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DIVISION 1

COMMISSION FOR CHILD CARE

Procedural Rules

414-001-0000

Notice of Intent to Adopt, Amend, or Repeal a Rule

Prior to the adoption, amendment, or repeal of any rule, the Commission for Child Care shall give notice of the intended action:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360, at least 15 days before the effective date of the intended action;
 - (2) By mailing a copy of the notice to persons on the Commission's mailing list pursuant to ORS 183.335(7);
 - (3) By mailing or furnishing a copy of the notice to:
 - (a) The United Press International;
 - (b) The Associated Press;
 - (c) The Capitol Press Room.
- Stat. Auth.: ORS 418.358
Stats. Implemented: ORS 657A.600
Hist.: CFCC 2-1989(Temp), f. & cert. ef. 12-1-89; CFCC 1-1990, f. 3-12-90, cert. ef. 3-15-90

414-001-0005

Rules of Procedure

The Commission for Child Care hereby adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act, effective September 15, 1997.

- Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.600
Hist.: CFCC 1-1989, f. & cert. ef. 12-1-89; CCD 4-1996, f. 10-29-96, cert. ef. 11-1-96; CCD 1-1999, f. & cert. ef. 5-26-99

DIVISION 5

CHILDREN'S TRUST FUND

Children's Trust Fund Dissolution

414-005-0000

Purpose

These rules address what would happen to accumulated funds should the Children's Trust Fund of Oregon dissolve.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 22-1992, f. & cert. ef. 9-17-92; Renumbered per SB 1042, 1993

414-005-0010

Definitions

"Children's Trust Fund" is a fund in the State Treasury which supports the establishment of community-based educational and service programs designed to reduce the occurrence of child abuse and neglect, supports research programs related to child abuse and neglect and which develops and strengthens community child and neglect prevention networks. The State Office for Children & Families oversees the trust fund functions.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 22-1992, f. & cert. ef. 9-17-92; Renumbered per SB 1042, 1993

414-005-0020

Policy

(1) In carrying out the provisions of ORS 418.187 to 418.199, the Children's Trust Fund of Oregon shall not carry on any other activities not permitted to be carried on by an organization exempt from federal income tax under **Section 501 (c)(3)** of the **Internal Revenue Code**, or corresponding section of any future federal tax code, or by an organization, contributions to which are deductible under **Section 170(c)(2)** of the **Internal Revenue Code**, or corresponding section of any future code federal tax code.

(2) Upon the dissolution of the Children's Trust Fund of Oregon, any assets remaining thereafter shall be conveyed to such organization or organizations which are organized for a public or charitable purpose, the United States, a state or person which is recognized as exempt under **Section 501(c)(3)** of the **Internal Revenue Code of 1986**, as amended, and which will be bound to use the assets for the purposes of ORS 418.187 to 418.199.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]
 Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 22-1992, f. & cert. ef. 9-17-92; Renumbered per SB 1042, 1993

DIVISION 50

GENERAL AND INTERNAL RULES

414-050-0000

Hearings and Rulemaking Procedures

The Attorney General's Model Rules of Procedure effective September 15, 1997 shall be applicable to rulemaking functions and to all contested case hearings of the Child Care Division of the Employment Department.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.180, ORS 657A.260, ORS 657A.360, ORS 657A.601 & ORS 657A.360
 Hist.: CSD 17-1993, f. & cert. ef. 12-17-93; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-10-601; CCD 1-1996, f. & cert. ef. 3-19-96; CCD 1-1999, f. & cert. ef. 5-26-99; CCD 1-1999, f. & cert. ef. 5-26-99

414-050-0005

Rules Procedure

Prior to the adoption, amendment, or repeal of any rule, the Child Care Division shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the applicable Child Care Division mailing list established pursuant to ORS 183.335(7) at least (28) days prior to the effective date.

(3) By mailing a copy of the notice to the:

- (a) Associated Press;
- (b) United Press International; and
- (c) A newspaper of statewide circulation.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 183.355(1)(b) & ORS 183.355(1)(c)
 Hist.: CCD 3-1994, f. & cert. ef. 8-2-94

DIVISION 61

CHILD CARE DIVISION

Criminal History Registry

414-061-0000

Purpose

(1) The Child Care Division will conduct criminal records checks and child protective services records checks on subject individuals, as defined in OAR 414-061-0030, for enrollment of subject individuals in the Criminal History Registry.

(2) These rules provide guidelines on:

(a) How CCD obtains criminal records and child protective service information on subject individuals, applies such information to its determination about the suitability of the subject individual, and enrolls approved subject individuals in the Criminal History Registry;

(b) The procedures CCD will use to conduct criminal records checks concerning persons where the information is required to implement a federal or state statute, executive order or rule that expressly refers to criminal conduct; and

(c) How CCD will disseminate criminal records information to authorized persons.

Stat. Auth.: ORS 657A.030(7)
 Stats. Implemented: ORS 657A.030
 Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0010

Scope of Rules

(1) Consistent with the purposes of these rules, CCD will issue decisions about persons defined as subject individuals as to their suitability to be enrolled in the Criminal History Registry and employed in programs defined as "Requesting Agencies" in OAR 414-061-0020(18).

(2) Refusal to consent to criminal records checks or child protective services checks will be grounds to refuse to enroll a subject individual in the Criminal History Registry.

(3) These rules (OAR 414-061-0000 through 414-061-0120) shall be construed and implemented consistent with the regulations governing:

(a) Child care licensing in OAR 414-205-0000 through 414-205-0070, 414-300-0000 through 414-300-0440, and 414-350-0000 through 414-350-0440;

(b) Pre-kindergarten programs in OAR 581-019-0005 through 581-019-0035;

(c) Parent-as-teacher programs in OAR 581-019-0050 through 581-019-0080; and

(d) Early childhood special education and early intervention programs in OAR 581-015-0900 through 581-015-1060.

Stat. Auth.: ORS 657A.030(7)
 Stats. Implemented: ORS 657A.030
 Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0020

Definitions

(1) "Agency Agreement" means a written agreement between the Oregon State Police and a Criminal Justice or Designated Agency, as defined in section (8) of this rule, authorized to receive criminal offender information, specifying the terms and conditions of accessing and receiving Oregon Computerized Criminal History information to assure compliance with state and federal regulations.

(2) "CCD" means the Child Care Division of the Employment Department.

(3) "Child or Children" means a person or persons under 18 years of age.

(4) "Child Protective Services Information" means information on child abuse and neglect cases from the State Office for Services to Children and Families (SCF).

(5) "Computerized Criminal History (CCH) System" means the administration and maintenance of on-line computer files of significant criminal offender information by the Oregon State Police (OSP).

(6) "Conditional Enrollment" means temporary approval to be enrolled in the Criminal History Registry following an OSP criminal records check and child protective services check but prior to receipt by the Division of the results of a required FBI criminal records check.

(7) "Criminal Records Information" means records, including fingerprints and photographs, received, compiled, and disseminated by the Oregon State Police for purposes of identifying criminal offenders and alleged offenders and maintained as to such persons' records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release and includes the OSP Computerized Criminal History System.

(8) "Designated Agency" means any state agency, Division or Department required to access Oregon criminal offender information to implement a federal or state statute, executive order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct; or for agency employment purposes, licensing purposes, or other demonstrated and legitimate need; and when designated by order of the governor.

(9) "Early Childhood Care and Education Program" means a child care facility, federally-funded Head Start program, Oregon Department of Education funded pre-kindergarten program, parent-as-teacher program, or early childhood special education/early intervention program.

(10) "Employee" means any individual caring for, overseeing, or who has or may have access to children, who holds a paid position in a requesting agency.

(11) "Employee of the Child Care Division" means any individual employed by the Child Care Division who works in the child care licensing unit.

(12) "Enrollment" means approval for a two-year period to be enrolled in the Criminal History Registry following an OSP criminal records check, child protective services check and, if required, an FBI records check.

(13) "Fee" means the charges assessed the subject individual for processing each criminal offender information record check and/or fingerprint-based criminal offender record check request.

(14) "FBI" means the Federal Bureau of Investigation.

(15) "Fingerprint-Based Criminal Records Information" means criminal offender information compiled and maintained by the Bureau of Criminal Identification regarding persons who have been arrested for crimes where law enforcement agencies have submitted fingerprints and other identifying data as required by ORS 181.515 and/or federal statutes, or as deemed appropriate by the submitting law enforcement agency for the purpose of identification.

(16) "Information Required" means all information requested by the Child Care Division for processing criminal offender information checks, including fingerprint checks.

(17) "OSP" means the Oregon State Police.

(18) "Requesting Agency" means a childhood care and education program or individual providing care to children which is:

(a) Regulated by CCD under ORS 657A.280 or ORS 657A.330; or

(b) A childhood care and education program funded by the federal ACF Head Start Branch under 45 CFR Part 1301-1308, or the Oregon Department of Education as a pre-kindergarten program or parent-as-teacher program, or an agency contracting with the Oregon Department of Education to provide early intervention, early childhood special education services.

(19) "Unsupervised Contact with Children" means contact with children that provides the person opportunity and probability for personal communication or touch when not under the direct supervision of a child care provider or employee.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 657A.030(7)

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0030

Subject Individuals

(1) For purposes of criminal records checks, including fingerprint-based criminal records information, "Subject Individual" means a person who, after October 1, 1998 wishes to seek employment as:

(a) The operator or an employee of a certified, licensed or regulated facility caring for or treating children that is subject to the jurisdiction of the Employment Department;

(b) The operator or an employee of an Oregon pre-kindergarten program or parent-as-teacher program under ORS 329.170 to 329.200;

(c) The operator or an employee of a federal Head Start Program regulated by the United States Department of Health and Human Services;

(d) An employee of the Child Care Division of the Employment Department;

(e) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534; or

(f) A child care provider who is required to be enrolled in the Criminal History Registry by any state agency.

(2) An individual in any of the above facilities or programs who may have unsupervised contact with children is also a subject individual.

Stat. Auth.: ORS 657A.030(7)

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0040

Limitations of Inquiries

(1) Only CCD employees who have been fingerprinted and cleared by the Oregon State Police shall access or have access to criminal records information pursuant to a valid agency agreement, as defined in OAR 414-061-0020(1). All such information shall be handled in compliance with the agency agreement and rules and procedures of the Oregon State Police relating to the criminal records information (OAR 257-015-0000 to 257-015-0100). It is the responsibility of CCD to assure strict compliance with federal and state laws, rules, and procedures regarding, access, dissemination, maintenance, and destruction of criminal records information.

(2) Criminal records information obtained from OSP and/or the FBI will not be used for any purpose other than that for which it was obtained nor given to unauthorized persons or agencies.

(3) Criminal records information, including fingerprint-based criminal records information, and child protective services information shall be obtained by CCD to determine whether a subject individual has been convicted of a crime or has a founded child protective services case which is substantially related to enrollment in the Criminal History Registry.

Stat. Auth.: ORS 657A.030(7)

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0050

History to be Considered

(1) CCD has determined that serious felonies and misdemeanors involving violence or unauthorized sexual conduct, especially with children or otherwise vulnerable persons, is fundamentally inconsistent with any responsibility for care of children. Conviction of crimes listed in Table I of this rule shall disqualify a subject individual from being enrolled in the Criminal History Registry, unless the subject individual provides sufficient evidence of suitability as described in section (3) of this rule.

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(a) CCD will consider the following crimes if they were committed 15 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

- (A) Assault III;
- (B) Bigamy;
- (C) Burglary I;
- (D) Coercion;
- (E) Contributing to Sexual Delinquency of Minor;
- (F) Criminal Mistreatment II;
- (G) Criminal Non-Support;
- (H) Kidnapping II;
- (I) Racketeering;
- (J) Rape III;
- (K) Robbery II;
- (L) Robbery III;
- (M) Sexual Misconduct;
- (N) Stalking;
- (O) Supplying Contraband.

(b) CCD will consider the following crimes if they were committed 20 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

- (A) Abuse of a Corpse I;
- (B) Abuse of a Corpse II;
- (C) Arson I;
- (D) Assault I;
- (E) Assault II;
- (F) Compelling Prostitution;
- (G) Criminal Mistreatment I;
- (H) Criminally Negligent Homicide;
- (I) Disseminating Obscene Material;
- (J) Escape I;
- (K) Firearm Used in Felony;
- (L) Incest;
- (M) Intimidation I;
- (N) Intimidation II;
- (O) Kidnapping I;
- (P) Manslaughter I;
- (Q) Manslaughter II;
- (R) Possession of a Destructive Device;
- (S) Possession of Weapons by Inmates of Institutions;
- (T) Promoting Prostitution;
- (U) Publicly Displaying Nudity or Sex for Advertising Purposes;
- (V) Robbery I;
- (W) Sadoomasochistic Abuse or Sexual Conduct in Live Show;
- (X) Tampering with Drug Records;
- (Y) Theft by Extortion;
- (Z) Unlawful Manufacture of a Destructive Device;
- (AA) Unlawful Paramilitary Activity;
- (BB) Unlawful Possession of Machine Gun, Certain Short Barreled Firearms and Firearms Silencers.

(c) CCD will consider the following crimes regardless of the length of time since they were committed.

- (A) Abandonment of a Child;
- (B) Adult Using Minor in Commission of Controlled Substance Offense;
- (C) Aggravated Murder;
- (D) Child Neglect I;
- (E) Child Neglect II;
- (F) Displaying Obscene Materials to Minors;
- (G) Endangering the Welfare of a Child;
- (H) Exhibiting an Obscene Performance to Minors;
- (I) Furnishing Obscene Materials to Minors;
- (J) Murder;
- (K) Paying for Viewing Sexual Conduct Involving a Child;
- (L) Rape I;
- (M) Rape II;
- (N) Sending Obscene Materials to Minors;
- (O) Sexual Abuse I;
- (P) Sexual Abuse II;

- (Q) Sexual Abuse III;
- (R) Sexual Penetration I;
- (S) Sexual Penetration II;
- (T) Sodomy I;
- (U) Sodomy II;
- (V) Sodomy III;
- (W) Using Child in Display of Sexually Explicit Conduct.

(d) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(e) These rules also apply to:

(A) A conviction of a crime in another jurisdiction which is the substantial equivalent of a crime listed in Table 1; and

(B) Any attempts or solicitations to commit any Felony or Misdemeanor crime listed in Table 1.

(2) CCD has further determined that felonies and misdemeanors involving theft, fraud, or deception, crimes against the state and public justice, and major traffic violations may substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual was convicted of a crime listed in Table 2 of this rule, CCD will seek to obtain and review information on all intervening circumstances and other background information related to criminal activity, subject to section (3) of this rule. Based on this information, the Division will make a decision whether or not to enroll the subject individual in the Criminal History Registry.

(a) CCD will consider the following crimes if they were committed 5 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

- (A) Bribe Receiving;
 - (B) Bribe Receiving by a Witness;
 - (C) Bribing a Witness;
 - (D) Criminal Possession of a Forged Instrument in the First Degree;
 - (E) Criminal Possession of Forgery Device;
 - (F) Failure to Appear I;
 - (G) Forgery in the First Degree;
 - (H) Fraudulent use of a Credit Card (over \$750);
 - (I) Hindering Prosecution;
 - (J) Hit and Run Vehicle (Injury);
 - (K) Hit and Run Vehicle (Property);
 - (L) Negotiating a Bad Check (Class Felony Clause);
 - (M) Obstructing Governmental or Judicial Administration;
 - (N) Criminal Driving while Suspended or Revoked or in Violation of a Permit;
 - (O) Official Misconduct I;
 - (P) Official Misconduct II;
 - (Q) Perjury;
 - (R) Possessing a Fraudulent Communication Device;
 - (S) Reckless Driving;
 - (T) Sports Bribe Receiving;
 - (U) Sports Bribery;
 - (V) Tampering with a Witness;
 - (W) Tampering with Public Records;
 - (X) Theft II;
 - (Y) Theft III;
 - (Z) Unlawful Factoring of a Credit Card Transaction.
- (b) CCD will consider the following crimes if they were committed 7 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.
- (A) Assault IV;
 - (B) Carrying a Concealed Weapon;
 - (C) Criminal Mischief I;
 - (D) Driving under the Influence of Intoxicants;
 - (E) Fleeing or Attempting to Elude Police;
 - (F) Harassment;
 - (G) Menacing;
 - (H) Recklessly Endangering Another;
 - (I) Telephone Harassment;
 - (J) Theft I;

(K) Unlawful Possession of a Firearm.

(c) CCD will consider the following crimes if they were committed 10 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

- (A) Aggravated Theft I;
- (B) Arson II;
- (C) Burglary II;
- (D) Escape II;
- (E) Pointing a Firearm at Another;
- (F) Providing Liquor to a Person Under 21 or to Intoxicated Person; Mandatory Minimum Penalties;
- (G) Public Indecency;
- (H) Riot.

(d) CCD will consider the following crimes if they were committed 15 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

- (A) Proof of Commercial Drug Offense (Controlled Substance);
- (B) Prohibited Acts for Registrants; penalties (Controlled Substance);

(C) Prohibited Acts Generally; Penalties; Affirmative Defense for Certain Peyote Uses (Controlled Substance);

(D) Prohibited Acts involving Records and Frauds; Penalties (Controlled Substance);

(E) Prostitution.

(e) CCD will consider the following crimes if they were committed 20 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry.

(A) Penalties for Distribution of Controlled Substance to Minors;

(B) Penalty for Manufacture or Delivery of Controlled Substance Offense within 1,000 feet of School In Violation of a Permit.

(f) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(g) These rules also apply to:

(A) A conviction of a crime in another jurisdiction which is the substantial equivalent of a crime listed in Table 2; and

(B) Any attempts or solicitations to commit any Felony or Misdemeanor crime listed in Table 2.

(3) CCD has determined that founded child protective services cases may substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual has a founded child protective services case, CCD will seek to obtain and review information related to the case, subject to section (4) of this rule. Based on this information, the Division will make a decision whether or not to enroll the subject individual in the Criminal History Registry.

(4) Factors to be considered in determining suitability, based on information available to CCD and information provided by the subject individual, include:

- (a) Types and number of offenses;
- (b) Passage of time since the offense was committed;
- (c) Circumstances surrounding the commission of the offense;
- (d) Intervening circumstances since the commission of the offense; and

(e) Relationship of the facts under subsections (a) through (d) of this section to the individual's suitability to work with children.

(5) CCD will not bar from enrollment in the Criminal History Registry any subject individual because of the existence or contents of a juvenile record that has been expunged by the court.

Stat. Auth.: ORS 657A.030(7)

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0060

Requirements of Requesting Agencies

Requesting agencies, as defined in OAR 414-061-0020(18), must comply with the following requirements:

(1) A requesting agency's application forms must contain a notice that employees and other persons who are subject individuals must be enrolled in the Criminal History Registry and that employment is subject to fingerprinting and criminal records checks, as required by ORS 181.537, and child protective services records checks.

(2) A requesting agency may hire a subject individual on a probationary basis if the subject individual is conditionally enrolled in the Criminal History Registry. A requesting agency may hire a subject individual on a permanent basis if the subject individual is enrolled in the Criminal History Registry.

(3) A requesting agency shall not hire or continue to employ on a probationary or permanent basis an individual if the individual is not enrolled in the Criminal History Registry, has had his or her conditional enrollment rescinded or has been removed from the Criminal History Registry.

(4) A requesting agency may allow a subject individual who is not yet enrolled or conditionally enrolled in the Criminal History Registry to participate in training, orientation and work activities if the training, orientation and work activities are at a location other than the child care facility or are conducted at the facility when children are not present and the subject individual is not in contact with any children.

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 657A.030(7)

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0070

Procedures for Conducting Oregon State Police Computerized Criminal History System Record Checks and Child Protective Services Checks

(1) Subject individuals shall consent to a criminal records check of the Oregon State Police Computerized Criminal History (CCH) System and a child protective services check at the time they request enrollment in the Criminal History Registry.

(2) Criminal record check consent forms shall contain notice that criminal records checks will be conducted as required by ORS 181.537 and 657A.030. The form shall also contain notice that child protective services checks will be conducted.

(3) Subject individuals shall provide all information required for a criminal records check and a child protective services check on a form supplied by CCD. Information includes:

(a) A properly completed and signed form CCD 199, Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry;

(b) For a subject individual who acknowledges a prior conviction of a criminal offense, as listed in OAR 414-061-0050, an explanation of the relationship of the facts which support the conviction and all intervening circumstances. On request of CCD, the subject individual must authorize CCD to verify information provided by the individual; and

(c) As part of the consent to a criminal records check and child protective services check, CCD may request subject individuals to consent to the use of their social security numbers in conducting the checks.

(4) CCD shall conduct an Oregon computerized criminal records check and a child protective services check on all subject individuals.

(5) CCD will review the criminal records information and child protective services information and will determine whether or not a subject individual may be enrolled in the Criminal History Registry.

(6) Fees for each name checked through OSP CCH and child protective services systems are as follows:

(a) For family child care applicants and other adults in the household, the fee is included in the application fee for family child care registration;

(b) No charge for CCD employees; and

(c) All other requests for criminal record checks and child protective services checks and enrollment in the Criminal History Registry will cost \$3 per person.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]
Stat. Auth.: ORS 657A.030(7)
Stats. Implemented: ORS 657A.030
Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0080

Procedures for Conducting FBI Criminal History Checks

(1) An FBI criminal records check will be done on a subject individual whose OSP CCH record shows multi-state offender status, who has lived in Oregon less than 18 months or when CCD has information that the individual has committed a crime in another state.

(2) The subject individual shall supply to CCD the following information:

(a) Two properly completed FBI fingerprint cards, with red overprinting in the "reason fingerprinted" block which reads "ORS 181.537/ORS 657A.030";

(b) Properly completed form CCD 199, Consent for Criminal Records Check and Request for Enrollment in the Criminal History Registry; and

(c) For a subject individual who acknowledges a prior conviction, as listed in OAR 414-061-0050, an explanation of the relationship of the facts which support the conviction and all intervening circumstances. On request of CCD, the subject individual must authorize CCD to verify information provided under this rule.

