OCC with a plan to manage the classroom. While substituting, staff-to-child ratios must be maintained, and there must be another staff who is teacher or director qualified present at the facility. ¶

(e) Participating in a teacher training program, as described in 414-305-0350(7). ¶

(7) At the discretion of the director, an aide II can function as teacher while participating in a teacher training program. There must be another staff who is teacher or director qualified present at the facility. Prior to an aide II functioning as a teacher, a plan to complete the requirements in OAR 414-305-0350(8) must be submitted to and approved by OCC. ¶

(8) A staff member in a teacher training program must complete: ¶

(a) A minimum of 50 clock hours in the following Core Knowledge Categories (CKCs), with a minimum of 12 hours completed per month. Training completed within the last five years may be applied to this requirement. ¶

(A) 10 hours in Human Growth and Development; ¶

(B) 10 hours in Understanding and Guiding Behavior; ¶

(C) 10 hours in Learning Environments & Curriculum; and ¶

(D) 20 hours, that includes at least two additional CKCs. ¶

(E) If working with infants, 25 hours of the 50 training hours must be specific to infant/toddler care. ¶

(b) At a minimum, twice a month feedback sessions for four months with the certified center director, mentor teacher or consultant. Feedback sessions must include, at a minimum: ¶

(A) Direct feedback on their performance in regards to: ¶

(i) Creating a Healthy Climate for Child Development (OAR 414-305-0510; ¶

(ii) Behavior and Guidance (OAR 414-305-0700); ¶

(iii) Compliance with other rules related to certified child care centers (OAR 414-305-0000 through 414-305-1620): ¶

(iv) Other areas identified by the director and individual, and ¶

(v) If applicable, infant and toddler care. ¶

(B) Setting of professional goals related to the feedback given. ¶

(C) Each feedback session must be a minimum of 30 minutes in length. ¶

(c) Documentation of training hours and feedback sessions. Documentation must include: ¶

(A) Dates and times of feedback sessions; ¶

(B) Description of feedback given and progress on goals; and ¶

(C) Expected completion date of the Teacher Training program.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0355

RULE SUMMARY: This rule outlines how multi-site programs must develop a written plan that show the duties of the director will be met at each site and must employ a multi-site coordinator.

CHANGES TO RULE:

414-305-0355

Multi-Site Programs

(1) In a multi-site program, the organization shall develop a written plan which shows how the duties of the director in section OAR 414-305-0320(1) will be met at each site and must employ a multi-site coordinator. ¶

(2) Multi-site coordinators must: ¶

(a) Meet director qualifications identified in OAR 414-305-0320(4); ¶

(b) Designate one teacher at each site who is responsible for maintaining compliance with OCC rules. There must be one designated teacher on site at all times; and ¶

(c) To allow for adequate oversight of each site, the Multi-site Coordinator: ¶

(A) Must be at each site at least once a month for a minimum of one hour while children are in care. ¶

(B) May serve as a teacher, if qualified; and ¶

(C) Must be available by phone to parents, staff and OCC at all times during child care hours. ¶

(3) A multi-site program can operate using either Table 3A (see OAR 414-305-0400(6)(b)) or when 16 or fewer children are on-site, can operate using the Mixed-Age Ratio Table (see OAR 414-305-0400(12)).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0360

RULE SUMMARY: This rule outlines how other staff at a certified center including substitutes and volunteers must meet certain training, ratio, CBR enrollment requirements.

CHANGES TO RULE:

414-305-0360

Other Staff and Volunteers

(1) A certified child care center must verify that all substitutes, prior to being left alone with children: ¶

(a) Are enrolled in the CBR as required under Central Background Registry Enrollment;¶

(b) Complete the OCC Introduction to Child Care Health and Safety training as required under Training; and ¶

(c) Have completed a minimum of 2 hours of training on recognizing and reporting child abuse and neglect that is specific to Oregon law within 30 days of employment.¶

(2) A certified child care center must ensure that substitutes counted in the staff-to-child ratio meet qualifications for the position they hold. ¶

(3) If a certified child care center uses a volunteer to meet staff-to-child ratios, the center must document how the volunteer meets the qualifications of the position they are filling including CBR enrollment.¶

(4) A certified child care center must ensure that all center staff and volunteers are aware of the policy that volunteers who do not meet staff requirements must be at least 13 years of age and not have unsupervised access to children. ¶

(5) Volunteers under the age of 15 must have written permission from their parent or guardian.¶

(6) Unless participating in a structured volunteer program, volunteers under the age of 15 may be on the premises of the certified child care center for no more than four hours per day.¶

(7) A certified child care center must identify the duties for each volunteer and share them with the volunteer and center staff in writing prior to the volunteer beginning work at the center.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0370

RULE SUMMARY: This rule outlines the orientation and initial training for all staff, including substitutes, receive an orientation within the first 10 days of hire and before staff have unsupervised access to children.

CHANGES TO RULE:

414-305-0370

Orientation and Initial Training

(1) A certified child care center must ensure that all staff, including substitutes, receive an orientation within the first 10 days of hire and before staff have unsupervised access to children. An orientation must include, but is not limited to:

(a) A review of the rules for certified child care centers;

(b) The written plan for emergency preparedness that addresses evacuation, relocation, shelter-in-place and lockdown procedures and responding to medical emergencies, illness and injuries, allergic reactions, and other incidents;

(c) The prevention and control of infectious diseases;

(d) Building and premises safety including identification and protection from hazards such as electrical hazards, bodies of water, and vehicular traffic;

(e) The handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

(f) Methods used to inform personnel of children's special health, nutritional, and developmental needs;

(g) Safe sleep practices and prevention of shaken baby syndrome and abusive head trauma;

(h) The administration of medication;

(i) The center policies, as required under OAR 414-305-0200, Policies; and

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

(2) A certified child care center must ensure staff, including substitutes, complete Introduction to Child Care Health and Safety and a minimum of 2 hours of OCC approved training on recognizing and reporting child abuse and neglect that is specific to Oregon law within 30 days of hire and prior to having unsupervised access to children.

(3) A certified child care center must ensure the following staff, including substitutes, obtain an Oregon food handler's certification within 30 days of hire:

(a) Cooks and kitchen staff who handle food;

(b) Staff who serve meals from a communal source or put away leftovers; and

(c) Staff in infant rooms who prepare bottles or serve food.

(4) A certified child care center's staff who is director, teacher, aide II or aide I, must have current certification in first aid and pediatric CPR within the first 90 days of employment. On-line CPR training is only acceptable if it includes hands-on instruction.

(5) A certified child care center's staff, with the exception of cooks, must complete OCC approved Child Development Training within 90 days of employment.

(6) A certified child care center director must provide verification to Oregon Registry Online (ORO) that they have obtained 10 hours of training in the core knowledge category of Program Management; or they must obtain 10 hours within the first year of hire.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0380

RULE SUMMARY: This rule outlines the annual training requirements for certified child care center staff.

CHANGES TO RULE:

414-305-0380

Annual Training

(1) A certified child care center must ensure the following training requirements are met for each staff:¶

(a) Each certified child care center director, multi-site coordinator, teacher, and aide II must have at least 15 clock hours of formal training or education annually related to child care, of which at least 8 clock hours is in child development and one hour is in health, safety, and nutrition (HSN).¶

(b) Substitute teachers and substitute aide IIs who provide care for 80 hours or more per licensing year at one or more sites operated by the organization complete at least 15 clock hours of annual training or education related to child care, of which at least 8 clock hours is in child development or early childhood education, and one hour is in health, safety, and nutrition (HSN).¶

(c) Certified child care center staff employed less than a year must complete training requirements prorated at 1.25 clock hours for each month worked in the current license period. If the 15 hours of training are pro-rated, the requirement to have 8 hours of training in child development or early childhood education does not apply.¶

(2) Any staff member who works at multiple locations, operated by the same organization/company must designate one certified child care center to track the staff member's training requirements.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.490

ADOPT: 414-305-0385

RULE SUMMARY: This rule outlines how certified center staff will need to have an ORO account for training, the core knowledge categories, and the required training.

CHANGES TO RULE:

414-305-0385

Training Criteria

(1) All staff employed by a certified child care center must have an active account with ORO. Staff training must meet the following requirements:¶

(a) Be approved by ORO; and ¶

(b) Be at least one hour in duration.¶

(2) Staff training that is a component of a staff meeting may be counted toward the required training hours.¶

(3) The following core knowledge categories (CKCs) are accepted for the child development and early childhood education requirement: Diversity, Family and Community Systems, Human Growth and Development, Health Safety and Nutrition, Learning Environments and Curriculum, Observation and Assessment, Special Needs, and Understanding and Guiding Behavior.¶

(4) A certified child care center may count the following initial required staff training toward the 15 clock hours of annual training during the first year of employment. These hours, with the exception of (g) cannot be applied toward the requirement of 8 hours in child development or early childhood education:¶

(a) Up to 2 hours of orientation at the first renewal period after the staff person's hire date;¶

(b) First aid and pediatric CPR training;¶

(c) Food handler's training; ¶

(d) OCC approved training on recognizing and reporting child abuse and neglect;¶

(e) OCC Introduction to Child Care Health and Safety training; ¶

(f) One hour of training in the category of Health, Safety and Nutrition; and¶

(g) OCC approved child development training¶

(5) During subsequent years of employment, a certified child care center may count the following repeated training as part of the 15 clock hours of training:¶

(a) 5 hours of first aid and pediatric CPR training; ¶

(b) Food handler's training; ¶

(c) Recognizing and reporting child abuse and neglect but only repeated every 3 years; and ¶

(d) A Set 2 (intermediate) or Set 3 (advanced) training as described by the ORO can be repeated once, provided it was not taken within the previous 2 years.¶

(6) A certified child care center must maintain a certificate or letter documenting the completion of an orientation, initial and annual training in each employee's personnel record at the child care center.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.490

RULE SUMMARY: This rule outlines the required Staff-to-Child ratio and group size by the ages of children in care.

CHANGES TO RULE:

414-305-0400

Staff-to-Child Ratio and Group Size

- (1) "Ratios" mean the number of staff required to be physically present with a child or group of children.¶
- (2) "Group size" is the number of children assigned to staff occupying an individual classroom or well-defined space within a larger room.¶
- (3) When more than one group of children utilize a room at the same time, excluding rooms used only for large group activities (e.g., eating, napping, large muscle activities), the following apply:¶
 - (a) The area occupied by each group must be defined by use of portable or permanent room dividers, furniture or equipment; ¶
 - (b) Each space is considered separate and operates as an independent classroom. The space must have its own staff, program materials, attendance records and adequate square footage;¶
 - (c) Children may not move freely between the two spaces; and¶
 - (d) The entire group can come together briefly for a specific activity, but in general, the groups should remain separate throughout the day.¶
- (4) A certified child care center must have at least one caregiver who meets the qualifications of a teacher, as defined under OAR 414-305-0340(2), with each group of children. ¶
- (5) A certified child care center must count all children in ratios, group size and capacity with the following exceptions: ¶
 - (a) Children visiting with a non-staff parent or a staff parent not being counted to meet staff-to-child ratios as long as the parent is directly supervising their child; and¶
 - (b) Minors who qualify as volunteers. ¶
- (6) The number of teachers and aides and group size is determined by the number and ages of the children in attendance, per Table 3A or 3B, as applicable.¶
 - (a) Centers with certification that was in effect on July 15, 2001, shall comply with age groupings, staff/child ratios and group size in either Table 3A or Table 3B for as long as the facility is continuously used for child care, under the following conditions: ¶
 - (A) The center must choose to operate under Table 3A or Table 3B; centers shall not operate under a combination of both; ¶
 - (B) If centers wish to change from operating under one set of ratios to operating under the other set of ratios, the change shall occur at the time of certification renewal; and ¶
 - (C) Centers may change options only twice. ¶
 - (b) All centers initially licensed after July 15, 2001, must comply with Table 3A of this section.¶
- (7) A certified child care center must meet the staff-to-child ratio and the maximum number of children in a group at all times, except:¶
 - (a) When all toddlers, preschoolers and school-age children are in the process of going to sleep, asleep, or in the process of waking up, and the room is arranged so all children are supervised as defined by OAR 414-305-0500, Supervision of Children, there may be one teacher, aide II, or aide I, with CBR enrollment, supervising the area where children are resting. The certified child care center must have sufficient staff onsite that can be summoned to meet the required ratio in case of an emergency or as children wake.¶
 - (b) If two or more children are awake, restless, vocal, off their cot or mat, sitting up, or interacting with other children, a certified child care center must meet the staff-to-child ratio.¶
 - (c) A certified child care center may exceed maximum group size on field trips, outdoor play, planned large group activities, napping and eating.¶
- (8) A certified child care center may count staff in ratios under the following situations:¶
 - (a) Drivers, when transporting children;¶
 - (b) While staff are performing minimal cleaning and food service duties, provided supervision is maintained; ¶
 - (c) When they are assisting a child in a restroom that opens directly into the classroom, provided children can be seen or heard and supervision is maintained; and¶
 - (d) When any children are participating in a contracted service in the center, the room is arranged so all children are supervised and the situation permits, there may be one staff that meets at least the qualifications of an aide I, with CBR enrollment, supervising the group along with the contracted services instructor. As children finish the activity offered by the contracted service, additional caregivers shall be added to return to required ratios. Sufficient caregivers to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the room.¶

- (9) A certified child care center may combine older toddlers through school-age children in one group. If children are in adjacent age ranges (e.g. younger toddlers with older toddlers, or older toddlers with preschool age children) they may be combined in one group. ¶
- (10) If combining infants, younger toddlers and older toddlers, the certified child care center must ensure: ¶
- (a) There is separation of non-mobile infants from more mobile children; and ¶
- (b) Activities and materials are safe and developmentally responsive to all children in the group. ¶
- (11) In a mixed age group, a certified child care center must meet the ratio and group size for the youngest child in the group, excluding when the center is operating under the Mixed-Age Ratio Table (see OAR 414-305-0400(12)). ¶
- (12) A certified child care center may operate within the ratio and group size in the Mixed-Age Ratio Table when: ¶
- (a) There are 16 or fewer children onsite; or ¶
- (b) The certified center's licensed capacity is 16 or fewer children. ¶
- (13) When utilizing the Mixed-Age Ratio Table, a certified center must: ¶
- (a) Meet all requirements for the age groups that are in care; ¶
- (b) Ensure that at least one staff member is teacher-qualified in one of the represented age groups; ¶
- (c) If infants and toddlers are part of the mixed-age group, a certified center must: ¶
- (A) Have separation for non-mobile children from mobile children; ¶
- (B) Have a diaper changing station and handwashing sink located in the room being utilized for care; and ¶
- (C) Have one staff member that meets teacher qualifications for infants or toddlers. ¶
- (14) A certified child care center must group children with special care needs by chronological age, except when recommended otherwise by the child's healthcare professional or other qualified professional as provided in OAR 414-305-1050(10). ¶
- (15) When only one center staff is required to care for the only group of children on-site, a certified child care center must ensure: ¶
- (a) The ratio and group size for the youngest child in the group is met; and ¶
- (b) A second individual is readily available to respond if needed, or OCC approves an alternate plan.
- Statutory/Other Authority: ORS 329A.260
- Statutes/Other Implemented: ORS 329A.260

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

Certified Child Care Center Ratio Tables 414-305-0400(6)

TABLE 3A (For centers initially licensed after July 15, 2001)

Age of Children	Minimum Number of Staff to Children	Maximum Number of Children in a Group
6 weeks to 2 years of age	1:4	8
2 years to 3 years of age	1:5	10
3 years to School-age	1:10	20
School-age	1:15	30

TABLE 3B

Age of Children	Minimum Number of Staff to Children	Maximum Number of Children in a Group
6 weeks and under 30 months	1:4	8
30 months of age to school-age	1:10	20
School-Age	1:15	30

Certified Child Care Center Mixed-Age Ratio Table 414-305-0400(12)

Mixed-Age Ratio Table

Table A

Total Number of Children Present												
Number of Children Present Under the Age of Two	16	15	14	13	12	11	10	9	8	7	6	5
	0	2	2	2	2	2	1	1	1	1	1	1
	1	2	2	2	2	2	2	2	1	1	1	1
	2	2	2	2	2	2	2	2	2	1	1	1
	3	2	2	2	2	2	2	2	2	2	1	1
	4	3	3	2	2	2	2	2	2	2	2	2
	5	3	3	3	3	2	2	2	2	2	2	2
	6	3	3	3	3	3	2	2	2	2	2	
	7	3	3	3	3	3	2	2	2	2		
	8	3	3	3	3	3	3	3	2			
	9	3	3	3	3	3	3	3				
	10	4	3	3	3	3	3					
	11	4	4	3	3	3						
	12	4	4	4	4	3						
	13	4	4	4	4							
	14	4	4	4								
	15	4	4									
	16	4										

Number of Caregivers Required

ADOPT: 414-305-0500

RULE SUMMARY: This rule outlines the required supervision of children who are in the care of certified centers and defines what supervision in this setting looks like.

