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CHAPTER 414

OREGON DEPARTMENT OF EDUCATION

EARLY LEARNING DIVISION

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RULES:

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ADOPT: 414-310-0100

RULE TITLE: Definitions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Definitions to govern the school-age ruleset.

RULE TEXT:

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) "Age appropriate" means activities, materials, curriculum are suitable to the chronological age and developmental characteristics of a specific child or group of children being served. The activities, materials, curriculum and equipment should interest and challenge children in terms of their age and abilities. Equipment must be appropriately sized or adapted so that a child can use it safely.
- (3) "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.
- (4) "Assistant Program Leader" means staff who support Program Leaders in caring for children but who must be

directly supervised.

(5) "Attendance" means children present in the care of the center at any given time.

(6) "Behavior and Guidance" means the ongoing process of helping children develop self-control and assume responsibility for their own behaviors and actions.

(7) "Capacity" means the total number of children in care at the school-age center or in care away from the center at any one time.

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

(9) "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 4140610000 through 4140610120.

(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.

(10) "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.

(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 appropriate.

(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 Appropriate" means:

(a) A caregiver interacts with each child in a way that recognizes and respects the child's chronological and developmental age;

(b) Knowledge about how children grow and learn;

(c) The developmental level of the individual child; and

(d) Interactions and activities are planned with the developmental needs of the individual child in mind.

(17) "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."

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

(19) "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.

(20) "Hazards" means anything that may inflict injury or cause harm.

(21) "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.

(22) "License" means the document that is issued by OCC to a school-age center. A license may also be referred to as a certificate.

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

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

(25) "OCC" means the Office of Child Care in the Early Learning Division of the Department of Education.

(26) "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.

(27) "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.

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

(29) "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.

(30) "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.

(31) "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.

(32) "Program Coordinator" means the person responsible for coordinating overall management and operation of the center of one or multiple sites.

(33) "Program Leader" means the staff member who is designated by the Program Coordinator and meets the qualifications of a Program Leader who is responsible for the day-to-day operation of the program and supervision of children.

(34) "Restrictable Disease" means an illness or infection as identified by the Health Division that would prohibit the child from attending child care.

(35) "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.

(36) "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.

(37) "SchoolAge 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.

(38) "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 EpiPen;
- (n) Severe bleeding or stitches;
- (o) Shock or confused state; or
- (p) Near drowning.

(39) "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 414-310-0420 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) center is providing child care without the appropriate certification.

(40) "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.

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

(42) "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 wellbeing. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed.

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

(44) "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.

(45) "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.

(46) "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.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0110

RULE TITLE: Purpose

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: The purpose of the school-age center rule set is to promote well-being of children in care.

RULE TEXT:

- (1) OAR 414-310-00100 through 414-310-0720 apply to school-age centers as defined in these rules.
- (2) The purpose of these rules is to protect the health, safety, and wellbeing of school-age children when cared for outside their own homes with requirements appropriate for a center that provides care for school-age children only.
- (3) A person or entity may not operate a school-age center without a valid certificate issued by OCC, unless exempt from registration or certification as provided in OAR 414-310-0110.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0120

RULE TITLE: Exemptions from Licensing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining exemptions to receiving licensing to provide school-age care.

RULE TEXT:

A school-age center is exempt from certification if the center:

- (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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0130

RULE TITLE: Application Process

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining how to apply to OCC to become a school-age center.

RULE TEXT:

- (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) A school-age 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.
- (4) A school-age 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 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 and the school-age center must cease operations unless the renewal is completed prior to the expiration date.
- (5) 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 school-age center meets all applicable building codes and zoning requirements, unless the center is in a public school building;
 - (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 school age 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 school-age 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 414-310-0460.
- (6) An application for renewal of a school-age 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 licensor.
- (7) 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. If the center is located in a public school building, the floor plan may only be submitted to OCC. An applicant is responsible for payment of any applicable fees for fire safety and sanitation inspections.
- (8) 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.
- (9) 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.
- (10) Notwithstanding OAR 414-310-0130(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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0140

RULE TITLE: Issuance of Certification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Limits on certification.

RULE TEXT:

- (1) Upon receipt of a completed application, a school-age center will be evaluated by a representative of OCC to determine if it meets all certification requirements.
- (2) OCC will issue a regular school-age center certification when the center is determined to be in compliance with all of these rules. A regular school-age center certification is valid for no more than one year.
- (3) OCC will issue a temporary school-age 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 school-age 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 school-age center may not operate under a temporary certification for more than 180 days in any 12month 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 school-age 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 school-age center certificate cannot be transferred to any other location or to another organization or individual.
- (6) A school-age 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 school-age center must receive approval from OCC before making such changes.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0150

RULE TITLE: Certification Process

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Guidelines for certification of school-age centers.

RULE TEXT:

- (1) A school-age 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 school-age 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 school-age 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 school-age 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 school-age 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0160

RULE TITLE: Exceptions to Rules

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers can make a request to the OCC to have an exception in requirements in applicable circumstances.

RULE TEXT:

- (1) A school-age 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 or federal law; or
 - (b) If the health, safety, and wellbeing of the children cannot be ensured.
- (4) A school-age center must remain in compliance with the rule as written until OCC approves the exception request.
- (5) In certain circumstances, a school-age 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 wellbeing of the children.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0170

RULE TITLE: Policies

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for policies that school-age centers must have in order to receive license.

