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DIVISION 1

PROCEDURAL RULES AND AGENCY DEFINITIONS

423-001-0000 Notice of Proposed Rule

(1) Except when adopting temporary rules pursuant to ORS 183.335(5), the Oregon Commission on Children and Families, prior to the adoption, amendment or repeal of any administrative rule under ORS Chapter 183, will give notice of the proposed action so

interested citizens have a reasonable opportunity to be informed and to comment.

(2) The Oregon Commission on Children and Families will routinely send notices of proposed rule actions at least 28 days before the effective date of the rule to:

- (a) All Local Commissions on children and families;
- (b) All Boards of County Commissioners;
- (c) Persons on the Agency’s mailing list established pursuant to ORS 183.335(7);
- (d) Anyone who requests such notices;
- (e) The Secretary of State, for publication in the Secretary’s Bulletin;
- (f) The Associated Press, and the Capitol Press Room; and
- (g) Other persons, agencies, or organizations that the Oregon Commission on Children and Families believes to have an interest in a particular rule or rule action.

(3) The Oregon Commission on Children and Families will send copies of the proposed rule to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule.

(4) The Oregon Commission on Children and Families will send copies of the proposed rule to interested persons as requested.

(5) When copies of rules or proposed rules are mailed, the Agency may charge fees to defray costs of one or more of the following:

- (a) Maintenance of mailing lists;
- (b) Materials; and
- (c) Printing, handling and mailing of materials.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 2-1980, f. & ef. 4-10-80; JSC 1-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-11-95; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedure Act promulgated by the Attorney General effective March 27, 2000 are hereby adopted as the rules of procedure of the Oregon Commission on Children and Families.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 1-1980, f. & ef. 1-7-80; JSC 2-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, ef. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02

423-001-0006

Definitions

As used in OAR chapter 423:

(1) “Agency” means the State Commission acting through the staff of the Oregon Commission on Children and Families as defined in ORS 417.735(6).

(2) “Basic capacity” means an allocation to Local Commissions that provides for the basic functions of a Local Commission office which include the following functions:

- (a) Managing resources (includes general office support, fiscal and budget management, program evaluation, and staff development);
- (b) Facilitation and coordination of meetings and forums;
- (c) Coordinated, comprehensive planning in accordance with ORS 417.775; and
- (d) The provision of technical assistance to their communities.

(3) “Best practice” or “proven practice of effectiveness” means research-based or evidence-based programs, core components, and principles that have been shown to reliably produce measurable and sustainable improvements in productivity, efficiency, or effectiveness.

(4) “BOCC” or “Board of County Commissioners” means the governing body of a county as defined in ORS 203.030 and includes a county court as defined in ORS 203.111.

(5) “Budget allocation” means an allocation of funds from the State Commission to the Board of County Commissioners pursuant

to an Intergovernmental Agreement per ORS 417.705 through 417.797 and 419A.170.

(6) “Budget distribution” means a budget created by Local Commission staff in a format prescribed by the Agency. The budget distribution demonstrates, by grant stream, the projected budget for all activities proposed by the Local Commission and approved by the Board of County Commissioners.

(7) “Collaborative funding process” means allowing all interested parties to have an opportunity to participate in a funding process intended to use resources in the most effective and efficient manner based on the local coordinated, comprehensive plan.

(8) “Community mobilization” means government and private efforts to increase community awareness and to facilitate the active participation of citizens and organizations in projects and issues that will have positive impact on the well-being of children, families and communities.

(9) “County” means a county or two or more counties, which have combined to provide services to children, youth and families under ORS 417.705 to 417.797 and 419A.170.

(10) “Direct costs” means those costs that can be identified specifically and directly with a particular program or project, such as a particular federal grant or a direct activity or program of the organization.

(11) “Direct Services” means those services provided directly to a child or family or group of children or families to maintain or enhance their well-being, or the management, administration or fiscal responsibility of programs that have direct contact with children or families. Direct services do not include services that are contracted out to other parties pursuant to ORS 417.775.