CHANGES TO RULE:

414-305-0500

Supervision of Children

(1) A certified child care center must ensure that children have the full attention of the required number of staff at all times who must:

(a) Be aware of what each child is doing;

(b) Know and take into account the age of each child, the child's individual behaviors, interests, and abilities, the layout of indoor and outdoor space, and any potential hazards or risks from activities children are engaged in;

(c) Be near enough to children to assist and respond when needed;

(d) Be within sight and sound, without relying on audio or video monitoring devices, except as specified in OAR 414-305-0500(4);

(e) Not participate in personal activities that could interfere with supervision, such as visitors, phone calls, or electronic device use; and

(f) Provide supervision when contracted non-staff persons are with children (also see OAR 414-305-0400, Staff-to-Child Ratios and Group Size).

(2) A certified child care center must arrange indoor and outdoor equipment to allow supervision of children while playing on all equipment.

(3) A certified child care center must provide sufficient light in any room where children are napping or resting so that staff can clearly see each child's face from any point in the room.

(4) School-age children must be within sight or sound of staff at all times.

(a) School-age children out of direct visual contact must be monitored regularly and frequently and must be in approved activity areas; and

(b) With staff knowledge or permission, one child at a time may be out of sight and sound supervision, while on the premises of the child care program, when using the restroom or completing a task separate from the larger group, for a maximum of five minutes.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0510

RULE SUMMARY: This rule outlines how a certified center must ensure that staff create and maintain a climate for healthy, culturally responsive child development .

CHANGES TO RULE:

414-305-0510

Creating a Healthy Climate for Child Development

(1) When communicating or interacting with children, a certified child care center must ensure staff maintain a climate for healthy, culturally responsive child development such as:

(a) Using a calm and encouraging tone of voice;

(b) Using positive language to explain what children can do and give descriptive feedback;

(c) Having relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;

(d) Greeting children upon arrival and departure at the learning program;

(e) Using facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;

(f) Using physical proximity in a culturally responsive way to speak to children at their eye level;

(g) Validating children's feelings and showing tolerance for mistakes;

(h) Being responsive, listening to children's requests and questions, and encouraging children to share experiences, ideas, and feelings;

(i) Observing children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;

(j) Modeling and teaching emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;

(k) Being respectful of cultural traditions, values, religion and beliefs of enrolled families; and

(l) Interacting with staff and other adults in a positive, respectful manner.

(2) A certified child care center must ensure staff encourage positive interactions between and among children with techniques such as:

(a) Giving children several chances a day to interact with each other while playing or completing routine tasks;

(b) Modeling social skills;

(c) Encouraging socially isolated children to find friends;

(d) Helping children understand feelings of others; and

(e) Including children with special needs to play with others.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0520

RULE SUMMARY: This rule outlines how a certified child care center must develop, post, and follow a written daily schedule for each group of children, according to their ages, interests, and abilities.

CHANGES TO RULE:

414-305-0520

Program Schedule

(1) A certified child care center must develop, post, and follow a written daily schedule for each group of children, according to their ages, interests, and abilities. ¶

(a) The written schedule must include a consistent routine that allows for flexibility to respond to the needs of the individual children and group of children. ¶

(b) The schedule must: ¶

(A) Cover all hours of operation; ¶

(B) Provide a balance of active and quiet opportunities; and ¶

(C) Include activities such as small and large group activities, free play, daily outdoor experiences and snacks and meals. ¶

(D) Meet the following daily morning or afternoon active outdoor play time requirements: ¶

(i) Twenty minutes for every three hours of programming for infants (as tolerated) and toddlers; ¶

(ii) Thirty minutes for every three hours of programming for children preschool age and older; and ¶

(iii) Programs that operate more than six hours a day must provide ninety minutes of active play for preschool age and up or sixty minutes of active play for infants and toddlers (thirty minutes of which may be moderate to vigorous indoor activities). ¶

(2) A certified child care center must ensure daily outdoor play for each child regardless of age, provided weather and environmental conditions do not pose a significant health or safety risk. ¶

(3) For preschool age and younger children, a certified child care center must include one or more regularly scheduled rest periods. ¶

(4) Children who do not sleep after 30 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children. ¶

(5) A preschool-age classroom that operates up to six hours a day is not required to schedule nap or rest times.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified child care center must make the emotional and physical needs of children the first priority of the center, ensuring that children get adequate care and prompt attention.

CHANGES TO RULE:

414-305-0525

Activity Plan for All Children

(1) A certified child care center must make the emotional and physical needs of children the first priority of the center, ensuring that children get adequate care and prompt attention.¶

(2) A certified child care center must develop, post and follow written weekly activity plans for each classroom that:¶

(a) Indicate indoor and outdoor plans for each day;¶

(b) Are designed to meet the children's developmental abilities, interests, cultural and individual needs; and¶

(c) Are inclusive for all children in the group regardless of disabling or limiting conditions.¶

(3) A certified child care center must ensure the activity plan and available materials allow for a range of learning experiences to support each child's development of:¶

(a) Self-esteem, self-awareness, self-control, cooperation, problem-solving, and decision-making abilities;¶

(b) Social, emotional, cognitive, language, literacy, and physical growth; and¶

(c) Creativity, experimentation, and exploration.¶

(4) A certified child care center must provide children with opportunities to choose from a variety of developmentally responsive activities and experiences which include:¶

(a) Reading books;¶

(b) Creative expression through the arts;¶

(c) Dramatic play;¶

(d) Gross motor development;¶

(e) Fine motor development;¶

(f) Music and movement;¶

(g) Opportunities to listen and speak;¶

(h) Concept development; and¶

(i) Sensory play.¶

(5) A certified child care center must not provide or allow a child to have more than 2.5 hours of screen time per week.¶

(a) When the internet is accessible for children's use, the center must ensure that children do not have access to inappropriate websites, email, instant messaging, and similar technology.¶

(b) Screen time is defined as time spent using electronic devices, including, but not limited to computers, television, tablets, phones and game consoles but does not include assistive or adaptive technology for children with disabilities.¶

(c) Usage times may be extended for physical activity guidance, special events, projects (i.e., coding lessons) and homework.¶

(d) All media exposure must be developmentally and age appropriate, non-violent, and culturally sensitive. ¶

(e) When screen time is a group activity, at least one alternative activity must be available for children who do not want to participate.¶

(6) A certified child care center must protect children from excessive exposure to the sun by using sunscreen or other methods such as:¶

(a) Keep infants younger than six months out of direct sunlight;¶

(b) Limit sun exposure; and¶

(c) Apply sunscreen with written permission of parents/guardians.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0530

RULE SUMMARY: This rule outlines how a certified child care center must provide an environment for children where adults' actions demonstrate respect for children's changing physical, emotional and intellectual needs.

CHANGES TO RULE:

414-305-0530

School-Age Activity Plan

(1) A certified child care center must provide an environment for children where adults' actions demonstrate respect for children's changing physical, emotional and intellectual needs.¶

(2) A certified child care center must provide school age children with the opportunity to take part, on a daily basis, in activities which support their need to practice and build skills in problem-solving, making responsible choices, cooperation, creativity, and appropriate social interactions.¶

(3) In addition to those activities specified in OAR 414-305-0520, a certified child care center must provide school-age children with opportunities to choose from a variety of activities, including:¶

(a) Individual projects, which may include homework;¶

(b) Exposure to individual and team physical activities;¶

(c) Opportunities to rest if tired. The center must provide a space that encourages rest for children who wish to rest.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the general care requirements for infants and toddlers in certified centers.

CHANGES TO RULE:

414-305-0600

General Requirements for the Care of Infants and Toddlers

- (1) A certified child care center must not provide care for a child under six weeks of age.¶
 - (2) For infants and younger toddlers, a certified child care center must obtain the following information (also see OAR 414-305-0220, Children's Records):¶
 - (a) Schedule of feeding;¶
 - (b) Types of food introduced and timetable for new foods;¶
 - (c) Sleep schedule; and¶
 - (d) Child's way of communicating and being comforted.¶
 - (3) A certified child care center must provide the following information to each parent of an infant and toddler on a daily basis (also see OAR 414-305-0270, Notifications):¶
 - (a) Times and amount of food consumed;¶
 - (b) Their child's toilet and diapering activities;¶
 - (c) Their child's sleep schedule;¶
 - (d) Their child's general mood for the day; and¶
 - (e) A brief summary of the activities in which the child participated.¶
 - (4) A certified child care center must be responsive to each infant and toddler's individual, physical, and developmental needs.¶
 - (a) Infants and younger toddlers must be allowed to form and follow their own pattern of sleeping and waking periods.¶
 - (b) Each child must be given opportunities throughout the day to move freely in a safe, clean, open, and uncluttered area.¶
 - (c) Infants and younger toddlers must be given opportunities to interact and be near one another. ¶
 - (5) No child may be routinely left in a crib, portable crib, or play yard except for sleep or rest.¶
 - (6) Restrictive infant equipment, including, but not limited to, bouncers, exersaucers, swings, infant seats, high and low chairs or structured infant carriers may be used for no more than 15 minutes in any 2 hour period.¶
 - (a) Children must not be left in high chairs or other types of feeding chairs other than feeding times.¶
 - (b) Children who are actively engaged in eating, stroller walks, or car rides can exceed the 15 minute limit for restrictive infant equipment used in these activities.¶
 - (c) Car seats may not be used except for transportation purposes.¶
 - (7) Throughout the day, a certified child care center must engage each child in frequent, multiple, and social interactions by:¶
 - (a) Talking and listening to children, encouraging infants to respond, naming objects, feelings, and desires, and describing actions;¶
 - (b) Giving individual attention to children when needed;¶
 - (c) Playing and reading with children; and¶
 - (d) Mirroring similar infant sounds and sharing a focus of the child's attention.¶
 - (8) A certified child care center must use routines relating to activities such as naptime, feeding, diapering, and toileting as opportunities for language development (e.g., naming objects, singing, saying rhymes), building the child's self-esteem, and other learning experiences.¶
 - (9) A certified child care center must not use electronic media, including, but not limited to televisions, laptops, tablets, cell phone screens with children under the age of 2 years, unless used to supplement an activity for brief periods of time.¶
 - (10) A certified child care center must encourage the development of self-help skills (dressing, toileting, washing, eating) as children show interest.¶
 - (11) If infants and young toddlers are sharing an activity area used by older children, a certified child care center must:¶
 - (a) Ensure there is separation of non-mobile infants from mobile children; and¶
 - (b) Ensure activities and materials are safe and developmentally responsive to children in the group.
- Statutory/Other Authority: ORS 329A.260
- Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the feeding for infants and toddlers including what can be feed and the processes for feeding.

CHANGES TO RULE:

414-305-0610

Feeding Infants and Toddlers

(1) If serving children under 12 months of age, a certified child care center must comply with the following requirements for each child under 12 months of age:¶

(a) The center must have and follow a written feeding plan and schedule that includes the types and amounts of formula, human milk, and food is obtained from the child's parent(s) and updated regularly.¶

(b) The center must feed the child on their own feeding schedule and fed when hungry.¶

(c) The center must clearly mark formula, human milk, bottles, and food provided by the parent(s) with the child's full name and date and refrigerated if required.¶

(d) The center may not give infant formula to an infant who consumes human milk, without parental consent.¶

(e) The center must give human milk only to the child specified to receive it by the parent(s).¶

(f) Human milk must:¶

(A) Be labeled with the child's full name and the date expressed; ¶

(B) Be stored for no more than: ¶

(i) 24 hours in the refrigerator when thawed or defrosting; or¶

(ii) Six months from the expression date in the freezer. ¶

(C) Be refrigerated or frozen until immediately before warming;¶

(D) Not be warmed in a microwave;¶

(E) Not reused after two hours from serving;¶

(F) Not be returned to the refrigerator, freezer, or re-warmed once warmed.¶

(g) If human milk or formula is given to the wrong child, parents of both children must be immediately notified and the incident documented as an accident/incident. ¶

(h) Human milk that has not been served, must be returned to the parent in the bottle or container.¶

(i) Prepared formula not used may be returned to the parent or discarded daily, based on the preference of the parent.¶

(j) When formula is provided by the center, it must be either: ¶

(A) Commercially prepared, iron-enriched, ready-to-feed type; or¶

(B) Prepared from powder or concentrate and diluted according to manufacturers' instructions.¶

(k) When formula is prepared on site, it must be mixed in a kitchen or classroom food preparation area approved by the environmental health specialist.¶

(l) When formula is provided by parents: ¶

(A) It must come in sealed containers; and¶

(B) The caregiver must follow the manufacturer's instructions for mixing and storing of any formula preparation, unless requested by the child's parent(s) and with a medical practitioner's written permission.¶

(m) Whole milk, skim milk, 1 percent milk, and 2 percent milk must not be served unless requested by the child's parent(s) and with a medical practitioner's written permission.¶

(n) The center must not serve juice, of any kind, to infants.¶

(o) Infant formula cannot be mixed with cereal, fruit juice, or other foods without a medical practitioner's written permission. ¶

(p) The center must not give infants, under six months of age, water to drink, without written approval by a medical professional.¶

(q) The center must warm bottles only in one of the following ways: under running, warm tap water; using a commercial bottle warmer, stove top warming methods, or slow-cooking device; or by placing them in container of warm water.¶

(A) Bottles must not be warmed in microwave ovens.¶

(B) Once warmed, a bottle must not returned to the refrigerator or re-warmed.¶

(C) Warming devices must remain inaccessible to children.¶

(r) Bottles, bottle caps, nipples and other equipment used for bottle feeding that a certified child care center provide must be cleaned and sanitized by washing in a dishwasher or by washing, rinsing and boiling for one minute. Nipples must be stored in a closed container after sanitizing.¶

(s) Solid foods fed to infants must be selected from the Child and Adult Care Food Program Meal Pattern (CACFP):¶

(A) Solid foods must not be fed to infants less than four months of age:¶

(B) Commercially packaged baby food must be served from a dish and not directly from the factory-sealed container.¶

(C) Leftovers in the serving container must be discarded; ¶

(D) Solid foods, with the exception of finger foods, must be fed with a spoon; and¶

(E) Food must be cut into small pieces no larger than 1/4 inch cubes for infants and 1/2 inch cubes for 1-year-olds.¶

(t) Partially served containers of baby food must be either sent home with parents or the contents discarded daily.¶

(2) When bottle feeding, a certified child care center must: ¶

(a) Hold infants up to 6 months of age and older children who cannot hold their own bottles or sit alone; ¶

(b) Ensure the infant's head is elevated while being fed; and¶

(c) Not allow infants to walk around with or sleep with a bottle or training cup.¶

(3) A certified child care center must not lay a child of any age down with a bottle or training cup.¶

(4) A certified child care center must not prop a bottle by any means at any time. ¶

(5) When feeding solid foods, a certified child care center must ensure that infants are fed in an upright position. ¶

(6) As soon as the child exhibits a desire to feed their self, the child must be assisted and encouraged to use their fingers for self-feeding, eat with a spoon, and to drink from individual cups.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

RULE SUMMARY: This rule outlines the furniture and equipment allowable for use in the care of infants and toddlers in certified centers.