RULE TEXT:

(1) A school-age center must have written policies identified in 414-310-0170 (2)(a-s) 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 school-age 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 handwashing methods, medication administration, use of insect repellent and sunscreen, care of children who are ill and exclusion criteria, and response to injuries (also see OAR 414-310-0560 Injuries);

(f) Safety measures including injury prevention, use of pesticides and other potentially toxic substances, animals, water activities, and prohibited substances and weapons;

(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 Emergency Preparedness, OAR 414-310-0180);

(i) Schedules that include planned activities, physical activity, and screen time;

(j) Center-sponsored religious and cultural activities, if any, including how holidays will be recognized;

(k) Meals, snacks, and food service practices including food storage and handling, children's dietary needs and allergies, and food brought from the child's home;

(l) Transportation and field trips including driver and vehicle requirements and supervision;

(m) Behavior and guidance policies;

(n) Communication methods and notifications, including how parent grievances, questions, or concerns are handled by the center;

(o) Prevention of and duty to report suspected child abuse and neglect;

(p) How to view inspection reports, access the Early Learning Division website and center certification rules, and contact OCC and child abuse and neglect hotline.

(q) A statement advising parents that they can access information about child care providers on the child care safety portal; and

(r) A plan to ensure safety of children who are using the restroom or completing a task separate from the larger group without direct supervision.

(s) A policy regarding the storage and access of inhalers and epinephrine for children who are permitted to carry or self-administer these medications.

(3) A school-age 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 school-age 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 school-age 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. Suspected violations will be reported to the overseeing agency. OCC may deny an initial or renewal application or revoke a regular or temporary certification if a school-age center is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination.

(6) A school-age center's decision on whether to provide care for a child with special needs must be made after an assessment based on information from parents and professionals who are knowledgeable about the child's care needs. The assessment must be documented for each child.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0180

RULE TITLE: Emergency Preparedness and Response

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for emergency preparedness at school-age centers.

RULE TEXT:

- (1) A school-age 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 school-age 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 alternative 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 414-310-0680 Swimming).
- (3) A school-age 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 school-age center must review the written plan and all emergency procedures at least once per licensing year and update the procedures as needed.
- (5) A school-age center must review the written plan with center staff once annually and whenever the plan is updated.
- (6) A school-age center must practice evacuation drills monthly and one other aspect of the emergency plan every two

months that:

- (a) Vary the days and times 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.
- (7) An emergency evacuation drill must be conducted:
- (a) Within the first 10 days of the school year; or
 - (b) Within the first 10 operating days after initial licensure if the program is not operating at the beginning of the school year.
- (8) A school-age 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, which 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.
- (9) A school-age 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.
- (10) A school-age center must have access to an emergency supply kit 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0190

RULE TITLE: Children's Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: The information that school-age centers must keep track of and requirements of how to manage it.

RULE TEXT:

(1) A school-age 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 the child attends a school other than where care is provided;
 - (g) Name and telephone number of child's medical provider(s) or emergency care facility, if applicable;
 - (h) Authorization to obtain emergency medical care and to transport the child for emergency medical treatment;
 - (i) Developmental and health history of any problems that could affect the child's participation in child care;
 - (j) 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 414-310-0580, Care of Children with Special Needs); and
 - (k) Verification that parents received a copy of the center policies.
- (2) A school-age 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 school-age center must permit parents, upon request, to review records and reports, except for child abuse reports, on their own children.
- (4) A school-age center must have the parent or guardian review, update, and sign or initial the enrollment form at least annually.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0200

RULE TITLE: Immunizations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for school-age centers to comply with vaccination requirements of OHA, as well as exceptions to the requirement for school-age centers.

RULE TEXT:

(1) The center shall comply with Oregon Health Authority's administrative rules 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0210

RULE TITLE: Parental Permissions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Actions a school-age center may take where parental permissions are required.

RULE TEXT:

- (1) A school-age 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 school-age center may obtain permission for 12 months or less with specific instructions including when administration is needed, such as inhalers (also see OAR 414-310-0570, Medications).
 - (d) Parental permission for participation in special occasions where food is served;
 - (e) A school-age 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 child to leave the facility on their own.
- (2) A school-age 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 school-age 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 school-age 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 his or her age and skill levels;
 - (c) Special equipment necessary, such as safety helmets or specific clothing; and
 - (d) Safety practices followed.
- (5) A school-age center must obtain a parent's permission prior to their child being photographed or recorded.
- (6) If a family served by a school-age center is experiencing homelessness, school-age centers must make efforts to follow 414-310-0210 (1-5). If a school-age center is unable to acquire written parental permissions, permissions may be received verbally, when documented by the school-age center, or electronically, such as through a text message or e-mail.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0220

RULE TITLE: Arrival and Departure

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must accept and release children from care.

RULE TEXT:

- (1) A school-age 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.
- (2) A school-age center must also be in compliance with 414-310-0260 (Notifications), 414-310-0210 (Permissions), and 414-310-0170 (Policies).
- (3) If a child has parental permission to arrive or depart on their own (also see Parental Permissions 414-310-0210), a staff member must sign the child in or out, as appropriate.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0230

RULE TITLE: Staff Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: What records school-age centers must keep on employees.

RULE TEXT:

A school-age 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 school-age center. If a school-age center does not yet have a CBR confirmation letter for staff, a school-age center must have written documentation that the school-age 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 school-age 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 School-Age Child Care Centers.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0240

RULE TITLE: Program Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for what records a school-age center must keep and for how long.