(12) “Early Childhood System Planning” means planning developed to describe the system, process and services that families can voluntarily access and that is part of and consistent with the Local Plan. The planning includes goals and strategies to achieve the early childhood benchmarks and intermediate outcomes.

(13) “Expended” means the payment of goods delivered or services rendered or liquidation of an obligation.

(14) “Indirect Costs” means those costs that have been incurred for common or joint purposes and cannot be readily identified with or directly allocated to a particular program or project of the organization. Examples of indirect costs include building and equipment depreciation, rent and facilities maintenance costs, general and administrative expenses, and personnel administration and accounting where those costs are distributed to projects or programs through a formula or cost allocation method.

(15) “Initiatives” means those time-limited activities that a Local Commission undertakes to promote community mobilization.

(16) “Innovative program or practice” means a program or practice that demonstrates success when outcomes are evaluated over time and draws on research-based principles and ideas from best programs and practices.

(17) “Layperson” means a person whose primary income is not derived from offering direct service to children and youth or from administering a program for children or youth.

(18) “Local Commission” means a local commission on children and families appointed pursuant to ORS 417.760.

(19) “Local Plan” means the local coordinated, comprehensive plan for children and families that is developed pursuant to ORS 417.775 and includes identification of connections in state and local planning processes and provisions for a local continuum of social supports. The Local Plan includes planning for the early childhood system, alcohol and drug prevention and treatment, and high-risk juvenile crime prevention, and references mental health and public health service plans.

(20) “Locally invested funds” includes Children, Youth and Families, Great Start and Youth Investment grant streams.

(21) “Oregon Commission on Children and Families (OCCF)” means the totality of the service system described in ORS 417.705 to 417.797, and 419A.170, including the State Commission on Children and Families (ORS 417.730), the State Commission-appointed director and staff (ORS 417.735), the local commissions on children and families (ORS 417.760) and specific program areas.

(22) “Partners for Children and Families” means the formal collaboration among state agencies and affected local agencies that works to combine planning and data requirements and coordinate policies and the provision of services to children and families.

(23) “Perinatal” means the period on or around the time of childbirth.

(24) “Primary health care” for purposes of Healthy Start means linkage and referral to health care resources and assisting families to establish a medical home for primary health care.

(25) “Prenatal” means the period of time from conception to the onset of labor.

(26) “Provider” means a program or service described in ORS 417.705 through 417.797 and 419A.17 that has been approved for funding by the Local Commission and the Board of County Commissioners.

(27) “Provider allocation” means those funds awarded by a county to a public or private agency or person to achieve an outcome within the county’s Local Plan.

(28) “Staff director” or “director” means an upper level managerial position that provides a minimum of .5 FTE effort toward the following:

- (a) Overall responsibility for daily operations of the Local Commission office;
- (b) Leadership, advocacy, and key management operations of Local Commission work;
- (c) Direct access to the Board of County Commissioners/County Court; and
- (d) Responsibility for building and supporting the leadership capacity of the Local Commission members.

(29) “State Commission” means the Oregon Commission on Children and Families’ appointed members established pursuant to 417.730.

(30) “Services for children and families” does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs as defined in ORS 417.705.

Stat. Auth.: ORS 183, 417.705 - 417.797 & 419A.170
 Stats. Implemented:
 Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 1-2004, f. & cert. ef. 9-15-04

**423-001-0007
 Confidentiality and Inadmissibility of Mediation Communications**

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the “mediator” in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

- (a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency’s employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or
- (b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l), or (o)–(p) of section (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or non-discoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate." [Form not included. See ED. NOTE.]