CHANGES TO RULE:

414-305-0620

Furniture and Equipment for Infants and Toddlers

(1) A certified child care center must provide an individual crib, portable crib, or play yard for each infant. ¶

(a) Each crib, portable crib, or play yard must: ¶

(A) Comply with Consumer Product Safety Commission (CPSC) standards for use by infants and have documentation from the manufacturer or retailer stating that either the crib was manufactured after June 28, 2011 or the play yard was manufactured after February 28, 2013; ¶

(B) Have a firm, flat, non-inclined sleep surface; ¶

(C) Have a clean, firm, tight fitting mattress. The mattress must: ¶

(i) Be designed to fit the specific equipment used, with no gap between the mattress and sides of the product; ¶

(ii) Be covered in a durable, washable, waterproof, form-fitting material; ¶

(iii) Be firm enough that it maintains its shape and does not indent or conform to the shape of the infant's head; and ¶

(iv) Be covered in a tight-fitting sheet that remains tightly-fitted with normal use and does not have any slack or bunching. ¶

(D) Be placed at least 2 feet from other cribs, portable cribs or playpens when in use that allows for a direct, unobstructed passage to each child; ¶

(E) Be assigned and labeled by name or number for a specific child; ¶

(F) Be thoroughly cleaned and sanitized before use by another child and when soiled; and ¶

(G) Be placed away from window blinds or draperies. ¶

(b) Bassinets are prohibited. ¶

(c) Stacking, wall, or modular cribs are prohibited. ¶

(d) Sheets must be changed when soiled, before use by another child, and at a minimum of once a week. ¶

(2) Crib bumper pads must not be on the premises of a certified child care center. ¶

(3) To support traditional indigenous practices, the center may allow cradleboards or other traditional indigenous sleep equipment to be used as a sleep surface for infants. Caregivers must be careful to not over-bundle or overheat an infant while using the equipment. ¶

(4) If a certified child care center use high chairs, they must comply with current Consumer Product Safety Commission (CPSC) standards and have: ¶

(a) A broad base to prevent tipping; ¶

(b) A latch to keep a child from raising the tray; and ¶

(c) T-shaped straps or a guard to prevent a child from becoming entrapped or sliding out. ¶

(4) If a certified child care center uses clip-on chairs, the chairs must have straps to prevent a child from sliding out. ¶

(5) A certified child care center must provide at least one adult-sized chair for each group of infants and toddlers. ¶

(6) A certified child care center must provide a variety and adequate supply of developmentally responsive materials that are stimulating to a child's senses and that are: ¶

(a) Clean and washable or disposable; ¶

(b) Not a choking hazard including toys and removable parts with a diameter less than 1- $\frac{1}{8}$ inches, plastic bags, Styrofoam, and rubber balloons; ¶

(c) Safe and in good working condition; and ¶

(d) Removed from the certified child care center as soon as a program becomes aware an item has been recalled by CPSC. ¶

(7) A certified child care center must provide materials and equipment that promote social and emotional activities such as: ¶

(a) Pictures of children and adults exhibiting different emotions; ¶

(b) Pictures of infants and family members; ¶

(c) Dolls and soft toys rattles; and ¶

(d) Music. ¶

(8) A certified child care center may not use the following equipment for infants, which have been identified as unsafe for infants by the Consumer Product Safety Commission (CPSC) and the American Academy of Pediatrics: ¶

(a) Baby walkers, which are devices that allow an infant to sit inside and are equipped with rollers or wheels and

move across the floor;¶

(b) Baby doorway jumpers, which are devices that allow an infant to bounce while supported in a seat by an elastic "bungee cord" suspended from a doorway;¶

(c) Accordion safety gates;¶

(d) Bean bags, waterbeds, and foam pads for use as sleeping equipment; and¶

(e) Unstructured infant slings or wraps.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0630

RULE SUMMARY: This rule outlines how a certified child care center must follow safe sleep practices for infants to reduce the risk of sudden unexpected infant death (SUID).

CHANGES TO RULE:

414-305-0630

Safe Sleep

(1) In addition to safe equipment (OAR 414-305-0620), a certified child care center must follow safe sleep practices for infants to reduce the risk of sudden unexpected infant death (SUID) as follows: ¶

(a) While sleeping, infants must be monitored frequently to ensure they are breathing, not overheated, not in distress, and do not need assistance.¶

(b) Infants must be placed on their backs on a flat, firm, non-inclined surface for sleeping. ¶

(c) Infants who can roll from back-to-front or back-to-side may remain in the sleep position they assume. ¶

(d) Except for a plain pacifier, there must not be any items (e.g., pacifier clips, bottles, toys, pillows, stuffed animals, blankets, bumpers) in or attached to the crib, portable crib or play yard.¶

(e) Infants must not have their heads, or faces, covered by items such as blankets or linens at any time.¶

(f) There must not be any items (e.g. blankets, tents, sheets) placed over the top or on the sides of a crib, portable crib or play yard.¶

(g) Clothing or other items that may cause suffocation or strangulation (e.g. bibs, necklaces, and garments with ties or hoods) must be removed from the infant and sleep equipment prior to laying an infant down to rest.¶

(h) Swaddling or other clothing or covering that restricts the infant's arm or leg movement is prohibited at all times, even if the child is not sleeping.¶

(i) Weighted blankets, weighted clothing, or other weighted objects must not be placed on or near the sleeping infant.¶

(j) If the caregiver is engaged in an activity with child care children and is carrying a sleeping infant in a structured infant carrier, the caregiver must move the infant to a safe sleep surface as soon as the activity is finished.¶

(k) A caregiver may hold a sleeping infant provided the caregiver can immediately observe, see, or feel any signs of distress. The caregiver must be awake, alert, and focused on the infant; and¶

(l) If an infant arrives asleep in a car seat or falls asleep in a place other than their crib, portable crib or play yard, the caregiver must immediately move the infant to an appropriate sleep surface.¶

(2) Alternative sleep positions may only be used with an OCC approved exception request, which must include a medical reason and instructions from a physician.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how certified child care center must change wet or soiled diapers promptly and the processes to support toilet learning and toilet using.

CHANGES TO RULE:

414-305-0650

Diaper Changing and Toileting

(1) A certified child care center must change wet or soiled diapers promptly, checking children's diapers at a minimum of every 2 hours, or more frequently to meet the individual child's needs. Diapers must be changed when a child exhibits behavior that suggests a wet or soiled diaper.¶¶

(2) A certified child care center must provide at least one diaper-changing area in or adjacent to each room where children in diapers are part of the group.¶¶

(a) If infants or toddlers are part of a multiple age group, a diaper changing area must be located in the room being utilized for care.¶¶

(b) For preschool-age children who are toilet learning, the diaper changing area is not required to be in or adjacent to the classroom.¶¶

(c) There must be a handwashing sink with running, heated water in each diaper changing area, except that centers with certification initially issued on or before July 15, 2001 must comply with this requirement when the diaper changing area is remodeled.¶¶

(d) Liquid soap and single-use hand towels must be provided at each handwashing sink located in a changing area.¶¶

(e) The diaper changing surface must be sturdy, non-absorbent, washable with no tears or repairs.¶¶

(f) A table or counter must be large enough to accommodate the length of a child, with protective edges or barriers that prevent a child from rolling or falling from the surface.¶¶

(g) A safety strap or harness must not be used on the diaper changing surface.¶¶

(h) Each surface used for diaper changing must be kept free of all objects except for diapering items and not used for other purposes.¶¶

(i) Children must never be left unattended on a changing surface.¶¶

(j) A disinfecting solution must be kept in each diaper-changing area ready for immediate use and stored out of children's reach.¶¶

(3) A certified child care center must post and follow the diaper-changing procedure, including stand-up diapering, that has been approved by the environmental health specialist.¶¶

(4) A certified child care center must discuss the toilet learning plan and progress with parents and ensure that the plan is relaxed and pressure free.¶¶

(5) A certified child care center must place wet or soiled clothing or personal items in a sealed, labeled, moisture-proof bag to send home with the child.¶¶

(6) If a certified child care center uses cloth or reusable diapers, the soiled diapers must:¶¶

(a) Not be rinsed;¶¶

(b) Be placed in a securely sealed, moisture-proof bag;¶¶

(c) Be stored in a separate disposal container; and¶¶

(d) Be cleaned by a commercial laundry service or given daily to the child's parent or guardian.¶¶

(7) A certified child care center must provide a container designated for disposing of soiled diapers and diapering supplies only. The diaper disposal container must be:¶¶

(a) Hands-free and covered with a lid to prevent cross-contamination;¶¶

(b) Lined with a disposable plastic trash bag;¶¶

(c) Within arm's reach of the diaper changing area; and¶¶

(d) Emptied, cleaned and disinfected daily or more often as needed.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0660

RULE SUMMARY: This rule outlines the cleaning and sanitizing of the infant and toddler areas of the certified center.

CHANGES TO RULE:

414-305-0660

Cleaning and Sanitizing Infant and Toddler Areas

(1) A certified child care center must clean and sanitize infant and toddler toys at least daily or more often as needed.

(2) A certified child care center must wash, rinse, and sanitize the following after each use:

(a) Bottles and training cups, if used; and

(b) High chairs, tables and chairs.

(3) A certified child care center must wash, rinse, and disinfect the following immediately after each use:

(a) A diaper-changing surface;

(b) Toilet training seat inserts; and

(c) Bathtub or other receptacle used for bathing a child.

(4) A certified child care center must label, store individually, and sanitize pacifiers. Pacifiers must:

(a) Be cleaned and sanitized after each use by washing and boiling the pacifier or washing the pacifier in the dishwasher; or

(b) May be reused by an individual child if they have been rinsed after each use and stored in a device or container that prevents contamination. Both the pacifier and the storage device or container must be cleaned and sanitized daily.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified center must have a written policy on behavior and guidance of children that is simple and understandable to the child, the parent(s), and all staff.

CHANGES TO RULE:

414-305-0700

Behavior and Guidance

(1) A certified child care center must have a written policy on behavior and guidance of children that is simple and understandable to the child, the parent(s), and all staff (also see OAR 414-305-0200, Policies).¶

(2) A certified child care center must have the behavior and guidance policy available in a prominent and frequently visited location for the parents and public to view.¶

(3) A certified child care center's behavior and guidance policy must include the use of positive guidance to help children develop self-control, self-direction, and respect for others through these approaches:¶

(a) Setting and teaching simple, consistent, clear and positive rules and limits that children can understand;¶

(b) Setting up the environment for success with engaging activities that encourage positive behavior and self-regulation;¶

(c) Following a predictable daily routine and schedule with planned transitions; ¶

(d) Reinforcing positive behaviors with encouragement and descriptive praise;¶

(e) Supervising actively, taking steps to prevent problems before they occur and explaining safe, natural and logical consequences related to a child's behavior;¶

(f) Helping children recognize and appropriately express their feelings and understand the feelings of others;¶

(g) Modeling and teaching social skills such as taking turns, cooperation, waiting, treating others kindly, and problem solving; and¶

(h) Redirecting or helping a child change their focus to something appropriate when their behavior is unacceptable.¶

(4) A certified child care center must ensure that only staff shall provide guidance to a child.¶

(5) A certified child care center must provide guidance that is fair, consistently applied, timely, and appropriate to the behavior, age, and development of the child.¶

(6) When other methods have not been effective, a certified child care center may remove a preschool or school-age child from an activity or group for the time necessary to regain self-control. Staff must be actively responsive to the child's needs. When the child has regained self-control, the child may rejoin a group or ongoing activity. ¶

(7) A certified child care center must have a policy that addresses how staff must proceed if a child is displaying inappropriate behaviors that could endanger themselves or the safety of others (see OAR 414-305-0200, Policies). ¶

(8) A certified child care center may only use physical restraint with a child who is endangering themselves or the safety of others and when there is a plan in writing developed with a specialist or care team. ¶

(a) All staff working with the child must receive training based on the written plan.¶

(b) A certified child care center must document and report any incident when physical restraint is used (also see OAR 414-305-0270, Notifications)¶

(9) A certified child care center must intervene appropriately to stop biased behavior displayed by children or adults, including but not limited to:¶

(a) Redirecting an inappropriate conversation or behavior;¶

(b) Being aware of situations that may involve bias, responding appropriately, taking actions to prevent future occurrences; and¶

(c) Refusing to ignore bias.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0710

RULE SUMMARY: This rule outlines how certified child care center must not use or threaten to use listed prohibited actions even if requested or agreed to by parent.

CHANGES TO RULE:

414-305-0710

Prohibited Discipline and Actions

A certified child care center must not use or threaten to use any of the following prohibited actions even if requested or agreed to by parents: ¶

- (1) Rough or harsh handling of children or use of corporal punishment in any form, including, but not limited to hitting, spanking, slapping, shaking, swatting, throwing, jerking, pinching, biting, or other measures that produce physical pain;¶
- (2) Bind or restrict a child's movement unless permitted under OAR 414-305-0720, Physical Restraint);¶
- (3) Using unauthorized prescription or non-prescription drugs or chemicals for discipline or to control behavior;¶
- (4) Confining or isolating a child in an enclosed or darkened area (e.g., a locked or closed room, bathroom, closet, or box for punishment);¶
- (5) Withdrawing, denying or forcing food, rest, or toileting;¶
- (6) Forcing or compelling a child to eat or placing soap, food, spices, or foreign substances in the child's mouth;¶
- (7) Exposing a child to extremes of temperature;¶
- (8) Yelling harshly or using profane or abusive language;¶
- (9) Punishing or demeaning a child for toileting accidents or refusing to eat food;¶
- (10) Allowing any form of mental or emotional punishment or verbal abuse, including but not limited to public or private humiliation, name calling, teasing, ridicule, intimidation, making derogatory or sarcastic remarks about a child's family, race, gender, religion, or cultural background, rejecting, frightening, neglecting, or corrupting a child;¶
- (11) Demanding excessive physical exercise, excessive rest, or strenuous postures; or¶
- (12) Requiring a child to remain silent or inactive or removing a child from all activities or the group for excessive periods of time.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0720

RULE SUMMARY: This rule outlines how a certified child care center must have written physical restraint protocols and implement such protocols only when appropriate in regards to physical restraint.

CHANGES TO RULE:

414-305-0720

Physical Restraint

- (1) A certified child care center must have written physical restraint protocols and implement such protocols only when appropriate and after complying with all requirements of OAR 414-305-0700, Behavior and Guidance and OAR 414-305-0710, Prohibited Discipline and Actions.¶
- (2) Physical restraint must only be used if a child's safety or the safety of others is threatened and must be:¶
 - (a) Limited to holding a child as gently as possible to accomplish restraint;¶
 - (b) Limited to the minimum amount of time necessary to control the situation;¶
 - (c) Developmentally appropriate; and¶
 - (d) Only performed by a staff member trained in the program's child restraint protocols.¶
- (3) A staff member must not use bonds, ties, blankets, straps, or heavy weights (including an adult sitting on a child) to physically restrain children.¶
- (4) Trained staff members must remove themselves from a situation if they sense a loss of their own self-control and concern for the child when using a restraint technique if another staff member is present. A staff member must intervene when they observe another staff member using inappropriate restraint techniques.¶
- (5) If physical restraint is used, a certified child care center must:¶
 - (a) Report the use of physical restraint, pursuant to OAR 414-305-0270, Notifications;¶
 - (b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;¶
 - (c) Document the incident in the child's file, including the date, time, certified child care center staff involved, duration, and what happened before, during, and after the child was restrained;¶
 - (d) Develop a written plan with input from individuals who have knowledge of the child's behaviors; including, but not limited to: the child's primary care provider, mental health provider, school counselor, and the parents or guardians, to address underlying issues and reduce need for further physical restraint if:¶
 - (A) Physical restraint has been used more than once; and¶
 - (B) A plan is not already a part of the child's individual care plan.¶
 - (e) Notify OCC when a written plan has been developed.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified child care center's licensed capacity is based on a combination of the center's indoor space, outdoor space, and the number of toilets and sinks.