RULE TEXT:

- (1) A school-age center must maintain records that demonstrate compliance with all rules for 2 years following the record's creation, such as parent permissions, attendance records, emergency preparedness drills, and pet vaccinations. A school-age center must maintain staff and children's records for two years after termination of employment or care.
- (a) A school-age center may store records off-site that are older than one year but they must be made available within 48 hours, upon request. A school-age center must make all other records available to OCC at all times.
- (b) A school-age center must have at least one staff member on-site who can access any records that are stored in paper or electronic formats.
- (c) If a school-age center has multiple sites, the center may keep the official personnel file for staff off-site. However, each location must have a paper or electronic file on-site that includes the following information:
- (A) Staff qualifications for the position they hold;
- (B) Verification that the staff is currently enrolled in the CBR; and
- (C) Documentation that the staff has completed an orientation, first aid and CPR training, and food handler certifications, as appropriate.
- (d) Electronic records must be portable for use during an emergency evacuation.
- (e) 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.
- (f) A school-age 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 school-age 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 school-age 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 school-age center must maintain staff attendance records to include:
- (a) The staff's full name;
- (b) Times of arrival and departure; and
- (c) Group assignment.
- (5) A school-age 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 school-age 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 414-310-0570, Medications).

(7) A school-age center must maintain records regarding emergency preparedness and fire prevention such as dates of drills for at least two years (also see OAR 414-310-0180, Emergency Preparedness and 414-310-0500, Fire Protection).

(8) A school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0250

RULE TITLE: Items Available to View

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Required postings for school-age centers.

RULE TEXT:

(1) A school-age 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 noncompliance 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 School-Age Child Care Centers are available upon request;
- (e) The Early Learning Division Website [www.oregonearlylearning.com] and phone number [18005566616], 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 414-310-0460 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 Program Coordinator's full name and at least one program leader who is responsible for the center if the Program Coordinator 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 his or her 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 floor plan with primary and secondary evacuation routes from each area of the building posted on each floor;
- (n) 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;
- (o) When on a neighborhood walk and all staff and children have left the premises, a notice with staff contact information and approximate return time;
- (p) 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 414-310-0550, Illness); and
- (q) The center's behavior and guidance policy.

(2) A school-age 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 an emergency evacuation and relocation diagram, including fire and weather-related evacuation routes, near the entrance or exit of the room;
- (c) Classroom schedule;
- (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 school-age center may post this information in areas where food is served; and

(e) The applicable ratios and group sizes.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0260

RULE TITLE: Notifications

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Events in which school-age centers are required to report notifications to the OCC.

RULE TEXT:

(1) A school-age center must notify OCC within 24 hours or by the next business day of the following items:

- (a) A change of Program Coordinator;
- (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 school-age 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 school-age 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 414-310-0420, Prohibited Discipline and Actions); and
- (p) Any incident where physical restraint is used (also see 414-310-0430, Physical Restraint).

(2) A school-age 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 school-age 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 3330190010.

(5) A school-age 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 his or her own at the center as scheduled, such as when walking to the center;
- (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) Is bitten by an animal, when the skin is broken or when an evaluation by a physician may be needed;
 - (j) Is separated from the group due to an illness;
 - (k) Dies while in care; and
 - (l) Is involved in any incident where physical restraint is used.
- (6) By the end of the business day, a school-age center must notify parents of:
- (a) Significant changes in their child's physical or emotional state;
 - (b) Known minor injuries such as minor cuts, scratches, and bites from other children requiring first aid treatment by employees;
 - (c) Their child being unsupervised at school or another location when not picked up on time;
 - (d) Illness or infestation symptoms that developed or changed;
 - (e) A child care restrictable disease or infestation exposure from staff or another child;
 - (f) Administration of a medication for a non-life-threatening condition that is only administered as needed;
 - (g) An animal bite to a child, when the skin is not broken;
 - (h) Implemented emergency plans and procedures, except for drills; and
 - (i) Anticipated closure of the center.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0270

RULE TITLE: General Staffing Requirements

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements of school-age center staff.

RULE TEXT:

(1) A school-age 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 414-310-0260, Notifications); and
- (i) Have the required training and experience for the position they are filling.

(2) A school-age 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 school-age 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 school-age 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 carerestrictable disease, as defined in OAR 3330190010, a symptom of physical illness, or mental incapacity that poses a threat to the health or safety of children shall be relieved of their duties.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0280

RULE TITLE: Central Background Registry Enrollment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Who needs to enroll in the Central Background Registry from school-age centers.

RULE TEXT:

- (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. An individual who is the owner or the principal of an entity that is the owner of a school-age center must be enrolled in the CBR to be on the center premises or present with children off-site during child care hours.
- (2) A school-age 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.
- (3) 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.
- (4) 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.
- (5) Any visitor to the school-age center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.
- (6) A school-age 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 persons' presence and accompanying the individual while on the premises.
- (7) A school-age 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.
- (8) 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0290

RULE TITLE: Program Coordinator

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Minimum requirements for center Program Coordinators.

RULE TEXT:

- (1) A school-age center must employ staff who meet(s) the qualifications of Program Coordinator as outlined in (3) below. The Program Coordinator is responsible for:
- (a) Maintaining compliance with all school-age center rules and all conditions placed on the license;
 - (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 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.
 - (h) Designating one Program Leader at each site who is responsible for maintaining compliance with OCC rules. There must be one designated Program Leader on site at all times.
 - (i) To allow for adequate oversight of the center, the center's Program Coordinator:
 - (A) Must be at each site at least two times a month, and for a minimum of one hour each visit while children are in care, if the most experienced program leader at the site has been in their positions for less than six months. If the most experienced program leader at the site has been in their position for more than six months, the Program Coordinator must be on site one time a month for a minimum of one hour.
 - (B) May serve as a Program Leader, if qualified and if the center is certified for less than 45 children; and
 - (C) Must be available by phone at all times during child care hours.
- (2) A school-age center Program Coordinator must:
- (a) Be at least 21 years of age;
 - (b) Meet the initial and annual training requirements (also see 414-310-0340, Annual Training and 414-310-0330, Orientation and Initial Training);
 - (c) Have at least one year of experience supervising adults; and
 - (d) Have verifiable knowledge of child development for school age children, as evidenced by a combination of professional references, education, experience or training; or completion of the training listed in Table 1 within 90 days of hire.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

Table 1

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:

- 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).