(3) As part of the consent to a criminal records check, CCD may request the subject individual to consent to the use of his/her social security number in conducting the check.

(4) CCD will review the criminal records information and will determine whether or not a subject individual may be enrolled in the Criminal History Registry.

(5) CCD shall destroy fingerprint cards in the manner prescribed by OSP.

(6) CCD will charge the subject individual \$46 for an FBI record check, to be paid at the time of the request.

[ED. NOTE: The Form referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]
Stat. Auth.: ORS 657A.030(7)
Stats. Implemented: ORS 657A.030
Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0090

CCD Approval Procedures

(1) A subject individual shall be enrolled in the Criminal History Registry if CCD has determined that the individual:

(a) Has no criminal or child protective services history or has dealt with the issues and provided adequate evidence of suitability;

(b) Has paid the applicable fee; and

(c) Has complied with the rules of CCD adopted pursuant to the Criminal History Registry (OAR 414-061-0000 through 414-061-0120).

(2) Enrollment in the Criminal History Registry shall expire two years from the date of enrollment, unless rescinded sooner, and may be renewed upon application to CCD, payment of the required fee and compliance with the rules adopted by CCD pursuant to the Criminal History Registry (OAR 414-061-0000 through 414-061-0120).

(3) A subject individual who has been enrolled in the Criminal History Registry will be notified by CCD of his or her enrollment and the enrollment dates. Such notification will not be sufficient evidence of enrollment for employment by a requesting agency.

(4) A subject individual may be conditionally enrolled in the Criminal History Registry pending the results of an FBI criminal records check if they have been determined to be suitable based on OSP criminal records information and child protective services information.

(a) A conditionally enrolled subject individual who has been determined to be suitable based on FBI criminal records information shall be enrolled in the Criminal History Registry.

(b) The two-year enrollment period will include the time the subject individual was conditionally enrolled.

(c) A conditionally enrolled subject individual who has been determined not to be suitable based on FBI criminal records information shall be removed from the Criminal History Registry, according to the provisions of OAR 414-061-0110.

Stat. Auth.: ORS 657A.030(7)
Stats. Implemented: ORS 657A.030
Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0100

CCD Denial Procedures

(1) A subject individual who has been determined not suitable shall be denied enrollment in the Criminal History Registry.

(2) A subject individual who has been determined not suitable, based on criminal records information and/or child protective services information will be notified by CCD that he or she:

(a) Has a right to inspect and challenge the accuracy of his/her Oregon criminal records information by contacting the Oregon State Police;

(b) May challenge the accuracy or completeness of any entry on the subject individual's criminal records information provided by the FBI by filing a challenge with the Assistant Director of the FBI Identification Division, Washington, D.C. 20537-9700;

(c) May inspect his/her own OSP record, but not his/her FBI record, by requesting the opportunity from CCD in writing; and

(d) May appeal CCD's determination of unsuitability. The subject individual must request a contested case hearing pursuant to ORS 183.413 to 183.470 and OAR 414-061-0100 or indicate intent to challenge criminal record information within 14 calendar days of receipt of the notice. Except as otherwise provided in section (3) of this rule, after 14 days have elapsed, CCD will inform the subject individual that he/she has not been enrolled in the Criminal History Registry and, therefore, cannot provide early childhood services, be employed in an early childhood care and education program, or have unsupervised contact with children in an early childhood care and education program.

(3) Content of the criminal record information and child protective services information shall not be disclosed except as required by statute.

(4) A subject individual who has been denied enrollment in the Criminal History Registry for reasons other than failure to provide requested information shall not be eligible for enrollment in the Registry for 3 years from the date of denial.

Stat. Auth.: ORS 657A.030(7)
Stats. Implemented: ORS 657A.030
Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0110

Removal Procedures

(1) An individual enrolled in the Criminal History Registry shall be removed from the Registry by CCD if, during the period of enrollment, the individual is determined to be ineligible for enrollment.

(2) CCD may immediately, and without prior hearing, remove a subject individual from the Criminal History Registry when, in the opinion of CCD, such action is necessary to protect children from physical or mental abuse or a substantial threat to health and safety. Such action may be taken before an investigation is completed.

(3) CCD may reinstate a subject individual in the Criminal History Registry if the condition(s) that resulted in the removal is corrected.

(4) When CCD receives an FBI report and makes a determination of unsuitability about a subject individual who has been conditionally enrolled in the Criminal History Registry, CCD will remove the subject individual from the Criminal History Registry and will notify the subject individual and the requesting agencies which have inquired about the subject individual's enrollment.

(5) When CCD receives information about a subject individual who has been enrolled in the Criminal History Registry and determines that the individual is unsuitable to be enrolled based on the information, CCD will remove the subject individual from the Criminal History Registry and will notify the subject individual and the

requesting agencies which have inquired about the subject individual's enrollment.

(6) A subject individual who has been removed from the Criminal History Registry and has not subsequently been re-enrolled shall not be eligible for enrollment in the Registry for 3 years from the date of removal.

Stat. Auth.: ORS 657A.030(7)
 Stats. Implemented: ORS 657A.030
 Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

414-061-0120

Rights for Review and Contested Case Hearings

(1) CCD shall conduct contested case hearings per ORS 183.413 to 183.470 and afford subject individuals the right to appeal a decision made by CCD that the subject individual may not be enrolled in or has been removed from the Criminal History Registry based on an authorized criminal records check and/or child protective services check. Subject individuals must notify CCD of their request for a contested case hearing not later than 14 calendar days from the date of service of the denial notice.

(2) CCD has no jurisdiction in a contested case hearing over allegations that the criminal records information received from OSP or the FBI or child protective services information received from the State Office for Services to Children and Families is inaccurate, incomplete or maintained in violation of any federal or state law. Therefore, a contested case hearing cannot be held by CCD for that purpose. Challenges to the accuracy or completeness of the information provided by the Department of State Police, the FBI and agencies reporting information to CCD must be made through those departments, bureaus or agencies and not through the contested case process.

(3) CCD is entitled to rely on the criminal records information supplied by OSP or the FBI or child protective services information supplied by the State Office for Services to Children and Families until OSP, the FBI, or the State Office for Services to Children and Families notifies CCD that information has been changed or corrected in a manner that would alter the CCD decision. If a subject individual has requested a contested case hearing, CCD will stay the hearing until the subject individual has been afforded a reasonable time to correct or complete the record, or has declined to do so.

(4) To preserve the confidentiality of the records and the privacy of the subject individual, any contested case hearing will not be open to the public unless requested by the subject individual.

(5) Prior to a contested case hearing being scheduled, a mandatory pre-hearing conference between CCD, the subject individual, and his/her legal counsel may be convened to review all available information and determine the need for a contested case hearing. At the pre-hearing conference, the subject individual must verify whether he/she has used his/her right to inspect or challenge his/her criminal record(s) or child protective services records or has declined to do so.

(6) The issues at a contested case hearing shall be limited to whether:

(a) The subject individual has refused to consent to the criminal records check, or refuses to be fingerprinted; or

(b) The criminal records information and/or child protective services information provided to CCD by OSP, the FBI or the State Office for Services to Children and Families describes any crime or founded child protective services case which CCD has determined is relevant to enrollment in the Criminal History Registry; or

(c) All intervening circumstances would permit the subject individual to be enrolled in the Criminal History Registry.

(7) Fingerprint cards required for evidence in a contested case will be destroyed within 90 days following case resolution.

(8) A subject individual who is also an employee of the licensing unit of the Child Care Division and who is determined unsuitable for enrollment in the Criminal History Registry may appeal the determination through either the contested case process or applicable personnel rules, policies and collective bargaining provisions. A subject individual's decision to appeal a determination through personnel rules, policies and collective bargaining provisions shall constitute an election of remedies as to the rights of the subject individual

with respect to the disqualification determination, and shall constitute waiver of the contested case process.

Stat. Auth.: ORS 657A.030(7)
 Stats. Implemented: ORS 657A.030
 Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98

DIVISION 100

DEPENDENT CARE PLANNING AND DEVELOPMENT PROGRAM

[ED. NOTE: OAR 410-100-0000 through 410-100-0020 were transferred to the Employment Department by HR 33-1993, f. 12-1-93, cert. ef. 10-1-93, SB 181.]

414-100-0000

Definitions

(1) "Community Center" mean facilities operated by non-profit community-based organizations for the provision of recreational, social or educational service to the general public.

(2) "Department" means the Employment Department.

(3) "Dependent" means:

(a) An individual who has not attained the age of 17 years;

(b) An individual who has attained the age of 55 years; or

(c) A person with a developmental disability.

(4) "Developmental Disability" means a severe chronic disability which:

(a) Is attributable to a mental or physical impairment or combination of physical and mental impairments;

(b) Is manifested before the person attains age 22;

(c) Is likely to continue indefinitely;

(d) Results in substantial functional limitations in three or more of the following areas of major life activity:

(A) Self-care;

(B) Receptive and expressive language;

(C) Learning;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living; and

(G) Economic self-sufficiency.

(e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are individually planned and coordinated.

(5) "Eligible Activities" mean the planning and development activities allowed under these rules.

(6) "Local Education Agency" means a public board of education or other public authority legally constituted within the State for either administrative control or direction of; or to perform a service function for, public elementary or secondary schools as established in the State of Oregon.

(7) "Administrator" means the Administrator of the Child Care Division of the Employment Department.

(8) "School-Age Children" means children aged five through thirteen.

(9) "School Facilities" means classroom and related facilities used for the provision of education.

(10) "Subcontractor" means local public or private, non-profit entities with which Child Care Division subcontracts for operation of the Dependent Care Planning and Development Program.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: HR 2-1986, f. & ef. 11-5-86; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0000

414-100-0005

Administration

(1) The Child Care Division, Employment Department, has been designated by the Governor as the agency responsible for administering the Dependent Care Program.

(2) The Child Care Division shall select subcontractors to administer this program on the basis of proposals received in response to requests for proposals issued by the Child Care Division.

(3) The Administrator shall be responsible for development of request for proposals, the process for disseminating such requests and timeframes for submissions of proposals.

(4) The Administrator shall be responsible for selecting any subcontractors to administer this program and for determining the level of funding available to any such subcontractor.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: HR 2-1986, f. & ef. 11-5-86; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0005

414-100-0010

Eligible Activities

(1) Dependent Care Grant funds shall be used for the planning, development, establishment, expansion, or improvement of resources and referral systems to provide information concerning the availability, types, costs and locations of dependent care services and for the planning, development, establishment, expansion or improvement of programs to furnish school-age children services before and after school in public or private school facilities or in community centers in communities where school facilities are not available.

(2) Forty percent of the Dependent Care Grant funds available to the State will be used to fund eligible activities in relation to dependent care resource and referral systems.

(3) Sixty percent of the Dependent Care Grant funds available to the State will be used to fund eligible activities in relation to before and after school care programs for school-age children.

(4) Such activities as:

- (a) Program Operations;
- (b) Private Client Subsidies;
- (c) Subsidizing direct provision of dependent care services; and
- (d) Construction or renovation are not eligible under the Dependent Care Program.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: HR 2-1986, f. & ef. 11-5-86; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0010

414-100-0015

Requirements

(1) Prior to undertaking any eligible activity, any subcontractor(s) shall sign a contract with the Child Care Division. That contract shall include, but not be limited to the projected level of funds available for program operations; the activities to be undertaken; the time period during which the contract is in effect; and fiscal, program and audit reporting requirements.

(2) Any subcontractor(s) will provide quarterly reports and one final report to the Child Care Division in a format provided by the Child Care Division. Such reports will include information on the types of activities undertaken in the reporting period, the outcome of those activities and expenditures associated with those activities.

(3) The Child Care Division will require any subcontractor(s) to utilize funds available through this program to supplement, not replace or duplicate any existing efforts in the area of eligible activities for dependent populations.

(4) The Child Care Division will require its information and referral system subcontractors to assist in developing dependent care information and referral systems with an information base which includes:

- (a) The types of dependent care services provided by individual home, religious organizations, community organizations, employers, private industry, and public and private institutions;
- (b) The costs of available dependent care services;
- (c) The locations in which dependent care services are provided;
- (d) The forms of transportation available to such locations;
- (e) The hours during which such dependent care services are available;

(f) The dependents eligible to enroll for such dependent care services; and

(g) Any resource and referral system planned, developed, established, expanded, or improved with amounts paid to a state under the Dependent Care Planning and Development Grant.

(5) The Child Care Division will require school age child day care subcontractor(s) to assist in developing before and after school programs for school-age children which include:

(a) Agreements with local education agencies or community centers for use of facilities, restrictions on such use and schedules for such use;

(b) Involvement of parents in program development and implementation;

(c) Efforts to enroll of racially, ethnically and economically diverse as well as handicapped school-age children in the program;

(d) Compliance with applicable state and local licensing laws and regulations governing child care services for school-age children.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: HR 2-1986, f. & ef. 11-5-86; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0015

414-100-0020

Fiscal Control/Reporting Requirements/Documentation

(1) Any Child Care Division subcontractor(s) shall prepare and submit a quarterly and an annual report on its activities under this program. Such reports shall be submitted in a format prescribed and shall include both program and fiscal information.

(2) Program reports shall provide a description of the projects, programs and services assisted through Dependent Care Grant funding and shall include a summary of the services which were provided, the providers of the services, the individuals who receive such services and the progress made toward program goals.

(3) Fiscal reports shall be used to determine whether funds were spent in accordance with State and Federal rules and regulations and shall document the purposes for which funds were spent and the recipients of such funds.

(4) Any Child Care Division subcontractors(s) shall provide the Child Care Division an annual audit of program and fiscal transactions carried out under this program within 180 days after the close of the agency fiscal year.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: HR 2-1986, f. & cert. ef. 11-5-86; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0020

DIVISION 150

CHILD CARE PROGRAM FOR TARGETED POPULATIONS UNDER THE CHILD CARE DEVELOPMENT BLOCK GRANT

[ED. NOTE: OAR 410-100-0050 through 410-100-0130 were transferred to the Employment Department by HR 23-1993, f. 9-3-93, cert. ef. 10-1-93, SB 181.]

414-150-0050

Purpose

(1) The purpose of these rules is to set forth standards to be followed when entering into contracts with programs to provide child care services to targeted population clients.

(2) These rules implement elements of Oregon's Block Grant Plan for funds received under the federal Child Care and **Development Block Grant Act of 1990**, and **Chapter 45, Code of Federal Regulations, Parts 98 and 99**

[Publications: The publication(s) referred to in this rule are available from the agency.]
Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0050

414-150-0055

Definitions

(1) "Block Grant" means federal Child Care and Development Block Grant.

(2) "Block Grant Plan" means the Oregon Plan approved by the Department of Health and Human Services for child care and related programs funded by the Block Grant.

(3) "CCR&R" means Child Care Resource and Referral Agency.

(4) "Administrator" means the Administrator of the Child Care Division of the Employment Department.

(5) "CCCF" means the County Commission for Children and Families.

(6) "Department" means the Employment Department of the State of Oregon.

(7) "Parent" means parent, custodian or guardian who exercises care and custody of a child.

(8) "Program" means community or school-based teen parent education program, or licensed women-specific alcohol and drug treatment program.

(9) "Provider" means a person who is responsible for direct child care, supervision of children, and guidance of children in an approved child care setting.

(10) "Teen Parent" means a parenting or pregnant adolescent who is attending high school or participating in an approved high school completion program.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0055

414-150-0060

Administration

(1) The Child Care Division, of the Employment Department, is the designated state agency responsible for administration of the Block Grant.

(2) The Child Care Division Administrator is responsible for coordination of Block Grant programs in Oregon and for the administration of child care services for targeted populations described by these rules.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0060

414-150-0070

Targeted Populations

(1) The Contracted Child Care Program is established for specific low income populations having demonstrable need for child care services.

(2) Targeted populations eligible for assistance under the Contracted Child Care Program include the following groups:

(a) Teen Parent. To be eligible for services the teen parent must be attending high school or participating in an approved high school completion program sponsored by a local school district, community college, or certified private school, and the parent requires child care in order to attend and complete a program leading to GED or high school diploma;

(b) Parent(s) Receiving Treatment for Substance Abuse. The parent has custody of a child considered by the State to be at-risk of neglect or abuse resulting from parental misuse and/or abuse of drugs or alcohol. The parent must be participating in a state licensed and/or approved treatment program in order to receive contracted child care. Child care services shall be provided at the facility site where the parent is undergoing supervised treatment and counseling for substance abuse, or at a nearby facility under supervision of a State licensed and/or approved treatment program;

(c) Parent(s) with Children Enrolled in School-based Child Development Programs. Child care services under this category will be limited to child development centers that have been approved by the Department of Education in accordance with provisions of ORS Chapter 871.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0070

414-150-0080

Eligibility for Contracted Services

(1) To be eligible for Contracted Child Care Services the following standards shall apply:

(a) The child receiving services must be under 13 years of age;

(b) Parental income must be below 75 percent of the state median income. Under the Block Grant, median income will be based on information reported in the Federal Register, Department of Health and Human Services;

(c) The child being placed for services is residing with a parent or parents who are either employed, attending job training, or participating in an approved educational program; or participating in an alcohol/drug treatment program;

(d) A parent making application for assistance must be a current resident of Oregon.

(2) The determination of income shall be based on a review of all parental income for the preceding 12 months prior to application for child care service.

(3) Review and calculation of income for teen parent(s) shall be limited to the teen parent(s) income only and not include income received by other members of the same household.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0080

414-150-0090

Funding Allocations

(1) Federal funds for the Block Grant program will be awarded by the Administrator to approved A&D programs, to school districts for school-based programs and to counties for community-based programs. County allocations will be based on targeted population need and availability of funds.

(2) After annual appropriations for the Block Grant are awarded to the state, the Administrator will allocate funds as provided in section (1) of this rule and forward this information to the local CCCF where funds are assigned.

(3) The CCCF shall have 60 days from receipt of the allocation to advise the Administrator of its intent to participate in the planning and the process for selecting programs to contract for available child care funds within the county.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0090

414-150-0100

Area Planning and Provider Selection Procedure

(1) It is the intent of the Department that comprehensive child care planning for targeted populations be conducted through existing local planning processes. The Department encourages county CCCFs to coordinate and facilitate plan development for the Contracted Child Care Program.

(2) In planning for child care services for targeted populations the following guidelines are established by the Department to assist local CCCFs in formulating strategies that address child care needs in the area:

(a) A work group shall be convened by CCCF to achieve the widest possible coordination with ongoing child care activities in the county. The work group should be selected from the following interests with effort made to insure that a member represents only one area:

(A) Adult and Family Services Division;

(B) Local Schools (staff or school board);

(C) JOBS Program Contractor;

(D) Child Care Provider;

(E) A&D Provider;

(F) Mental Health;

(G) Child Care Resource and Referral;

(H) Teen Parent Service Providers (school-based and community-based programs);

(I) Health Division;

- (J) Local A&D Advisory Committee;
- (K) Consumer.

(b) In areas where comparable work groups or planning committees on child care already exist, CCCFs are encouraged to use locally established processes to meet standards of this guideline;

(c) The CCCF will be expected to evaluate the status of child care in the area and recommend goals for service improvements. Planning statements should be developed that address the following elements:

(A) Description of the present condition of services within the county for the targeted populations;

(B) Identification of the optimal availability and condition of child care for the targeted populations in future years;

(C) A two-year Action Plan setting forth the direction the community wishes to take in achieving the goals listed in the optimum statement; more specifically:

(i) A method for using available contracted child care slots including program identification;

(ii) Recommended options and steps for plan implementation; and

(iii) Delineation of responsibilities for carrying out the planning goals.

(d) The CCCF must review all recommendations received from the work group and submit to the Department's Child Care Division the approved planning statements and recommendations for community-based teen parent and A&D treatment programs. CCCFs are encouraged to integrate the adopted planning statements into local Comprehensive Plans.

(3) In the process of selecting programs or contracted services, CCCF and Department shall follow acceptable procurement practices and comply with state and federal contracting requirements. The principal processes to be followed for equal treatment and full and open competition requirements are described in **45 CFR Part 74, the Federal Acquisition Regulations (FAR), Part 6, and ORS Chapter 279**. All documentation concerning the program selection process shall be maintained by the CCCF for a period of at least three years or until 90 days after all pending matters are closed, whichever is later, and made available to the Department's Child Care Division upon request.

(4) The Department Child Care Division shall have final responsibility for developing a contract with recommended programs as outlined in OAR 414-150-0120.

[Publications: The publication(s) referred to in this rule are available from the agency.]

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0100

414-150-0110

Application for Services

(1) Families that qualify under targeted population criteria and eligibility standards of this rule shall make application for child care services directly through a contracting program. Application must be made on a Child Care Division approved form and signed by both parent and program. In completing the application, the parent shall be required to declare information on:

- (a) Parents and dependent members of the household;
- (b) Place of residence;
- (c) Employment status of parents;
- (d) Participation in job training, substance abuse treatment, or enrollment in school programs; and
- (e) Parent income.

(2) The Administrator shall send notification regarding contracted programs to CCR&R agencies located throughout the state. Parents seeking assistance may contact local resource and referral agencies for information on programs having a service contract for child care.

(3) Child care slots for targeted populations are limited in all regions of the state, and shall, therefore, be assigned to parents on a first-come, first-served basis. The parent signature date on the appli-

cation form will be used as the basis for determining priority of access to service.

(4) Eligibility for continuing child care services shall be subject to redetermination by the program at the end of every six-month service period. Parents are responsible for notifying the program whenever a change of circumstance occurs that may affect their eligibility status.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0110

414-150-0120

Service Standards

(1) Prior to accepting a child for care under these rules, the program shall sign a contract with the Department's Child Care Division. The contract shall include, but is not limited to, the following provisions:

- (a) Term of the contract;
- (b) Description of services;
- (c) Facility and service standards;
- (d) Program responsibilities;
- (e) Payment for services; and
- (f) Compliance with appropriate state and federal regulations.

(2) A program or a provider certified by Child Care Division (CCD) for operation of a child care center shall be in compliance with the standards defined in OAR 414-300-0000 through 414-300-0400.