CHANGES TO RULE:

414-305-0800

Center Capacity

- (1) A certified child care center's licensed capacity is based on a combination of the center's indoor space, outdoor space, and the number of toilets and sinks.¶
- (2) A certified child care center may only care for children in activity areas approved by OCC.¶
- (3) A certified child care center must have OCC approval prior to using a new room, activity area, or outdoor space to care for children.¶
- (4) A certified child care center must not exceed its licensed capacity at any time, including the total number of children in care both at and away from the center.¶
- (5) A certified child care center must have a minimum of 35 square feet of activity space per child.¶
 - (a) Activity space must be available for use by children and used exclusively for child care during the hours of operation. ¶
 - (b) Shelves or storage for children's materials that are accessible to children may be counted as part of the indoor space.¶
 - (c) Single use areas such as kitchens, hallways, restrooms, storage areas and closets, rooms designated for staff use such as offices and break rooms, and space occupied by furniture not designed for children's use such as work space and cabinets must be excluded when determining activity space.¶
 - (6) A certified child care center must provide an outdoor activity space of no less than 75 square feet for each child using the space at one time, unless a certified child care center only provides drop-in care, as defined in 414-305-0100(18).¶
 - (7) A certified child care center must provide indoor toilets and sinks that children can safely and easily access. Toilets and sinks must be on the same floor of the building where care is provided.¶
 - (a) For children ages 24 to 35 months, a certified child care center must provide one child-size toilet or toilet with training seat for every 10 children, located in or adjacent to the classroom.¶
 - (A) If the toilet is not located in or adjacent to the classroom, the certified child care center must develop a written plan, approved by OCC, to utilize the toilet.¶
 - (B) Potty chairs are prohibited.¶
 - (b) For children ages 36 months and older, a certified child care center must provide one toilet for every 15 children.¶
 - (c) Urinals may be substituted for one-half the required number of toilets, if there are at least two toilets in the center and a toilet in each bathroom with a urinal. Facilities built specifically as child care centers after July 15, 2001 cannot substitute urinals for the required number of toilets.¶
 - (d) A certified child care center must provide at least one handwashing sink for every two toilets.¶
 - (e) Sinks must be located in the same room or adjacent to the room where toilets are located.¶
 - (f) Handwashing sinks in the food service area cannot be counted in the required number.¶
 - (g) If toilets or handwashing sinks are of adult size, a certified child care center must provide easily-cleanable steps or a broad-based platform with a non-slip surface so that children can use the toilets and sinks comfortably and without adult assistance.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified child care center must ensure that children do not have access to heating equipment such as furnaces, fireplaces, stoves, floor and wall furnace grates, steam and hot water pipes, and electric space heaters, or to cooling equipment such as, air conditioner compressors, and fans

CHANGES TO RULE:

414-305-0810

Facility Structure

(1) A certified child care center must ensure that children do not have access to heating equipment such as furnaces, fireplaces, stoves, floor and wall furnace grates, steam and hot water pipes, and electric space heaters, or to cooling equipment such as, air conditioner compressors, and fans.

(a) A certified child care center must have adequate heating and ventilation to maintain the indoor temperature no lower than 68°F and no higher than 85°F when children are present. If the center is unable to maintain an internal temperature between 68 and 85°F, a certified child care center must utilize strategies to help children stay warm or cool.

(b) A certified child care center must ensure that all rooms including the kitchen and bathrooms have enough ventilation to keep them free from excessive heat, condensation, smoke, fumes, and unpleasant odors.

(c) After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children can return.

(2) A certified child care center's heating equipment must be safe to operate.

(a) Flammable materials including papers, curtains, and furniture must be at least three feet from furnaces, fireplaces, or other heating devices.

(b) Open flame, unvented and vent free gas or oil heaters, generators, and portable fuel-burning space heaters are prohibited while children are in care.

(c) Heating units that involve flame must be vented properly to the outside and supplied with a source of combustion air that meets the manufacturer's installation requirements.

(d) Electric baseboard heaters may be used when wired directly into the electrical system and no objects are in contact with the heating elements.

(e) Portable electric space heaters must:

(A) Be attended while in use and be off when unattended;

(B) Have an automatic shut off feature for tipping over and overheating;

(C) Have protective covering to keep hands and objects away from the electric heating element;

(D) Bear the safety certification mark of a nationally recognized testing laboratory;

(E) Be placed only on the floor;

(F) Be properly vented, as required for proper functioning; and

(G) Be used according to the manufacturer's instructions.

(f) Fireplaces, fireplace inserts, and wood/corn pellet stoves, if used, must:

(A) Have a secure, stable protective safety screen;

(B) Be installed in accordance with the local or regional building code and the manufacturer's installation instructions; and

(C) Be inspected and cleaned annually.

(3) A certified child care center's electrical system must not pose a risk to children.

(a) Unused electrical outlets accessible to children 5-years and younger must be tamper-resistant or have outlet covers that are not easily removed by children.

(b) Electrical wiring and power strips with surge protectors must be inaccessible to children.

(c) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires.

(d) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring.

(e) Electrical products plugged into an outlet near a water source such as a sink, water table, or swimming pool, must use a special outlet called a ground fault circuit interrupter (GFCI).

(4) All septic systems must meet the requirements of the Department of Environmental Quality. A private septic system must be inspected by a septic system maintenance service provider, monitored on a routine basis, and any deficiencies corrected.

(5) Lighting levels must be bright enough for comfort, safety, and adequate supervision.

(6) Light fixtures must be equipped with covers, shields, or shatter resistant bulbs.

(7) A certified child care center's floor surfaces must be easily cleanable and free of broken or loose tile, large or unsealed cracks, splinters, torn carpet or vinyl, and holes.

(8) Carpet must not be used in food preparation areas and restrooms.

(9) A certified child care center must provide protective barriers on indoor platforms and lofts more than 30 inches in height. ¶

(a) Barriers or guard rails must be at least 36 inches in height and prevent children from crawling over or falling through the barrier or becoming entrapped. ¶

(b) Stairs with more than 3 steps, ramps, and other elevated walking surfaces (e.g., landings, balconies, porches) accessible to children must have handrails securely attached on both sides of stairs at a maximum height of 38 inches. ¶

(c) Stairs and steps leading to a platform, regardless of height, must have handrails the children can reach or use rung ladders. ¶

(d) A certified child care center must have a secure barrier to prevent infant and toddler access to platforms and stairways. ¶

(10) Doors and windows used for ventilation must be equipped with fine-meshed screens. ¶

(a) Exterior screens or storm doors must have a self-closing apparatus. ¶

(b) Windows above the ground floor that are accessible to children under 5 years of age must be equipped with a lock to prevent opening more than 4 inches. ¶

(c) Vertical blinds, continuous looped blinds, and drapery cords must have tension or tie-down devices to hold the cords tight. ¶

(d) A certified child care center must plainly mark at children's eye level any clear glass surfaces subject to impact by children or have a protective barrier in place to avoid accidental impact.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the requirements for a certified center's water supply and plumbing.

CHANGES TO RULE:

414-305-0820

Water Supply and Plumbing

- (1) A certified child care center's water supply must be from a public water supply or well, and must be tested for lead, unless the certified child care center uses an OCC approved alternative water source.¶¶
- (a) A certified child care center must notify OCC and all families when the water supply is interrupted for more than one hour or the water source becomes contaminated.¶¶
- (b) If the water supply does not meet applicable levels established in (3) and (4), the center must obtain a sufficient supply of potable water such as bottled water to ensure compliance with rules for drinking and cooking until treatment or an alternate source is obtained. The faucet must not be used for consumption or food preparation until the lead levels have been mitigated.¶¶
- (2) If applying for certification, including, but not limited to, initial applications, renewal applications and reopen applications, a center must test each faucet used for drinking or food preparation for lead in the water, unless the center uses an OCC approved alternative water source. ¶¶
- (3) After initial testing, a center must test all drinking water faucets or fixtures for lead at least once every six years from the date of the last test. There must be no more than 15 parts per billion (ppb) of lead.¶¶
- (4) All testing must be performed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018. All sample collection and testing must be in accordance with the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.¶¶
- (5) If using a private well, a certified child care center must have the water tested at least once every six years for coliform bacteria and nitrates. Test results must show:¶¶
 - (a) No presence of E.coli bacteria; and¶¶
 - (b) Less than ten parts per million (ppm) for nitrates. If test results for nitrates are greater than five but less than ten ppm, the water must be retested within six months. ¶¶
- (6) A certified child care center must submit all test results to OCC within 10 calendar days of receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.¶¶
- (7) If test results show that water from any drinking water faucet or fixture has unsafe levels of lead, coliform bacteria or nitrates, the certified child care center:¶¶
 - (a) Must prevent access to that drinking water faucet or fixture immediately after receiving the test results and until mitigation is complete;¶¶
 - (b) Must use only bottled or packaged water to meet the requirements of this section; ¶¶
 - (c) Must submit a corrective action plan to OCC for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference;¶¶
 - (d) Must implement the mitigation method within 30 days of approval by OCC; and¶¶
 - (e) May consult with the Oregon Health Authority for technical assistance.¶¶
- (8) A certified child care center must keep a copy of the most recent test results on-site at all times.¶¶
- (9) A certified child care center must have the most recent water test results summary provided by OCC immediately upon receipt available in a prominent and frequently visited location for the parents and public to view (also see OAR 414-305-0260, Items Available to View).¶¶
- (10) If a certified child care center does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the center must:¶¶
 - (a) Submit a written statement annually at the time of renewal to OCC identifying the alternative source of water and confirming that the center does not use any on-site plumbing fixtures for drinking, cooking, or preparing food; and¶¶
 - (b) Notify OCC in writing if the alternative source of water changes.¶¶
- (11) If a faucet has not been tested within 6 years, a certified child care center must discontinue using that faucet until testing is completed and the results are below 15 parts per billion (ppb) of lead.¶¶
- (12) A certified child care center must not attach drinking fountains to sinks or locate them in bathrooms, and the water from drinking fountains must:¶¶
 - (a) Clear the mouth guard by at least one inch;¶¶
 - (b) Not be a "bubble type" fountain (the water flow must form an arc); and¶¶

(c) Be cleaned and sanitized daily, or more often as needed.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0830

RULE SUMMARY: This rule outlines the requirements for toilets, sinks, and bathing units within certified child care centers.

CHANGES TO RULE:

414-305-0830

Toilets, Sinks, and Bathing

(1) A certified child care center must provide smooth, washable, easily-cleanable walls and floors in the toileting and handwashing areas.¶

(2) A certified child care center must provide toilets that:¶

(a) Are supplied with toilet paper;¶

(b) Have doors that can be unlocked from the outside with an opening device readily accessible to staff, if equipped with doors; and¶

(c) Provide privacy for school-age children, such as being screened, equipped with doors, or having children take turns while supervision is maintained.¶

(3) A certified child care center must have handwashing sinks that: ¶

(a) Have hot and cold running water;¶

(b) Have mixing faucets if the center's certification was in effect on July 15, 2001 and when toilet facilities are remodeled;¶

(c) If self-closing metered faucets are used, provide water flow for at least 15 seconds without the need to reactivate the faucet. Centers with certification in effect on July 15, 2001 must comply with the water flow requirement for self-closing metered faucets and when toilet facilities are remodeled;¶

(d) Have water that does not exceed 120°F;¶

(e) Have liquid soap and paper towels within easy reach of children and dispensed in a sanitary manner with a trash container. Other hand drying options must be approved by the environmental health specialist; and¶

(f) Are not used for preparation of food or drinks, dish washing, rinsing soiled clothing, cleaning equipment that is used for toileting, or for the disposal of any wastewater used in cleaning the center.¶

(4) When plumbing is unavailable to provide a handwashing sink, a certified child care center may provide a handwashing sink using a portable water supply and a sanitary catch system, with a written plan approved by a local public health department. A mechanism must be in place to prevent children from gaining access to soiled water or more than one child from washing in the same water.¶

(5) A certified child care center must have a bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.¶

(a) If a certified child care center has a bathtub or shower, the area in and around a bathtub or shower must be resistant to slipping or equipped with a grab bar.¶

(b) The bathtub or shower must be inaccessible to children when not in use.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

RULE SUMMARY: This rule outlines the prevention, mitigation, and management efforts that a certified center must take for dangerous items, such as cleaning supplies and equipment, poisonous and toxic materials, and flammable and corrosive materials.

CHANGES TO RULE:

414-305-0840

Prevention and Management of Hazards

(1) A certified child care center must ensure that all toxic or potentially dangerous items, such as cleaning supplies and equipment, poisonous and toxic materials, and flammable and corrosive materials, are inaccessible to children, as defined in 414-305-0100(22).¶

(a) Toxic substances must be stored separately from medication, food service equipment, and food supplies.¶

(b) Sanitizing and disinfecting solutions must be inaccessible to children.¶

(c) Products including toxic substances must be stored and used according to the manufacturer's instructions including not storing products near heat sources.¶

(d) Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by staff must be labeled with the contents of the container.¶

(2) When an environmental concern or potentially harmful environmental pollutants are identified, a certified child care center must evaluate and work collaboratively with appropriate agencies to mitigate the concern.¶

(3) A certified child care center must take steps to prevent children's exposure to the following if they exist on the premises:¶

(a) Lead based paint. Any building or play structure constructed before 1978 that has peeling, flaking, chalking, or failing paint must be tested for lead. If lead-based paint is found, the center must contact the Oregon Health Authority within 5 working days and follow their required procedures for remediation of the lead hazard.¶

(b) Plumbing and fixtures containing lead or lead solders;¶

(c) Asbestos;¶

(d) Toxic mold; and¶

(e) Other identified toxins or hazards.¶

(4) A certified child care center and staff must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. A certified child care center must:¶

(a) Inspect the indoor and outdoor play areas and equipment daily for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash;¶

(b) Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use.¶

(c) Store personal items belonging to staff members according to applicable rules;¶

(d) Store diaper bags out of children's reach;¶

(e) Securely anchor large, heavy, or unstable objects such as furniture, televisions, bookcases, and wall cabinets into a wall stud with braces, brackets, anchors or wall straps to prevent tipping over;¶

(f) Ensure children under the age of 3 years do not have access to items that have a diameter or overall dimension of one and three quarter (1 ¾) inches or less, such as disc batteries, coins, magnets, toys or parts that may become detached from other equipment or objects;¶

(g) Ensure children under the age of 3 years do not have access to ties, long scarves, necklaces, and boas unless used during a structured learning activity where a staff member is within arm's reach;¶

(h) Maintain sand boxes in a sanitary manner; and¶

(i) Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.¶

(5) A certified child care center must not permit any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, illegal drugs, drug paraphernalia, hemp, marijuana and marijuana infused products, or alcohol on the premises during operating hours or when children are present. This includes:¶

(a) The playground;¶

(b) Within 10 feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area; or¶

(c) In any center vehicles or on any field trip.¶

(6) A certified child care center must not permit the possession or storage of guns, firearms, weapons, or ammunition on the center premises at any time. ¶

(7) A certified child care center must prevent access to all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, and rain barrels. ¶

(a) Pools and hot tubs must be made inaccessible through one of the following methods:¶

(A) A locking, rigid cover; ¶

(B) A minimum 4 foot high fence that begins at ground level, and all gates and doors that allow access are locked; ¶
(C) Four foot non-climbable sides with pool ladder removed or inaccessible; or ¶
(D) In a locked room or all doors that access the area are locked. ¶
(b) If a body of water is in close proximity but not located on the premises, the center must provide a physical barrier on the property to prevent unsupervised access by children. ¶
(8) A certified child care center must keep the center free of insects, rodents and other pests. ¶
(a) Automatic insecticide dispensers, vaporizers, or fumigants must not be used. ¶
(b) Pest control products must not be applied or used when children are present. After their application, children must not enter the area until indicated by the manufacturer's instructions. ¶
(9) A certified child care center must take precautions to protect children from vehicular traffic including but not limited to: ¶
(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.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how s certified child care center must routinely clean, sanitize and disinfect surfaces and objects that are frequently touched.