ADOPT: 414-310-0300

RULE TITLE: Program Leaders

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for Program Leaders in school-age centers.

RULE TEXT:

(1) A school-age center's Program Leader is responsible for:

- (a) The supervision of their assigned group of children at all times;
- (b) The supervision of any assistant program leaders or volunteers assigned to their group; and
- (c) Maintaining compliance with all school-age center rules and all conditions placed on the license when the Program Coordinator is not present.

(2) A Program Leaders must:

- (a) Be at least 18 years of age;
 - (b) Meet the initial and annual training requirements (also see 414-310-0340, Annual Training and 414-310-0330, Orientation and Initial Training); and
 - (c) Meet the experience and training qualification requirements for the assigned age group for the group of children in the Program Leader's care in one of the options listed in Table 2 of this section.
- (3) A school-age center's substitute Program Leader must meet Program Leader qualifications, understand the Program Leader responsibilities, be familiar with the certification requirements, have access to all records, and be authorized and able to correct deficiencies.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

Table 2
Qualifications for Program Leaders
<p>Option #1: 60 hours of experience working in the program 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).
<p>Option #2: At least 240 hours of qualifying experience working with school-age children in the last five years in a Certified Child Care Center or comparable group care program</p>
<p>Option #3: At least an AA 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
<p>Option #4: At least a Step 8 in the Oregon Registry</p>

ADOPT: 414-310-0310

RULE TITLE: Assistant Program Leaders

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements of assistant program leaders.

RULE TEXT:

(1) A school-age center's Assistant Program Leaders support Program Leaders in caring for a group of children under the direct supervision of the Program Leader.

(2) An Assistant Program Leader must:

(a) Be at least 15 years old;

(b) Be within sight AND sound of a staff person who meets the qualifications of a Program Leader if under the age of 18 years;

(c) Be within sight OR sound of a staff member who meets the qualifications of a Program Leader if 18 years of age or older; and

(d) Meet the initial training requirements (also see 414-310-0330, Orientation and Initial Training).

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0320

RULE TITLE: Other Staff and Volunteers

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements and abilities of other staff and volunteers in school-age centers.

RULE TEXT:

- (1) A school-age 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 school-age center must ensure that substitutes counted in the staff-to-child ratio meet qualifications for the position they hold.
- (3) If a school-age 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 school-age 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 school-age center for no more than four hours per day.
- (7) A school-age center must identify the duties for each volunteer and share them with the volunteer and program leader in writing prior to the volunteer beginning work at the center.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0330

RULE TITLE: Orientation and Initial Training

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for onboarding of school-age center staff.

RULE TEXT:

(1) A school-age 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 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) The administration of medication;
- (h) The center policies, as required under 414-310-0170, Policies; and
- (i) Procedures for reporting suspected child abuse or neglect.

(2) A school-age center must ensure staff, including a substitute, completes 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 within 30 days of hire and prior to having unsupervised access to children.

(3) A school-age 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.

(4) A school-age center's staff who is program coordinator, program leader, or assistant program leader, 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 school-age center's staff, with the exception of cooks, must complete OCC approved Child Development Training within 90 days of employment.

(6) A school-age center program coordinator 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0340

RULE TITLE: Annual Training

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Annual training requirements of school-age center staff.

RULE TEXT:

(1) A school-age center must ensure the following training requirements are met for each staff:

(a) Each school-age center program coordinator or program leader 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 program leaders who provide care for 35 hours or more per licensing year at one or more site operated by the school-age center must 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 and one hour is in health, safety, and nutrition (HSN).

(c) School-age 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 does not apply.

(2) Any staff member who works in multiple locations must designate one center for tracking the staff member's training requirements.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0350

RULE TITLE: Training Criteria

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining acceptable training for staff in school-age centers.

RULE TEXT:

- (1) All staff employed by a school-age 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 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 school-age 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 school-age 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0360

RULE TITLE: Staff-to-Child Ratios and Group Size

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Defining staff to child ratio requirements, as well as allowable group sizes, in school-age centers.

RULE TEXT:

- (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) The number of Program Leaders and Assistant Program Leaders and group size is determined by the number of the children in attendance.
 - (a) The staff-to-child ratio is one staff for every 15 children.
 - (b) The maximum group size is 30 children.
- (4) A school-age center must not exceed the maximum group size except during field trips, outdoor play, planned large group activities, eating or if the school-age program is located in a large space (also see OAR 414-310-0360(5)).
- (5) If a school-age center's program is located in a large space (e.g., cafeteria, multi-purpose room), groups can be combined if ratios are maintained, staff are well positioned throughout the room, and interest areas are set up.
- (6) A school-age center must have at least one caregiver who meets the qualifications of a program leader as defined under Program Leader (see OAR 414-310-0300) with each group of children.
- (7) A school-age 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.
- (8) A school-age center may count staff in ratios under the following situations:
 - (a) While they are performing minimal cleaning and food service duties, provided supervision is maintained; and
 - (b) 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.
 - (c) 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 program leader 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.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0370

RULE TITLE: Supervision of Children

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining how children in school-age centers must be supervised.

RULE TEXT:

(1) A school-age 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 or sound, without relying on audio or video monitoring devices;
- (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 414-300-0360 Staff-to-Child Ratios).

(2) 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0380

RULE TITLE: Creating a Climate for Healthy Child Development

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers are expected to create learning environments.