(9) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation com-

munications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties in the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Director or Deputy Director or other appropriate persons determine that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

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

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02

DIVISION 5

OREGON COMMISSION ON CHILDREN AND FAMILIES STATE AND LOCAL COMMISSION MEETINGS

423-005-0000

Authority

These rules are promulgated pursuant to ORS 417.745.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; OCCF 1-2002, f. & cert. ef. 1-14-02

423-005-0005

Conduct of State and Local Commission Meetings

(1) All meetings of the State Commission, its subcommittees and advisory committees, and Local Commissions and their subcommittees are subject to the provisions of the Oregon Public Meetings Law, ORS 192.610 to 192.690.

(2) The State Commission will meet at least once every three months at a place, day and hour determined by the State Commission in compliance with ORS 417.740(3).

Stat. Auth.: ORS 183 & 417.740(3)

Stats. Implemented:

Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-005-0015

Qualification and Appointment of State Commission Members

(1) The majority of State Commission members must be laypersons. The term of office of each member is four years. An appointed member whose term has expired is eligible for reappointment. Reappointment will be considered upon the member's request. If there is a vacancy in an appointed position for any cause, the Governor may make an appointment that becomes immediately effective for the unexpired term.

(2) The Governor selects a chairperson for the State Commission who must be a layperson. The State Commission selects one of its members as vice chairperson.

Stat. Auth.: ORS 417.730 & 417.740

Stats. Implemented:

Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-005-0020

Responsibilities of State Commission

(1) In partnership with other planning bodies, the State Commission sets guidelines for Local Commissions to conduct local coordinated, comprehensive planning. These planning bodies include, but are not limited to, local and state agencies and agencies or organizations providing services for children, youth or families. Representatives from Local Commissions may participate in the development of the planning guidelines document and representation from small, medium and large counties will be encouraged. The guidelines will be included in a planning document developed by the Partners for Children and Families. In conjunction with other planning bodies and agencies providing social supports, the State Commission uses the Local Plans to advise other state agencies, the Legislative Assembly and the Governor, concerning possible solutions to problems facing children of all ages and families.

(2) The State Commission leads a process to compile, analyze and review all findings from the Local Plans. This process includes representatives from other identified state agencies and findings may be considered by those agencies in designing future economic resources and services and in the coordination of services offered by those agencies.

(3) The State Commission encourages the development of innovative projects, based on proven practices of effectiveness, for the benefit of children and families, including support for the statewide rollout of programs demonstrating proven practices of effectiveness.

(4) The State Commission provides information on research and successful local strategies to elected officials, state agencies, Local Commissions and the public.

(5) The State Commission makes recommendations to the Commission for Child Care for the development of the State's biennial child care plan. These recommendations will be made in conjunction with input from Local Commissions as part of their local contracted child care program(s).

(6) In consultation with other agencies that serve children and families, the State Commission identifies high-level and intermediate outcomes relating to children and families and monitors the progress of Local Plans in meeting intermediate outcome targets.

(7) The State Commission ensures that services are integrated and evaluated according to their outcomes.

(8) The State Commission will establish a uniform data collection system for counties and other state agencies serving children and families.

Stat. Auth.: ORS 417.705 - 417.797

Stats. Implemented:

Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

DIVISION 10

RULES FOR COUNTIES TO DEVELOP LOCAL COORDINATED, COMPREHENSIVE PLANS AND RECEIVE FUNDING

423-010-0005

Authority

These rules are promulgated pursuant to ORS 417.705 through 417.797 and 419A.170.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 3-1980, f. & ef. 4-10-80; JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02

423-010-0010

Purpose

(1) The purpose of these rules is to assist counties in the development of Local Plans for services to children of all ages and their families, to describe how plans may be modified or amended and to set forth the requirements counties will meet to receive budget allocations.

(2) These rules are the minimum standards for the establishment and funding of Local Commission activities to children, youth and their families under ORS 417.705 through 417.797.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 3-1980, f. & ef. 4-10-80; JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 3-5-91; CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-

1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0021

Guidelines for Developing Local Plans

(1) The Local Commission will lead, coordinate and facilitate the development and preparation of a single Local Plan for coordinating community programs, strategies and services for children ages 0 through 18 and their families. The purpose of the Local Plan is to create positive outcomes for children and families, mobilize communities, and coordinate programs, strategies and services among community groups, government agencies, private providers and other entities.