CHANGES TO RULE:

414-305-0850

Maintenance and Sanitation

(Also see OAR 414-305-0660 Cleaning and Sanitizing Infant and Toddler Area and OAR 414-305-1110, Food Service for additional sanitation rules).¶

(1) A certified child care center must routinely clean, sanitize and disinfect surfaces and objects that are frequently touched as follows:¶

(a) Clean surfaces with a soap and water solution or spray cleaner and rinse before sanitizing or disinfecting; ¶

(b) Mix, use and store cleaners, sanitizers and disinfectants according to label directions;¶

(c) Prevent the contamination of food, food-contact items and surfaces when using cleaners, sanitizers or disinfectants; ¶

(d) Ensure sanitizers or disinfectants have an Environmental Protection Agency registration number on the label; and¶

(e) Follow label directions or ensure sanitizers and disinfectants remain on the surface for five minutes.¶

(2) A certified child care center must maintain the building, equipment, and vehicles in good repair, in a clean and sanitary condition, and free of clutter and litter.¶

(a) Walls and ceilings must be free from water damage, holes, and peeling paper and paint.¶

(b) Floors must be cleaned by either sweeping or vacuuming at least once per day or more often as needed.¶

(c) Windows and doors must be free of damage such as broken glass and other hazards.¶

(d) The kitchen, toilet rooms, toilets, and sinks must be cleaned and sanitized or disinfected as needed and at least daily.¶

(e) Door knobs and cabinet pulls in toilet rooms must be sanitized when soiled and at least daily.¶

(f) Water tables, similar containers, and water toys must be emptied and sanitized daily or more often if necessary.¶

(3) Toys that children put in their mouth must be cleaned and sanitized as follows:¶

(a) When a toy comes into contact with a child's mouth or bodily fluids, it must be removed from use until it can be cleaned and sanitized prior to use by another child;¶

(b) All other toys must be cleaned and sanitized weekly or more often as needed; and¶

(c) Cloth toys, if used, must be machine washed at least weekly and when soiled.¶

(4) A certified child care center must immediately clean up any spills of biocontaminants, such as urine, feces, blood, saliva, nasal discharge, eye discharge, and other bodily fluids as follows: ¶

(a) Staff must use disposable, nonporous gloves when handling biocontaminants;¶

(b) Surfaces must be cleaned and disinfected;¶

(c) Blood-contaminated material must be disposed of in a plastic bag with a secure tie or container with a disposable liner;¶

(d) Gloves must be removed immediately after use, placed in a tied, sealed, or otherwise closed plastic bag and discarded immediately; and¶

(e) Hands must be washed after using and disposing of the gloves.¶

(5) A certified child care center must keep all garbage and biocontaminant waste in non-absorbent, easily washable containers with tight-fitting lids.¶

(6) Garbage cans and receptacles must be emptied on a daily basis and cleaned and disinfected as needed.¶

(a) Garbage and waste must be removed from the premises at least once a week.¶

(b) Garbage and waste containers and storage areas must be kept clean and minimize the presence of rodents, flies, roaches and other vermin.¶

(c) Non-food, non-hazardous items and items that do not cause offensive odors, such as paper towels, may be disposed of separately from garbage and waste inside the classroom, in an uncovered container.¶

(7) A certified child care center must clean or sanitize bedding, sleeping equipment, and other soiled items as follows:¶

(a) Bedding must be cleaned at least weekly, or more often if soiled and before use by another child;¶

(b) Mats and cots must be cleaned and sanitized at least once a week, or more often when soiled and before use by another child;¶

(c) All clean linen and clothing must be stored in a sanitary manner and separate from dirty laundry;¶

(d) Children's wet or soiled clothing to be sent home, must be stored in individual plastic or non-absorbent bags immediately after being removed from the child;¶

(e) Containers for storing soiled non-disposable items, such as cloth diapers, washcloths, children's clothing, and bed linens must have a leakproof, disposable liner and a tight-fitting lid, and must:

(A) Be inaccessible to children; and

(B) Not be stored in food preparation or food storage areas.

(f) A certified child care center must keep cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces clean and use them for no other purpose; and

(g) Cloths that are reused must be stored in a sanitizing solution between uses and disposed of or laundered daily.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0860

RULE SUMMARY: This rule outlines the fire protection standards that a certified center must take including ensuring that the building, occupant load, and means of egress, including the number of exits, exiting distances, doors, and exit illumination and signs are maintained in accordance with the requirements of the Oregon Structural Specialty Code.

CHANGES TO RULE:

414-305-0860

Fire Protection

(1) A certified child care center must ensure that the building, occupant load, and means of egress, including the number of exits, exiting distances, doors, and exit illumination and signs are maintained in accordance with the requirements of the Oregon Structural Specialty Code.¶

(2) Doorways, exit access paths, passageways, corridors and exits must be kept free of materials, furniture, equipment and debris to allow unobstructed egress travel to the outside.¶

(3) A certified child care center must not use rooms for child care that are located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code, and approved by the local or state fire code official.¶

(4) A certified child care center must have the size, type and number of fire extinguishers installed, maintained and tested as required by the fire code official. ¶

(5) A certified child care center must have smoke detectors that are installed, maintained, and tested as required by the fire code official.¶

(6) A carbon monoxide alarm or detector must be installed and tested in accordance with the manufacturer's recommended instructions and located in accordance with the applicable building and/or fire code.¶

(7) A certified child care center must ensure that all areas and equipment of the center are free from fire hazards including combustible materials such as lint build-up in heating and air vents, filters, and dryer vents, gasoline, chemicals, and solvents.¶

(8) A certified child care center must not use items with open flames, except for the brief supervised use of candles.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0900

RULE SUMMARY: This rule outlines furniture requirements for certified centers including construction and developmentally appropriate table space and seating.

CHANGES TO RULE:

414-305-0900

Furniture

(1) A certified child care center must ensure that furniture is:

(a) Installed, maintained, and used according to the manufacturer's instructions;

(b) Cleanable;

(c) Safely constructed and lead free, with no sharp, rough, or sharp edges or loose parts;

(d) In good working condition and repair with no holes or tears; and

(e) Stable or anchored.

(2) A certified child care center must provide developmentally appropriate table space and seating for all children.

(3) A certified child care center must provide a safe, washable cot or rest mat for each toddler and preschool age child at nap time, for each school-age child who wants to rest, and for a child that needs to be isolated due to illness.

(a) Cots or mats must be assigned to individual children and used by one child at a time.

(b) Cots and mats must be cleaned and sanitized when soiled and before use by another child.

(c) Each mat used for napping must be:

(A) Covered with a durable, washable, waterproof, form-fitting material;

(B) At least one inch thick; and

(C) Free of rips, tears or tape.

(d) Mats or cots must be placed at least 2 feet apart if children are placed head to toe; or 3 feet apart otherwise and arranged in a manner that allows for a direct, unobstructed passage to each child.

(e) Mats, cots and bed linen must be properly stored so that sleeping surfaces are not touching each other unless cleaned and sanitized after each use.

(4) A certified child care center must ensure that each child 12 months of age and older is provided with individual bedding consisting of at least a sheet or blanket.

(a) A sheet must cover the entire resting surface.

(b) Bedding must either be marked for use by the identified child or laundered daily.

(A) All bedding must be thoroughly cleaned and sanitized before use by another child.

(B) If marked for use by the individual child, the bedding must be laundered weekly or more frequently if needed.

(5) A certified child care center must provide storage space for each child's clothing and personal possessions as well as space for teaching equipment, records and files, and cleaning equipment and supplies.

(6) The storage space for children must be labeled with the child's name, a photograph of the child, or other symbol the child recognizes as referring to themselves.

(7) A certified child care center must arrange play materials on labeled shelves or in containers to promote and encourage independent access by children.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

ADOPT: 414-305-0910

RULE SUMMARY: This rule outlines the requirements for play materials in certified centers, including that the materials are appropriate to the developmental needs, interests and abilities of the children.

CHANGES TO RULE:

414-305-0910

Play Materials

- (1) A certified child care center must provide play equipment and materials that are:
 - (a) Appropriate to the developmental needs, interests and abilities of the children;
 - (b) Sturdy and free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, or paint that contains lead or other toxic materials;
 - (c) Have smooth, nonporous surfaces or washable fabric surfaces that are easy to clean and sanitize, or be disposable;
 - (d) In good condition; and
 - (e) Easily accessible to the children.
 - (2) A certified child care center must provide a shock-absorbing floor surface under indoor-climbing equipment and platforms over 18 inches in height that will effectively cushion the fall of a child. The surface must be installed in the use zone and maintained according to the manufacturer's directions.
 - (3) A certified child care center must offer a quantity and variety of play materials (i.e., toys, books, and games) for each age group that is sufficient to:
 - (a) Avoid competition for popular items;
 - (b) Provide a variety of choices to each child;
 - (c) Provide a balance of:
 - (A) Active and quiet activities; and
 - (B) Individual and group activities;
 - (d) Meet the developmental needs of each group of children; and
 - (e) Provide the variety of activities required in OAR 414-305-0520, Activity Plan for All Children, as appropriate.
 - (4) A certified child care center must provide a variety of developmentally responsive toys, materials and equipment which give children choices such as:
 - (a) Blocks;
 - (b) Fine motor activities;
 - (c) Writing utensils and materials;
 - (d) Books;
 - (e) Sensory experiences;
 - (f) Gross motor activities;
 - (g) Music;
 - (h) Art;
 - (i) Dramatic play;
 - (j) Science and/or exploration; and
 - (k) Discovery of nature.
 - (5) Activities that include a tool that could pose a safety risk (e.g., iron, glue gun, woodworking tool) are limited to preschool and school-age children.
 - (a) Staff must first instruct children in the tool's proper use and safety measures.
 - (b) Staff must be within arm's reach of the children participating in the activity to reduce the risk of injury.
 - (6) A certified child care center must provide culturally and racially diverse learning opportunities within the center's curriculum, activities, and materials that represent all children, families, and staff.
 - (a) Equipment and materials that support diversity include, but are not limited to:
 - (A) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;
 - (B) Diverse music from many cultures in children's primary languages; and
 - (C) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.
 - (b) A certified child care center must actively reflect on the learning opportunities provided in the program to broaden cultural understanding and representation of the cultural backgrounds of the children in the program.
- Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines that a certified center is required to provide an outdoor play area that children can reach safely and the requirements for that play area.

CHANGES TO RULE:

414-305-0920

Outdoor Play Areas

- (1) A certified child care center must provide an outdoor play area that children can reach safely. ¶
- (2) If an outdoor play area is not connected to or in direct control of the certified child care center, such as a public park or school, the center must have a written plan, approved by OCC, that describes how the center will maintain the safety of the children in care. The written plan must include the following: ¶
 - (a) Distance the alternate outdoor play area is located from the center: ¶
 - (b) Detailed description of how the children, including infants and toddlers, will reach the alternate area: ¶
 - (c) Neighborhood and outdoor play area circumstances, hazards, and risks: ¶
 - (d) Availability of appropriate equipment with fall zones and protective surfacing: ¶
 - (e) Verification that parents have been made aware that their children will be using an alternate outside play area and its location: ¶
 - (f) Safeguards the center will be taking in order to ensure children are properly supervised while traveling to and from and while using the space: ¶
 - (g) Nature of other activities and persons who may be sharing the space: ¶
 - (h) Availability of restroom facilities; and ¶
 - (i) Ability to obtain assistance if needed when injury or illness occurs. ¶
- (3) A certified child care center must keep outdoor play areas free of litter, animal waste, solid waste and refuse, ditches, or other conditions presenting a potential hazard. ¶
- (4) The outdoor play areas used by children not yet attending kindergarten must be enclosed by a building, wall or fence that is intended to prevent children from exiting and discourages climbing. ¶
 - (a) The wall or fence must begin at ground level, be at least 4 feet high, and maintained in a stable, secure, and upright condition. Centers with certification in effect on July 15, 2001, must comply with a barrier at least 3 feet high until such time as the existing barrier is replaced. ¶
 - (b) The openings in the fence and gates must be no larger than 3½ inches. Centers with certification in effect on January 1, 2024, must comply with no more than 4 inches of open spacing in fences until the existing fence is replaced. ¶
 - (c) Barriers such as plastic contractor's fencing may be used on a temporary basis to prevent children from accessing an immediate hazard. If this type of fencing is used, it must be supported with wood or metal fence posts. ¶
- (5) A certified child care center's outdoor play areas must have at least two exits. ¶
 - (a) An entrance to the building may count as one exit; the additional exit must be away from the building. ¶
 - (b) Gates must be equipped with self-closing and self-latching closure mechanisms that are high enough or of a type such that children cannot open it. ¶
- (6) A certified child care center must ensure that use zones in which a child falling or exiting from play equipment are: ¶
 - (a) A minimum of six feet of clearance from walkways, buildings and the external perimeter of equipment; ¶
 - (b) Free of obstacles, other than the equipment itself, that a child could run into or fall on; ¶
 - (c) Arranged to prevent hazards from conflicting activities; ¶
 - (d) Extended at least six feet in all directions from the equipment perimeter unless the fall potential in that direction is minimal, such as play equipment with guardrails or barriers or the sides of swings; ¶
 - (e) Allowing for single-axis swings that move forward and backward, to extend a minimum distance of twice the vertical distance from the pivot point to the protective surface to the front and rear of the swing midpoint; ¶
 - (f) Allowing for bucket swings and swings secured by a bar or strap and used by 2-year-olds or younger, with the use zone extending at least six feet forward and backward from the swing midpoint; ¶
 - (g) Allowing for multi-axis swings, such as tire swings that move in a circle, to extend six feet plus the distance of the height of the top of the swing set to the bottom on the swing's seat in every direction from the midpoint. At least a 30-inch clearance between a fully extended tire swing seat and the support structure is required. ¶
- (7) A certified child care center must always maintain protective surfacing in use zones under and around all outdoor equipment of 18 inches or higher. ¶
 - (a) Acceptable materials include wood mulch, double shredded bark mulch, shredded or recycled rubber, uniform wood chips, sand, pea gravel or rubber mats manufactured for such use. Hog fuel is not permitted. ¶
 - (A) Rubber mats must be tested to ASTM F1292. ¶

- (B) A certified child care center must not install loose-fill surfacing materials over concrete or asphalt. ¶
- (C) Rubber mats must be installed and maintained according to manufacturer's specifications. ¶
- (D) The minimum depth of loose-fill materials is: ¶
- (i) 9 inches if using loose-fill material other than shredded/recycled rubber; OR ¶
- (ii) 6 inches if using shredded/recycled rubber. ¶
- (b) Loose-fill materials must remain loose and not compacted at the required depth by replacing, leveling, or raking. ¶
- (c) Rubber mats and poured in place rubber must not have rips, tears, loose seams, or other conditions that may pose a hazard. ¶
- (8) A certified child care center must securely anchor any non-portable piece of climbing or swinging equipment according to manufacturer's instructions. ¶
- (9) A certified child care center must provide a shaded area accessible to children in the outdoor play areas. Shade may be provided by trees, buildings, or shade structures. ¶
- (10) The play equipment is arranged to allow for an open, continuous, uninterrupted, and unobstructed area. ¶
- (11) Trampolines, other than rebounders, are prohibited. Rebounders are permitted only when used according to manufacturer's instructions. ¶
- (12) Inflatable equipment such as: bounce houses, moon walkers, and giant slides, etc., are permitted when used according to manufacturer's instructions. Staff must be physically positioned to respond if needed. ¶
- (13) A certified child care center must provide outdoor gross motor equipment that addresses a variety of skills (for example, climbing, balancing, throwing, catching, pedaling, and steering). ¶
- (14) A certified child care center must ensure each child using a bicycle, scooter, skateboard, roller or in-line skates, on the premises, is wearing a helmet, whether indoors or outdoors.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1000

RULE SUMMARY: This rule outlines the requirements for handwashing procedures for staff and children in certified child care centers.