RULE TEXT:

- (1) When communicating or interacting with children, a school-age 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 and listening to children's requests and questions, 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0390

RULE TITLE: Program Schedule

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How a school-age center must build its program schedule.

RULE TEXT:

(1) A school-age center must develop, post, and follow a written schedule for each group of children, according to their ages, interests, and abilities.

(a) The written schedule should provide a consistent routine while allowing 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.

(c) Any time a school-age center operates more than five continuous hours a day, the center must offer a total of ninety minutes of active play, which may be broken up into smaller blocks of time.

(2) A school-age 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.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0400

RULE TITLE: Activity Plan

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must develop activities for children.

RULE TEXT:

- (1) A school-age center must provide an environment for children where adults' actions demonstrate respect for their changing physical, emotional and intellectual needs.
- (2) A school-age center must make the emotional and physical needs of children the first priority, ensuring that children get adequate care and prompt attention.
- (3) When a school-age center operates for more than five continuous hours per day, the center must develop, post and follow written weekly activity plans 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.
- (4) A school-age 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.
- (5) A school-age center must provide children with opportunities to choose from a variety of age appropriate activities and experiences which include:
 - (a) Reading books;
 - (b) Creative expression through music and the arts;
 - (c) Gross motor development;
 - (d) Individual projects, which may include homework;
 - (e) Exposure to individual and team physical activities; and
 - (f) Daily opportunities to rest if tired. The center must provide a space that encourages rest for those children who wish to rest.
- (6) A school-age 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.
- (7) A school-age center must protect children from excessive exposure to the sun by using sunscreen or other methods such as:
 - (a) Limiting sun exposure; and
 - (b) Applying sunscreen with written permission of parents/guardians.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0410

RULE TITLE: Behavior and Guidance

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must develop and implement behavior guidance and policies.

RULE TEXT:

- (1) A school-age 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 414-310-0170, Policies).
- (2) A school-age 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 school-age 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 school-age center must ensure that only staff shall provide guidance to a child.
- (5) A school-age 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 school-age center may remove the 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 school-age 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 Policies, OAR 414-310-0170).
- (8) A school-age 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 school-age center must document and report any incident when physical restraint is used (also see OAR 414-310-0260, Notifications)
- (9) A school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0420

RULE TITLE: Prohibited Discipline and Actions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Discipline for children that is not allowed.

RULE TEXT:

A school-age 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 414-310-0430;
- (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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0430

RULE TITLE: Physical Restraint

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: When and how physical restraint is allowable or prohibited in school-age centers.

RULE TEXT:

- (1) A school-age center must have written physical restraint protocols and implement such protocols only when appropriate and after complying with all requirements of OAR 414-310-0410, Behavior and Guidance and 414-310-0420, Prohibited Discipline.
- (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, staff must:
 - (a) Report the use of physical restraint, pursuant to OAR 414-310-0260, 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, school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0440

RULE TITLE: Center Capacity

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining necessities for space in school-age centers.

RULE TEXT:

- (1) A school-age center's licensed capacity is based on a combination of the center's indoor space, outdoor space, and the number of toilets and sinks and is determined by the smallest number.
- (2) A school-age center may only care for children in activity areas approved by OCC.
- (3) A school-age center must have OCC approval prior to using a new room, activity area, or outdoor space to care for children.
- (4) A school-age 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 school-age 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.
 - (A) If the school-age center shares a large space, such as a cafeteria, with children who are not enrolled in the school-age center, the center must designate spaces for child care children, such as specific tables.
 - (B) Shelves or storage for children's materials that are accessible to children may be counted as part of the indoor space.
 - (b) 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 school-age center must provide an outdoor activity space of no less than 75 square feet for each child using the space at one time.
- (7) A school-age 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) A school-age center must provide one toilet for every 15 children.
 - (b) Urinals may be substituted for one-half the required number of toilets, if there are at least two toilets in the center. Facilities built specifically as child care centers after July 15, 2001 cannot substitute urinals for the required number of toilets.
 - (c) A school-age center must provide at least one handwashing sink for every two toilets.
 - (d) Sinks must be located in the same room or adjacent to the room where toilets are located.
 - (e) Handwashing sinks in the food service area cannot be counted in the required number of sinks.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0450

RULE TITLE: Facility Structure

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for safety in facilities.

RULE TEXT:

(1) A school-age center must ensure that children do not have access to heating equipment such as furnaces, fireplaces, stoves, steam and hot water pipes, and electric space heaters, or to cooling equipment such as air conditioner compressors.

(a) A school-age 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 school-age center must utilize strategies to help children stay warm or cool.

(b) A school-age center must ensure that all rooms including the kitchen and restrooms 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 school-age 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 school-age center's electrical system must not pose a risk to children.

(a) Electrical wiring and power strips with surge protectors must be inaccessible to children.

(b) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires.

(c) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring.

(d) 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.

(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. Light fixtures must be equipped with covers, shields, or shatter resistant bulbs.

(6) A school-age 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. Carpet must not be used in food preparation areas and restrooms.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0460

RULE TITLE: Water Supply and Plumbing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for water and plumbing quality in school-age centers.

RULE TEXT:

- (1) A school-age center's water supply must be from a public water supply or well, and must be tested for lead, unless the school-age center uses an OCC approved alternative water source.
 - (a) A school-age 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 school-age 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 school-age 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 Ecoli 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 school-age 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 school-age 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 school-age center must keep a copy of the most recent test results on-site at all times.
- (9) A school-age 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 414-310-0250, Items Available to View).
- (10) If a school-age center does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, 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 school-age center must discontinue using that faucet until testing is completed and the results are below 15 parts per billion (ppb) of lead.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0470

RULE TITLE: Toilets and Sinks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mandates for toilet and sink availability and use.