(2) The local planning process will follow a format contained in a document prescribed by the State Commission. The Planning Guide document may be obtained by contacting the Agency office.

(3) The Local Plan will be approved by the local BOCC prior to submitting the plan to the Agency. Counties will submit their Plans to the Agency for review and approval on a timetable established by the Agency.

(4) Submission of a county's Local Plan and proposed budget distribution will be considered the application for the county allocation of funds appropriated to the Agency. Counties that submit a one-year budget must submit a second-year budget prior to the beginning of the second year of the biennium which will be considered the county allocation application for the second year.

(5) The proposed budget distribution will identify the applicable portion(s) of the Local Plan for each funding area represented in the budget.

Stat. Auth.: ORS 183, 417.705 - 417.797 & 419A.170

Stats. Implemented:

Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0023

Categorization & Limitation of Local Commission Costs

(1) Basic Capacity:

(a) The State Commission determines a biennial allocation of funds to assist Local Commissions in the costs associated with meeting the intent of the Partnership Agreement and the Components Document. County Basic Capacity allocations may be used for activities in accordance to the limitations in 423-010-0023(5) for costs associated with operating an office, which include functions such as policy and planning, evaluation of state and local outcomes, information systems, fiscal and budget, communications, personnel, reception, general correspondence, contracting processes, mapping systems, designing and assessing strategies, and other related functions of the Local Commission office. Basic Capacity may also be used for costs associated with the monitoring of contracts, quality control, and the measurement of outcomes to determine the efficiency and effectiveness of an activity.

NOTE: Copies of the Partnership Agreement and the Components Document are available from the Agency.

(b) Each county will employ at least 2.0 full-time equivalent (FTE) Local Commission staff, either as employees or contractors, from the Basic Capacity allocation to meet the requirements of OAR 423-010-023(1)(a).

(c) The Executive Committee of the State Commission may waive the 2.0 full-time equivalent staff requirement only when the following criteria have been met:

(A) A plan for staffing is submitted to the Agency that includes a detailed description of how the staffing plan meets the requirements of the Partnership Agreement and accomplishes critical areas of the Components Document and documents in-kind, volunteer assistance or other methods to meet those requirements.

(B) A review is completed by the Agency of past performance of the Local Commission, including meeting timelines, monitoring and compliance requirements, and quality of plans and outcomes.

(C) A written description is provided to the Agency that demonstrates that there is no real or perceived conflict of interest or conflict

with ORS 417.775(2)(a), which prohibits Local Commissions from providing direct services.

(D) Letters or other form of written communication that support the waiver request are provided from community partners from formal and informal systems that work regularly with the Local Commission in accomplishing its work.

(E) Written evidence of the Local Commission recommendation and BOCC support.

(F) If the Local Commission disagrees with the decision of the Executive Committee, it may request reconsideration of the decision at the next regularly scheduled meeting of the Executive Committee. Following that, the Local Commission may appeal the decision to the State Commission at its next regularly scheduled meeting.

(d) Funds remaining in the Basic Capacity allocation after meeting the requirement of 423-010-0023(1)(a) may be used for Community Mobilization or programs or services to children and families that are identified in the Local Plan.

(e) Basic Capacity appropriations cannot be carried from one biennium to the next pursuant to OAR 423-010-0027(7) and (8), but will revert to the State if not obligated or expended at the end of the biennium.

(2) Community Mobilization: Counties may allocate funds for the purposes of community mobilization activities and strategies from locally invested funds as defined in OAR 423-001-0006(20). All community mobilization activities and strategies funded with locally invested funds must use proven practices of effectiveness and outcomes data must be reported for each activity and strategy.

(3) Medicaid (Title XIX): Local Commissions may allocate a combined total of 5 percent of Medicaid (Title XIX) earned income for administration and community mobilization. There is no limit to the amount that can be allocated to service providers so long as the Medicaid (Title XIX) earnings are reinvested in the program from which they were earned.