CHANGES TO RULE:

414-305-1000

Handwashing

(1) Staff and children shall wash their hands with soap and warm running water:¶

(a) After using the toilet:¶

(b) After diaper changing:¶

(c) After assisting someone with toileting:¶

(d) Before handling food:¶

(e) Before and after eating; and¶

(f) Before assisting with feeding.¶

(2) Staff and children must either wash their hands with soap and warm running water or use hand sanitizer with alcohol content between 60-95%:¶

(a) After wiping the nose:¶

(b) After coughing or sneezing:¶

(c) After outside activities; and¶

(d) After handling pet toys or touching animals, other than dogs and cats.¶

(3) Hand sanitizer must be stored out of reach of children.¶

(4) Hand sanitizer shall not be used on children under 24 months of age.¶

(5) Application of hand sanitizer on older toddlers and preschool-aged children must be supervised by an adult.¶

(6) When handwashing is not possible, but required by OAR 414-305-1000(1)(a) through (f), e.g. on field trips and on the playground, moist towelettes and hand sanitizer with alcohol content between 60-95% shall be used together.¶

(7) For children who are not able to wash their own hands, staff may wash children's hands with a single-use cloth rather than under running water.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified child care center must observe and monitor each child upon their arrival at the center and throughout the hours of care for symptoms of an illness and obvious signs of infestation or physical injuries.

CHANGES TO RULE:

414-305-1010

Illness

(1) A certified child care center must observe and monitor each child upon their arrival at the center and throughout the hours of care for symptoms of an illness and obvious signs of infestation or physical injuries. ¶

(a) A child's temperature is taken when there is a concern. ¶

(b) A child's temperature is not taken rectally at any age. ¶

(c) Mercury and glass thermometers are not used. ¶

(2) A certified child care center must not accept a child into care who: ¶

(a) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rules, except with the written approval of the public health administrator or licensed health care provider; or ¶

(b) Has one or more of the following symptoms of illness, except with the written approval of the public health administrator or licensed health care provider: ¶

(A) Fever over 100.4°F. A child with a fever over 100.4°F may return if fever free for 24 hours without the aid of medication. ¶

(B) "Diarrhea", which means three or more watery, bloody, or loose stools in 24 hours, the sudden onset of loose stools, or a child is unable to control bowel function when previously able. A child with diarrhea may return 48 hours after diarrhea resolves or with written clearance from a licensed healthcare provider. ¶

(C) Vomiting at least one time, where there is no explanation for the vomiting. A child who vomits without explanation may return 48 hours after the last episode of vomiting or with written clearance from a licensed healthcare provider. ¶

(D) Severe or persistent coughing. A child with severe or persistent coughing may return after symptoms improving for 24 hours or with written clearance from a licensed healthcare provider. ¶

(E) Unusual yellow color to skin or eyes. A child with unusual yellow color to skin or eyes may return to care with written clearance from a licensed healthcare provider. ¶

(F) Open sores or wounds discharging bodily fluids. A child with open sores or wounds discharging bodily fluids may return to care after rash is resolved, when sores and wounds are dry or can be completely covered with a bandage, or with written clearance from a licensed health care provider. ¶

(G) Stiff neck and headache with one or more of the symptoms listed above; ¶

(H) Uncharacteristic lethargy, decreased alertness, increased irritability, increased confusion, or a behavior change that prevents active participation in usual school activities. A child with any of the above symptoms may return to care when symptoms resolve, return to normal behavior, or with written clearance from a licensed health care provider. ¶

(I) Difficulty breathing or abnormal wheezing. A child with difficulty breathing or abnormal wheezing may return to care after symptoms are improving for 24 hours. ¶

(J) Complaints of severe pain. A child with complaints of severe pain may return to care after symptoms are improving. ¶

(K) Eye lesions that are severe, weeping, or pus filled. A child with eye lesions that are severe, weeping, or pus filled may return to care after symptoms resolve or with written clearance from a licensed healthcare provider. ¶

(3) If a child who has been admitted into care shows signs of illness, as described in this rule, a certified child care center must: ¶

(a) Separate the child from the other children in a location where the child can be seen and heard by staff and carefully observed at all times. ¶

(b) Notify the parent to remove the child from the center as soon as possible. ¶

(c) Until the parent arrives, provide the child with an individual cot, mat, or bed that can be easily cleaned and disinfected after use. ¶

(d) Give extra attention to handwashing and sanitation including cleaning and disinfecting toys, equipment, and surfaces used by the ill child immediately after the child leaves. ¶

(e) Keep disposable items and used linens in a closed container in the isolation area until cleaned or thrown away. ¶

(4) If any child, staff member or volunteer has a restrictable disease, as defined in Oregon Health Authority, Public Health Division Chapter 333, Division 19 Investigation and Control of Diseases: General Powers And

Responsibilities, a certified child care center must:[¶]

(a) Immediately report the incident or illness to the local health department:[¶]

(b) Follow the health department's recommendations on exclusion and readmission of children and staff; and[¶]

(c) Post a notice for the parents of all children who attend the center.[¶]

(5) A certified child care center must develop a written care plan at the time of enrollment, or when an allergy is identified, for each enrolled child who has an allergy that poses a threat to the child's health, safety and wellbeing. The plan must include instructions regarding the allergen and steps to be taken to avoid the allergen; signs and symptoms of an allergic reaction; and a detailed treatment plan including the names, doses, and methods of prompt administration of any medication in response to allergic reactions. In addition:[¶]

(a) The parent must be notified immediately of any suspected allergic reactions or if the child consumed or came in contact with the allergen, even if a reaction did not occur;[¶]

(b) If epinephrine is administered, emergency medical services must be contacted immediately, and, Office of Child Care must be notified within 24 hours;[¶]

(c) All staff involved in care of the child must be trained on the written care plan;[¶]

(d) Specific food allergies must be shared with all staff that prepare and serve food; and[¶]

(e) A list of each child's allergies should be easily accessible for staff but not visible to those who are not parents or guardians of the enrolled child.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines how a certified child care center must have and follow written procedures for handling injuries that are made known to all staff.

CHANGES TO RULE:

414-305-1020

Injuries

(1) A certified child care center must have and follow written procedures for handling injuries that are made known to all staff, including:

(a) Procedure for requesting or taking a child to emergency medical care;

(b) First aid measures for serious accidents;

(c) Routine care for treatment of minor injuries;

(d) Standard precautions to handle potential exposure to blood and other potentially infectious fluids (also see OAR 414-305-0850(4), Maintenance and Sanitation);

(e) Notification of parents;

(A) Any injury that may need evaluation by a physician or impact to a child's head must be reported to the child's parent(s) immediately and documented.

(B) Any injury requiring first aid or requiring observation must be reported to the child's parent(s) on the day of occurrence.

(f) Ensuring supervision of other children in the group.

(2) A certified child care center must complete a report of any serious injury or incident, and include:

(a) The child's full name and age;

(b) The date of occurrence, time, type, circumstances, witnesses, and location at the center or off-site;

(c) Time and date of notification of parents;

(d) The signatures of the reporting staff and director;

(e) Action taken to prevent reoccurrence; and

(f) The signature of the parent indicating that they reviewed it or received a copy of the report within 48 hours of when the incident occurred. An email or text with confirmation of receipt will count as a parent signature.

(3) A certified child care center must keep written reports of injuries on file in one location and for at least two years.

(4) A certified child care center must maintain, at a minimum, the following first aid supplies at the center, in any vehicle used to transport children in care, and for group activities away from the center:

(a) Non-medicated adhesive bandages (assorted sizes);

(b) Adhesive tape;

(c) Sterile gauze pads (various sizes);

(d) A sling, or a large triangular bandage;

(e) Bottled water (for cleaning wounds or eyes);

(f) Liquid handwashing soap or handwashing gel;

(g) Sealed antiseptic towelettes or solution to be used as a wound cleaning agent;

(h) Scissors;

(i) Tweezers;

(j) Disposable latex-free, powder-free gloves;

(k) Plastic bags (for disposing of blood and other body fluids);

(l) Mercury-free and glass-free thermometer;

(m) Cold pack;

(n) Chlorine bleach or other disinfectant for cleaning of blood and other bodily fluids;

(o) Flexible rolled gauze; and

(p) A chart or handbook of first aid instructions.

(5) A certified child care center must ensure that the first aid supplies are readily available to staff and kept inaccessible to children.

(6) A certified child care center must maintain the first aid supplies in a clean and sanitary manner and replace them as needed, including expired items.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the requirements and procedures a certified center must follow before administering any prescription or non-prescription medication to a child.

CHANGES TO RULE:

414-305-1030

Medications

(1) Before a certified child care center gives a child any prescription or non-prescription medication, including, but not limited to, pain relievers, cough syrup, and nose drops, the center must: ¶

(a) Have a signed, dated, written authorization by the parent(s) on file (also see OAR 414-305-0230, Parental Permissions):¶

(A) For chronic medical conditions, a certified child care center may obtain permission for 12 months or less with specific instructions including when administration is needed, such as inhalers.¶

(B) Parental authorization over the phone is permitted for single dose administration of non-prescription medication. The date and time of the consent must be documented and signed by the parent upon picking up their child. ¶

(b) Ensure that the original container is labeled with the name of the medication, dosage, and directions for administration and storage.¶

(A) For prescription medication, the label must include the child's name, the date the prescription was filled, the prescribing physician's name, and length of time to give the medication.¶

(B) If parent instructions differ from the container instructions, a certified child care center must have a licensed physician's written instructions for that medication. ¶

(C) Medication must not be administered after the expiration date.¶

(D) Any medication provided by the parents must be labeled with the child's name.¶

(c) Ensure that cleaned and sanitized medication measuring devices are used when providing medication to a child care child, if applicable.¶

(2) A certified child care center must immediately document any medication administered, listing the name of the child, type of medication, date, time, and dosage given, any side effects exhibited by the child, and the signature of the person administering the medication.¶

(3) A certified child care center must inform parent(s) daily of all medications administered to their child.¶

(4) If medication is provided by the parent, a certified child care center must administer medication only to the child for whom it is intended, and follow the directions on the label.¶

(5) A certified child care center must ensure that all medications are inaccessible to children, with child-resistant caps when available, and stored away from food.¶

(a) If only stored out-of-reach of children, the medication bottle or package must be stored in a container with a tight-fitting lid.¶

(b) Emergency medicine may be placed in an unlocked container that is kept out of reach of children while inside the facility. ¶

(6) A certified child care center must keep medications requiring refrigeration in a separate tightly-covered, leakproof container clearly marked "medication" and inaccessible to children.¶

(7) If using nonmedical items including, but not limited to sunscreen, a certified child care center does not need to document application but must:¶

(a) Have written parental authorization;¶

(b) Use only as needed and according to manufacturer's instructions;¶

(c) Inform parents of the type of sunscreen used if provided by the center;¶

(d) Label the item with the child's name if provided by the parent, and use only for that child; and ¶

(e) Allow children to apply sunscreen to themselves with direct staff supervision and written parental approval.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1050

RULE SUMMARY: This rule outlines the required care plan for a child who has or is at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who requires health and related services of a type or amount beyond that required by children generally.

CHANGES TO RULE:

414-305-1050

Care of Children with Special Needs

When caring for a child who has or is at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who requires health and related services of a type or amount beyond that required by children generally, a certified child care center must have a written care plan that includes:

(1) A list of the child's diagnosis/diagnoses;

(2) Contact information for the primary care provider and any relevant sub-specialists (i.e., endocrinologists, oncologists, etc.);

(3) Medications to be administered on a scheduled basis;

(4) Medications to be administered on an emergency basis with clearly stated parameters, signs, and symptoms that warrant giving the medication written in language that is easy to understand;

(5) Procedures to be performed and person responsible for training staff members;

(6) Allergies;

(7) Dietary modifications required for the health of the child;

(8) Activity modifications;

(9) Environmental modifications;

(10) Placement with another age group, if recommended by the child's healthcare professional or other qualified professional;

(11) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid;

(12) Symptoms for staff to observe;

(13) Behavioral modifications;

(14) Emergency response plans - both if the child has a medical emergency and special factors to consider in a programmatic emergency, like a fire;

(15) Any necessary special skills training and education for staff and the person responsible for training staff members.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the requirements for kitchens and food service areas in certified child care centers.

CHANGES TO RULE:

414-305-1100

Kitchen and Food Service Areas

- (1) If there is no kitchen in the center and if meals or snacks are not catered, a certified child care center must observe the requirements under OAR 414-305-1110, Food Service.¶
- (2) A certified child care center's kitchen must be separate from any child care areas and not allow for unsupervised access by children and adults who are not qualified to follow sanitation and safety procedures.¶
- (a) The food preparation area is not used as a passageway while food is being prepared. ¶
- (b) Children must not be allowed in the kitchen except for a supervised learning activity.¶
- (3) Walls, floors, and ceilings must be smooth, washable and easily cleanable in all rooms in which food or drink is prepared or stored, or utensils are washed or stored. A certified child care center must ensure that all equipment and utensils used for food service, including shelving and food-contact surfaces, are:¶
 - (a) Easily cleanable, including beneath, between and behind each piece of equipment;¶
 - (b) Durable and in good repair;¶
 - (c) Non-toxic;¶
 - (d) Smooth and nonabsorbent with no unsealed chips, cracks or seams; and¶
 - (e) Maintained in a clean and sanitary condition. ¶
- (4) In areas where food is prepared or food contact items are washed, a certified child care center must provide:¶
 - (a) Hot and cold running water under pressure; and¶
 - (b) Dishwashing equipment that meets the requirements in the Oregon Health Authority's administrative rules.¶
- (A) Centers with a maximum capacity of 19 children may use a light commercial dishwasher approved by an environmental health specialist.¶
- (B) A certified child care center must have a two-compartment sink and an automatic dishwasher that sanitizes with heat or chemicals; or¶
- (C) Use a three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry).¶
- (D) Separate sinks approved by the environmental health specialist for handwashing, for food preparation activities, and for dishwashing activities.¶
- (c) The handwashing sinks must have a mixed-valve faucet and not be used for food preparation and dishwashing. ¶
- (5) In centers without a sink for food preparation, a certified child care center may use a sink for dishwashing if it does not interfere with sanitary food preparation. The sink must be sanitized before being used for food preparation.¶
- (6) A certified child care center must dispense soap and paper towels in a sanitary manner and post a sign demonstrating the proper handwashing technique at the sink designated for handwashing. ¶
- (7) A certified child care center must meet the requirements for handwashing sinks established by State Building Code, as defined in ORS chapter 455, if the center's physical building was newly constructed or remodeled after July 15, 2001.¶
- (8) A certified child care center must provide accurate thermometers designed to measure cold storage temperature in refrigerators and freezers that are clearly visible and easy to read. Thermometers in refrigerators must show a reading of 41°F or below, and thermometers in freezers must show a reading of 0°F or below.¶
- (9) A certified child care center must maintain all stove vents and filters free of grease build-up and food spatters and in good repair.¶
 - (a) In centers using commercial cooking equipment to prepare meals, ventilation must be equipped with an exhaust system in compliance with the applicable building, mechanical, and fire codes. ¶
 - (b) All gas ranges in centers must be mechanically vented and fumes filtered prior to discharge to the outside. ¶
- (10) A certified child care center must store food waste in leak-proof, non-absorbent containers, covered with a tight-fitting lid, that are emptied, cleaned, and sanitized or disinfected daily. ¶
- (11) A certified child care center must provide adequate space for the storage of food and food-contact items that is dry, clean, above the floor, and protected from splash and other contamination.¶
 - (a) Containers for food storage other than the original container or package in which the food was obtained, must be impervious and non-absorbent, have tight-fitting lids or covers, and labeled as to contents. ¶
 - (b) Poisonous or toxic materials and cleaning supplies must not be stored with food.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the process, timing, composition, and storage requirements for food service in a certified center.