RULE TEXT:

- (1) A school-age center must provide smooth, washable, easily-cleanable walls and floors in the toileting and handwashing areas.
- (2) A school-age center must provide toilets that:
 - (a) Are supplied with toilet paper;
 - (b) If equipped with doors that can be unlocked from the outside with an opening device readily accessible to staff; and
 - (c) Provide privacy, such as being screened, equipped with doors, or having children take turns while supervision is maintained.
- (3) A school-age center must have handwashing sinks that:
 - (a) Have hot and cold running water, unless the center's program is in a public school building;
 - (b) Have mixing faucets if the center's certification was in effect on July 15, 2001 and when toilet facilities are remodeled, and unless the center's program is housed in a public school building;
 - (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 school-age 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.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0480

RULE TITLE: Prevention and Management of Hazards

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Rules around preventing hazardous materials from becoming toxic in school-age centers.

RULE TEXT:

- (1) A school-age 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 stored in a manner that prevents use or access by children.
 - (a) Toxic substances must be stored separately from medication, food service equipment, and food supplies.
 - (b) Products including toxic substances must be stored and used according to the manufacturer's instructions including not storing products near heat sources.
 - (c) 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) A school-age 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.
- (3) A school-age center and staff must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. A school-age 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; and
 - (b) Ensure open containers of water used for children's play, such as water tables, are emptied immediately after use.
- (4) A school-age 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.
- (5) A school-age center must not permit the possession or storage of guns, firearms, weapons, or ammunition on the center premises at any time.
- (6) A school-age center must ensure that all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, and rain barrels are inaccessible to all children.
 - (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 doors are locked that access the area.
 - (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.
- (7) A school-age 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.

(8) A school-age 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.

(9) Personal items belonging to staff members must be stored according to applicable rules.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0490

RULE TITLE: Maintenance and Sanitation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Rules for maintaining school-age center premises; also see also see 414-310-0600, Food Service, and 414-310-0610, Food Storage and Preparation for additional sanitation rules.

RULE TEXT:

- (1) A school-age 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 school-age 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, and rugs or carpet must be shampooed or steam cleaned at least once every six months.
 - (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) A school-age 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.
- (4) A school-age center must keep all garbage and biocontaminant waste in non-absorbent, easily washable containers.
- (5) 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) Items that cause offensive odors must be disposed of in a covered container.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0500

RULE TITLE: Fire Protection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Rules for fire safety in school-age centers.

RULE TEXT:

- (1) A school-age 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 school-age 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 school-age center must have the size, type and number of fire extinguishers installed, maintained and tested as required by the fire code official.
- (5) A school-age 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 shall be installed and tested in accordance with the manufacturer's recommended instructions and located in accordance with the applicable building code.
- (7) A school-age 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 school-age center must not use items with open flames, except for the brief supervised use of candles.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0510

RULE TITLE: Furniture

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Rules around types of furniture allowed in school-age centers.

RULE TEXT:

(1) A school-age 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 school-age center must provide age appropriate table space and seating for all children.

(3) A school-age center must provide a safe, washable cot or rest mat for any child who wants to rest, and for a child that needs to be isolated due to illness.

(a) Cots and mats must be cleaned and sanitized when soiled and before use by another child.

(b) 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.

(4) A school-age 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.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0520

RULE TITLE: Play Materials

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: What school-age centers need to offer to support quality play.

RULE TEXT:

- (1) A school-age 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 school-age 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.
- (3) A school-age 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 414-310-0400 Activity Plan, as appropriate.
- (4) A school-age center must provide a variety of age-appropriate toys, materials and equipment which give children choices such as manipulatives, language and literary materials, art materials, table games, music, or dramatic play.
- (5) If engaged in activities that include a tool that could pose a safety risk (e.g., iron, glue gun, woodworking tool), staff must first instruct children in the tool's proper use and safety measures. A staff person must be actively engaged with the activity to reduce the risk of injury.
- (6) A school-age 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0530

RULE TITLE: Outdoor Space

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for outdoor spaces in school-age centers.

RULE TEXT:

- (1) A school-age 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 school-age center, such as a public park, 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 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 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 school-age center must keep outdoor play areas free of litter, animal waste, solid waste and refuse, ditches, or other conditions presenting a potential hazard.
- (4) Unless the center's program is located within a public school building, any fenced outdoor play areas must have at least two exits. An entrance to the building may count as one exit; the additional exit must be away from the building.
- (5) Unless the center's program is located within a public school building, a school-age center must ensure that use zones in which a child falling or exiting from play equipment are:
 - (a) A minimum of 6 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 three 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 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.
- (6) Unless a center's program is located within a public school building or uses a public school facility play area, a school-age center must always maintain protective surfacing in use zones under 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 school-age 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.
 - (b) The minimum depth of loose-fill materials is 9 inches if the play equipment is more than 18 inches in height.
 - (c) Loose-fill materials must remain loose and not compacted at the required depth by replacing, leveling, or raking.
 - (d) Rubber mats and poured in place rubber must not have rips, tears, loose seams, or other conditions that may pose a

hazard.

(7) A school-age center must securely anchor any non-portable piece of climbing or swinging equipment according to manufacturer's instructions.

(8) A school-age center must provide a shaded area accessible to children in the outdoor play areas. Shade may be provided by trees, buildings, or shade structures.

(9) The play equipment is arranged to allow for an open, continuous, uninterrupted, and unobstructed area.

(10) Trampolines, other than rebounders, are prohibited. Rebounders are permitted only when used according to manufacturer's instructions.

(11) 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.