(3) A program or a provider certified by CCD for operation of a group child care home shall be in compliance with the standards defined in OAR 414-350-0000 through 414-350-0250.

(4) A family child care provider shall be registered with CCD and meet requirements of OAR 414-205-0000 through 414-205-0070.

(5) If a program or a provider is operating a child care facility that is specifically excluded by Oregon law from state certification requirements (ORS 418.805-418.815), the standards for service shall be defined by the Department's Child Care Division in the agreement. The CCD may require information regarding the status of certification. The Department will require a criminal record check of all providers and caregivers through the Oregon State Police Law Enforcement Data System per ORS 181.537.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0120

414-150-0130

Payment for Services

(1) The CCD shall establish payment rates allowable for the Contracted Child Care Program, and make this information available to the public on request.

(2) Payment for contracted child care shall be made directly to the program by the Department after services for the month have been rendered. Forward funding, not to exceed ten percent of the total contract amount, may be allowed at the discretion of the CCD.

(3) To receive payment, the program shall submit an invoice to the Department on a CCD approved form.

(4) The rate of payment to the program shall be stated in the agreement.

(5) The program shall be responsible for collection of any copayments from the parent. Copayment will be determined from the AFS Employment Related Day Care Copayment Standard established in OAR 461-155-0150. Families having income below Oregon's poverty level, based on published U.S. Department of Health and Human Services (HHS) information, shall be exempt from the copayment standard.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.010

Hist.: HR 7-1992(Temp), f. 2-27-92, cert. ef. 3-1-92; HR 26-1992, f. & cert. ef. 8-27-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 410-100-0130

DIVISION 205

REGISTRATION

414-205-0000

Purpose

(1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Child Care Division's minimum requirements for registering family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.

(2) Registration is required for persons who provide child care:

(a) On other than an occasional basis; and

(b) To more than three children from more than one family at any one time, other than the person's own children.

(3) These rules do not apply to care provided:

(a) In the home of the child;

(b) To three or fewer children, not including the provider's own children;

(c) To children from one family, not including the provider's own children;

(d) On an occasional basis by a person not ordinarily engaged in providing child care;

(e) By the child's parent, guardian, or person acting in place of a parent; or

(f) By a person related to the child care children by blood, marriage, or adoption.

(4) Any family child care provider exempt from registration may apply for registration.

(5) These rules apply only during the hours the provider is conducting the child care business.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.330

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0010

Definitions

(1) "Caregiver" means any person, including the provider, who cares for the children in the registered family child care home and works directly with the children, providing care, supervision and guidance.

(2) "Child Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation.

(3) "Child Care Child" means any child under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, who does not reside in the home and for whom the provider has supervisory responsibility in the temporary absence of the parent.

(4) "CCD" means the Child Care Division of the Employment Department, or the Administrator or staff of the Division.

(5) "Criminal History Registry" means CCD's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.

(6) "Family" means persons related by blood, marriage, or adoption, or whose functional relationship (e.g., parent(s), custodian(s), guardian(s)) in exercising physical care and custody of the child(ren) is similar to those found in such associations.

(7) "Full-Time Child Care" means care provided to children not yet eligible for the first grade or above. One or more children may fill a full-time space in the home as long as the children are not in care at the same time.

(8) "Infant" means a child who is not yet walking.

(9) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.

(10) "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.

(11) "Part-Time Child Care" means care provided to a child who meets the definition of a school-age child and is in care on days and hours school is not in session.

(12) "Preschool-Age Child" means a child not yet eligible for the first grade.

(13) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.

(14) "Professional Development 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.

(15) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

(16) "Registration" means the document a family child care provider is issued by the Child Care Division to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS 657A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.

(17) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.

(18) "School-Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year.

(19) "Serious Complaint" means a complaint filed against:

(a) A registered family child care provider by a person who has alleged that:

(A) Children are in imminent danger;

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

(C) Corporal punishment is being used;

(D) Children are not being supervised;

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

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

(G) Adults are in the home who are not enrolled in the Child Care Division's Criminal History Registry; or

(b) An individual providing child care, as defined by ORS 657A.250(3), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.

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

(21) "Substitute Caregiver" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.

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

Stat. Auth.: Ch. 858, OL 1999 (SB 2240)

Stats. Implemented: Ch. 858, OL 1999 (SB 2240)

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 7-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0020

Application for Registration

(1) The applicant must apply for registration on the form(s) supplied by CCD. The original form(s) must be submitted to CCD for processing.

(2) Persons wishing to apply for registration for the first time or whose prior registration has been expired for six (6) months or

more must attend a family child care overview session prior to submitting their application to CCD.

(3) Persons wishing to apply for registration must meet the training requirements outlined in 414-205-0055.

(4) An application for registration is required:

- (a) For an initial registration;
- (b) For renewal of a registration; and
- (c) For a change of address or change of name.

(5) The provider must complete and submit a new application to CCD:

(a) For renewals, at least 30 days before the expiration of the registration;

(b) For a change of address, at least 30 days prior to the move; and

(c) For a change of name, no more than 15 days after the change.

(6) There is a non-refundable filing fee of \$30 for each initial and renewal application and for each application to re-open a previous registration. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.

(7) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit CCD, a fire marshal, or a public health official to assess the home and/or review child care records.

(8) Prior to being registered, changing registration to a new address, or re-opening their family child care business after a lapse in registration, a provider must satisfactorily complete an on-site health and safety review conducted by CCD. The review will ensure that the provider is in compliance with the rules related to health, safety and sanitation.

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

Stat. Auth. ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.330 & ORS 657A.440

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0035

General Requirements

(1) The home in which child care is provided must be the residence of the provider.

(2) Registration is limited to one provider per household.

(3) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.

(4) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from CCD.

(5) CCD registration records are open to the public on request. However, information protected by state or federal law will not be disclosed. Names of complainants and identifying information will not be disclosed.

(6) The name, address, telephone number, and registration status of providers is public information. However, CCD may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0100). The request must be on a form supplied by CCD.

(7) The Certificate of Registration must be posted in the family child care home in an area where it can be viewed by parents.

(8) The provider shall have no other employment, either in or out of the home, during the hours children are in care.

(9) The provider must allow custodial parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.

(10) The provider must comply with state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

(11) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the State Office of Services to Children and Families or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

(12) The provider must notify parents if there will be a substitute caregiver and the caregiver's name or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

(13) If an applicant or a provider provides or wishes to provide adult or child foster care, the foster care licensing agency must grant approval for the applicant to provide both child care and foster care services.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0040

The Provider and Other Persons in the Home

(1) The registered provider and any substitute caregiver shall be at least 18 years old and in such physical and mental health as will not adversely affect a child in care.

(2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.

(a) The applicant and other residents of the home 18 years of age or older must be enrolled in CCD's Criminal History Registry prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.

(b) Prior to another adult moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the provider must receive documentation from CCD that the individual is enrolled in the Criminal History Registry. This does not apply to parents of children in care unless they are residing in the home or substituting for or assisting the provider.

(c) If additional information is needed to assess a person's ability to care for children or to have access to children, references, an evaluation by a physician, counselor, or other qualified person, or other information may be required by CCD.

(d) Any visitor to the home or other adult who is not enrolled in the Criminal History Registry may not have unsupervised access to children.

(3) A caregiver substituting for the provider must:

(a) Be familiar with the requirements for registration and agree to comply with them;

(b) Be enrolled in the Criminal History Registry prior to substituting for the provider; and

(c) Comply with all the requirements, except those in OAR 414-205-0055, placed on the provider in these rules.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.050, ORS 657A.060, ORS 657A.260 & ORS 657A.330

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0055

Training Requirements

(1) When a person applies for registration as a family child care provider, the Child Care Division shall, prior to approving the registration, receive evidence from the person that the person has:

(a) Completed the Family Child Care Overview session;

(b) A current certification in infant and child first aid and cardiopulmonary resuscitation;

(c) A current food handler certification pursuant to ORS 624.570; and

(d) Completed two hours of training on child abuse and neglect issues.

(2) A family child care provider submitting a renewal application shall provide evidence that the provider has completed two hours of training on child abuse and neglect issues if the provider has not previously submitted this documentation to the Child Care Division.

(3) When a registered family child care provider submits a second or subsequent renewal application on or after October 1, 1999, the Child Care Division shall, prior to approving it, receive evidence from the provider that the provider has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation;

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Completed a minimum of eight hours of training related to child care during the two years preceding the renewal date.

(4) In lieu of the training requirements in subsection (1) of this rule, except for the requirement to attend a Family Child Care Overview session, a person applying for registration may provide documentation that the person is enrolled in the Professional Development Registry at an Entry Level.

(5) In lieu of the training requirements in subsection (3) of this rule, a provider submitting a renewal application may provide documentation that the provider is enrolled in the Professional Development Registry at an Entry Renewal Level.

(6) Chart A illustrates the implementation timelines for training requirements for family child care providers submitting renewal applications on or after October 1, 1999. These training requirements were enacted by the Oregon Legislature in Chapter 382, Oregon Laws 1999. **Chart A.** [Chart not included. See ED. NOTE.]

[ED. NOTE: The chart referenced in this rule is not printed in the OAR compilation. Copies are available from the agency.]

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0065

Children in Care

(1) A family child care provider may care for a maximum of 10 children under 13 years of age, or under age 18 if a special needs child, at any one time. This includes the provider's own children, the child care children, foster children, and any other children for whom the provider is responsible.

(2) Of the 10 children under 13 years of age or under age 18 if a special needs child, the provider may care for:

(a) A maximum of six preschool-age children, including the provider's own children, of which only two children may be under 24 months of age.

(b) In addition, there may be four school-age children.

(c) If there are fewer than six preschool-age children, there may be more school-age children, as long as there are no more than 10 children in the home at any one time.

(3) Other children, including but not limited to neighborhood children or friends of the provider's children, are included in the maximum number of 10 children allowed in care if their parents or other adults responsible for supervising them are not present in the home or are not directly supervising their own child(ren).

(4) Visiting children and their parents or others directly supervising them can be in the family child care home only on an occasional basis.

(5) No child younger than six weeks of age can be in care in a family child care home. This does not include the provider's child(ren).

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0075

Supervision of Children

The provider or a substitute caregiver is responsible for the children in care. The provider or substitute caregiver must:

- (1) Be within sight and/or sound of all children at all times;
- (2) Be aware of what each child is doing at all times; and
- (3) Be physically present when preschool age children are playing outside unless the outside play area is fully fenced and hazard free. If the outside play area is fully fenced and hazard free, the provider must be within sight and/or sound of the children.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0085

Discipline

(1) The provider must have a written discipline policy. The policy must be simple and understandable to the child, the parent(s) and to substitute caregivers. The written discipline policy must be given to all parents.

(2) The following behavior by caregivers is prohibited:

(a) Corporal punishment, including hitting, spanking, slapping, beating, shaking, pinching, and other measures that produce physical pain;

(b) Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;

(c) Punishing a child for toileting accidents or for refusing food;

(d) Abusive or profane language;

(e) Any form of public or private humiliation, including threats of physical punishment; and

(f) Any form of emotional abuse, including, but not limited to, rejecting, terrorizing, neglecting, or corrupting a child.

(3) Parental request or permission to use any form of punishment listed in subsection (2) of this rule does not give the provider permission to use such punishment.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0090

Program of Activities

(1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.

(2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).

(3) The children's activities must allow choice and develop skills based on each child's age and abilities.

(4) A balance of active and quiet play must be provided, both indoors and outdoors.

(5) The provider must have routines for eating, napping, and toileting, with flexibility to respond to the needs of each child.

(6) No child may view television or videos or play computer or electronic games for more than two (2) hours per day.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0100

Health

(1) The home must be a healthy environment for children.

(a) No person shall smoke or use smokeless tobacco in the family child care home during the hours the child care business is conducted. No person shall smoke or use smokeless tobacco in motor vehicles while child care children are passengers.

(b) No one shall consume alcohol or use non-prescription controlled substances in the presence of children. No one under the influence of alcohol or non-prescription controlled substances shall be in the home when child care children are present.

(c) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

(d) The room temperature must be at least 68°F during the hours the child care business is conducted.

(e) Rooms occupied by children must have a combination of natural and artificial lighting.

(f) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.

(2) The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.

(3) Infants must be put to sleep on their backs.

(4) Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.

(5) If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.

(6) Parents must be notified if their child is exposed to a communicable disease.

(7) Prescription and non-prescription medication may be given to a child only if the provider has written authorization from the parent, as required in OAR 414-205-0130(2).

(8) Prescription and non-prescription medications must be properly labeled and stored.

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication," in the refrigerator.

(9) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(10) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.

(a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.

(b) Foods must be stored and maintained at the proper temperature.

(c) Foods must be prepared and served according to the minimum standards for food handler certification.

(d) Infants must either be held or be fed sitting up for bottle feeding. Propping bottles is prohibited.

(11) Any animal at the family child care home must be in good health and be a friendly companion for the children in care.

(a) Potentially aggressive animals must not be in the same physical space as the children.

(b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(12) Animal litter boxes shall not be located in areas accessible to children.

(13) Caregivers must be physically present when children are interacting with animals.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0110

Safety

(1) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:

(a) If any preschool age or younger children are in care, hard-to-remove protective caps on all exposed electrical outlets in rooms used by children.

(b) If any preschool age or younger children are in care, barriers to protect children from fireplaces, space heaters, wood stoves, stairways and other hazards. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.

(c) A working smoke detector on each floor and in any area where children nap;

(d) A working fire extinguisher with a rating of at least 2-A:10-BC;

(e) Firearms and ammunition kept under lock. Ammunition stored separately from firearms. Firearms must remain unloaded;

(f) Cleaning supplies, paints, matches, cigarette lighters, and plastic bags kept under child-proof lock;

(g) Other potentially dangerous items, such as medicine, drugs, and poisonous and toxic materials kept under child-proof lock;

(h) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and

(i) All clear glass panels in doors clearly marked at child level.

(2) All floor levels used by children must have access to two usable exits, as defined in OAR 414-205-0010(22), to the outdoors.

(a) If a basement is used for child care purposes, the requirement for two usable exits may be met by one of the following:

(A) A sliding glass door to the outdoors and a window which meets the definition of a usable exit;

(B) A swinging door to the outdoors and a window which meets the definition of a usable exit; or

(C) A window which meets the definition of a usable exit and an internal stairway to ground level which has unobstructed and direct access to the outdoors.

(b) If a window, which meets the definition of a usable exit, is used:

(A) Steps must be placed under the window to allow children to exit without assistance; and

(B) The window must be kept in good working condition.

(c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.

(3) The provider must have a written plan for evacuating children in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month.

(4) A telephone in working condition must be in the family child care home.

(a) Parents must be given the telephone number so they can contact the provider if needed.

(b) Emergency telephone numbers for fire, ambulance, police and poison control must be posted near the telephone.

(5) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(a) Broken toys, furniture and equipment must be removed from areas accessible to children.

(b) Both the exterior and interior of the home must be maintained in good repair.

(c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint chips.

(6) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

(7) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

414-205-0120

Sanitation

(1) All caregivers must wash their hands with soap and warm, running water:

(a) After changing a diaper;

(b) Before feeding a child or handling food; and

(c) After assisting a child with toileting or nose wiping.

(2) All caregivers and children must wash their hands with soap and warm, running water:

(a) After using the toilet;

(b) Before and after eating;

(c) After nose wiping;

(d) After playing outside; and

(e) After playing with animals or handling pet toys.

(3) All toys, equipment and furniture used by children must be cleaned and sanitized regularly and whenever soiled.

(4) The building and grounds must be maintained in a clean and sanitary manner.

(5) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.

(6) The home's water supply must be safe to drink.

(7) Wading pools are prohibited.

Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260
Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

**414-205-0130
Record Keeping**

(1) The following records must be kept by the provider for at least one year and must be available at all times to CCD:

(a) Information from the parent(s) for each child at the time of admission:

(A) Name and birth date of the child;

(B) Any chronic health problem(s), including allergies, the child has;

(C) Names, work and home telephone numbers and addresses, and the work hours of the custodial parent(s) or guardian(s);

(D) Name and telephone number of person(s) to contact in an emergency;

(E) Name and telephone number of person(s) to whom the child may be released;

(F) The school attended by a school-age child; and

(G) Name, address and telephone number of the child's doctor and dentist.

(b) Daily attendance records, including dates each child attended and arrival and departure times each day;

(c) Medications administered, including the child's name, and the date and time of dosage; and

(d) Injuries to a child.

(2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to CCD within seven days.

(3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:

(a) Obtain emergency medical treatment for a child;

(b) Administer medications to a child;

(c) Take a child on a field trip or other activity outside the home or participate in any water activity; and

(d) Transport a child to and/or from school or allow a child to bus or walk to and/or from school or home.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

**414-205-0140
Night Care**

A provider providing night care must:

(1) Have a written plan for the care, jointly agreed to by the parent(s) and the provider;

(2) Have a written plan for emergency situations occurring during the night;

(3) Be awake for the arrival and departure of each child in night care; and

(4) Follow all other applicable Registration rules.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

**414-205-0150
Exceptions to Rules**

(1) A provider may request an exception to a rule.

(a) An exception must be requested on a form provided by CCD;

(b) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children.

(2) The provider must be in compliance with the rule as written until the provider has received approval for the exception from CCD.

(3) In instances where care that is subject to registration, as defined in subsection (2) of rule 414-205-0000, will not be provided in the provider's own residence, the applicant/provider must request and receive approval for an exception prior to providing care

at that location. In all respects, the location must appear and be arranged as a residence.

(4) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.

(5) An exception is valid only for the registration period for which it is issued. A new exception must be requested with each renewal application.

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

(7) Waivers in effect on April 1, 2000, will remain in effect until the expiration of the current registration.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

**414-205-0160
Complaints**

(1) The Child Care Division (CCD) will respond to complaints made on registered and illegal providers, and may cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.

(a) Any and all complaints may result in an on-site investigation at the family child care home.

(b) All serious complaints will result in an on-site investigation at the family child care home.

(c) Complaints alleging child abuse or neglect will be reported to the State Office of Services to Children and Families or local law enforcement agencies.

(2) Applicants for registration will be given a copy of CCD's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request to all applicants/providers for family child care registration.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

**414-205-0170
Grievance Review and Sanctions**

(1) Providers have a right to review any action or decision affecting them. The CCD grievance procedures are available upon request to all applicants/providers for family child care registration.

(2) Registration may be denied, suspended, or revoked if a provider fails to meet requirements, provide CCD with information requested, allow an inspection, or correct deficiencies.

(3) Any action taken by CCD to deny, suspend, or revoke registration may be reported to USDA Child Care Food Programs, child care resource and referral agencies, Adult and Family Services Division, and the State Office of Services to Children and Families.

(4) A registration may be suspended immediately when CCD believes children may be at risk of harm in the family child care home. Such action may be taken before an investigation is completed.

(a) A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.

(b) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents.

(5) Registration will be denied, suspended or revoked if the provider or other resident of the home has been removed from the Criminal History Registry.

(6) If an individual listed in 414-205-0040(2)(a) or (b) has been charged with, arrested for, or a warrant is out for any crime which CCD has determined indicates behavior that would have a detrimental effect on a child, the provider's application will be denied or registration will be suspended or revoked until the charge, arrest, or warrant has been resolved.

(7) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has been convicted of or sentenced for offenses that would disqualify the individual from the Criminal History Registry.

(8) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has an open or

founded case of child abuse or neglect that would disqualify the individual from the Criminal History Registry.

(9) Persons may be subject to a fine of up to \$100 per occurrence if:

(a) They provide child care without a registration when required by law to be registered; or

(b) They violate any of the terms or conditions of registration or these rules.

(10) The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a fine, subject to the provisions of Chapter 183, Oregon Revised Statutes.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

DIVISION 300

CERTIFICATION OF CHILD CARE CENTERS

General Provisions

[ED. NOTE: OAR 412-010-0600 through 412-010-0696, except OAR 412-010-0601 and 412-010-0602, were transferred to the Employment Department by CSD 15-1993, f. 11-29-93, cert. ef. 12-1-93, SB 181.]

414-300-0000

Applicability of Rules

(1) OAR 414-300-0000 through 414-300-0440 set forth Child Care Division's requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, ORS 657A.050 and 657A.060, 657A.250 through 657A.420, and 657A.990, that:

(a) Serve thirteen or more children; or

(b) Serve twelve or fewer children and located in a building constructed as other than a single family dwelling.

(2) These rules do not apply to child care facilities specifically excluded by law. Excluded facilities are those which:

(a) Are primarily educational and provide care to children 30 months old or older and under six years of age for less than four hours a day;

(b) Are primarily supervised training in a specific subject, including, but not limited to, dancing, drama, music, or religion;

(c) Are primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group;

(d) Are operated by a school district, political subdivision of this state, or a government agency;

(e) Are operated as a parent cooperative for no more than four hours a day;

(f) Provide care while the children's parents remain on the premises and are engaged in the same recreation or other non-work activity; or

(g) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care. Occasional means that care is provided for no more than 70 calendar days in any calendar year.

(3) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

(4) In some instances there are no common definitions as to degree of acceptability. For purposes of these rules, the determination of compliance or noncompliance shall be made by CCD.

(5) Providers have a right to review any action or decision affecting them. The CCD grievance review procedures are available to all applicants for child care certification.

Stat. Authority: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.280

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0600; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0005

Definitions

The following words and terms, when used in OAR 414-300-0000 through 414-300-0440, have the following meanings:

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

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

(3) "Caregiver" means any person whose duties include direct care, supervision, and guidance of children in a center.

(4) "Certification" means a document issued by CCD which indicates that the child care facility is in compliance with the applicable provisions of Oregon law and CCD's administrative rules governing the operation of child care facilities pursuant to ORS 657A.280. The term "certification" in ORS 657A.280, as amended by Chapter 743, Oregon Laws 1999, is intended to have the same meaning as the term "certificate" in Division 300.

(5) "Child" means a child six weeks old or older and under thirteen years of age, and any child over twelve years of age with special needs and who functions at an age level younger than thirteen years.