CHANGES TO RULE:

414-305-1110

Food Service

(1) A certified child care center's food service must include the following:¶

(a) Children in care for more than 3 ¶ consecutive hours must be served a meal or snack every 3 ¶ hours; ¶

(b) Children arriving after school are served a snack; and¶

(c) Children scheduled to attend prior to 7:00 a.m. or after 6:30 p.m. are offered breakfast or dinner; and ¶

(d) Children in night care are provided meals and snacks in accordance with OAR 414-305-1500, Night Care).¶

(2) A certified child care center must make sure drinking water is always available to children in each classroom and after active play and served in a sanitary manner that prevents contamination.¶

(3) A certified child care center must provide each child with individual dishes, cups, and utensils for eating and drinking. ¶

(4) Single service items such as paper plates, cups and napkins, and plastic utensils may be used only once and must be discarded after use.¶

(5) A certified child care center must make additional servings available if a child remains hungry.¶

(6) A certified child care center must maintain staff-to-child ratios during meal and snack service and while children are eating.¶

(7) A certified child care center must provide an eating environment that is socially engaging, and provides opportunities for learning. Caregivers must:¶

(a) Sit with children during meals;¶

(b) Encourage children to try new foods but not force them to eat;¶

(c) Be respectful of each child's cultural food practices;¶

(d) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; and¶

(e) Not use food as a reward or punishment. ¶

(8) If a certified child care center serves family style meals, where food is brought to the table in larger quantities and served to the plates from the table, the center must have a written plan, approved by OCC and available for review by the environmental health specialist, which includes at least the following elements:¶

(a) Separate serving portions for each table; ¶

(b) Serving utensils distinct from eating utensils;¶

(c) Staff oversight to ensure sanitary practices; and ¶

(d) Provision for serving mildly ill children to prevent the spread of the illness.¶

(9) A certified child care center may serve a child food provided by the parent of the child only when:¶

(a) Food is brought on a daily basis and is ready to eat, requiring no preparation;¶

(b) All food and beverage containers are labeled with the child's name;¶

(c) Each child's food is monitored daily by a staff member to ensure that the food meets nutritional requirements as specified in OAR 414-305-1140, Meals and Snacks; and¶

(d) The center has sufficient food available to supplement any meal or snack that does not meet nutritional requirements as specified in OAR 414-305-1140, Meals and Snacks.¶

(10) A certified child care center must ensure that any catered foods are:¶

(a) Prepared in a kitchen approved by the Oregon Health Authority or a county health department; ¶

(b) Transported and delivered in a safe, sanitary manner with hot food maintained at temperatures not lower than 135°F and cold foods maintained at 41°F or lower; and¶

(c) Received, held, and served through a process approved by the environmental health specialist.¶

(11) If a certified child care center does not have a kitchen or catered meals, the center must:¶

(a) Use only single service utensils;¶

(b) Serve either commercially-prepared, individually-packaged, single-serving foods, or the serving of bulk food complies with standards in Oregon's Food Handler certification;¶

(c) Not use or store utensils on-site that require washing; and¶

(d) Store food in a space used only for food, beverages and single-service utensils.¶

(12) On special occasions, such as birthdays, a certified child care center may allow parents or guardians to provide snacks that may not satisfy the nutritional requirements for all children. The certified child care center may serve the snacks:¶

(a) To a child only if that child's parent has provided permission for the child to participate in special occasions

where food is served (also see OAR 414-305-0230, Parental Permissions); and¶

(b) When the snacks consist of store purchased fruits and vegetables (uncut) or prepackaged foods in the original manufacturer containers.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the food storage and preparation techniques in a certified child care center.

CHANGES TO RULE:

414-305-1130

Food Storage and Preparation

- (1) A certified child care center must store, prepare, and serve all food and drink provided by the center in a sanitary manner and protected from contamination.¶
- (2) Water for preparing food, drinking or cooking shall not be obtained from handwashing sinks.¶
- (3) A certified child care center must ensure that food-contact surfaces and items, such as kitchenware, utensils, tableware, service items, and storage items that come into contact with food, are designed and constructed of safe, non-toxic materials and are smooth, nonabsorbent, easily cleanable, durable, and in good repair.¶
- (4) A certified child care center must refrigerate potentially hazardous foods and all foods requiring refrigeration including food that children bring from home, except during preparation and service. ¶
 - (a) Milk and food must not sit out for longer than 15 minutes prior to the beginning of the meal or snack.¶
 - (b) All food stored in the refrigerator must be tightly covered, wrapped, or otherwise protected from direct contact with other food to prevent cross contamination.¶
- (5) A certified child care center must thaw frozen food by one of the following methods:¶
 - (a) In a refrigerator;¶
 - (b) Under cool running drinking water inside a pan placed in a sink with the drain plug removed; ¶
 - (c) In a microwave if the food is to be cooked as part of the continuous cooking process; or¶
 - (d) As part of the cooking process.¶
- (6) A certified child care center must serve food promptly after preparation or cooking or maintain it at safe temperatures of 41°F or below for cold foods or 135°F or above for hot foods. ¶
 - (a) A small diameter probe thermometer must be used to measure the temperature of food.¶
 - (b) Foods that have been cooked, and then refrigerated, must be reheated rapidly to at least 165°F before being served or placed in a hot food storage unit.¶
- (7) A certified child care center must ensure that foods heated in a microwave are a safe temperature before serving to children.¶
- (8) A certified child care center must prepare food according to the minimum standards identified in food handler certification including:¶
 - (a) Using gloves, utensils, or tongs to serve food;¶
 - (b) Washing raw fruits and vegetables in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form; and ¶
 - (c) Preparing food on food-contact surfaces and with utensils that are cleaned and sanitized after each use and whenever there is a change in processing from raw to ready-to-eat foods.¶
- (9) A certified child care center must protect food from contamination by:¶
 - (a) Transferring prepared food to each child's plate or bowl using a suitable dispensing utensil that is not used for eating or any other purpose. ¶
 - (b) Washing and sanitizing bowls, platters, pitchers, and utensils used for serving food or drink before reusing.¶
 - (c) Dispensing milk from commercial one-gallon or smaller plastic containers, individual half-pint containers, or from a refrigerated bulk container equipped with an approved dispensing device, and:¶
 - (A) Opening milk containers immediately before pouring;¶
 - (B) Returning any unused portions left in the original container to refrigeration; and¶
 - (C) Discarding any unused portions of milk left in a serving pitcher or open individual serving containers.¶
 - (d) Discarding all food removed from the kitchen after meal service.¶
 - (e) Labeling, dating, and refrigerating any prepared food which has not been removed from the kitchen and used within 48 hours or immediately freeze for later use. ¶
 - (f) Washing, rinsing, and sanitizing multi-use dishes, cups, serving and eating utensils, tables, and high chair trays after each use according to the Oregon Health Authority's Chapter 33, Division 150 Food Sanitation rules.¶
 - (g) Air drying all tableware, equipment, and utensils after being sanitized.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the requirements for meals and snacks, including that all meals, snacks and beverages follow the current USDA Child and Adult Care Food Program (USDA-CACFP) meal pattern requirements including portion sizes.

CHANGES TO RULE:

414-305-1140

Meals and Snacks

(1) Meals and snacks for children must be:

(a) Prepared on-site;

(b) Obtained from a source approved by the Oregon Health Authority; or

(c) Provided by parents.

(2) A certified child care center must ensure that all meals, snacks and beverages follow the current USDA Child and Adult Care Food Program (USDA-CACFP) meal pattern requirements including portion sizes.

(3) A certified child care center must develop weekly or monthly written menus that show all foods to be served during that period and make the menus available to parents.

(a) Substitutions that meet nutritional requirements are permitted but must be recorded and made available to parents.

(b) Menus may be rotated if there is a record of which menu was used for each date.

(4) A certified child care center must select and serve food that is safe and has nutritional value.

(a) Foods of minimal nutritional value, such as gelatin or desserts, may only be served occasionally and cannot replace nutritious foods.

(b) All food products served by the center or brought from individual homes for a group of children must have been inspected and come from commercial suppliers, except for:

(A) Fresh or frozen fruits and vegetables; and

(B) Foods brought by parents and only consumed by their child.

(c) The center must serve beverages consisting only of water, milk or nutritionally equivalent milk substitute, and fruit or vegetable juice.

(A) Fruit and vegetable juice must be pasteurized 100 percent juice.

(B) Milk must be Grade A pasteurized and fortified milk.

(C) Pasteurized powdered milk and evaporated milk must only be used in cooking.

(D) A parent may request that their child not be served milk. A certified child care center must obtain written parental permission to not serve milk to a specific child. This must be at the parent's request, on a case-by-case basis, and not a center-wide policy.

(d) The following foods must not be served or offered in uncooked food, served or offered in a ready-to-eat form:

(A) Raw animal foods such as raw fish, raw meat or raw eggs;

(B) Partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs and meringue;

(C) Raw seed sprouts;

(D) Home canned food;

(E) Food additives and preservatives that are not FDA approved.

(e) The center must not serve foods that are associated with young children's choking incidents to children under the age of three including, but not limited to: hot dog slices, raw carrots, whole grapes, hard candy, gum, nuts, peanuts, popcorn, rice cakes, chips, gel candies, and marshmallows. Children older than three years of age may be served these food provided that the foods are cut in such a way as to minimize choking hazard.

(f) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) must not be served to a child without a written statement of parental consent and written instructions from a medical practitioner.

(g) Honey or foods containing honey must not be served to children under 12 months of age.

(h) Special diets, not including vegetarian diets, may only be served to a child with written instructions from a registered dietician or medical practitioner and written parental consent.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1200

RULE SUMMARY: This rule requires that if a certified child care center transports children, the center must be in compliance with all applicable state laws, including current vehicle insurance that covers the driver, the vehicle, and all occupants.

CHANGES TO RULE:

414-305-1200

Transportation Overview

(1) If a certified child care center transports children, the center must be in compliance with all applicable state laws, including current vehicle insurance that covers the driver, the vehicle, and all occupants. ¶

(a) If a certified child care center contracts for transportation for children while they are in care, the center is responsible for ensuring the contracted entity meets OCC's transportation requirements including OAR 414-305-1200 through OAR 414-305-1240. The use of public school transportation on behalf of the certified child care center is exempt from OAR 414-305-1200 through OAR 414-305-1240. ¶

(b) Documentation must be maintained as specified in OAR 414-305-0250, Program Records. ¶

(c) A certified child care center must not transport children in vehicles or parts of vehicles not designed for transporting people, such as truck beds, campers, and trailers. ¶

(2) When children are taken on field trips, the center must ensure that: ¶

(a) When children are transported for long distances, the center provides rest and stretch stops as needed; ¶

(b) Staff check a written list of children on the field trip frequently to account for the presence of all children and: ¶

(A) Prior to boarding and exiting the vehicle; and ¶

(B) Any time the group changes locations on site (e.g. when moving from one exhibit to the next); ¶

(c) Each child wears an easily identifiable item, such as a label, shirt or wristband, listing the name and telephone number of the child care center; ¶

(d) Caregivers are easily identifiable; and ¶

(e) A notice of field trips, including the date, destination, and estimated times of departure and return, is posted at least 48 hours in advance of a field trip in a prominent place where parents and others may view it (also see OAR 414-305-0230, Parental Permissions and OAR 414-305-0260, Items Available to View).

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1210

RULE SUMMARY: This rule gives the requirements for staffing while transporting children and specific requirements for when a staff person is the driver and transporting children or when a parent is driving.

CHANGES TO RULE:

414-305-1210

Transportation Staffing

(1) If a driver is the only adult in the vehicle, a certified child care center must ensure that the driver: ¶

(a) Meets teacher or aide II qualifications and training requirements; and ¶

(b) Meets additional driver and ratio requirements under OAR 414-305-1210(2) through (3), Transportation Staffing. ¶

(2) A certified child care center must ensure that drivers of a vehicle used to transport children: ¶

(a) Are at least 21 years of age; ¶

(b) Have a valid driver's license appropriate for the type of vehicle driven; ¶

(c) Are certified in first aid and CPR or accompanied by someone with certification; ¶

(d) Do not have any medical condition or use alcohol, drugs, tobacco or any medication that could compromise driving, supervision, or evacuation abilities; ¶

(e) Operate the vehicle in a legal and safe manner; and ¶

(f) Eliminate distractions such as the use of earphones or cell phones. ¶

(3) A certified child care center must ensure that there are sufficient staff to meet the required staff-to-child ratios for each age group of children being transported. ¶

(a) The driver may count in the staff-to-child ratios (also see OAR 414-305-0400, Staff-to-Child Ratios and Group Size). ¶

(b) One staff member must be at least aide II qualified (also see OAR 414-305-0350 Duties and Qualifications of Aides). ¶

(c) A certified child care center may allow a parent to transport children other than the parent's own children without a qualified staff member present in the vehicle, only if the parent meets aide II qualifications and transportation requirements as provided in these rules, and is enrolled in the CBR. ¶

(4) A certified child care center must provide adequate supervision to protect children during transportation. ¶

(a) A certified child care center's responsibility begins at the pre-arranged pick-up time or when the child is actually picked up, whichever is earlier, and ends at the pre-arranged drop-off time or when the child is actually dropped off with the person designated by the parent, whichever is later. ¶

(b) A certified child care center must never leave children unattended inside or outside of a vehicle. ¶

(c) A certified child care center must immediately document attendance each time a child enters and exits the vehicle.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1220

RULE SUMMARY: This rule outlines what policies and procedures a certified center must have in place to ensure transportation safety.

CHANGES TO RULE:

414-305-1220

Transportation Safety

(1) A certified child care center must maintain the following items in the vehicle as well as at the center:¶

(a) An operable phone;¶

(b) Program information including center name, address, and phone number;¶

(c) Proof of vehicle insurance;¶

(d) A checklist of all children being transported with any pick-up and delivery times and locations;¶

(e) Emergency medical information on each child including parents' contact information, special medical needs, medications, allergies, the name and phone number of the child's doctor, and emergency medical authorization forms;¶

(f) When transporting children with chronic medical conditions (such as asthma, diabetes, or seizures), their emergency care treatment plans, supplies and medication; ¶

(g) A first aid kit that is easily accessible to staff and not children with contents specified in OAR 414-305-1020, Injuries).¶

(2) A certified child care center must ensure the following safety practices are followed:¶

(a) The vehicle doors are locked when the vehicle is moving and when not in use. ¶

(b) The motor is turned off, the brake set, and the keys removed whenever the driver leaves the vehicle. ¶

(c) No vehicle window, except that of the driver, must be opened to more than 50 percent of its capacity when children are on board. ¶

(d) Children's entire bodies must remain in the vehicle.¶

(e) Safe conduct to and from the vehicles and safe off-street loading spaces must be provided.¶

(A) Children must be loaded and unloaded only at the curb or at an off-street area protected from traffic on the same side of the street as the building they will enter.¶

(B) If children must cross a street, they must be accompanied by an adult. ¶

(f) Staff must have clear instructions on handling emergency breakdowns and accidents, including vehicle evacuation procedures, supervision of the children, and contacting emergency help.¶

(g) Staff at the center must know the routine arrival and departure times of the vehicle and take action if the vehicle does not return at a scheduled time. ¶

(h) Before leaving the vehicle, the driver or the last personnel in the vehicle must inspect all areas of the vehicle to prevent a child from being left in the vehicle.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1230

RULE SUMMARY: This rule outlines the required passenger restraint and seating rules for certified centers to ensure children's safety.

CHANGES TO RULE:

414-305-1230

Passenger Restraints and Seating

A certified child care center must meet the following passenger restraint and seating rules to ensure children's safety during transportation: ¶

(1) The manufacturer's maximum seating capacity for the vehicle is not exceeded; ¶

(2) When children are driven in a vehicle other than a bus, children are securely restrained in a car safety seat, booster seat, or factory installed seat belt or harness that is suited to the child's height, weight, age, and physical condition in accordance with state and federal laws, regulations, and manufacturer's instructions; ¶

(3) Child passenger restraint systems and seat belts meet federal motor vehicle standards and are installed in accordance with the manufacturer's instructions; ¶

(4) Restraint systems are properly maintained, such as not expired, recalled, or previously involved in a crash; ¶

(5) Car safety seats or booster seats, whether provided by the child's parents or the child care center, are labeled with the child's name and emergency contact information; ¶

(6) Child care children are not permitted to ride in the front seat of a vehicle; ¶

(7) All adult passengers in a vehicle transporting children, other than a large school bus, must be properly restrained by safety belts before starting the vehicle and at all times the vehicle is in motion; and ¶

(8) Vehicles that meet the definition of a school bus that transport passengers in wheelchairs must comply with manufacturer's instructions and specifications.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

ADOPT: 414-305-1240

RULE SUMMARY: This rule outlines the requirements for vehicles used for transportation, including that the interior is clean, in safe repair, and free of hazardous items.