(4) Local Commissions may allocate up to a total of 4 percent of Healthy Start General Fund for contract management functions.

(5) Limitation on Usage:

(a) Consistent with the terms and conditions in the Intergovernmental Agreement, all budget allocations will be directly related to at least one strategy in the Local Plan, meet the purpose and restrictions of each program area and grant stream, and have measurable outcomes.

(b) Service provider contracts: Counties may allocate funds to providers for the cost of services or activities to children and families, however all services or activities must be identified in the Local Plan.

(c) Services and programs funded by another federal or state funding source cannot be funded with OCCF dollars when blending of those funds are not allowed by state or federal agreements or when duplication will occur.

(d) County Indirect/Direct Cost Assessment: Counties may assess direct and indirect charges from the Basic Capacity funding stream at an assessment no higher than 10 percent of the total annual Local Commission allocation from the Agency less funding streams expressly disallowed by state or federal statute or rule. This rule is subject to monitoring and review by the Agency.

(6) A Local Commission may not provide direct services for children, youth and families or the management, administration or fiscal responsibility of programs that have direct contact with children or families. However a Local Commission may provide direct services for children, youth or families for a period not to exceed six months under the following conditions:

(a) The Local Commission determines that there is an emergency;

(b) A local activity provider discontinues providing the services in the county or region; or

(c) The Local Commission determines no provider is able to offer the services in the county or region. The State Commission will not allow an extension beyond six months. Local Commissions not in compliance with this section will be subject to withholding of funds as noted in OAR 423-010-0027(9).

(7) Agency Approval: Budget allocations effectuated pursuant to the Intergovernmental Agreement and amendments will be subject to Agency review and approval.

Stat. Auth.: ORS 417.705 - 417.797

Stats. Implemented: ORS 417.705 - 417.797
 Hist.: CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0024

Program Purposes and Restrictions

Activities and initiatives will have measurable outcomes and support county goals adopted in the Local Plan. These outcomes will be reported using the format and timeline prescribed by the Agency. It is the intent of the State Commission that activities and initiatives will be provided in a culturally competent and gender-specific manner that reflects the population, needs and resources of the county. The following purposes and restrictions will apply to county allocations:

(1) Program Area: Great Start.

(a) Age: Prenatal services to expectant mothers, children 0 through eight years of age and the children’s families.

(b) Service Areas: Programs and services that promote outcomes identified in the Local Plan including, but not limited to, research-based early childhood programs and services in county settings that meet the needs of the community.

(2) Program Area: Child Care and Development Fund.

(a) Age: 0 up to 13 years of age, except children with special needs 0 up to 18 years of age.

(b) Service areas: Program and services that promote outcomes identified in the comprehensive plan to:

(A) Stabilize the supply of child care.

(B) Increase the availability of quality hard to find care including infant/toddler, school age, odd hours, sick care and/or care for children with special needs.

(C) Improve the quality of child care.

(D) Meet local and statewide standards for child care availability for low income working parents and/or student parents.

(c) Highest priority will be given to areas where school districts are eligible for Chapter 1 grants, areas with high concentrations of poverty, and areas of high and low population density.

(d) Emphasis should be placed on the following hard to find child care as identified in the Local Plan:

- (A) School age;
- (B) Infant/toddler;
- (C) Non-traditional hour;
- (D) Sick child;
- (E) Special Needs.

(e) Local Commissions can use funds to expand existing half day Head Start, Oregon Pre-Kindergarten and preschool programs to include half-day child care.

(f) Local Commissions can use Child Care and Development Fund for efforts to develop and maintain a child care system that is based on best practice, high standards and is research based.

(g) The Child Care and Development Fund can not be used for:

(A) Head Start, Oregon Pre-Kindergarten, half day preschool, respite and “drop in” child care programs.