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

(a) In the home of the child;

(b) By the child's parent or guardian;

(c) By a person related to the child by blood or marriage;

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

(e) By providers of medical services.

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

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

(9) "CCD" means the Child Care Division of the Employment Department or the Administrator or staff of the Division.

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

(11) "Child Development Associate (CDA) Credential" means the national credential awarded to a person assessed to be a competent teacher of a group of children in a specific age range.

(12) "Child With A Need for Special Care" means a child with a disabling or limiting condition which prevents or limits participation in the normal activities of the center and who may require additional supervision. Disabling or limiting conditions include visual or hearing impairment, other physical disabilities, mental retardation, emotional disturbances, or learning disabilities.

(13) "Director" means a person who is designated by the operator as director or administrator of the center.

(14) "Discipline" means the ongoing process of helping children to develop self control and to assume responsibility for their own acts.

(15) "Drop-in Care" means care provided any time of the day or night exclusively for drop-in children in a center, or part of a center, on a part-time, irregular basis.

(16) "Enrollment" means all children registered to attend the center.

(17) "Full-Time Employment" means employment of at least 30 hours per week.

(18) "Get Well Care" means care provided in a center, or part of a center, to children recovering from a short-term illness and/or temporary disability. Such care can be a primary service or a component of other child care services.

(19) "Group" means a specific number of children assigned to specific staff.

(20) "Group Child Care Home" or "Home" means a child care facility located in a building constructed as a single family dwelling that is certified to care for no more than 12 children at any given time.

(21) "Head Teacher" means the person, or persons, who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school age program in the center.

(22) "Infant" means a child who is at least six weeks of age but is not yet walking alone.

(23) "Infant and Toddler Age Program" means care provided in a center, or part of a center, to children between the ages of six weeks and thirty months.

(24) "Night Care" means care given to children who are starting or continuing their night sleep or to children who spend the night at the center.

(25) "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. If the operator is other than the owner, an individual must be appointed by the operator who has the authority to perform the duties necessary to meet certification requirements.

(26) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and custody of the child.

(27) "Parent Cooperative Child Care Program" means a facility organized by parents for their children in which the parents have authority to establish and change policy, program, and personnel practices. Most of the direct care is provided by parents.

(28) "Preschool Age Program" means care provided in a center, or part of a center, to children 30 months old or older and under five years of age.

(29) "Program" means all activities and care provided for the children during their hours of attendance at the center.

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

(31) "School Age Program" means care provided in a center, or part of a center, to children eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, eligible to be enrolled in the first grade or above in the next school year.

(32) "Staff" means the director, all employees, and all volunteers who are in the center for more than a single activity.

(33) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care.

(34) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children.

(35) "Teacher Aide" means a caregiver who works under the supervision of a teacher.

(36) "Teaching Experience" means employment of at least three hours per day for at least 175 days in a calendar year. Time spent in a college practicum or practice teaching is considered teaching experience.

(37) "Toddler" means a child who is able to walk alone but is under 30 months of age.

Stat. Auth.: Ch. 743, OL 1999 (HB 2241)

Stats. Implemented: Ch. 743, OL 1999 (HB 2241)

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0605; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 4-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 9-1999, f. 12-29-99, cert. ef. 1-1-00

Certificate

414-300-0010

Application for a Child Care Certificate

(1) Unless exempted by Oregon laws governing child care facilities, no person or organization shall operate a child care center providing care to seven or more children at any one time without a valid certificate issued by Child Care Division (CCD).

(2) Application for a certificate shall be made on forms provided by CCD.

(3) A completed application is required:

- (a) For the initial certificate;
- (b) For the annual renewal of a certificate; and
- (c) Whenever there is a change of operator or location.

(4) The applicant shall complete and submit an application to CCD at least:

- (a) 45 days before the planned opening date of a new center; and
- (b) For renewal of a certificate, 30 days prior to the expiration of the certificate. If an application for renewal and payment of the required fee is received by CCD at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until CCD has acted on the application for renewal and has given notice of the action taken.

(5) An application for a certificate shall be accompanied by a filing fee (not refundable).

(a) For the initial application, a change of owner/operator, or a change of location (except when a facility is forced to move due to circumstances beyond the control of the operator), the fee is \$100.00 plus \$2.00 for each certified space (e.g., the fee for a child care center certified to care for 30 children is \$60.00 + \$100.00 = \$160.00).

(b) For a renewal application, the fee is \$2.00 for each certified space.

(6) A floor plan shall be submitted with the initial application and when a facility is remodeled. The floor plan shall show dimensions of all rooms to be used (length and width), the planned use of each room, the placement and number of toilets, handwashing sinks, and diaper changing tables, and the location of the fixtures and plumbing in the kitchen.

(7) If the facility is located within or attached to a building used for purposes other than child care, the plan shall describe the other activities which are carried out in adjoining rooms or buildings.

(8) If the applicant is a firm, association, corporation, public agency, or governmental entity, the application shall be signed by the chief executive officer or a person designated in writing to have the authority to sign for the operator. If the applicant is a partnership, the application shall be signed by each partner.

(9) An operator shall provide verification to CCD that the center meets all state and local codes and zoning requirements that apply to child care facilities:

- (a) Before the initial certificate is issued; and
- (b) Whenever the facility is remodeled.

(10) The center shall be approved by a sanitarian registered under ORS Chapter 700, or an authorized representative of the Health Division, under requirements contained in these rules (OAR 414-300-0000 through 414-300-0440), and by a state or local fire marshal, before a certificate is issued by CCD.

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

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

(11) Upon receipt of a completed application, a representative of CCD shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0440).

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.270, ORS 657A.280 & ORS 657A.310
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90;
 CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0610; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96

414-300-0015

Issuance of a Child Care Certificate

(1) A certificate shall be issued by CCD when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0400. There are two types of certificates. These are:

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

(b) A temporary certificate. Not more than one temporary certificate shall be issued to a center in a 12-month period, but it can be extended to a maximum of 180 days. A temporary certificate is issued when:

- (A) The center is in compliance with most requirements;
- (B) There are no deficiencies identified by CCD that are hazardous to children; and
- (C) The operator demonstrates an effort to be in full compliance.

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

(3) Any changes in the conditions of a certificate shall be requested in writing to CCD and approved by CCD before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, maximum number of children, age range of children, or hours of operation.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.300
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0615

414-300-0020

Exceptions to Rules

(1) CCD may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0400) when:

- (a) A requirement does not apply to the facility; or
- (b) The intent of the requirement can be met by a method not specified in the applicable rule.

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

- (a) A justification for the requested exception; and
- (b) An explanation of how the center will meet the intent of the rule.

- (3) No exception to a rule shall be granted:
 - (a) If the requirement is established by statute; or
 - (b) Unless the health, safety, and well-being of the children are ensured.

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

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0618

Center Management

414-300-0030

General Requirements

(1) The operator shall display the following near the entrance, or in some other area of the center, where they may be viewed by parent(s) of children in care:

- (a) The most current certificate issued by CCD;
- (b) Name of the director, or the person in charge in the absence of the director;
- (c) Notice of planned field trips away from the immediate neighborhood, showing the date and place of each excursion;
- (d) The current week's menu for all meals and snacks, if meals are provided by the center. Any substitution shall be recorded on the menu; and

(e) A notice that the items identified in section (2) of this rule are available for review on request.

(2) The operator shall have available for review on request:

- (a) A copy of OAR 414-300-0000 through 414-300-0440; and
- (b) The most recent CCD, sanitation, and fire safety inspection reports.

(3) The operator shall report to CCD:

(a) An accident resulting in the death or serious injury of a child at the center, within 48 hours after the occurrence. Serious injury means any injury which requires overnight hospitalization;

(b) Damage to the building which affects the operator's ability to comply with these requirements, within 24 hours after the occurrence; and

(c) Any change in director in writing within two weeks of the occurrence, and include the replacement person's qualifications for the position, references, and permission to complete the criminal record check.

(4) Information provided to CCD on applications, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate.

(5) Staff shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.045).

(6) Staff shall smoke only in a designated area not used by children, nor for food preparation, dishwashing, or for storage of food or cooking equipment and utensils.

(7) Staff shall not consume alcohol or use non-prescribed controlled substances in the center during the hours of operation. Staff who appear to be under the influence of alcohol or other drugs shall not be in the center.

(8) No one shall be in the center who has been convicted of a crime of immoral conduct or convicted of violating a criminal statute that protects children, or who has demonstrated behavior which may have a detrimental effect on a child.

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

- (a) Name, business address, and business telephone number of the person(s) who have immediate responsibility for the daily operation of the center;
- (b) Discipline policy;
- (c) Arrival and departure procedures;
- (d) Plan for emergency medical care and treatment of illnesses or accidents;
- (e) Procedures for field trips;
- (f) Information on transportation, when provided by the center;
- (g) Information on how to report a complaint to CCD regarding certification requirements; and
- (h) Notice that custodial parents have access to the center during the hours of operation and that no advance notice is required.

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

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

- (a) Immunization of children (OAR 333-019-0021 through 333-019-0090 and 333-019-0200); and
- (b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415).

(12) The center serving infants and children shall have written health policies and procedures approved by the Health Division or the county health department which cover at least, but are not limited to, the following:

- (a) Storage and handling of bottles and food;
- (b) Diaper changing and disposal;
- (c) Bathing infants; and
- (d) Care of bed linen.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.290, ORS 657A.390 & ORS 657A.400

Chapter 414 Employment Department, Child Care Division

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 5-1989, f. & cert. ef. 3-15-89; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0620; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0040

Enrollment

(1) Children shall be admitted in accordance with the conditions of the certificate including, but not limited to, capacity, hours of operation, age range, and special conditions.

(2) As required by state and federal civil rights laws, the center shall not discriminate against any child on the basis of race, religion, color, national origin, sex, marital status of parent, or because of a need for special care.

(a) Refusal by the operator to care for a child with a need for special care because of lack of related skills and degree of competence, or because of structural barriers in the center, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are knowledgeable about the specific handicap. The operator shall record the assessment that was made for each special needs child.

(b) If a child with special needs is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between center staff, parent(s), and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the special plan.

(3) The operator shall obtain the following information from parent(s) for each child before admission:

- (a) Name and birthdate of child;
- (b) Date child entered care;
- (c) Name(s) and home and business addresses and telephone numbers of the custodial parent(s);
- (d) The school attended by a school-age child;
- (e) Name, address, and telephone number of child's doctor and dentist;
- (f) Name and telephone number of person to be called in an emergency if the parent cannot be located; and
- (g) Name and telephone number of person(s) to whom the child may be released.

(4) The operator shall obtain the following information from parent(s) of each infant and toddler:

- (a) Schedule of feeding;
- (b) Types of food introduced and timetable for new foods;
- (c) Toilet and diapering schedule;
- (d) Sleep schedule;
- (e) Child's way of communicating and being comforted; and
- (f) Developmental and health history of any problems that could affect the child's participation in child care.

(5) The operator shall obtain the following written authorizations from parent(s) for each child at admission:

(a) Permission for the center to obtain emergency medical treatment for the child. The emergency medical release shall be:

- (A) On a form accepted by the medical treatment facility used by the operator for emergency medical services; and
- (B) Immediately accessible to all staff.

(b) Permission for the center to call an ambulance or take a child to an available physician or medical treatment facility; and

(c) Approval when applicable for:

- (A) Participation in field trips; and
- (B) Participation in swimming or any other water activity, both on and off the premises of the center.

(6) An opportunity shall be given for each child, with his/her parent(s) to have a preplacement visit to the center and for the center staff to exchange information with the parent(s).

(7) No child under six weeks of age shall be enrolled in a center.

Stat. Auth. ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0622; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0050

Arrival and Departure

(1) The operator shall require that the person bringing a child under five years of age to the center remain with the child until the child is accepted by staff.

(2) The operator shall release a child only to a parent or another person named and identified by the parent(s).

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0624

414-300-0060

Record Keeping

(1) The operator shall keep the following records for at least one year, unless otherwise specified in this rule or in a contractual agreement with CCD, and shall be available at all times to CCD:

(a) Complete and current information on each child as required in OAR 414-300-0040(3), (4), and (5);

(b) Records of daily attendance of children and staff showing:
(A) The dates of employment and time of arrival and departure for each staff; and

(B) The date, name of each child in attendance, and time of arrival and departure. The record shall show the children in attendance at any given time;

(c) Personnel record for each staff which shall include:

- (A) Name and address of staff;
- (B) Position in center;
- (C) Verification that the person possesses the qualifications for the position;

(D) Verification that a criminal record check has been completed;

(E) Statement of the staff's duties;

(F) Record of health-related training, such as CPR, Life Support, Life Saving, and First Aid;

(G) Driving record, driver's license number and expiration date if the person is to transport children; and

(H) Documentation of dates and participation in orientation, training, and staff development activities, as required in OAR 414-300-0120.

(d) A written record of:

- (A) An injury to a child;
- (B) Dates and times of the monthly practice of emergency procedures;

(C) Child abuse reports made to the State Office of Services to Children and Families (SOSCF) or a law enforcement agency;

(D) Authorizations to administer medication to a child;

(E) Medications dispensed; and

(F) Meals and snacks provided by the center for the previous three weeks.

(2) The operator shall allow parent(s), upon request, to review records and reports, except for child abuse reports, maintained on their own child.

Stat. Auth: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.390

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0626; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Personnel

414-300-0070

General Requirements

(1) The operator shall establish a system of job descriptions, staff selection, and staff evaluation that ensures that staff:

(a) Have competence, sound judgement, and self-control in working with children;

(b) Are mentally, physically, and emotionally capable of performing assigned duties related to child care; and

(c) Have the required training and/or experience for the position for which they are hired.

(2) Any staff with evidence of a child care-restrictable disease, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties.

(3) If there is evidence which casts doubt on the physical or mental competence of a person to care for children, CCD may request that the operator provide CCD with an evaluation from a physician, psychiatrist, or other qualified person.

(4) A criminal record check through the Oregon State Police Law Enforcement Data System (LEDS) or comparable source shall be done, and an FBI criminal record may be done, on all administrative, child caring, and support staff of the facility. Criminal record checks shall also be done on persons who may or may not be facility staff if their presence or role in the facility provides unsupervised access to children. Certification shall be denied, suspended, or revoked if any person listed in section (4) of this rule operates, is employed in, or has access to children at the facility who has been convicted of or sentenced for offenses which CCD has determined indicate behavior which would have a detrimental effect on a child, unless the person provides evidence acceptable to CCD of changed behavior.

(a) If any person listed in section (4) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which CCD has determined indicate behavior which would have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or has access to children in a child care facility;

(b) The operator shall require each person listed in section (4) of this rule to provide written consent for CCD to conduct a criminal record check. Consent shall be given on the form provided by CCD and shall be accompanied by a fee, as determined by CCD, for each person checked;

(c) A criminal record check request must be sent to CCD, and CCD must complete a criminal record check, on all persons listed in section (4) of this rule prior to their affiliation with the facility; and

(d) If a criminal record check shows that a warrant has been issued for any person checked, CCD will inform the originating law enforcement agency of the person's name, employment address, and telephone number.

(5) There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-0090). A person who meets the qualifications shall be assigned the duties of the position.

(6) Volunteers who are counted in determining the staff/child ratios shall meet the qualifications of the position they are filling.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.050, ORS 657A.060, ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CSD 4-1991, f. & cert. ef. 3-7-91; CSD 8-1991, f. & cert. ef. 7-1-91; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0630; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0080

Director — Qualifications and Duties

(1) The director shall:

- (a) Be at least 21 years of age; and
- (b) Have at least one year of training and/or experience in management and supervision.

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

(a) Administrative functions including, but not limited to, financial management, maintaining records, budgeting, policy, development, staff orientation and training, maintenance of buildings and grounds, meal planning and preparation, and transportation, if provided; and

(b) Operating the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0440).

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

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

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

(4) The director shall be in the center at least one-third of the hours, calculated on a weekly basis, that the center is in operation.

(5) The director, or a substitute delegated by the director or operator, shall be on the premises during all hours of operation. The substitute director shall:

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

(b) Be familiar with the certification requirements; and

(c) Be authorized to correct a deficiency that might be an immediate threat to children's health or safety.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0632; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-1995

414-300-0090

Head Teacher — Qualifications and Duties

(1) For each infant and toddler, preschool age, and school age program in the center, there shall be a qualified person designated as head teacher who is at least 18 years of age.

(2) The head teacher shall be accountable for:

(a) The development and implementation of the center's program of activities; and

(b) Ensuring the appropriateness of program activities according to the age, interests, and developmental level of the children.

(3) A head teacher shall meet the qualification requirements of one of the options listed in **Table 1**.

(4) A person may serve as head teacher for more than one age group as long as the qualifications for head teacher for each age group are met.

[ED NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]
 Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0633; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-1995

414-300-0100

Teacher

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

- (a) Be at least 18 years of age;
- (b) Be responsible for a designated group of children; and
- (c) Supervise the activities of an aide assigned to his/her group.

(2) A teacher shall meet the qualification requirements of one of the options listed in **Table 2**.

[ED NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]
 Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0634; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-1995

414-300-0110

Teacher Aides

Teacher aides may be included in the staff/child ratio calculation. They shall be:

- (1) At least 15 years of age.
- (2) Directly supervised by another staff who meets at least the qualifications of a teacher.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0635

414-300-0120

Staff Training

(1) All new staff shall receive an orientation within the first two weeks of employment. Orientation shall include, but is not limited to:

- (a) Individual responsibilities in the event:
 - (A) The building must be evacuated (e.g., fire);
 - (B) An emergency requires staff and children to remain inside under unusual circumstances (e.g., power outage, environmental hazard); or
 - (C) A child or staff is injured or becomes ill.
- (b) These requirements (OAR 414-300-0000 through 414-300-0400);
- (c) The center policies, as required in OAR 414-300-0030; and
- (d) Procedures for reporting suspected child abuse or neglect.

(2) The operator shall have documentation of the date and type of orientation received.

(3) The director, head teacher, and all teachers shall participate yearly in at least 15 clock hours of training or education related to child care, of which at least six clock hours shall be in child development or early childhood education:

(a) A head teacher whose qualifications for the position are based solely on work experience shall emphasize training in child development and early childhood education for the first two years of employment;

(b) Training may include correspondence courses, conferences, workshops, audiovisual programs or, if community resources are not available, a planned reading program of professional materials; and

(c) The center shall record each person's training showing the subject matter, the date completed, and the number of clock hours of training.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.270 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0637

414-300-0130

Staff/Child Ratios and Group Size

(1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance.

(2) The maximum number of children in a group and the ratio of caregivers to children specified in Table 3 shall apply, except that:

(a) When all children are at rest, the situation permits, and the room is arranged so all children are supervised, there may be one caregiver supervising the resting room. Sufficient staff to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the resting room; and

(b) Maximum group size shall not apply to field trips, outdoor play, planned large group activities, or for napping and eating.

Table 3

Age of Minimum Number Children	Maximum Number of Caregivers to Children	Maximum Number of Children in a Group
6 weeks of age and under 30 months	1:4	8
30 months old and under 5 years	1:10	20
5 years or older	1:15	30

(3) Children shall at all times have the full attention of the appropriate number of staff. Children shall be within sight and sound of a caregiver at all times. School age programs with toilet facilities or activities off-site shall have a plan to assure accountability for all children.

(4) At least one caregiver who meets the qualifications of a teacher (OAR 414-300-0100) shall supervise each group of children.

(5) In a group of children of varying ages, the number of caregivers shall be determined by the age of the youngest child in the group.

(6) When there is only one staff in the center, there shall be a second adult available within five minutes for emergencies. The name and telephone number of the emergency back-up shall be known to all staff who work alone.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.270 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0639

Physical Setting

414-300-0140

Indoor Space

(1) There shall be a minimum of 35 square feet of indoor activity area per child. Space considered in determining the facility capacity shall be available for use at all times and shall be used exclusively for child care during the hours of operation.

(2) In a room used by more than one group of children under six years of age, the area occupied by each group shall be defined by use of portable or permanent room dividers or program equipment that stand above the eye level of the children who use the area. Rooms used only for large group activities (e.g., eating, napping, large muscle activities) are exempt from this requirement.

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

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

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0640; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0150

Outdoor Space

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

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

(3) The outside activity area shall:

- (a) Be suitably surfaced and well drained;
- (b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and
- (c) Be equipped to provide age-appropriate activities for gross motor development.

(4) The outdoor activity area of a center serving children under age five shall be enclosed by a barrier (fence, wall, building) at least three feet high.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0641

414-300-0160

Fire Protection

(1) All floor levels used by children shall have two doors that are usable exits.

(2) Space on other than the ground floor shall not be used unless specifically approved by the fire marshal and CCD.

(3) Fire Extinguishers:

- (a) There shall be at least one 2-A-10BC-rated fire extinguisher for each 3,000 square feet of space in the center;
- (b) Fire extinguisher(s) shall be placed as recommended by the fire marshal.

(4) Smoke Detectors:

(a) When the center's capacity is less than 50, single station smoke detectors shall be installed in all areas where children nap;

(b) When the center's capacity is more than 50, an approved fire alarm system shall be provided, as required by the Uniform Building Code;

(c) Smoke detectors shall be tested each month.

(5) Storage of supplies, furniture or any other materials in corridors, on stairs, or in stairwells that are used by the center is prohibited.

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0642

414-300-0170

Hazards and Emergencies

(1) Protection from hazards:

(a) Glass surfaces subject to impact by children shall be of safety glass and marked at a child's eye level or have a protective barrier in place;

(b) Electrical outlets accessible to children under five years of age shall have protective caps or safety device when not in use;

(c) All stairways with three steps or more used by children shall have handrails installed a minimum of thirty inches to a maximum of thirty-four inches above the stair tread;

(d) Screens or guards and stair guards shall be used in any hazardous location accessible to a child;

(e) A movable barrier, such as a mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. The use of a gate with scissor or accordion-type action is prohibited;

(f) Lights shall be protected from hazards or breakage by installation of covers or shields;

(g) All rooms used by staff and children shall have adequate lighting;

(h) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards;

(i) Items of potential danger to children (e.g., cleaning supplies and equipment, poisonous and toxic materials, paints, plastic bags, aerosols, detergents) shall be:

(A) Kept in the original container or labeled;

(B) Secured by a child-proof lock or latch;

(C) Stored in an area not used by children; and

(D) Stored separately from food service equipment and supplies.