CHANGES TO RULE:

414-305-1240

Vehicles

A certified child care center must ensure that all vehicles used for transportation meet the following:¶

(1) Vehicles are identified with the center or business entity name that is easily read by the public(e.g. a small sign in the rear window or a bumper sticker), unless using contracted transportation or a vehicle not owned by the certified child care center. ¶

(2) Vehicles including school buses are in compliance with all applicable state and local motor vehicle laws.¶

(3) If a center uses vans designed for 10 or more passengers and manufactured prior to 2010:¶

(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 OCC or on a form provided by the inspector which contains the same information:¶

(4) Vehicles have a current license plate and registration as required by Oregon state transportation laws, including vehicles driven by volunteers:¶

(5) Vehicles are maintained in good repair and safe operating condition at all times:¶

(6) The vehicle receives regular maintenance in accordance with the vehicle maintenance mileage schedule. This includes, but is not limited to, regular inspections of interior safety features like airbags, seatbelts and car seat latch systems. All deficiencies must be corrected before the vehicle can be used for child care transportation:¶

(7) The vehicle interior is clean, in safe repair, and free of hazardous items that could impede the children's movement or cause injury if the items were thrown about the vehicle as a result of a collision:¶

(8) Stationary padded seats with a back are securely anchored to the vehicle; and¶

(9) Operable heaters and ventilation maintain an interior temperature comfortable to children and between 65 and 80 degrees.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule outlines the requirements for certified centers to have written permission and provide constant sight and sound supervision to allow swimming, This rule also contains requirements on the types of swimming areas where swimming activity is allowed.

CHANGES TO RULE:

414-305-1300

Swimming

- (1) A certified child care center must have written permission from each child's parent before engaging in any swimming activities.¶
- (2) A certified child care center must provide constant sight and sound supervision of children around any bodies of water.¶
- (3) A certified child care center must not use a swimming pool unless it has been licensed by the Oregon Health Authority or delegated agent pursuant to OAR Chapter 333, Division 60. (Also see OAR 414-305-0840, Prevention and Management of Hazards regarding access to pools and other bodies of water.)¶
- (a) A swimming pool must not be used if the main drain cover is missing.¶
- (b) Each swimming pool more than six feet in width, length, or diameter must have immediate access to lifesaving equipment, e.g., a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that is long enough to reach the center of the pool from the edge of the pool.¶
- (c) Swimming pools must be maintained, cleaned and sanitized according to manufacturer instructions and Department of Health or local health jurisdiction guidelines.¶
- (4) In natural bodies of water, such as shallow surf, lakes, rivers, and streams, the center must limit activity to wading by children 36 months of age and older and must not allow swimming.¶
- (5) A certified child care center must not permit children to use or have access to a hot tub, spa, portable wading pool, or other similar equipment.¶
- (6) If a certified child care center has on-site swimming or is responsible for off-site swimming, the center's written emergency plan (required by OAR 414-305-0210, Emergency Preparedness and Response) must also include pool and swimming safety.¶
- (7) When a swimming pool is located on the center premises, emergency telephone numbers and the center's address must be posted near an immediately accessible telephone in the pool area.¶
- (8) At all times when children are engaged in swimming and wading activities on or off the premises, a certified child care center must:¶
 - (a) Ensure that staff are in or at the water and prepared to enter;¶
 - (b) Ensure that staff remain in direct physical contact with infants at all times and not more than an arm's length from 1-year-olds;¶
 - (c) Meet the following staff-to-child ratios:¶
 - (A) 6 weeks to 36 months - 1:1;¶
 - (B) Preschool age - 1:6;¶
 - (C) School-age - 1:10; and¶
 - (D) The age of the youngest child in a mixed-age group determines the staff-to-child ratio.¶
 - (d) Verify that all adults counted in the staff-to-child ratios are able to swim if the water is more than 48 inches deep; ¶
 - (e) Ensure that a certified lifeguard is present and on duty at all times. Center staff lifeguards may not count in staff-to-child ratios when more than 10 children are present; and¶
 - (f) Review safety rules with children each time they participate.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1400

RULE SUMMARY: This rule places limitations on the types of animals allowed on the premises of the center and animals allowed to have any direct contact by children.

CHANGES TO RULE:

414-305-1400

Animals

(1) A certified child care center must ensure that any animal at the center is:

(a) In good health and shows no signs of carrying disease;

(b) Friendly toward children with no signs or history of aggression;

(c) Kept free of fleas, ticks, and worms;

(d) Fully immunized including rabies vaccinations for dogs;

(e) Kept in a cage or tank with the exception of cats and dogs; and

(f) Not permitted in food preparation areas or on children's resting surfaces.

(2) A certified child care center may not allow an animal with any history of biting to be on the premises of the center.

(3) A certified child care center must prevent any direct contact by children with any animals unfamiliar to the center such as a stray.

(4) A certified child care center may allow an animal, other than a cat or dog, such as a poisonous animal, reptile, amphibian, monkey, hook-beaked bird, chicken, duck, hermit crab, rodent or ferret on the premises only if:

(a) The animal is housed in and remains in a cage, tank or other measure which precludes any direct contact by children; or

(b) The exotic animal is present as part of an educational program run by a zoo, museum or another professional animal handler.

(5) A certified child care center must ensure that all contact between an animal and a child is supervised by staff who are close enough to remove the child immediately if the animal shows signs of aggression or distress or the child shows signs of treating the animal inappropriately.

(6) A certified child care center must inform parents of any animals on the premises by a clearly viewed notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form (also see OAR 414-305-0200, Policies).

(7) A certified child care center must have and follow written procedures for the care and maintenance of any animals in the center. The procedures must address:

(a) Responsibility for the handling, care, and feeding of the animal(s). With close staff supervision, children may participate in the care of animals.

(b) At least weekly cleaning and disinfection of pet containers and cages performed in areas not used for food storage or preparation and only when children are not present.

(c) Location of litter boxes in areas not accessible to children or used for food storage or preparation; and

(d) Prevention of debris spilling out of a container or cage used for pets and animals, if applicable.

(8) A certified child care center must keep animal food supplies out of the reach of children and store them separately from food supplies and equipment.

(9) Animal food must be stored in a manner that does not attract rodents or insects.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented:

RULE SUMMARY: This rule outlines the provisions for providing night care at a certified center, including the staff-to-child ratio and OCC approval to provide night care.

CHANGES TO RULE:

414-305-1500

Night Care

(1) A certified child care center must be approved by OCC to provide night care, as defined in 414-305-0100(27).¶

(2) A certified child care center must meet the staff-to-child ratio specified in OAR 414-305-0400 during night hours. In addition:¶

(a) There must be at least 2 staff present and awake at all times;¶

(b) All sleeping and awake children must be within sight and sound of staff at all times;¶

(c) A certified child care center must not allow anyone on-site other than center staff, parents, and individuals authorized to pick-up children in care; and¶

(d) A certified child care center must provide staff training on evacuating sleeping children in an emergency (also see OAR 414-305-0370, Orientation and Initial Training).¶

(3) A certified child care center must maintain an activity plan for children according to their ages, interests, and abilities and provide:¶

(a) Quiet time activities, such as story-time, games, arts and crafts, homework and reading, for each child arriving before bedtime;¶

(b) Toys and equipment available to meet the needs of children in night care;¶

(c) An activity area away from sleeping children where the awake children may engage in activities; and¶

(d) An opportunity for children to sleep at various times, based on their age and need for rest.¶

(4) A certified child care center must ensure:¶

(a) All sleeping rooms used by children have 2 usable exits approved by the fire marshal;¶

(b) All exits are visible using lighted exit signs or by lighted exits, such as a hall light or lamp, which lights the exit path and door; and¶

(c) Each room is equipped with a battery powered light source.¶

(5) Sleeping Equipment. A certified child care center must provide the following accommodations for sleeping children:¶

(a) Each child who spends the majority of their sleeping hours per night in night care must have an individual bed and mattress, or another sleeping arrangement that provides adequate support to a child's body and of a size appropriate to the age of the child. The mattress must be fitted with a waterproof cover;¶

(b) Each child who does not spend the majority of their sleeping hours in night care must have an individual crib, portable crib, play yard, cot, or mat with bedding as specified in OAR 414-305-0620 Furniture and Equipment for Infants and Toddlers and OAR 414-305-0900 Furniture;¶

(c) Children under the age of 18 months must be provided with a crib, portable crib, or play yard for night care sleeping.¶

(d) The upper level of bunk beds must be used only for children 10 years or older when a bed rail and safety ladder are in place;¶

(e) Other than infants, children must be provided with sheets, pillows, pillowcases, and blankets; and¶

(f) Sheets, pillowcases, and blankets must be laundered at least weekly, when soiled, and before use by another child.¶

(6) A certified child care center must make provisions for children to maintain personal hygiene.¶

(a) Each child must have access to the following: ¶

(A) An individual washcloth, towel, toothbrush, comb or brush, and sleepwear;¶

(B) The opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with their name; and¶

(C) The opportunity to take a bath or shower, if needed.¶

(b) There must be at least one bathtub or shower for every 15 children that is:¶

(A) Equipped to prevent slipping; and¶

(B) Cleaned and sanitized after each use.¶

(c) Glass shower doors or glass tub enclosures must be constructed of safety glass.¶

(d) Privacy must be maintained for school-age children when bathing and changing clothes.¶

(e) Children must not bathe with other children unless a parent(s) has given written permission for siblings to bathe together.¶

(7) A certified child care center must meet the nutritional needs of children in evening and night care as specified in OAR 414-305-1110, Food Service.¶

(a) Dinner must be provided to children in night care if a child is at the child care center after their dinner time or has not had dinner before entering night care.¶

(b) A nutritious snack must be offered to all children after dinner service and before bed.¶

(c) Each child present at the time breakfast is scheduled must be served breakfast, unless the parent(s) specifies otherwise.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-1600

RULE SUMMARY: This rule gives an overview of when OCC may conduct unannounced monitoring visits of a certified child care center at least annually for the purpose of determining compliance with these rules and terms and conditions of certification.

CHANGES TO RULE:

414-305-1600

Monitoring and Investigations

- (1) OCC may conduct unannounced monitoring visits of a certified child care center at least annually for the purpose of determining compliance with these rules and terms and conditions of certification.¶
- (2) OCC may conduct compliance verification visits to a certified child care center for the purposes of confirming compliance or continued compliance.¶
- (3) If a complaint alleges that a certified child care center is not in compliance with these rules, OCC may conduct an investigation to assess the allegations.¶
 - (a) The investigation may include:¶
 - (A) One or more visits to the center; ¶
 - (B) Interviews with the center staff, volunteers, parents of child care children, or other individuals who may have relevant information;¶
 - (C) Reviews of records;¶
 - (D) Observations of the certified child care center operations; and¶
 - (E) Any action authorized by ORS 329A.390(7).¶
 - (b) Upon completion of the investigation, OCC will issue a findings letter setting forth its determination that a complaint allegation is one of the following with respect to violation of these rules:¶
 - (A) Valid, when evidence indicates the violation more likely than not occurred;¶
 - (B) Unable to substantiate, when evidence is conflicting regarding whether the violation occurred; or¶
 - (C) Invalid, when no evidence indicates the violation occurred or the evidence indicates the violation more likely than not did not occur.¶
 - (c) OCC may issue a findings letter prior to the conclusion of an investigation when OCC has reached a determination on some but not all allegations.¶
 - (d) Upon request from a certified child care center, OCC must inform the center as to whether the center is under investigation by OCC as of the date of OCC's response to the request.¶
- (4) In connection with a monitoring or investigation visit, OCC shall provide technical assistance as appropriate.¶
- (5) OCC certification records are open to the public on request, including findings of "valid" and "unable to substantiate" of complaint investigations. OCC may not disclose information protected by state or federal law. Statutory/Other Authority: ORS 329A.390(7), ORS 329A.260, ORS 329A.346 Statutes/Other Implemented: ORS 329A.260, ORS 329A.346

RULE SUMMARY: This rule outlines when OCC may suspend, deny, or revoke a certified child care center's certification.

CHANGES TO RULE:

414-305-1610

SANCTIONS-Suspension, Denial and Revocation

- (1) OCC may immediately, and without prior notice, suspend a certified child care center's certification when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.¶
- (2) If a certified child care center's certification has been suspended, the center must:¶
 - (a) Immediately notify, verbally or in writing, all parents of the suspension;¶
 - (b) Immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child; and¶
 - (c) Post the suspension on the main entry door where it can be viewed by parents and others for the duration of the suspension.¶
- (3) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.¶
- (4) If a certified child care center does not request a hearing and the conditions which resulted in suspension have not been corrected, the center's certification shall be revoked.¶
- (5) Certification may be denied or revoked if a certified child care center:¶
 - (a) Fails to meet requirements or correct deficiencies;¶
 - (b) Fails to correct conditions which resulted in suspension;¶
 - (c) Fails to provide OCC with information requested;¶
 - (d) Refuses to allow an inspection or allows an inspection only after OCC has obtained a warrant;¶
 - (e) Is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care;¶
 - (f) Employs staff or has an operator who is not enrolled in the CBR or whose CBR enrollment is suspended;¶
 - (g) Is owned by an individual who has denied or suspended enrollment in the CBR unless the center establishes that the owner will not be on the premises while children are in care or have access to child care children;¶
 - (h) Knowingly provides inaccurate information to OCC or causes staff to do so;¶
 - (i) Interferes with the good faith disclosure of information by staff or a volunteer concerning the abuse or mistreatment of a child in the certified child care center, violations of certification requirements, criminal activity at the center, violations of state or federal law or any practice that threatens the health and safety of child care children, or otherwise engages in conduct prohibited by ORS 329A.348.¶
- (6) If a certified child care center's certification has been denied or revoked, the center must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.¶
- (7) A certified child care center may appeal any decision to suspend, deny or revoke the certification, subject to the provisions of chapter 183, Oregon Revised Statutes.¶
- (8) OCC may report any action to deny, suspend, or revoke a certified child care center's certification to the Department of Human Services, USDA Child Care Food Programs, Child Care Resource and Referral System.¶
- (9) If a certified child care center's certification has been denied or revoked for cause (including due to violations of health and safety requirements, criminal activity at the center, child abuse and neglect investigation involvement), the center is not eligible to reapply for a certified child care center certification for five years after the date of OCC's final order denying or revoking the certification for cause.¶
- (10) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification of such person to own or operate a certified child care center may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to own, operate, be employed in or reside in the center, or have access to children in the center.¶
- (11) A certified child care center's certification may be denied, suspended or revoked if an individual has child abuse or neglect history or an open child protective services, child abuse or neglect, or law enforcement case that would make the individual ineligible for enrollment in the CBR.

Statutory/Other Authority: ORS 329A.252, ORS 329A.260, ORS 329A.350

Statutes/Other Implemented: ORS 329A.260, ORS 329A.350, ORS 329A.348

ADOPT: 414-305-1620

RULE SUMMARY: This rule outlines when OCC may assess a civil penalty for violation of the certified center child care rules or terms and conditions of certification.

CHANGES TO RULE:

414-305-1620

Civil Penalty

(1) OCC may assess a civil penalty of up to \$2500 per violation of these rules or terms and conditions of certification.

(2) OCC may assess a civil penalty in addition to any other appropriate legal action, considering:

(a) Numbers of previous violations of the same rule;

(b) Circumstances surrounding the rule violations; and

(c) Prior warnings, technical assistance, or legal actions regarding the certified child care center's compliance with the rule.

(3) For a serious violation, as defined in OAR 414-310-0120(39), a certified child care center may be subject to a civil penalty not to exceed \$2500 for each violation.

(4) For a non-serious violation, a certified child care center may be subject to a civil penalty of \$800 for each violation.

(5) OCC may assess a separate civil penalty for each day for which OCC has made a valid finding that a certified child care center is in violation of ORS 329A.250 to ORS 329A.450, these rules, or the terms and conditions of certification. OCC may assess civil penalties for multiple days in a single action.

(6) An individual or entity that provides child care subject to registration or certification in a home or facility that is not registered or certified with OCC may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified facility.

(7) Notwithstanding OCC's decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations.

(8) A certified child care center may appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.

(9) Failure to pay a civil penalty in which OCC has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of a certified child care center certification.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.346, ORS 329A.992, ORS 329A.994, ORS 329A.250, ORS 329A.450