(B) Contracted child care slots or scholarships for children from low-income families;

(C) Purchase of real estate or build new or existing facilities;

(D) Any purpose not directly related to child care supply and quality;

(E) Support of targeted populations that are already funded by or eligible to receive funds from Child Care Development Fund, which include child care for migrant and seasonal farm workers, teen parent programs and parents in alcohol or drug treatment programs.

(h) Child Care and Development Funds can not be used for community planning, community mobilization, or in duplication of services provided by other programs funded by Child Care and Development Fund, unless written authorization is obtained from the Agency.

(3) Program Area: Children, Youth and Families Fund:

(a) Age: 0 through 18 and their families.

(b) Service Area: Programs and services supported with Children, Youth and Families Funds will be used to promote outcomes identified in the local comprehensive plans. These funds must support research-based services, systems, initiatives, and programs.

These funds are intended to allow maximum flexibility by counties to fund those areas of highest priority.

(4) Program Area: Court Appointed Special Advocates (CASA).

(a) Age: 0 through 18 years of age.

(b) Service areas: CASA programs provide for the recruitment, training, support and supervision of CASA. See OAR 423-045-0030 through 423-045-0035.

(5) Program Area: Youth Investment.

(a) Age: Ages 13 through 18 years, although 11 and 12 year olds may be included where appropriate.

(b) Service Areas: Services to non-delinquent youth who are chronically acting out or are victims of neglect. Programs and services will promote outcomes identified in the Local Plan. Youth are considered chronically acting out when they are exhibiting school behavior problems, are out of parental control, are runaway and homeless, or are exhibiting other risk factors. Youth are non-delinquent if they have no history of, or current involvement with, the juvenile justice system, or have been diverted from the juvenile justice system. Youth who have been referred to a juvenile department for a criminal activity, or who have been placed on an informal accountability agreement are not considered to be non-delinquent for purposes of this funding. These funds must support research-based services, systems, initiatives and programs.

(6) Program Area: Healthy Start.

(a) Age: Children prenatal through five and their families.

(b) Service Areas: Provide funding for voluntary family support services following the Healthy Families America model. See OAR 423-045-0005 through 423-045-0015.

(7) Program Area: Family Preservation and Support.

(a) Age: All children and their families.

(b) Service Areas:

(A) Family Preservation Services: Family preservation services refers to services for children and families designed to protect children from harm and help families (including foster, adoptive, and extended families) at risk or in crisis, including:

(i) Pre-placement preventive services programs, such as intensive family preservation programs, designed to help children at risk of foster care placement remain with their families, where possible. Examples of programs may include Intensive Family Treatment, Domestic Violence prevention programs, or other pre-placement preventative programs for families at risk of foster care placement.

(ii) Service programs designed to help children, where appropriate, return to families from which they have been removed; or be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement. Examples of programs may include family preservation services to assist in re-unification of families.

(iii) Service programs designed to provide follow-up care to families to whom a child has been returned after a foster care placement. Examples of programs may include family-centered service programs that provide follow-up care to families re-united with their child.

(iv) Respite care of children to provide temporary relief for parents and other caregivers (including foster parents). Example of programs may include Family Respite Care.

(v) Services designed to improve parenting skills (by reinforcing parents’ confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition. Example of programs may include Parenting Skill Building.

(vi) Case management services designed to stabilize families in crisis such as transportation, assistance with housing and utility payments, and access to adequate health care. Example of acceptable programs could include Community Safety Net.

(B) Family Support Services: Family support services means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase

parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and otherwise to enhance child development. Family support services may include:

(i) Services, including in-home visits, parent support groups, and other programs designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition. Example of programs may include Parenting Classes, Parent-to-Parent Support, and In-Home Visitation classes.

(ii) Respite care of children to provide temporary relief for parents and other caregivers. Example of program may include Family Respite Care.

(iii) Structured activities involving parents and children to strengthen the parent-child relationship. Example of program may include Healthy Start.

(iv) Drop-in centers to afford families opportunities for informal interaction with other families and with program staff. Example of program may include Family Resource Centers.