(12) A school-age center must provide outdoor gross motor equipment that addresses a variety of skills (for example, climbing, balancing, throwing, catching, pedaling, and steering).

(13) A school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0540

RULE TITLE: Handwashing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for handwashing in school-age centers.

RULE TEXT:

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

- (a) After using the toilet;
- (b) After assisting someone with toileting;
- (c) Before handling food; and
- (d) Before and after eating.

(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) When arriving at the center;
 - (d) After outside activities; and
 - (e) After handling pet toys or touching animals, other than dogs and cats.
- (3) When handwashing is not possible, but required, e.g. on field trips and on the playground, moist towelettes and hand sanitizer with alcohol content between 60-95% shall be used together.
- (4) For children with special needs 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0550

RULE TITLE: Illness and Injuries

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: What school-age centers must do in the event of a sick or injured child.

RULE TEXT:

(1) A school-age 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 school-age 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) Staff may also determine that a child who has been admitted into care should be separated from other children if the child is unable to participate comfortably in activities or needs care that is greater than the staff can provide without compromising the health and safety of other children.

(4) If a child who has been admitted into care shows signs of illness, as described in this rule, a school-age 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 sanitized or 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.
- (5) 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 school-age 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.
- (6) A school-age 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.
- (7) A school-age 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 procedures under 414-310-0490 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.
- (8) A school-age 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.
- (9) A school-age center must keep written reports of injuries on file in one location and for at least two years.
- (10) A school-age 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 for sanitizing after a blood spill;
 - (o) Flexible rolled gauze; and
 - (p) A chart or handbook of first aid instructions.
- (11) A school-age center must ensure that the first aid supplies are readily available to staff and kept inaccessible to children.
- (12) A school-age center must maintain the first aid supplies in a clean and sanitary manner and replace them as needed, including expired items.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0570

RULE TITLE: Medications

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers should be managing medication for children in care.

RULE TEXT:

(1) Before a school-age 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 414-310-0210, Parental Permissions);

(A) For chronic medical conditions, a school-age 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 school-age 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 school-age 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 school-age center must inform parent(s) daily of all medications administered to their child.

(4) If medication is provided by the parent, a school-age center must administer medication only to the child for whom it is intended, and follow the directions on the label.

(5) A school-age center must ensure that all medications are stored under child-safety lock with child-resistant caps when available and stored away from food.

(a) Emergency medicine shall be placed in an unlocked container that is kept out of reach of children while inside the facility.

(b) Emergency medicine may not be stored in the child's personal belongings while inside the facility unless the center obtains written parental consent to permit children who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own epinephrine, and use them as directed.

(6) A school-age 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 school-age center does not need to document application but must:

(a) Have annual 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;

(e) Not use aerosol sunscreen products; and

(f) Allow children to apply sunscreen to themselves with direct staff supervision and written parental approval.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0580

RULE TITLE: Care of Children with Special Needs

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers should be supporting children with special needs.

RULE TEXT:

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 school-age 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) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid;
- (11) Symptoms for staff to observe;
- (12) Behavioral modifications;
- (13) Emergency response plans – both if the child has a medical emergency and special factors to consider in a programmatic emergency, like a fire;
- (14) Any necessary special skills training and education for staff and the person responsible for training staff members.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0590

RULE TITLE: Kitchen and Food Service Areas

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers need to support and maintain food preparation and service areas.

RULE TEXT:

- (1) If there is no kitchen in the center and if meals or snacks are not catered, a school-age center must observe the requirements under OAR 414-310-0600, Food Service.
- (2) A school-age 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 school-age 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 school-age 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 school-age 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 sink 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 school-age 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 school-age center must dispense soap and paper towels in a sanitary manner and, unless located in a public school building, post a sign demonstrating the proper handwashing technique at the sink designated for handwashing.
- (7) A school-age 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 school-age 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 school-age 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 school-age 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0600

RULE TITLE: Food Service

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How and when school-age centers need to offer food service to children.

RULE TEXT:

(1) A school-age center's food service must include the following:

- (a) Children in care for more than 3 ½ consecutive hours must be served a meal or snack every 3 ½ 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.

(2) A school-age 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 school-age center must provide each child with individual dishes, cups, and utensils for eating and drinking. Single service items such as paper plates, cups and napkins, and plastic utensils may be used only once and must be discarded after use.

(4) A school-age center must make additional servings available if a child remains hungry.

(5) A school-age center must maintain staff-to-child ratios during meal and snack service and while children are eating.

(6) If a school-age center serve 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.

(7) A school-age 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 414-310-0620, 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 414-310-0620, Meals and Snacks.

(8) A school-age 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.

(9) If a school-age 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.

(10) On special occasions, such as birthdays, a school-age center may allow parents or guardians to provide snacks that may not satisfy the nutritional requirements for all children. The school age 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 414-310-0210, 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0610

RULE TITLE: Food Storage and Preparation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must store and prepare food for children's consumption.

RULE TEXT:

- (1) A school-age center must store, prepare, and serve all food and drink provided by the center in a sanitary manner and protected from contamination. Water for preparing food, drinking or cooking shall not be obtained from handwashing sinks.
- (2) A school-age 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.
- (3) A school-age 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.
- (4) A school-age 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.
- (5) A school-age 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.
- (6) A school-age center must ensure that foods heated in a microwave are a safe temperature before serving to children.
- (7) A school-age 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.
- (8) A school-age center must protect food from contamination by:
 - (a) Transfer 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 Division 150 Food Sanitation Rules.
- (g) Air drying all tableware, equipment, and utensils after being sanitized.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0620

RULE TITLE: Meals and Snacks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Guidelines for what meals and snacks need to contain for children.