(j) Lead-based paint or other toxic finishing materials shall not be used on walls, furnishings, toys, or any other equipment, materials or surface which may be used by children or is within their reach;

(k) Other hazards observed in the certification process must be corrected.

(2) Preparation for Emergencies:

(a) An emergency light source shall be available and in working condition;

(b) Telephone service shall be available in the center at all times when children are in care;

(c) Telephone numbers for fire, emergency medical care, and poison control shall be posted on all telephones; and

(d) Written instructions for evacuating the building shall be posted in each room children use.

(3) Emergency Plan:

(a) The center shall have a written plan for handling emergencies relating to fire, acute illness of a child or staff, a child who is not breathing, a child who is injured, and other emergencies;

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

(c) Staff and children shall practice at least one aspect of the emergency plan once per month. Fire drills and evacuating the building shall be practiced at least six times per year; and

(d) The director shall keep a written record of the type, date, and times of the monthly practice.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0643

414-300-0180

Sanitation

(1) Water Supply:

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

(b) If water for human consumption is from a private source, the operator shall provide evidence of an on-site inspection of the source of the water by a sanitarian and bacterial and chemical analysis of the water:

(A) The analyses shall be conducted by the local health department, the Health Division, or a commercial laboratory approved by the Health Division;

(B) The bacterial analysis shall be done quarterly;

(C) The chemical analysis shall be done only once for a well and yearly for other private water sources.

(c) There shall be safe drinking water available to children that is supplied in a sanitary manner.

(2) Heat and Ventilation:

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

(b) Room temperature of at least 68° F. (20° C.) shall be maintained in the center when children are present.

(3) Vermin Control:

(a) The center shall be free of rodents, insects, and vermin;

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

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

(4) Maintenance:

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

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

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

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

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

(E) Soiled bed linen and clothing shall be stored and washed separately from food preparation and other storage areas, and shall be inaccessible to children;

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

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

(H) Cribs, mats, and cots shall be cleaned with a sanitizing solution at least once a week, upon change of occupant, or when soiled;

(I) Bedding shall be cleaned when soiled, with change of occupant, or at least once a week;

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

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

(L) Cloths and sponges used for wiping food spills on utensils and food-contact surfaces shall be kept clean and sanitized and used for no other purpose.

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

(5) Infant and Toddler Care:

(a) The following shall be cleaned and sanitized immediately after each use:

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

(B) A diaper-changing table;

- (C) High chairs;
- (D) Toys that infants and toddlers put in the mouth; and
- (E) Training chair receptacles.

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

(6) Handwashing:

(a) Staff and children shall wash their hands with soap and running water after using the toilet or wiping the nose, and before eating; and

(b) Staff shall wash hands with soap and running water before and after changing a diaper, before feeding a child or handling food, and after assisting a child with toileting or wiping the nose.

(7) Waste Disposal:

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

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

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

(d) All garbage storage areas and garbage containers shall be kept clean; and

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.290 & ORS 657A.400

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0644

414-300-0190

Toilet Facilities

(1) Toilets:

(a) Toilet rooms shall have at least one flush toilet for each 15 children in the center 30 months old or older;

(b) Urinals may be substituted for not more than one-half the required number of toilets, as long as there is at least one toilet in each toilet room and at least two toilets in the center; and

(c) Toilet facilities shall provide privacy for school age children.

(2) Hand washing Sinks:

(a) There shall be at least one hand washing sink with mixing faucets for every two toilets. Centers certified before September 29, 1988 shall comply with the requirement for mixing faucets when toilet facilities are remodeled;

(b) A sink used for hand washing, bathing, or diaper-changing shall not be used in any way for preparation of food or drinks, or for dish washing; and

(c) Soap, paper towels, and hot and cold running water shall be provided at each hand washing sink located in toilet rooms and diaper-changing areas.

(3) If toilets or hand washing sinks are adult size, easily cleanable steps or blocks shall be provided so that preschool age children can use the toilets and sinks without adult assistance.

(4) Toilet rooms shall have smooth, washable, easily-cleanable walls and floors.

(5) Infants and Toddlers — In a center serving children under 2-1/2 years old, there shall be:

(a) At least one flush toilet in or adjacent to the infant and toddler area;

(b) One toilet with training seat, or child-size toilet, for every eight toddlers;

(c) At least one diaper-changing table in or adjacent to each activity and sleeping room. Each table shall have a surface that is waterproof and easily cleaned;

(d) A hand washing sink in each diaper-changing area, except that centers certified before September 29, 1988 shall comply with this requirement when the diaper-changing area is remodeled; and

(e) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.290 & ORS 657A.400

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0645; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0200

Kitchens

(1) There shall be kitchen facilities for dish washing, storage, and preparation of food which are separate from other areas.

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

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

(a) Easily cleanable;

(b) Durable;

(c) Nontoxic; and

(d) Nonabsorbent.

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

(5) A center shall have a:

(a) Mechanical dishwasher that meets the requirements in the Health Division's OAR 333-154-0030; or

(b) Compartmentalized sink that meets the requirements in the Health Division's OAR 333-154-0020.

(6) There shall be sinks in the kitchen designated by the sanitarian for hand washing, food preparation activities, and for dish washing activities:

(a) The sink designated for hand washing shall be equipped with soap and paper towels and posted with a hand washing sign;

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

(c) Sinks in the kitchen shall be used exclusively for food service activities; and

(d) Centers newly constructed or remodeled after September 29, 1988 shall meet the requirements for hand washing sinks established by the Building Codes Agency.

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0646; CCD 1-1995, ef. 10-30-95, cert. ef. 11-1-95

414-300-0210

Furniture

(1) Furniture shall be:

(a) Durable;

(b) Safely constructed, with no sharp, rough, loose, or pointed edges; and

(c) In good repair.

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

(3) Each infant shall have a crib, portable crib, or play pen with a clean, waterproof mattress that meets the following requirements:

(a) Each crib shall be of sturdy construction with vertical slats no more than 2-3/8" apart;

(b) Locks and latches on the drop side of a crib shall be safe and secure from accidental release or release by the infant inside the crib;

(c) Each mattress shall fit snugly;

(d) Each mattress shall be covered by a sheet;

(e) Crib bumpers, if used, shall be easily cleanable, durable, and not dangerous to children;

(f) There shall be no restraining devices of any type used unless prescribed by a physician; and

(g) Wall or stacking cribs shall not be used.

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

(5) Each mat used for napping shall be:

(a) Covered with a waterproof cover; and

- (b) At least one inch thick.
 - (6) There shall be at least two feet of space between cribs, play pens, mats, or cots when in use. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.
 - (7) Each child who is resting shall have individual bedding consisting of at least a sheet or blanket.
 - (8) If high chairs are used, they shall have:
 - (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) Straps to prevent a child from sliding out.
 - (9) There shall be at least one adult-sized chair for each group of infants and toddlers.
- Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0648

Health

**414-300-0220
 Illness or Injury**

- (1) Illness:
 - (a) A center shall not admit or retain in care, except with the written approval of the local health officer, a child who:
 - (A) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Health Division OAR 333-019-0200; or
 - (B) Has one of the following symptoms, or combination of symptoms, of illness:
 - (i) Fever over 101.5°F;
 - (ii) Diarrhea (more than one abnormally loose stool per day);
 - (iii) Vomiting;
 - (iv) Nausea;
 - (v) Severe cough;
 - (vi) Unusual yellow color to skin or eyes;
 - (vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;
 - (viii) Stiff neck and headache with one or more of the symptoms listed above;
 - (ix) Difficult breathing or wheezing; or
 - (x) Complaints of severe pain.
 - (b) A child who shows signs of illness, as defined in this rule, shall be isolated and the parent(s) notified and asked to remove the child from the center as soon as possible;
 - (c) If a child has mild cold symptoms which do not impair his/her functioning, the child may remain in the center and the parent(s) notified when they pick up their child;
 - (d) A specific place for isolating a child who becomes ill shall be provided. The isolation area:
 - (A) Shall be located where the child can be seen and heard by staff; and
 - (B) Shall be equipped with a cot, mat, or bed for each sick child.
 - (e) An outbreak of communicable disease or food poisoning shall be reported to the parents of all children who attend the facility.

- (2) Injuries:
 - (a) The operator shall have written procedures for handling injuries that shall be made known to all staff, including:
 - (A) Procedure for taking a child to emergency medical care;
 - (B) Routine for treatment of minor injuries; and
 - (C) First aid measures for serious accidents.
 - (b) There shall be at least one person in the center at all times who has a current certificate in Basic Life Support for children, a current American Red Cross First Aid card, or an equivalent;
 - (c) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but kept out of reach of children:
 - (A) The first aid supplies shall include bandaids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and tweezers; and

(B) Separate first aid supplies and a copy of each child's medical release form shall be taken on all field trips away from the immediate neighborhood.

(d) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence.

(A) A written report of the injury or accident shall be maintained on file; and

(B) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).

(3) Emergency Medical Care:

(a) The operator shall identify a licensed physician, hospital, or clinic to be used for emergency medical care;

(b) In the event of an illness or injury which requires immediate medical care, the director, or the designated person in charge, is responsible for securing such care and notifying the parent(s).

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0650; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

**414-300-0230
 Medications**

(1) No prescription medication or non-prescription medication including, but not limited to, aspirin, cough syrup, or nose drops, may be given to a child except under the following conditions:

(a) A signed, dated, written authorization by the parent(s) is on file;

(b) Prescription medication is in the original container and labeled with the child's name, name of the drug, dosage, directions for administering, date, and physician's name;

(c) Non-prescription medication is labeled with the child's name, dosage, and directions for administering; and

(d) A written record of all medications administered listing, as a minimum, the name of the child, type of medication, the signature of the person administering the medication, date, time, and dosage given, shall be kept.

(2) All medications shall be:

(a) Secured in a storage area with a child-proof lock or latch; and

(b) Stored in an area not used by children.

(3) Medications requiring refrigeration shall be kept in the refrigerator in a separate covered container clearly marked "medication".

(4) Parent(s) shall be informed daily of medication administered to their child.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0652

**414-300-0240
 Animals in the Center**

(1) Any animals and animal areas shall be maintained in a healthy, sanitary condition, safe to the animal and children.

(2) Animals allowed in the center for more than one day at a time shall be limited to cats, dogs, fish, guinea pigs, gerbils, and hamsters.

(3) Parent(s) shall be notified in advance if any animal, other than those listed in section (2) of this rule, will be on the premises.

(4) Any animal on the premises shall have been vaccinated according to a licensed veterinarian's recommendations.

(5) Any animals other than cats and dogs shall be properly caged and maintained in a safe, healthy, sanitary manner.

(6) All animals shall be kept out of rooms used for storage of food, and food-related equipment and supplies, or for food preparation.

(7) No uncaged animal shall be allowed in any room used by infants or toddlers.

(8) Litter boxes shall not be placed in the child care area.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
Renumbered from 412-010-0654; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Food Service

414-300-0250

Food Selection, Storage, and Preparation

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

(2) Selection:

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

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

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

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

(A) Powdered milk shall be used only in cooking; and

(B) The serving of raw milk is prohibited.

(3) Storage:

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

(A) A dependable spirit stem (alcohol filled-usually red) thermometer shall be affixed to the door, or the front edge of the top shelf, of each refrigerator;

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

(b) All potentially hazardous food shall, except when being prepared, be kept at 45° or below, or 140° F or above:

(A) Foods requiring refrigeration after preparation shall be rapidly cooled to a temperature of 45° F or below;

(B) Refrigerated storage space at 45° F or less shall be used to store lunches which contain potentially hazardous food that children bring from home;

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

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

(4) Preparation:

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

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

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

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

(e) No food additives or preservatives shall be used by the center.

(5) Service:

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

(A) Single-use paper and plastic which shall be used once only; or

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

(b) To protect food from contamination:

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

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

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

(A) Milk containers shall be opened immediately before pouring;

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

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

(d) All food, once removed from the kitchen, shall be discarded;

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.290 & ORS 657A.400

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
Renumbered from 412-010-0660

414-300-0260

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

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

(a) When mechanical cleaning and sanitizing methods are used, the requirements in the Health Division's OAR 333-154-0030, Food Sanitation Rules, shall be met;

(b) When manual washing, rinsing, and sanitizing of dishes and equipment is used, the requirements in the Health Division's OAR 333-154-0020, Food Sanitation Rules, shall be met.

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

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

(4) After sanitization, all tableware, equipment, and utensils shall be air dried.

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

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

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.290 & ORS 657A.400

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
Renumbered from 412-010-0662

414-300-0270

Nutrition

(1) An operator shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served.

(2) Each lunch and dinner served shall equal at least 1/3 of a child's daily nutritional needs, as defined by USDA Child Care Food Program guidelines, and include at least one serving from each of the Basic Four Food Groups (bread and cereal; fruits and vegetables; milk and milk products; meat, fish, poultry, and vegetable protein such as legumes (e.g., dried beans and peanut butter)).

(3) Each breakfast served shall include at least one serving of milk, fruit or vegetable, and bread or cereal.

(4) Snacks (mid-morning or mid-afternoon) shall consist of food or drink from at least two of the Basic Four Food Groups.

(5) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) and special diets shall not be served without written instructions from a physician and written parental consent.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
Renumbered from 412-010-0664

414-300-0280

Meals and Snacks

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

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

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

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

(d) When the planned attendance is prior to 7 a.m. or after 6.30 p.m., a child shall be offered a complete meal if it is not provided by the parent(s).

(2) Meals for children shall be:

(a) Prepared on-site;

(b) Catered; or

(c) Provided by the parent.

(3) When parent(s) provide food for the meal:

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

(b) All food shall be labeled with the child's name;

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

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

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

(4) Catered foods shall be:

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

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

(5) A center serving children under one year of age shall comply with the following requirements:

(a) Each child shall be fed on his/her own feeding schedule;

(b) When formula is provided by the center, it shall be the commercially prepared, iron-enriched, ready-to-feed type;

(c) Formula, breast milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;

(d) No liquids, other than milk, formula, water, and 100 percent fruit juices, shall be served;

(e) Skimmed milk, one percent and two percent milk shall not be served unless requested in writing by the child's parent(s);

(f) Drinking water shall be offered to infants and toddlers several times daily; and

(g) Solid foods fed to infants shall be selected from the Basic Four Food Groups, as defined in OAR 414-300-0270:

(A) Solid foods shall not be fed to infants under four months of age without parental consent;

(B) Solid food shall not be served directly from the container; and

(C) Leftovers in the serving container shall be discarded.

(h) Honey shall not be served to children under one year of age; and

(i) Children who cannot feed themselves shall be held or fed in infant seats or high chairs:

(A) Infants up to six months old shall be held while bottle fed;

(B) Bottles shall never be propped. The child or a staff person shall hold the bottle; and

(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0666

Program and Care of Children

414-300-0290

Program Plan

(1) The center shall provide a written program of activities for each group of children according to their ages, interests, and abilities.

(2) The program schedule shall be planned to provide:

(a) Positive learning experiences appropriate to the individual developmental needs of children in care;

(b) Regularity of such routines as eating, napping, and toileting with flexibility to respond to the needs of individual children;

(c) A balance of active and quiet activities;

(d) Individual and group activities;

(e) Daily indoor or outdoor activities in which children use both large and small muscles;

(f) Periods of outdoor play each day when weather permits; and

(g) Opportunities for a free choice of activities; and

(h) One or more regularly scheduled rest periods. For children who do not sleep, time and space for rest and quiet play must be provided. This may be in the same room where children are sleeping if it is not too restrictive to resting children or disruptive to sleeping children.

(3) The program, as implemented, shall reflect the written program plan.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0670

414-300-0300

Infant and Toddler Age Programs

(1) Each infant shall be:

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

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

(2) Infants and Toddlers:

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

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

(c) Children shall be encouraged to play with a variety of safe toys and objects;

(d) Immediate attention shall be given to the emotional and physical needs of children; and

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

(3) Toddlers shall be given opportunities to participate in:

(a) Arts and crafts activities; and

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

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0671

414-300-0310

Preschool Age Programs

Preschool age children shall have opportunities, on a daily basis, to choose from among various activities and experiences, which shall include:

(1) Arts and crafts;

(2) Dramatic play;

(3) Gross motor development;

(4) Fine motor development;

(5) Music and movement;

(6) Opportunities to listen and speak;

- (7) Concept development;
 - (8) Using the five senses through sensory play; and
 - (9) A supervised nap or rest period.
- Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0672

414-300-0320

School Age Programs

- (1) School age children shall have opportunities to choose from:
 - (a) Indoor and outdoor group activities;
 - (b) Individual projects including homework; and
 - (c) Rest or relaxation.
- (2) The center shall have activities and equipment appropriate for school age children.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0673

414-300-0330

Discipline

- (1) A center shall have written policy on the discipline of children which all staff shall follow.
- (2) The operator shall make this policy known to all staff, volunteers, and parent(s).
- (3) The discipline policy shall:
 - (a) Provide for positive guidance, redirection, and the setting of clear-cut limits; and
 - (b) Be designed to help the child develop self-control, self-esteem, and respect for others.
 - (c) Only staff shall discipline a child.
 - (d) Discipline shall be fair, consistently applied, timely, and appropriate to the infraction and the age of the child.
 - (e) For infants and toddlers, positive statements or redirection of behaviors shall be used.
 - (f) Punishment which is humiliating or frightening to a child is prohibited. Prohibited punishment includes, but is not limited to:
 - (a) Hitting, slapping, shaking, striking with hand or instrument, pinching, or inflicting any other form of corporal punishment;
 - (b) Mental or emotional punishment including, but not limited to, name calling, ridicule, yelling, or threats;
 - (c) Chemical or physical restraints used for discipline or to control behavior;
 - (d) Confining a child in an enclosed area (e.g., a locked or closed room, closet, box);
 - (e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or
 - (f) Punishing a child for lapses in toilet training.
 - (g) The center shall not accept parental permission to use any form of punishment listed in section (7) of this rule.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0674

414-300-0340

Equipment and Materials

- (1) The center shall have play equipment and materials that are:
 - (a) Appropriate to the developmental needs and interests of the children;
 - (b) Safe, durable, and in good repair; and
 - (c) Easily accessible to the children.
- (2) The quantity and variety of play materials shall be sufficient to:
 - (a) Avoid excessive competition;
 - (b) Provide a choice of activity to each child;
 - (c) Provide a balance of:
 - (A) Active/quiet activities; and
 - (B) Individual/group activities.
 - (d) Offer stimulation; and
 - (e) Provide the variety of activities required in OAR 414-300-0300, 414-300-0310, and 414-300-0320.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0676

414-300-0350

Transportation

When transportation is provided by the center, the following requirements shall be met:

- (1) Drivers shall:
 - (a) Be at least 18 years of age;
 - (b) Hold a current driver's license. If required by the Motor Vehicles Division (DMV), a chauffeur's license shall be obtained; and
 - (c) Maintain a safe driving record.
 - (2) The operator shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties.
 - (3) The vehicle shall be:
 - (a) In compliance with all applicable state and local motor vehicle laws; and
 - (b) Maintained in a safe operating condition.
 - (4) If transportation is provided between the center and the child's school or other destination, the center shall have in writing an acknowledgement from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the center.
 - (5) When transporting children:
 - (a) There shall be sufficient staff, excluding the driver, to meet the required staff/child ratios rule (OAR 414-300-0130) for children age six weeks to 30 months. When there are more than six preschool age children in a vehicle, there shall be at least one caregiver in addition to the driver. When only school age children are transported, the driver may be included in the staff ratio;
 - (b) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;
 - (c) A seat that fully supports the passenger shall be provided for each child;
 - (d) All children, shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation. A child under four years of age and weighing 40 pounds or less shall be in an approved child safety system;
 - (e) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter;
 - (f) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person; and
 - (g) No child shall be left unattended in a vehicle.
 - (6) An operator shall maintain a written plan for transportation.
- Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 811.210 & ORS 815.055
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90;
 CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0678; CSD 11-1994, f. & cert. ef. 5-23-94

Special Programs

414-300-0360

Night Care

A center providing night care to children shall meet all the requirements for child care centers contained in OAR 414-000-0300 through 414-300-0440, except for OAR 414-300-0150, 414-300-0290 through 414-300-0320, and OAR 414-300-0340(2)(e). In addition, the center shall comply with the following requirements:

- (1) Staffing:
 - (a) During the hours of night care, the required staff/child ratio shall be maintained in the center; and
 - (b) There shall be at least two staff persons present at all times. At least one staff shall be awake at all times.
- (2) Safety:
 - (a) No one shall be allowed to enter except authorized persons including, but not limited to, the child's family, persons authorized by the parent(s), staff, CCD certification representatives, fire safety officials, and sanitarians;

(b) The center shall provide staff training for evacuating sleeping children in an emergency; and

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

(3) Activities:

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

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

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

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

(4) Sleeping Arrangements:

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

(b) All sleeping rooms used by children shall have two usable exits. A sliding door or window that can be used to evacuate children may be considered a usable exit;

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

(A) Cribs shall comply with OAR 414-300-0210(3);

(B) The upper level of double-deck beds shall not be used for children under 10 years of age, and

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

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

(e) No children shall share a bed;

(f) Each bed occupied by a child shall have sheets, pillows, pillowcases, and blankets; and

(g) Bed linens shall be changed upon change of occupant, or at least once a week.

(5) Personal Hygiene:

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

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

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

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

(C) Privacy between the sexes shall be maintained for school age children;

(D) Tubs or showers shall be cleaned after each use; and

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

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

(6) Meals and Snacks:

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

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

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;

Renumbered from 412-010-0680; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0370

Get Well Care

A center providing Get Well Care shall meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0440, except for 414-300-0150, and OAR 414-300-0290 through 414-300-0320. In addition, the center shall comply

with the following requirements which apply to Get Well Care provided as a single primary service or as a component of a child care center:

(1) A child with symptoms or diagnosis of illness which would exclude the child from a regular child care center program, as defined in OAR 414-300-0220(1), shall not be admitted or retained in Get Well Care, except with the written approval of the local health officer.