RULE TEXT:

(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 school-age 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 school-age 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 school-age 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) Only water, milk, and fruit or vegetable juice is served.
- (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) 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) 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.

(f) 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0630

RULE TITLE: Transportation Overview

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for transporting children while in care.

RULE TEXT:

(1) If a school-age 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 school-age center contracts for transportation, including the use of public transportation, the center is responsible for ensuring the contracted entity meets OCC's transportation requirements including 414-310-0630 through 414-310-0670.

(b) Documentation must be maintained as specified in OAR 414-310-0240 Program Records.

(c) A school-age 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

(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 414-310-0210 Parental Permissions and 414-310-0250 Items Available to View).

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0640

RULE TITLE: Transportation Staffing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements of staff transporting children in school-age care.

RULE TEXT:

- (1) If a driver is the only adult in the vehicle, a school-age center must ensure that the driver:
 - (a) Meets Program Leader qualifications and training requirements; and
 - (b) Meets additional driver and ratio requirements under 414-310-0640, Transportation.
- (2) A school-age 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 school-age 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 414-300-0360 Staff-to-Child Ratios and Group Size).
 - (b) One staff member must be at least Program Leader qualified (also see OAR 414-300-0300, Program Leaders).
 - (c) A school-age 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 Program Leader qualifications and transportation requirements as provided in these rules, and is enrolled in the CBR.
- (4) A school-age center must provide adequate supervision to protect children during transportation.
 - (a) A school-age 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 school-age center must never leave children unattended inside or outside of a vehicle.
 - (c) A school-age center must immediately document attendance each time a child enters and exits the vehicle.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0650

RULE TITLE: Transportation Safety

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must maintain safety in travel with children in care.

RULE TEXT:

(1) A school-age 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 to children with contents specified in OAR 414-310-0560, Injuries).

(2) A school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0660

RULE TITLE: Passenger Restraints and Seating

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for seat belts and other forms of passenger safety for traveling with children in care.

RULE TEXT:

A school-age 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 developmentally appropriate 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0670

RULE TITLE: Vehicles

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements around vehicle maintenance and operation for school-age centers.

RULE TEXT:

A school-age 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, unless using contracted transportation or a vehicle not owned by the school-age center (e.g. a small sign in the rear window or a bumper sticker);
- (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 the Early Learning Division 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0680

RULE TITLE: Swimming

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers must regulate swimming for children in care to maintain safety.

RULE TEXT:

- (1) A school-age center must have written permission from each child's parent before engaging in any swimming activities.
- (2) A school-age center must provide constant sight and sound supervision of children around any bodies of water.
- (3) A school-age center must not use a swimming pool unless it has been licensed by the Oregon Health Authority or delegated agent. (Also see OAR 414-310-0480, 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, activity is limited to wading; swimming is not permitted.
- (5) A school-age 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 school-age center has on-site swimming or is responsible for off-site swimming, the center's written emergency plan (required by 414-310-0180, Emergency Preparedness and Response) must also include pool and swimming safety. 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.
- (7) At all times when children are engaged in swimming and wading activities on or off the premises, a school-age center must:
 - (a) Ensure that staff are in or at the water and prepared to enter;
 - (b) Meet a 1:10 staff-to-child ratio;
 - (c) Verify that all adults counted in the staff-to-child ratios are able to swim if the water is more than 48 inches deep;
 - (d) 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
 - (e) Review safety rules with children each time they participate.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0690

RULE TITLE: Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: How school-age centers can have animals in classrooms while maintaining children health and safety.

RULE TEXT:

(1) A school-age 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 school-age center may not allow an animal with any history of biting to be on the premises of the center.

(3) A school-age center must prevent any direct contact by children with any animals unfamiliar to the center such as a stray.

(4) A school-age 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 school-age 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 school-age 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 414-310-0170 Policies).

(7) A school-age 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 school-age center must keep animal food supplies out of the reach of children and store them separately from food supplies and equipment. Animal food must be stored in a manner that does not attract rodents or insects.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0700

RULE TITLE: Monitoring and Investigations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Outlining expectations of how OCC will monitor school-age centers.

RULE TEXT:

- (1) OCC may conduct unannounced monitoring visits of a school-age center at least annually for the purpose of determining compliance with these rules and terms and conditions of certification. OCC may conduct compliance verification visits to a school-age center for the purposes of confirming compliance or continued compliance.
- (2) If a complaint alleges that a school-age 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 school-age 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 school-age 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.
- (3) In connection with a monitoring or investigation visit, OCC shall provide technical assistance as appropriate.
- (4) 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0710

RULE TITLE: Suspension, Denial and Revocation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Situations when OCC will revoke, suspend or deny licensure.

RULE TEXT:

- (1) OCC may immediately, and without prior notice, suspend a school-age 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 wellbeing. Such action may be taken before an investigation is completed.
- (2) If a school-age 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 school-age 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 school-age 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 school-age 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 school-age 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 school-age 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 school-age center's certification to the Department of Human Services, USDA Child Care Food Programs, Child Care Resource and Referral System.
- (9) If a school-age 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 school-age 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 school-age 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 school-age 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: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257

ADOPT: 414-310-0720

RULE TITLE: Civil Penalty

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: When OCC will instill a financial penalty on school-age centers for rule violations.

RULE TEXT:

- (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 school-age center's compliance with the rule.
- (3) For a serious violation, as defined in OAR 414-310-0120(39), a school-age center may be subject to a civil penalty not to exceed \$2500 for each violation.
- (4) For a nonserious violation, a school-age 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 school-age 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 school-age 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 school-age center certification.

STATUTORY/OTHER AUTHORITY: 329A.257

STATUTES/OTHER IMPLEMENTED: 329A.257