(2) A center that wants to provide Get Well Care to children excluded under section (1) of this rule may request an exception to the requirement. An exception will be granted by CCD only under terms and conditions which are agreed upon in advance by the Health Division or the county health department.

(3) The operator shall have written information available to parents and the public which describe:

(a) The services offered in Get Well Care;

(b) Admission procedures; and

(c) Procedures for emergency medical care.

(4) The number of caregivers and group size shall be determined by the number and ages of the children in attendance.

(a) Six weeks and under 30 months of age: One teacher for two children, or one teacher and one teacher aide for a group of three or four children. No group of this age range shall exceed four children;

(b) Thirty months through 12 years: One teacher for six children, or one teacher and one teacher aide for seven through twelve children. No group of this age range shall exceed 12 children.

(5) Space Requirements:

(a) Children shall be cared for in an activity area(s) used exclusively for Get Well Care; and

(b) There shall be separate toilet and hand washing facilities unless waived by the Health Division or the county health department.

(6) Staff assigned to provide Get Well Care shall not be responsible for children from any other component of the center at the same time.

(7) The center shall require the parent(s) to provide a written plan which:

(a) Includes the name and telephone number of the children's doctor; and

(b) Describes the special needs, medication(s), and daily regimen needed by the child.

(8) The director shall notify the parent(s) immediately of any significant change in a child's condition and obtain instruction regarding the action to be taken;

(a) The director shall obtain emergency medical treatment without parental instruction if the parent(s) cannot be reached immediately or the illness or injury is such that there should be no delay in getting medical treatment.

(b) Staff shall call the parent(s) immediately when a child's condition worsens to the degree that it may exceed the level of care for which the center is certified, and shall request that the child be removed from care as soon as possible.

(9) Staff shall monitor each child throughout the day, according to the written plan (per section (7) of this rule):

(a) Staff shall keep a written, daily record for each child. The record shall include the date and time of each evaluation including, but not limited to:

(A) Temperature;

(B) Amount of food and fluid intake;

(C) Activities such as amount of sleep and rest, play, and behaviors; and

(D) Medications administered.

(b) Information about each child's progress shall be shared with the child's parent(s).

(10) The center shall provide a variety of daily activities designed to meet the needs of each child including, but not limited to:

(a) Quiet and active indoor play consistent with the developmental level, ability, and physical condition of each child;

(b) Rest and relaxation;

(c) Eating; and

(d) Toileting.

(11) The center shall use disposable diapers or a diaper service for children who are not toilet trained.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;

Renumbered from 412-010-0682; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0380

Swimming Activities

The following requirements apply to swimming/water activities provided on the premises of a child care center or group child care home, or off the premises by another organization, public or private:

(1) The center or group home operator is responsible for making the requirements of the swimming facility known to all child care facility staff and any other persons working directly with the children.

(2) The operator shall comply with the following staffing requirements:

(a) For a group of one to fifteen children who are non-swimmers, for every child or group of one to thirty children who are beginner swimmers, and for each additional group of one or more non-swimmers and/or beginners, participating in any swimming/water activity, there shall be at least one person (may be pool or child care facility staff or a volunteer) who meets the following qualifications:

(A) Holds a current American Red Cross Advanced Life Saving or Lifeguard Training Certificate, YMCA Senior Lifeguard, or equivalent;

(B) Has completed cardio-pulmonary resuscitation training that includes infant and child resuscitation; and

(C) Is familiar with the safety equipment at the swimming facility.

(b) The number of staff with the children shall be determined by the ages of the children, their swimming ability, the depth of the water, and the type of activity;

(c) In addition to child care facility staff, parents, volunteers and, in some instances, pool personnel may be counted in meeting the required staff/child ratio. Pool personnel may be counted for:

(A) Instructional swimming;

(B) Recreational swimming when the child care children are the only persons in the water; and

(C) Recreational activities in which there are persons other than the child care children in the water, but pool personnel are working directly with the child care children and have no other responsibilities;

(d) All persons counted in the staff/child ratio shall be:

(A) Able to swim if the water is more than 48 inches deep; and

(B) Dressed for swimming.

(e) For recreational activities, at least one child care facility staff shall be dressed for swimming and in the water area with the children; and

(f) The applicable staff/child ratio specified in Table 4 shall apply to all water activities, including wading activities provided off the premises of the child care facility and when child care children are not the only persons in the water. A child care facility that provides water activities on the premises, and child care children are the only persons in the water, may request an exception to the staffing requirements as specified in Table 4.

**Table 4
Staffing Requirements**

Water Depth — under 18 inches

Child's Age In Years	Non-Swimmer		Beginner	
	Instruction	Recreation	Instruction	Recreation
Under 2 1/2	1:1	1:1	1:4	1:1
2 1/2 to 4	1:6	1:3	1:6	1:6
4 to 6	1:6	1:4	1:8	1:10
6+	1:10	1:8	1:10	1:15

Water Depth — 18 to 48 inches

Child's Age	Non-Swimmer	Beginner	414-300-0400
			Oregon Administrative Rules Compilation

In Years	Instruction	Recreation	Instruction	Recreation
Under 2 1/2	1:1	1:1	1:4	1:1
2 1/2 to 4	1:6	1:3	1:6	1:6
4 to 6	1:6	1:4	1:8	1:10
6+	1:10	1:8	1:10	1:15

Water Depth — over 48 inches

Child's Age In Years	Non-Swimmer		Beginner	
	Instruction	Recreation	Instruction	Recreation
Under 2 1/2	1:1	1:1	1:4	1:1
2 1/2 to 4	1:6	1:1	1:6	1:5
4 to 6	1:6	1:1	1:8	1:7
6+	1:10	1:8	1:10	1:15

(3) For the purpose of this rule:

(a) "Beginner swimmer" means a child who, as a minimum, has mastered the skills required for an American Red Cross Beginner Swimming Certificate or YMCA Guppy Level or Ray Level Certificate;

(b) "Non-swimmer" means a child who has not mastered the skills required for an American Red Cross Beginner Swimming Certificate or a YMCA Guppy Level or Ray Level Certificate; and

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

(4) The child care facility operator shall provide verification to CCD that a swimming pool or wading pool operated by the facility complies with the Oregon State Health Division's Public Swimming Pool Rules (OAR 333-060-0005 through 333-060-0225).

(5) A written medical emergency procedure with current emergency phone numbers shall be posted in the swimming area or shall be available in writing in the possession of a child care facility staff person in the swimming area. All staff shall be familiar with the procedure.

(6) There shall be first aid supplies in a designated place in the swimming area, or in the possession of a child care facility staff member, available at all times during any water activity.

(7) Wading is the only water activity permitted in moving water (e.g., rivers, creeks, ocean, bay).

(8) If children with developmental disabilities participate in swimming activities, the child care facility shall make reasonable and prudent modifications of these requirements, based on the special plan for an individual child (OAR 414-300-0040 or OAR 414-350-0060).

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 16-1990, f. & cert. ef. 6-12-90;

CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0682; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0390

Drop-in Care

A Drop-In Center shall meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0440, except for 414-300-0150. In addition, the center shall comply with the following requirements which apply to Drop-In Care provided exclusively for drop-in children as a single primary service or as a separate component of a child care center:

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

(2) Staff assigned to provide Drop-In Care shall not be responsible for children from any other component of the center at the same time; and

(3) The planned attendance for a child in Drop-In Care shall not exceed two full days per week, or twenty hours per week.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;

Renumbered from 412-010-0686; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Parent Cooperative Child Care

(1) A cooperative child care program which operates for more than four hours a day shall comply with the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0400 except that, under certain circumstances, an exception (OAR 414-300-0020) to rules relating to the requirements for the director (OAR 414-300-0080) and teachers (OAR 414-300-0100) shall be considered by CCD.

(2) When an exception to a rule is requested by a cooperative child care program, CCD shall consider the:

- (a) Ages of the children in care;
- (b) Hours of operation; and
- (c) The type and extent of training the children's parents receive before they provide care or operate the center.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0688

Sanctions

414-300-0410

Denial of Application

The Child Care Division may deny the application for a child care certificate if the applicant is unable, unwilling, or fails to comply with:

- (1) Rules for the Certification of Child Care Centers (OAR 414-300-0000 through 414-300-0440); or
- (2) Rules for the Certification of Group Child Care Homes (OAR 414-350-0000 through 414-350-0250).

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.350
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0690; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0420

Suspension of Certificate

(1) The Child Care Division (CCD) may immediately, and without prior hearing, suspend the child care certificate when, in the opinion of CCD, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health or safety. Such action may be taken before an investigation is completed.

(2) CCD may restore the certificate if the condition(s) that resulted in the suspension is corrected.

(3) If the operator does not request a hearing, and the condition which resulted in suspension has not been corrected, the certificate shall be revoked (OAR 414-300-0430).

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.350 & ORS 657A.390
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0692; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0430

Revocation of Certificate

(1) The Child Care Division may revoke the child care certificate when an operator fails to comply with:

- (a) Rules for the Certification of Child Care Centers (OAR 414-300-0000 through 414-300-0440); or
- (b) Rules for the Certification of Group Child Care Homes (OAR 414-350-0000 through 414-350-0250).

(2) Grounds for revocation are:

- (a) Inability or unwillingness of the operator to operate the child care facility in compliance with certification requirements;
- (b) Aiding, abetting, or permitting a violation of any provision of these rules;
- (c) Operating or maintaining the child care facility in a manner which is harmful to the health, morals, welfare, or safety of children in care; or

(d) When there is evidence that would be grounds for denial of a certificate (e.g., conviction of child abuse).

(3) Revocation of a certificate shall occur only after an operator receives notification of deficiencies, has been given adequate time to make corrections, and has failed to do so.

(4) An operator whose certificate has been revoked shall not be eligible to reapply for three years after the closure of the child care facility.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.350
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0694; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-300-0440

Notice of Sanctions

(1) When a decision has been made to deny an application or suspend or revoke a certificate, CCD shall give written notice to the operator.

(2) The notice as a minimum shall include:

- (a) Statement of the matters asserted or charged with reference to the statutes or rules with which the operator does not comply;
- (b) Effective date of the action;
- (c) Statement of the operator's right to a hearing; right to be represented by counsel; and the number of days allowed to request a hearing; and
- (d) Statement of the authority and jurisdiction under which the hearing would be held (ORS 183.413 and 657A.350).

(3) If necessary to protect children, CCD may give public notice of action taken. The type of notice will depend on individual circumstances.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.350
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94;
 Renumbered from 412-010-0696

DIVISION 350

CERTIFICATION OF GROUP CHILD CARE HOMES

General Provisions

[ED. NOTE: OAR 412-010-0700 through 412-010-0776 were transferred to the Employment Department by CSD 15-1993, f. 11-29-93, cert. ef. 12-1-93, SB 181.]

414-350-0000

Applicability of Rules

(1) 414-350-0000 through 414-350-0250 and OAR 414-300-0380 set forth the Child Care Division's requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities (ORS 657A.250 through 657A.460 and 657A.990) that:

- (a) Care for no more than 12 children; and
- (b) Are located in a building constructed as a single family dwelling.

(2) The following child care facilities are specifically excluded by law and are not required to comply with these rules:

- (a) A facility caring for up to six children; and
- (A) During the regular school year when school is not in session, there may be up to four additional full or part-time children in care. These children shall be eligible for the first grade or above;
- (B) During the summer when school is not in session, there may be up to four additional part-time children in care. These part-time children may be of any age, and shall be in care no more than four hours per day; and

(C) There shall be no more than ten children at any given time, including the provider's own children.

- (b) A facility providing care that is primarily educational, unless provided to a preschool age child for more than four hours a day; or
- (c) Care provided in the home of the child.

(3) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

(4) In some instances, there are no common definitions as to degree of acceptability. For purposes of these rules, the determination of compliance or noncompliance shall be made by CCD.

(5) Providers have a right to review any action or decision affecting them. The CCD grievance review process is available to all applicants for child care certification.

(6) These rules apply only during those hours child care children are in care.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.280

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90;

CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0700; CCD 1-

1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0010

Definitions

The following words and terms, when used in OAR 414-350-0000 through 414-300-0250, have the following meanings:

(1) "Activity Area" means the area of the home that is available, during all the hours of, for the children's activities. This area excludes the food preparation area of the kitchen, bathrooms, storage areas, and that part of rooms occupied by heating stoves or furniture and stationary equipment not used by children.

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

(3) "Caregiver" means any person, including the provider, whose duties include direct care, supervision, and guidance of children in a group child care home.

(4) "Certification" means a document issued by CCD which indicates that the child care facility is in compliance with the applicable provisions of Oregon law and CCD's administrative rules governing the operation of child care facilities pursuant to ORS 657A.280. The term "certification" in ORS 657A.280, as amended by Chapter 743, Oregon Laws 1999, is intended to have the same meaning as the term "certificate" in Division 350.

(5) "Child" means a child 6 weeks old or older and under 13 years of age, and any child 13 years of age or older with special needs and who functions at an age level younger than 13 years

(6) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, provided to a child during a part of the 24 hours of the day, with or without compensation.

(7) "Child Care Area" means that area specifically certified for use by the group child care home and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, bathrooms, storage areas, and rooms used solely for napping or eating.

(8) "Child Care Child" is any child, related to the provider or not, who does not reside in the home and for whom the provider has supervisory responsibility in the temporary absence of the parent.

(9) "Child Care Facility" means any facility that provides child care to children, including a child care center, group child care home, home of a family child care provider, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, child development center, except for those facilities excluded by law. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

(10) "CCD" means the Child Care Division of the Employment Department or the Administrator or staff of the Division.

(11) "Discipline" means the ongoing process of helping children develop self control and to assume responsibility for their own acts.

(12) "Enrollment" means all children registered to attend the group child care home.

(13) "Group Child Care Home" or "Home" means a child care facility located in a building constructed as a single family dwelling that is certified to care for no more than 12 children at any given time.

(14) "Infant" means a child who is at least 6 weeks of age but is not yet walking alone.

(15) "Night Care" means care given to children who are starting or continuing their night sleep or to children who spend the night at the home.

(16) "Parent" means parent(s), custodian(s), or guardian(s) exercising physical care and custody of the child.

(17) "Preschool Age Child" means a child 30 months old or older and under five years of age.

(18) "Program" means all activities and care provided for the children during their hours of attendance at the group home.

(19) "Provider" means the person in the group child care home who is responsible for the children in care and in whose name the certificate is issued.

(20) "School Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year.

(21) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care.

(22) "Toddler" means a child who is able to walk alone but is under 30 months of age.

Stat. Auth.: Ch. 743, OL 1999 (HB 2241)

Stats. Implemented: Ch. 743, OL 1999 (HB 2241)

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-

89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0705; CCD

1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 5-1999(Temp), f. 10-21-99, cert. ef.

10-23-99 thru 1-1-00; CCD 10-1999, f. 12-29-99, cert. ef. 1-1-00

Certificate

414-350-0020

Application for a Child Care Certificate

(1) No person, unless exempted by Oregon laws governing child care facilities, shall operate a group child care home providing full-time care to more than six children without a valid certificate issued by Child Care Division (CCD).

(2) Application for a certificate shall be made on forms provided by CCD.

(3) A completed application is required:

(a) For the initial certificate;

(b) For the annual renewal of a certificate; and

(c) Whenever there is a change of provider or location.

(4) The applicant shall complete and submit an application to CCD at least:

(a) 45 days before the planned opening date of the group child care home; and

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

(5) An application for a certificate shall be accompanied by a filing fee (not refundable).

(a) For the initial application, a change of operator, or a change of location, the fee is \$25.00 plus \$2.00 for each certified space (e.g., the fee for a group child care home certified to care for 12 children is \$24.00 + \$25.00 = \$49.00).

(b) For a renewal application, the fee is \$2.00 for each certified space.

(6) An initial application and an application for change of location shall be accompanied by a drawing showing the dimensions of all rooms to be used (length and width), the planned use of each room, the placement of the kitchen and bathrooms, and the location of plumbing fixtures.

(7) At the time of application, the provider shall give written permission to CCD to complete a criminal record check and to make an employment history and background check on the provider. This record check shall be completed before a certificate is issued.

(8) If additional information is needed to assess an applicant's ability to care for children, references or an evaluation by a physician, psychiatrist, or other qualified person may be required by CCD.

(9) Upon receipt of a completed application, a representative of CCD shall evaluate the home and applicant to determine if certification requirements (OAR 414-350-0000 through 414-350-0250 and OAR 414-300-0380) are met.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.270, ORS 657A.280 & ORS 657A.310
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0710; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96

414-350-0030

Issuance of a Child Care Certificate

(1) A certificate shall be issued by CCD when it has been determined the group child care home is in compliance with OAR 414-350-0000 through 414-350-0250 and OAR 414-300-0380. There are two types of certificates. These are:

(a) A regular certificate which, except as provided in OAR 414-350-0020(4)(b), is valid for no more than one year; and

(b) A temporary certificate. Not more than one temporary certificate shall be issued to a home in a twelve-month period, but it can be extended to a maximum of 180 days. A temporary certificate is issued when:

(A) The home is in compliance with most requirements;

(B) There are no deficiencies that are a health or safety hazard to children; and

(C) The provider demonstrates an effort to be in compliance.

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

(3) Any changes in the conditions of a certificate shall be requested in writing to CCD and approved by CCD before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, maximum number of children, age range of children, or hours of operation.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280, ORS 657A.300 & ORS 657A.310
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0715; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0040

Exceptions to Rules

(1) CCD may grant an exception to an individual rule (OAR 414-350-0000 through 414-350-0250 and 414-300-0380) for good and just cause.

(2) The provider shall request an exception to a rule on a form provided by CCD. The request shall include:

(a) A justification for the requested exception; and

(b) An explanation of how the provider plans to meet the intent of the rule.

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

(a) If the requirement is established by law;

(b) To any home safety requirement (OAR 414-350-0170); or

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

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

Stat.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.280
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0718; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Home Management

414-350-0050

General Requirements

(1) The provider shall display the child care certificate in the group child care home where it may be viewed by parents of children in care.

(2) Any provider who has reasonable cause to believe that a child in care has suffered abuse (physical injury, neglect which leads to physical harm or sexual molestation) shall report the incident immediately to the State Office of Services to Children and Families (SOSCF) or to a law enforcement agency.

(3) No one shall smoke in areas used by children or for food preparation.

(4) No one shall consume alcohol or use non-prescribed controlled substances in the group home while children are present. No

one who appears to be under the influence of alcohol or other drugs shall be in the home when children are present.

(5) No one shall be in the home who has been convicted of a crime of immoral conduct or convicted of violating a criminal statute that protects children, or who has demonstrated behavior which may have a detrimental affect on a child.

(6) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0250 and 414-300-0380).

(7) Representatives of all agencies involved in certification shall have immediate access to all parts of the home used for child care during hours of operation:

(a) CCD staff shall have the right to enter and inspect the home, including access to all caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules;

(b) Representatives of the Health Division and the State Fire Marshal have the right to enter and inspect the home when an inspection has been requested by CCD.

(8) Custodial parents of all children enrolled shall have access to the home during the hours of operation.

(9) The provider shall develop the following information in writing and shall make it available to CCD and staff, and to parent(s) at the time of enrollment:

(a) Discipline policy;

(b) Information on transportation, when provided by the home; and

(c) The plan for handling emergencies relating to fire, acute illness of a child, a child who is not breathing, or a child who is injured.

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

(a) Immunization of children (OAR 333-019-0021 through 333-019-0090); and

(b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415).

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280, ORS 657A.290, ORS 657A.300, ORS 657A.390 & ORS 657A.400
 Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0720; CSD 9-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0060

Enrollment

(1) Children shall be admitted in accordance with the conditions of the certificate including, but not limited to, capacity, hours of operation, age range, and special conditions.

(2) As required by Oregon civil rights laws (ORS 30.670, 659.425), the group child care home shall not discriminate against any child on the basis of race, religion, color, national origin, sex, marital status of parent, or because of a need for special care. Refusal by the provider to care for a child with a need for special care because of lack of related skills and degree of competence, or because of structural barriers in the group child care home, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis.

(3) The provider shall obtain the following information from parent(s) for each child before admission:

(a) Name and birth date of child;

(b) Name(s) of custodial parent(s) or guardian(s), home and business addresses and telephone numbers, and the working hours of the parent(s) or guardian(s);

(c) The school attended by a school-age child;

(d) Name, address, and telephone number of child's doctor;

(e) Name and telephone number of person to be called in emergency if the parent cannot be located; and

(f) Name and telephone number of person to whom the child may be released.

(4) The provider shall obtain the following written authorizations from parent(s) for each child before admission:

(a) Permission for the provider to obtain emergency medical treatment for the child. The emergency medical release shall be on

a form accepted by the medical treatment facility used by the provider for emergency medical services;

(b) Permission for the provider to call an ambulance or take a child to an available physician or medical treatment facility;

(c) If applicable, permission for the child to participate in field trips; and

(d) If applicable, permission for the child to participate in swimming or any other water activity, both on and off the premises of the home.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.280

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0722; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0070

Arrival and Departure

(1) The provider shall require that the person bringing the child to the group child care home remain with the child until the child is accepted by a caregiver.

(2) The provider shall release a child only to a parent or another person named and identified by the parent.

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

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.280

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0724; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0080

Records

(1) The provider shall keep the following records:

(a) Complete and current information on each child, as required in OAR 414-350-0060(3) and (4);

(b) Daily attendance record for each child;

(c) Medication administered;

(d) Emergency plan practice sessions;

(e) Injury to a child; and

(f) Verification of the provider's and staff's:

(A) Qualifications for the position;

(B) Health-related training, such as CPR, Life Support, Life Saving, and First Aid; and

(C) Training as required in OAR 414-350-0100(4).

(2) A provider shall allow parent(s), upon request, to review all records and reports maintained on their own child. Child abuse reports are excepted.

(3) Records shall be kept for at least one year, unless otherwise specified in this rule or in a contractual agreement with CCD, and shall be available at all times to CCD.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0726

Staff

414-350-0090

General Requirements

(1) As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, sex, marital status, religion, national origin, age (between 18 and 65), or because of a mental or physical handicap unrelated to specific job performance.

(2) All caregivers, including the provider, shall:

(a) Have competence, sound judgment, and self-control in working with children;

(b) Be mentally, physically, and emotionally capable of performing assigned duties related to child care; and

(c) Have the required training and/or experience related to child care.

(3) If there are complaints or observations which cast doubt on the physical or mental competence of a person to care for children, the provider, upon request by CCD, shall provide to CCD an evaluation from a physician, psychiatrist, or other qualified person.

(4) A criminal record check through the Oregon State Police Law Enforcement Data System (LEDS) or comparable source shall be done, and an FBI criminal record check may be done, on all operators and staff of group child care homes. Criminal record checks shall also be done on all persons age 18 and older who are residents of the home and on persons whose presence in the home may provide unsupervised access to children. Certification shall be denied or suspended if any person listed in section (4) of this rule operates, is employed by, resides in, or has access to children who has been convicted of or sentenced for offenses which CCD has determined indicate behavior which would have a detrimental effect on a child, unless the person provides evidence acceptable to CCD of changed behavior.

(a) If any person listed in section (4) of this rule has been charged with, arrested for, or a warrant is out for any crime which CCD has determined indicates behavior which would have a detrimental effect on a child, certification will be denied or suspended until the charge, arrest, or warrant has been resolved;

(b) Each person listed in section (4) of this rule shall provide written consent for CCD to conduct a criminal record check. Consent shall be given on the form provided by CCD and shall be accompanied by a fee, as determined by CCD, for each person checked;

(c) A criminal record check request must be sent to CCD and CCD must complete a criminal record check on all persons listed in (4) of this rule prior to their association with the group child care home;

(d) If a criminal record check shows that a warrant has been issued for any person checked, CCD will inform the originating law enforcement agency of the person's name, employment address, and telephone number.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.050, ORS 657A.060 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 10-1990, f. & cert. ef. 4-23-90; CSD 4-1991, f. & cert. ef. 3-7-91; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0730; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0100

The Provider

(1) The provider shall be:

(a) At least 18 years of age; and

(b) Responsible for the operation of the group child care home, including those duties ordinarily considered to be administrative. These include, but are not limited to, financial management, maintaining records, maintenance of the building and grounds, meal planning and preparation, compliance with certification requirements, communication with CCD, and correcting deficiencies.

(2) The provider shall have:

(a) At least one year of previous full-time experience in the care of a group of children in an ongoing group setting such as a kindergarten, preschool, child care center, group child care home, family child care home, or Head Start program; or

(b) At least 20 semester hours (or 30 quarter hours) of training in a college or university in early childhood education or child development.

(3) For the purpose of this rule, full-time experience is defined as employment of at least 3 hours per day, for at least 175 days in a calendar year.

(4) The provider and any staff shall participate yearly in at least 15 clock hours of training related to providing child care, of which at least six clock hours shall be in child development or early childhood education.

(a) Training may include correspondence courses, conferences, workshops, audio-visual programs or, if community resources are not available, a planned reading program of professional materials; and

(b) The provider shall document the training showing the subject matter, the date completed, and the number of clock hours of training.

(5) The provider, or a substitute caregiver, shall be on the premises during all the hours children are in care. A caregiver substituting for the provider shall:

- (a) Be at least 18 years old; and
- (b) Be familiar with the provider's policies and procedures, and with these requirements (OAR 414-350-0000 through 414-350-0250 and 414-300-0380).

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0732; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0110

Assistants

Assistants may be included in the caregiver/child ratio calculation. They shall:

- (1) Be at least 15 years of age.
- (2) Work under the supervision of the provider.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0734

414-350-0120

Caregiver/Child Ratios

(1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance:

- (a) All children in the home, including the provider's or other caregivers' own children, shall be counted in determining the caregiver/child ratio and group size;
- (b) The required caregiver/child ratios shall be met at all times;
- (c) Children shall at all times have the full attention of the required number of caregivers.

(2) The number of caregivers is determined by the age of the youngest child in the group as follows:

Infants and Toddlers	Preschool Age Children	School Age Children	Maximum Per Caregiver
0	0	12	12
0	1	9	10
0	2	8	10
0	3	7	10
0	4	6	10
0	5	5	10
0	6	4	10
0	7	3	10
0	8	2	10
0	9	1	10
0	10	0	10
1	5 preschool or school age children		6
2	4 preschool or school age children		6
3	1 preschool or school age child		4
4	0	0	4

(3) Additional preschool age children and/or infants and toddlers may be served, as long as there is sufficient space and additional caregivers are present to meet the required caregiver/child ratio.

(4) If the facility provides care to more than four children under 2-1/2 years of age, the provider shall have:

- (a) At least 20 semester hours (or 30 quarter hours) of training at a college or university in child development or early childhood education;
- (b) A CDA (Child Development Associate) credential with emphasis on infant and toddler care; or
- (c) At least one year of successful full-time work experience in the care of infants and/or toddlers in an ongoing group setting, such as an infant day care center or hospital.

(5) A provider may request an exception to section (2) of this rule to allow for the enrollment of a sibling of a child already enrolled in care.

(6) When an exception to the caregiver/child ratio is requested, CCD shall consider the:

- (a) Ages of the children in care; and

(b) The type and length of the provider's training and experience relating to child care.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 7-1989, f. & cert. ef. 3-17-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0736

Home And Yard

414-350-0130

General Requirements

(1) The group child care home shall be located in:

- (a) An area zoned residential or commercial:
- (A) "Residential zone" means any zone within an acknowledged urban growth boundary or an acknowledged residential exception area that allows a dwelling unit as a use permitted outright.

(B) "Commercial Zone" means any zone within an acknowledged urban growth boundary or an acknowledged commercial exception area that allows sales or service or commercial and professional offices as uses permitted outright.

- (b) A building constructed as a single family dwelling; and
- (c) In space designed or remodeled for living quarters.

(2) Before a certificate is issued by CCD the home shall be approved by a representative of the Health Division.

(3) A home that is not the residence of the provider or a home located in a zone other than residential or commercial shall meet all state and local planning and zoning requirements and occupancy code requirements for a child care facility.

(4) If, after a certificate is issued, there is a structural or maintenance problem that could present a health or safety hazard to children, CCD may request that the provider have the home inspected by the appropriate authority.

(5) The provider is responsible for payment of any applicable fees for fire safety and sanitation inspections.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280, ORS 657A.290 & ORS 657A.390
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0740; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0140

Indoor Area

The indoor area used for child care shall meet the following requirements:

(1) There shall be a minimum of 35 square feet of indoor activity area, as defined by OAR 414-350-0005(1), per child.

(2) There shall be at least one flush toilet, and one hand washing sink with mixing faucets available to the children at all times. Homes certified before July 1, 1988 shall comply with the requirement for mixing faucets when bathroom facilities are remodeled.

(3) Easily cleanable steps or blocks shall be provided so that children can use the toilets and sinks without adult assistance.

(4) Room temperature of at least 68° F shall be maintained while children are in care.

(5) All rooms used by children shall have adequate lighting.

(6) Telephone service shall be available in the home at all times when children are in care.

(7) Emergency telephone numbers for fire department, ambulance, police, and poison control shall be on the telephone.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0742; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0150

Outdoor Area

(1) There shall be an outdoor activity area that children can reach safely. Approval by CCD is required if an outdoor activity area is not a part of the group child care home, or not under the control of the provider during hours of operation.

(2) A home shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.

(3) The outside activity area shall be:

- (a) Suitably surfaced and well drained;
- (b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and
- (c) Equipped to provide age-appropriate activities for gross motor development.

(4) The outdoor activity area of a home serving children under age 5 shall be enclosed by a barrier (fence, wall, or building) at least three feet high.

(5) The provider shall be aware of and protect children from any toxic or other harmful plants, shrubs, or trees.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0744; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0160

Sanitation

(1) The home's water supply shall be continuous in quantity, and from an approved water supply system.

(2) If drinking water is from a private source, the provider shall provide evidence of an on-site inspection of the source of the water by a sanitarian and bacterial and chemical analysis which establish safety of the water:

(a) The tests shall be conducted by the local health department, the Health Division, or an approved commercial laboratory;

(b) The bacterial analysis shall be done quarterly; and

(c) The chemical analysis shall be done only once for a well and yearly for other water sources.

(3) The provider shall have drinking water available to children that is supplied in a safe and sanitary manner.

(4) Caregivers and children shall wash their hands with soap and warm running water after nose wiping, after using the toilet, and before eating.

(5) Caregivers shall wash their hands with soap and warm running water before and after changing a diaper, before feeding a child or handling food, and after assisting a child with toileting and nose wiping.

(6) The building, toys, equipment, and furniture shall be maintained in a clean, sanitary, and hazard-free condition:

(a) Kitchen and bathrooms shall be cleaned when soiled and at least daily;

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

(c) All kitchen counters, shelves, tables, refrigeration equipment, sinks, drain boards, cutting boards, and other equipment or utensils used for food preparation shall be kept clean and in good repair;

(d) Cloths used for wiping food spills on utensils and food-contact surfaces shall be kept clean and sanitized and used for no other purposes. "Sanitizing" means bactericidal treatment by a process 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.

(e) The isolation area shall be thoroughly cleaned after use and all bedding laundered after each use;

(f) A diaper-changing table shall:

(A) Be cleaned and sanitized after each use with a disposable towel; and

(B) Not be used for any part of food or drink preparation or dish washing.

(g) Bathtubs, showers, sinks, bathinettes, or other receptacle used for bathing children shall be cleaned and sanitized after each use;

(h) Bedding shall be cleaned when soiled, with change of occupant, or at least once a week; and

(i) Portable training chairs shall be emptied, rinsed, and sanitized immediately after each use. It is recommended that training seats be used rather than portable chairs.

(7) Tableware, kitchenware (pots, pans and equipment), and food-contact surfaces of equipment shall be washed, rinsed, sanitized, and air dried after each use. Tableware and kitchenware shall be cleaned by using:

(a) A dishwasher that is operated according to the manufacturer's instructions; or

(b) A three-step manual process as follows:

(A) Washing in the first compartment;

(B) Rinsing in a second compartment; and

(C) Immersion in a third compartment or large dishpan or tub for at least two minutes in a sanitizing solution containing at least 2 tablespoons of household chlorine bleach in each gallon of warm water.

(8) A sink used after changing a diaper or for bathing a child shall not be used for any part of food or drink preparation or dish washing.

(9) Soap, paper towels, and hot and cold running water shall be provided at each hand washing sink.

(10) The home and grounds shall be kept clean and free of litter or rubbish and unused or inoperable equipment, utensils, and vehicles.

(11) Items of potential danger (e.g., cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents), shall be:

(a) Kept in the original container or labeled;

(b) Stored out of the reach of children and in an area not used by children; and

(c) Away from food service supplies.

(12) The provider shall keep the group home free of rodents, insects, and vermin.

(a) Doors and windows which are opened for ventilation shall be equipped with fine-meshed screens; and

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

(13) All garbage, solid waste, and refuse shall be disposed of at least once a week:

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

(b) All garbage storage areas and garbage containers shall be kept clean; and

(c) All garbage storage shall be inaccessible to children.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280, ORS 657A.290, ORS 657A.400 & ORS 657A.420

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0746; CSD 10-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0170

Home Safety

A group child care home may be inspected by the local fire jurisdiction when their local ordinances require a life safety survey as part of their business license or when they feel there is a need to do so.

(1) All floor levels used by children for play and napping shall have two doors that are usable exits to ground level. (A sliding door is considered a usable exit.)

(2) All rooms used by children for play and napping shall have two usable exits. A sliding door or window that can be used to evacuate children can be considered a usable exit.

(3) There shall be at least one 2-A-10 BC-rated fire extinguisher in the home.

(4) Smoke detectors shall be:

(a) Installed on each floor level of the home and in any area where children nap, and

(b) Maintained in operating order.

(5) An emergency light source shall be available, in working condition, and stored in a place to illuminate exit ways.

(6) The provider shall protect the children from safety hazards:

(a) A rigid screen or guard shall be installed to prevent children from falling into a fireplace or against a heater or wood stove;

(b) A movable barrier, such as mesh-type gate, shall be placed at the top and bottom of all stairways accessible to infants and toddlers. The use of a gate with scissor or accordion-type action is prohibited;

(c) Child-proof latches shall be installed on all cupboards, closets, and drawers that contain hazardous objects and may be accessible to children under the age of five;

(d) Firearms, ammunition, and other potentially hazardous equipment shall be kept under lock;

(A) Firearms, pellet or BB guns must be unloaded and kept in areas of the home not used for child care;

(B) Ammunition shall be stored separately from firearms;

(e) Hot water heaters shall be equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location;

(f) Clear glass panels in sliding doors and storm doors shall be clearly marked at child level;

(g) All exposed electrical outlets in rooms used by children under five years of age shall have hard-to-remove protective caps or safety devices when not in use;

(h) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power strip outlet with built-in over-current protection may be used; and

(i) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.

(7) The provider shall have written evidence that any wood stove in the home has been inspected and approved for use by the local building official.

(8) All wood stove and fireplace flues shall be cleaned as needed, or at least once a year.

(9) The use of unvented fuel-fired space heaters is prohibited.

(10) Flammable and combustible liquids (e.g., paint thinner and gasoline) shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building.

(11) The provider and children shall practice at least one aspect of the emergency plan once per month.

(a) Evacuating the home shall be practiced at least eight times per year.

(b) The provider shall maintain a written record showing the date, time of day, all participants, and type of emergency, of each emergency plan practice session.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280, ORS 657A.290 & ORS 657A.420

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0748; CSD 10-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Health

414-350-0180

Illness or Injury

(1) A provider shall not admit, or retain in care, a child who:

(a) Is diagnosed as having a child care-restrictable disease per Health Division OAR 333-019-0200; or

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

(A) Persistent diarrhea;

(B) Persistent vomiting;

(C) Fever over 101.5° F;

(D) Severe cough;

(E) Yellow color to skin or eyes;

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

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

(H) Difficult breathing or wheezing; or

(I) Complaints of severe pain.

(2) A child who, after being admitted, shows signs of illness, as defined in section (1) of this rule, shall be isolated and the parent(s) notified and asked to remove the child from the home as soon as possible.

(3) If a child has mild cold symptoms which do not impair his/her functioning, the child may remain in the home and the parent(s) notified when they pick up the child.

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

(a) Shall be located where the child can be seen and heard by a caregiver; and

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

(5) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care.

(6) The provider shall have written procedures for taking a child to emergency medical care.

(7) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the parent(s).

(8) The provider shall have a current certificate in Basic Life Support for children, a current American Red Cross first aid card, or an equivalent.

(9) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place but kept out of reach of children:

(a) The first aid supplies shall include bandaids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and tweezers; and

(b) First aid supplies shall be taken on all field trips.

(10) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:

(a) A written report of the injury or accident shall be maintained on file; and

(b) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s).

(11) No prescription or nonprescription medication including, but not limited to, aspirin, cough syrup, or nose drops, shall be given to a child except under the following conditions:

(a) A signed, dated written authorization from the parent is on file;

(b) Prescription medications are in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and physician's name;

(c) Nonprescription medication is labeled with the child's name, the dosage, and directions for administering;

(d) A written record shall be kept of all medications administered listing, as a minimum, the name of the child, type of medication, the signature of the caregiver administering the medication, date, time, and dosage given shall be kept.

(e) All medications shall be stored so that they are not accessible to children;

(f) Medications requiring refrigeration shall be kept in a separate covered container in the refrigerator and clearly marked "medication"; and

(g) Parent(s) shall be informed daily of medications given to their child.

(12) Parents of all children enrolled in the group home shall be informed of any outbreak of communicable disease within the facility.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CSD 10-1990, f. & cert. ef. 4-34-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0750; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0190

Animals in the Group Child Care Home

(1) Any animals and animal areas shall be maintained in a healthy, sanitary condition, safe to the animal and children.

(2) Any animal on the premises shall have been vaccinated according to licensed veterinarian recommendations.

(3) Any animals other than cats and dogs shall be properly caged and maintained in a healthy, sanitary manner.

(4) All animals shall be kept away from food storage or preparation.

(5) Litter boxes shall not be used in any part of the home used by children or for food storage, preparation, or eating.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0752; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Food Service

414-350-0200

Food Selection, Storage, and Preparation

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

(2) All food products served by the provider shall be obtained from commercial food suppliers except that:

- (a) Fresh fruits and vegetables may be served;
- (b) Frozen fruits, frozen vegetables, and canned and frozen jams and jellies processed in the group day care home may be served; and
- (c) Home-canned or home-processed food may be served to an individual child only when supplied by that child's parent(s).

(3) Only Grade A pasteurized and fortified milk shall be served to children:

- (a) Powdered milk may be used only in cooking; and
- (b) The serving of raw milk is prohibited.

(4) A group child care home shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods. "Potentially hazardous food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice or beans, and all other previously cooked foods, including leftovers.

(5) All potentially hazardous food shall, except when being prepared, be kept at 45° F or below, or 140° F or above:

(a) Foods requiring refrigeration after preparation shall be covered and rapidly cooled to a temperature of 45° F or below;

(b) Extra care shall be taken to ensure that, after pouring milk, any unused portion left in the container is returned to the refrigerator immediately; and

(c) Refrigerated storage space at 45° F or less shall be used to store lunches which contain potentially hazardous food that children bring from home.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0760; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0210

Meals and Snacks

(1) A provider shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served:

(a) Each meal served shall equal at least 1/3 of a child's daily nutritional needs, as defined by USDA guidelines, and include at least one serving from each of the Basic Four Food Groups (bread and cereal; fruits and vegetables; milk and milk products; meat, fish, poultry, and vegetable protein such as legumes, e.g., dried beans and peanut butter);

(b) Snacks shall consist of at least two of the following: milk or milk product, fruit, 100 percent fruit juice, vegetable, peanut butter, whole grain or enriched bread, or cereal;

(c) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) and special diets shall not be served without written instructions from a physician and written parental consent.

(2) Meals and snacks shall be provided according to the following requirements:

(a) In group child care homes open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served to all children, a midmorning snack is not required.

(b) School-age children arriving after school shall be served a snack;

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

(d) There shall be no more than 3-1/2 hours between meals and snacks.

(3) Meals shall be prepared by the provider or by a parent and brought from home.

(4) When parents provide food for the meal:

(a) The provider shall provide at least one serving of milk or a milk product to each child at meals and shall provide morning and afternoon snacks;

(b) Each child's food shall be monitored daily by the provider to ensure that the food meets nutritional requirements as defined in section (1) of this rule; and

(c) The provider shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in section (1) of this rule.

(5) Leftover food prepared by the provider which has not been served shall be covered, dated, labeled, and refrigerated promptly and used within 36 hours, or frozen immediately for later use.

(6) A home serving children under one year of age shall comply with the following:

(a) When formula is furnished by the provider, it shall be the commercially prepared, iron-enriched, ready-to-feed type;

(b) Formula, breast milk, and food provided by the parent shall be clearly marked with the child's name and refrigerated if required;

(c) No liquids, other than milk, formula, water, and 100 percent fruit juices, shall be served;

(d) Skimmed milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s);

(e) Drinking water shall be offered to infants and toddlers several times daily; and

(f) Solid foods fed to infants shall be selected from the Basic Four Food Groups:

(A) Solid foods shall not be fed to infants under four months of age without parental consent;

(B) Solid food shall not be served directly from the container;

(C) Leftovers shall be discarded;

(g) Honey shall not be served; and

(h) Children who cannot feed themselves shall be held or fed in infant seats or high chairs;

(A) Infants up to six months old shall be held while bottle fed;

(B) Bottles shall never be propped. The child or a caregiver shall hold the bottle; and

(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0762; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

Program and Care of Children

414-350-0220

General Requirements

(1) There shall be activities for children according to their ages, interests, and abilities.

(2) The daily program of activities shall provide:

(a) Regularity of such routines as eating, napping, and toileting with flexibility to respond to the needs of individual children;

(b) A balance of active and quiet activities;

(c) Individual and group activities;

(d) Daily indoor and outdoor activities in which children make use of both large and small muscles;

(e) Periods of outdoor play each day when weather permits; and

(f) Opportunities for a free choice of activities.

(3) When infants and toddlers are in care, there shall be:

(a) Frequent verbal communication with children;

(b) Opportunities for self-expression in conversation, imaginative play, and creative expression;

(c) Encouragement to play with a wide variety of safe toys and objects;

(d) Physical contact through being held, rocked, and played with, as well as through being diapered, dressed, bathed, and carried;

(e) Immediate attention to the emotional and physical needs of a child. No child shall be routinely left in a crib except for sleep or rest.

(f) Development of self-help skills (dressing, toileting, washing, eating) as children are ready; and

(g) In addition, there shall be opportunities for toddlers to:

(A) Participate in arts and crafts activities; and

(B) Run, climb, and participate in other vigorous physical activities.

(4) When preschool age children are in care, there shall be various activities and experiences, which include:

(a) Arts and crafts;

(b) Dramatic play;

(c) Gross motor development;

(d) Fine motor development;

(e) Music and movement;

(f) Opportunities to listen and speak;

(g) Concept development;

(h) Using the five senses through sensory play; and

(i) A supervised nap or rest period after the noon meal.

(5) School age children shall have opportunities to choose from:

(a) Individual projects, including homework; and

(b) Rest or relaxation.

(6) A group child care home providing night care shall have:

(a) Quiet time activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime; and

(b) Space available so that children may go to sleep at various times, based on their age, need for rest, and need for privacy:

(A) Children five years of age or older shall not share a bedroom with persons of the opposite sex who are over five years of age; and

(B) Children 12 months of age or older shall not share a bedroom with an adult.

(c) An opportunity for children staying the night to bathe and brush their teeth:

(A) When bathing, showering, or brushing teeth, children shall be supervised by a caregiver;

(B) Privacy between the sexes shall be maintained for school age children;

(7) A home providing swimming or other water activities to children shall meet all of the requirements that apply to child care centers and group child care homes, as set forth in OAR 414-300-0380.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0770; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0230

Equipment, Furniture, and Supplies

(1) The group child care home shall have indoor and outdoor play equipment, materials, and furniture that are:

(a) Appropriate to the developmental needs and interests of children;

(b) Safe, clean, durable, safely constructed, in good repair, and made from lead-free, non-toxic materials;

(c) Child-sized or appropriately adapted for infants, toddlers, and preschool age children's use; and

(d) Easily accessible to the children.

(2) The quantity of play materials shall be sufficient to:

(a) Avoid excessive competition;

(b) Provide a choice of activity to each child;

(c) Provide a balance of active/quiet and individual/group activities; and

(d) Provide the variety of activities required in OAR 414-350-0220.

(3) An individual bed or crib with individual bedding appropriate to the season shall be provided for each infant, toddler, and preschool age child in the home at nap time, and for each school-age child who wants to rest:

(a) Family beds may be used;

(b) If the parent(s) so request, siblings may share the same bed;

(c) The upper level of double-deck beds shall not be used for children under 10 years of age;

(d) The upper level of double-deck beds may be used for children 10 years or older if a bed rail and safety ladder are provided; and

(e) Each infant shall have a crib, portable crib, or playpen with a clean, waterproof mattress that meets the requirements listed below:

(A) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;

(B) Locks and latches on the dropside of the crib shall be safe and secure from accidental release or release by the infant inside the crib; and

(C) Each mattress shall fit snugly.

(4) If infants and toddlers are in care there shall be:

(a) A bathtub, bathinette, plastic basin, or similar size shallow sink, available for bathing children;

(b) A diaper-changing table which has a waterproof surface that is easily cleaned; and

(c) A sink near the diaper-changing table for hand washing after each diaper change.

(5) A home providing night care shall have:

(a) At least one bathtub or shower that is equipped to prevent slipping; and

(b) Individual washcloths, towels, and toothbrushes for each child.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0772; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

414-350-0240

Discipline

(1) A provider shall have a written policy on the discipline of children which all caregivers shall follow.

(2) The provider shall make these policies known to all caregivers and parents.

(3) The discipline policy shall:

(a) Provide for positive guidance, redirection, and the setting of clear-cut limits; and

(b) Be designed to help the child develop self-control, self-esteem, and respect for others.

(4) Only a caregiver shall discipline a child.

(5) Discipline shall be fair, consistently applied, timely, and appropriate to the infraction and age of the child.

(6) For infants and toddlers, positive statements or redirection of behavior shall be used.

(7) Punishment which is humiliating or frightening to a child is prohibited. Prohibited punishment includes, but is not limited to:

(a) Hitting, slapping, shaking, striking with hand or instrument, pinching, or inflicting any other form of corporal punishment;

(b) Mental or emotional punishment including, but not limited to, name calling, ridicule, yelling, or threats;

(c) Chemical or physical restraints used for discipline or to control behavior;

(d) Confining a child in an enclosed area, (e.g., a locked or closed room, closet, box);

(e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or

(f) Punishing a child for lapses in toilet training.

(8) The provider shall not accept parental permission to use any form of punishment listed in section (7) of this rule.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0774

414-350-0250

Transportation

When transportation is provided by the group child care home, the following requirements must be met:

(1) Drivers shall be at least 18 years of age and hold a current driver's license.

(2) The vehicle shall be:

- (a) In compliance with all applicable state and local motor vehicle laws, and
- (b) Maintained in a safe operating condition.
- (3) If transportation is provided between the group child care home and the child's school or other destination, the provider shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the provider.
- (4) When transporting children:
 - (a) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;
 - (b) A seat that fully supports the passenger shall be provided for each child;
 - (c) All children shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation. A child under four years of age and weighing 40 pounds or less shall be in an approved child safety system.
 - (d) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter;
 - (e) A driver delivering children to their homes shall not depart until the child has been received by an authorized person; and
 - (f) No child shall be left unattended in a vehicle.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.260, ORS 657A.280 & ORS 657A.290
 Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0776; CSD 11-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95

DIVISION 400

MIGRANT AND SEASONAL CHILD CARE

[ED. NOTE: OAR 412-011-0300 through 412-011-0380 were transferred to the Employment Department by CSD 15-1993, f. 11-29-93, cert. ef. 12-1-93, SB 181.]

414-400-0000

Purpose

The purpose of these rules is to define key terms, describe eligibility criteria, and rate payment policies related to Child Care Division Migrant and Seasonal Child Care Program. Expenditures by CCD under these rules are subject to the availability of state or federal funds, as applicable, and are subject to immediate curtailment by CCD if the necessary state or federal authorizations or funding are curtailed.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0300

414-400-0010

Definitions

- (1) "Authorized Absence" means the temporary absence from the facility by a child who is expected to return to care.
- (2) "Agricultural Labor" means:
 - (a) Any activity related to crop production, including soil preparation, planting, cultivating, crop protection or harvesting, preparing crops for market, irrigation work, operating farm machinery, or general farm work; or
 - (b) Any activity directly related to the processing of crops, including freezing, canning and drying; or
 - (c) Any activity directly related to the cultivation of trees and shrubs, or tree farming.
- (3) "Migrant Family" means a family that moves its residence for the purpose of employment in agricultural labor. A migrant family makes a series of moves or an annual move which results in either an absence of at least two months from the area, or a cumulative total of 150 miles, each component being a minimum distance of 50 miles, traveled for the period of a particular crop's seasonal work
- (4) "Seasonal Family" is a family:
 - (a) Whose wage earners make their living from agricultural labor on a seasonal basis in the same area as their residence; and

- (b) That has fit the definition of a "migrant family" within the last 36 months; and
- (c) That has settled, or is in the process of settling, from migrant status.
- (5) "Available to care for children" means not working, attending or enrolled in school, and being physically and emotionally capable of caring for children.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0310; CSD 3-1994, f. & cert. ef. 3-1-94

414-400-0020

Eligibility Criteria

- (1) Migrant family eligibility criteria includes:
 - (a) The migrant family wage earners make their living doing farm labor as defined in "agricultural labor"; and
 - (b) The parents are working in, or reporting for, farm work in Oregon which they expect to be available at the time of reporting; and
 - (c) At least 50 percent of the family income for the preceding 12 months was earned from agricultural labor; and
 - (d) The family earns less than 75 percent of State Median income; and
 - (e) The entire family moves their residence at least once in twelve months for the purpose of employment in agricultural labor; and
 - (f) There is no family member in the household who is 16 years of age or older available to care for the children needing child care.
- (2) Seasonal family eligibility criteria includes:
 - (a) The seasonal wage earners make their living doing agricultural labor; and
 - (b) The parents are currently working in agricultural labor; and
 - (c) At least 50 percent of the family income for the preceding 12 months was earned from such work; and
 - (d) The family earns less than 75 percent of State Median Income; and
 - (e) The entire family has moved their residence at least once in the last 36 months for the purpose of employment in agricultural labor; and
 - (f) There is no family member in the household who is 16 years of age or older available to care for the children needing care.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0320

414-400-0031

Eligibility Verification

- (1) To be eligible for subsidized child care benefits, clients must do all of the following:
 - (a) Provide true, complete and accurate information required to determine eligibility and verify that information, to the extent permitted by their physical and mental condition, or authorize the office providing intake to obtain verification;
 - (b) Comply with the eligibility requirements of the program for which they are requesting or receiving benefits;
 - (c) Report within 15 calendar days any changes that could affect their eligibility for benefits including, but not limited to, the following:
 - (A) Change in job status;
 - (B) People moving in and out of household;
 - (C) Any other changes that may affect eligibility.
- (2) Eligibility shall be documented on forms supplied by the division. The applicant shall declare their family size and membership, current and previous places of residence, employment history and family income for the past 12 months if applying as a migrant, or for the past 36 months, if applying as a seasonal. The income that determines family co-pay shall be for the 12 full months just prior to application, or for the most recent tax year, and shall be for all wage earners who function as parents to children in child care.

(3) An application shall be completed or updated, and eligibility factors must be verified in all of the following situations:

- (a) When a child initially enters care;
 - (b) When the child re-enters care after the family returns from working in agriculture in another area;
 - (c) When the Child Care Division questions eligibility.
- (4) Intake staff must ask for and review documents that verify income, employment, movement and residence. Files must contain copies of documents or a record verifying documents were viewed:

(a) Proof of Income, Employment and Movement. The following documents may be used for verification: 1040 tax returns verify total annual income; W-2s from all employers verify income and residence, and may indicate movement; pay stubs or vouchers verify employer, residence and that portion of income documented; pay envelopes or bin tickets may be used to estimate part of family income; and Employment Department reports or employer verification may also be used to verify income;

(b) Proof of Residency and Movement. The following documents are acceptable: Rent receipts, utility bills, letters received at the residence, verification letter from the previous employer, bus or plane tickets, or immunization records;

(c) Report from the Intake Interview. A signed report may be used one time only for new migrants who have no other verification. Intake staff must describe in writing the indicators that led them to accept the family's statement and lack of documentation.

(5) The division may verify any factors affecting eligibility or benefit when they are considered questionable by the Child Care Division. Reported information or information on the application is questionable if it is inconsistent with any of the following:

- (a) Other reported information;
 - (b) Other information provided on the application;
 - (c) Other information received by the division;
 - (d) Information reported on previous applications.
- (6) Verification provided for one program may be used as verification for all Child Care Division programs in which the client participates.

(7) The division may deny an application, or end ongoing benefits, when acceptable verification is not provided, or if inconsistencies cannot be resolved.

(8) A family will be notified by the provider in writing at least ten days prior to the end of 12 months' eligibility, or if funds are no longer available.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: CCD 1-1994, f. & cert. ef. 1-14-94

414-400-0033

Limits on Disclosure

(1) No employee or volunteer of the division, or other agency, may disclose information about clients except as stated in OAR 412-001-0100 through 412-001-0170, or at the direction of a court of competent jurisdiction, or upon the advice of the Attorney General.

(2) The division may disclose information in order to administer its programs and provide services when it is in the best interest of the applicant's family, unless specifically forbidden by statutes, these rules or by court order. Reasons for disclosure include, but are not limited to, providing information to: A social service agency, service provider or agency of State Office for Children & Families for the purpose of arranging appropriate child care services for the applicant's family.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: CCD 1-1994, f. & cert. ef. 1-14-94

414-400-0040

Payment Process

CCD payment is subject to CCD established eligibility conditions described in these rules.

(1) CCD will pay only for child care authorized by the CCD. Payment is made to providers who are registered or certified and hold a valid Child Care Contract, with CCD.

(2) If a child is in child care when the service plan is made, payment shall be made only from the date the service is authorized.

(3) CCD will make payments for temporary absences if requested by the provider, subject to the following requirements and limits:

(a) The provider must use the same policy for both CCD and non-CCD families;

(b) The child must be expected to continue in child care with the same provider after the absence;

(c) CCD will make payment for actual absence(s) not to exceed a total of five days in any calendar month; and

(d) Absence days, or portions thereof, will include only the time(s) for which care has been authorized by CCD.

(4) CCD payment will only be made to a child care facility which is certified or registered by CCD and which has a valid contract with CCD.

[ED. NOTE: The form(s) referred to in this rule are available from the agency.]
Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0340

414-400-0050

Billing Method

(1) CCD payments for child care are made by check to the provider on behalf of the client after all care for the month has been given. The invoice is to be submitted by the provider on forms approved by the Child Care Division.

(2) Family child care providers must bill at an hourly rate (with the exception that they may bill at a daily rate for before and/or after school care) not to exceed the total authorized.

(3) Center and group home providers may bill at an hourly, daily, weekly, or monthly rate not to exceed the total authorized.

Stat. Auth.: ORS 657A
Stats. Implemented: ORS 657A.010
Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0350

414-400-0060

Determining Child Care Rates for Payment

(1) The maximum rates Child Care Division pays for Migrant and Seasonal Child Care are determined by the most recent Adult and Family Services market rate survey and will be furnished upon request. CCD will pay the provider's rates within the AFS maximums as specified in the provider contract with CCD. The provider shall not ask the family for, or accept directly or indirectly, any additional payment for care provided to a CCD eligible family other than those in section (2) of this rule.

(2) Families are subject to copayments according to Adult and Family Services Copayment Standard except during the first month, or part thereof, of child care when all families will be charged the minimum copayment. The family shall be informed of their fee when they apply. The provider is responsible to collect the fee. The fee shall be deducted from the amount charged CCD before CCD is billed:

(a) A reduction of 20 percent will be applied to the gross income of migrant and seasonal families. The copayment will be determined based on 80 percent of the family's gross income and family size including all members dependent on that income; except that

(b) When all children in a family receive three or fewer hours a day of child care, the minimum copayment will apply.

(3) When a child reaches 30 months of age, the provider shall bill at the preschool rate the first month after the child reaches 30 months.

(4) When a child 30 months or over is physically, developmentally, and/or emotionally handicapped, and functions below chronological age, CCD may authorize a special rate for the care of the identified child:

(a) Approval for the higher rate must be requested in writing from the Child Care Division;

(b) Documentation must describe the specific problem which requires services above the market rate.

(5) Rates charged to CCD for child care services may not exceed rates charged for comparable services to non-CCD children:

(a) Donations and subsidies of cash or in-kind services may be used to reduce charges which would otherwise be made for child care services;

(b) Such donations and subsidies must be used to reduce charges for all children in care unless the donor specifies in writing that the donation is to be used for either a specific family or category of families;

(c) Separate records shall be kept by the provider for all donations and subsidies received and disbursed.

(6) In-home Care. Minimum wage for care in a child's own home is governed by the state minimum wage law. It may not be negotiated to a lower rate. Overtime at one-and-one-half times the regular rate must be paid for all hours worked in excess of 40 hours in a work week (seven sequential days). Overtime shall not be paid to a provider who lives in the child's home.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92;
 CSD 12-1992(Temp), f. & cert. ef. 5-19-92; CSD 17-1992, f. & cert. ef. 7-6-92;
 CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0360

414-400-0080

Exception

(1) Specific exception to any section of these rules may be granted for good and just cause by the Child Care Division. The exception must be requested in writing, and show how the intent of the rule will be met to the Child Care Division.

(2) No exception will be granted which may jeopardize the health, safety, and well-being of any child in care.

(3) All exceptions must be submitted in writing to the Child Care Division, and remain there on file. The granting of an exception shall not constitute a precedent for any other provider or client.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010
 Hist.: CSD 11-1990, f. & cert. ef. 4-23-90; CSD 10-1992, f. & cert. ef. 3-17-92;
 CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-011-0380

DIVISION 500

FUNDING CHILD CARE RESOURCE AND REFERRAL AGENCIES

414-500-0010

Applicability of Rules

(1) OAR 414-500 sets forth the Child Care Division's requirements for contracting with and funding local child care resource and referral agencies that are subject to Oregon laws governing child care resource and referral agencies, ORS 657A.100 through 657A.190.

(2) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.010 & ORS 657A.110
 Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CC 1-1993(Temp), f. & cert. ef. 7-14-93; CC 2-1993, f. & cert. ef. 12-22-93; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0010

414-500-0020

Definitions

These words and terms used in Division 414-500 have the following meanings:

(1) "Child Care" means the care and supervision of a child who is unaccompanied by a parent, guardian, or custodian and which is provided during a part of the 24 hours of a day, with or without compensation.

(2) "Division" means the Child Care Division of the Employment Department.

(3) "Core Services" means the following basic services provided by an R & R:

- (a) Create and maintain a data base on provider supply;
- (b) Provide consumer education, consultation, and referrals for parents;

(c) Encourage the development of new child care resources and provide ongoing technical assistance to providers;

(d) Provide technical assistance to employers; and

(e) Record, analyze, and report data on requests for services.

(4) "Parent" means the person(s) exercising physical care and custody of a child.

(5) "Provider" means any person or facility that provides child care including a child care center, group child care home, family child care home, recreation program, or any other person or facility providing child care.

(6) "Resource & Referral Agency" or "R & R" means a community-based public or private nonprofit agency with a program that provides, as a minimum, the core services as defined in Division 414-500.

(7) "Service Delivery Area" or "SDA" means a geographic area designated by the Child Care Division for the delivery of resource and referral services.

Stat. Auth.: ORS 657A
 Stats. Implemented: ORS 657A.100
 Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CC 1-1993(Temp), f. & cert. ef. 7-14-93; CC 2-1993, f. & cert. ef. 12-22-93; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0020

414-500-0030

Administrative Requirements for Resource and Referral Agencies

(1) An agency contracting with the Child Care Division to provide child care resource and referral services shall:

- (a) Be a public or private nonprofit agency or organization;
- (b) Demonstrate community support and endorsement;
- (c) Demonstrate collaboration with local child care providers,

provider groups, parents, social service and government agencies, employers, institutions of public education, and private contributors in the development and operation of the R & R;

(d) The R & R shall have an advisory board which includes parents, providers, employers, and community representatives;

(e) Have staff with at least two years of post-secondary education, experience, and/or training, commensurate with job responsibilities, in the following:

- (A) Child care or child development;
- (B) Parent education;
- (C) Provider support; and
- (D) Program management.

(f) Directly provide the core services;

(g) Not discriminate against any family on the basis of race, religion, national origin, sex, marital status, or because of a child's need for special care;

(h) Make services accessible to families, with particular sensitivity to ethnic and cultural minorities, languages spoken, families with special needs, and the economically disadvantaged;

(i) Provide services to all types of child care providers;

(j) Match funds awarded by the Child Care Division with an equal amount of other financial support, including in-kind contributions, that are used directly for providing the R & R services;

(k) Publicize its services;

(l) Maintain fiscal records consistent with accepted accounting practices;

(m) Collect financial statistics on a regular basis and make financial reports at times and in the form prescribed by the Child Care Division;

(n) Maintain program records, including statistical records, and provide program records to the Child Care Division at times and in the form prescribed by the Child Care Division;

(o) Cooperate in a program and facility review (including meetings with consumers, review of records, review of policy and procedures, review of staffing and staff qualifications, and meetings with any staff directly or indirectly involved in the provision of services) at any reasonable time by Division staff, and other persons authorized by the Child Care Division;

(p) Retain all records and other documents related to the provision of resource and referral services for at least three years, unless otherwise specified in a contractual agreement with the Division; and

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(q) Have a complaint policy, regarding instances in which the health and/or safety of a child is at risk, that is approved by the Division.

(2) Satisfactory performance by an R & R shall be a condition for the renewal of a contract.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.120 & ORS 657A.130

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CC 1-1993(Temp), f. & cert. ef. 7-14-93; CC 2-1993, f. & cert. ef. 12-22-93; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0030

414-500-0040

Resource File

(1) The R & R shall establish, maintain, and update on an ongoing basis a resource file of existing child care providers and child care services in the service delivery area (SDA). The R & R shall contact each provider at least annually to verify the information in the resource file.

(2) The R & R shall consult with relevant public and private agencies in developing a comprehensive resource file of child care services.

(3) The resource file shall include the following information:

- (a) Type of program;
- (b) Hours of service;
- (c) Ages of children served;
- (d) Fees;
- (e) Eligibility requirements as set by the provider; and
- (f) Sufficient program information to meet the requirements in

OAR 414-500-0050(2)(a).

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.150

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0040

414-500-0050

Services to Parents

(1) The R & R shall provide consultation to parents on how to:

(a) Find, select, and maintain a quality child care arrangement; and

(b) Obtain child care subsidies for low income families.

(2) The R & R shall establish a referral process to assist parents in finding child care for their child(ren):

(a) The referral process shall provide assistance to parents in locating:

- (A) Available and appropriate child care;
- (B) Child care during nontraditional work hours;
- (C) Available and appropriate child care and respite care services for disabled children; and
- (D) Child care for sick children.

(b) Access to referral information shall include telephone referrals to be made available for at least 20 hours per week of operation, including nontraditional hours;

(c) The R & R shall make referrals to:

- (A) Certified child care providers; and
- (B) Providers who are legally exempt from certification.

(3) The R & R shall make every effort to be accessible to parents in the service delivery area (SDA).

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.120 & ORS 657A.140

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0050

414-500-0060

Services to Providers

The R & R shall provide information, technical assistance, and support to existing and potential child care providers.

(1) The R & R shall provide information and technical assistance on:

(a) Establishing new child care resources including certification, zoning, program and budget development, and assistance in finding information from other sources;

(b) Upgrading the quality of services offered;

(c) Upgrading the business operation;

(d) Helping existing child care providers to maximize their ability to serve the children and parents of the community; and

(e) Facilitating communication between existing child care providers and the providers of other child-related services.

(2) The R & R shall consult with the local Child Care Division certification representative, provider organizations, the local planning department, the community college, small business assistance programs, and any other person, agency, or service that has skills and knowledge that could assist in developing services to providers.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.170

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CC 1-1993(Temp), f. & cert. ef. 7-14-93; CC 2-1993, f. & cert. ef. 12-22-93; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0060

414-500-0070

Services to Communities and Employers

The R & R shall:

(1) Assess and recruit child care resources for underserved needs.

(2) Provide public access to data on the child care delivery system.

(3) Provide information and technical assistance to employers on identifying child care options to meet the needs of their employees.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.110 & ORS 657A.120

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 414-010-0070

414-500-0080

Records of Requests for Services

(1) The R & R shall maintain records of requests for services.

(2) Documentation of requests for services shall consist of:

(a) Number and time of day and date of calls and contacts to the R & R;

(b) Ages of children for whom care is requested;

(c) Time of day or night for which child care is requested, identifying special times including before and after school, nights, weekends, and swing shift; and

(d) The reason child care is needed.

(3) Information on services requested shall be maintained in such a manner that it is easily accessible for dissemination and evaluation purposes.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.160

Hist.: CC 1-1990, f. 3-12-90, cert. ef. 3-15-90; CCD 1-1994, f. & cert. ef. 1-12-

94; Renumbered from 414-010-0080