(v) Transportation, information and referral services to afford families access to other community services, including child care, health care, nutrition programs, adult education literacy programs, legal services, and counseling and mentoring services. Example of programs may include Dial-a-ride, Child Care Referral, and Outreach Centers.

(vi) Early developmental screening of children to assess the needs of such children, and assistance to families in securing specific services to meet these needs. Example of programs may include Healthy Start.

(8) Program Area: Relief Nurseries:

(a) Age: Children 0 up to six at risk and their families.

(b) Service Areas: Programs to include therapeutic early childhood programs and parent education, training and support for families with children at risk for child abuse and neglect.

(c) Relief Nurseries programs are required to provide 25 percent in matching local community financial support, as part of the base operating budget.

(d) Local Commissions are not required to do a competitive process for Relief Nurseries every biennium. Local Commissions may consider a competitive or collaborative funding process when significant deficits in program operations and services are found or when changes in stability of service delivery system present new possibilities for these services.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 417.705 - 417.900 & 419A.170

Hist.: CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0026

Plan Approval

(1) The State Commission may delegate authority to the Agency to approve plans, plan updates and plan amendments, or budgets. If a Local Commission contests an Agency recommendation or decision, the Local Commission may appeal the recommendation or decision to the State Commission.

(2) Local Plans will be for six years in duration from the time of approval by the State Commission, updated formally every two years, and reviewed by local partners annually. Local Commissions will provide documentation of the local review through letter to the Agency stating when the local review occurred and who participated. Plan updates will follow a format and process developed by the Partners for Children and Families and the State Commission. Representatives from Local Commissions may participate in the development of the format and process. During the six year plan duration, a plan may be amended as needed by the county to respond to new issues or opportunities. The Agency will review plan amendments following a similar process as the plan approval.

(3) The State Commission will review and approve the Local Plan and amendments, except for any portions pertaining to alcohol

and drug prevention and treatment plans, local mental health service plans and public health plans, in conjunction with other child- and family-serving state agencies as noted in ORS 417.735(4). All plans and plan amendments must meet the following minimum requirements:

(a) Signed by the Board of County Commissioners;

(b) Meets guidelines developed through state and local agency collaboration and provided in advance to counties; and

(c) Demonstrates that appropriate systems and planning connections were met, such as inclusion of diverse populations and broad involvement by citizens and organizations.

(4) Under the conditions outlined in ORS 417.735(4), the State Commission may disapprove a Local Plan in whole or in part only upon making specific findings that the Local Plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.710-417.725 and 417.735(4), for failure to address the elements required in OAR 423-010-0026(3), or that the Local Plan fails to conform with the planning process requirements of ORS 417.775. If the State Commission disapproves a Local Plan in part or whole, the State Commission will provide the Local Commission with written comments on the areas of the Local Plan that led to the disapproval within 90 days of the receipt of the plan. If the State Commission disapproves only part of the Local Plan, the remainder of the Local Plan may be implemented. The Agency will provide technical assistance for remedying the deficiencies in the planning process or the local early childhood system planning. The State Commission will set a date by which the Local Plan or the deficient portion thereof will be revised and resubmitted.

(5) The State Commission approval or disapproval will not apply to the components of the Local Plan or amendments that relate to local alcohol and drug prevention and treatment planning, local public health or mental health service plans, or high-risk juvenile crime prevention planning.

(6) Following approval of a Plan or plan amendment, the State Commission, or its delegate, will send to the BOCC a notification of plan approval, including any special conditions attached to the approval and any actions required before disbursement of funds to implement the plan.

Stat. Auth.: ORS 183 & 417.705 - 417.797

Stats. Implemented:

Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0027

Budgetary Allocations

(1) Release of Funds: The Agency may disburse funds to counties in conjunction with the beginning of each fiscal year or periodically throughout the year pursuant to an Intergovernmental Agreement that has been fully executed by the State Commission and the county. A county will request funds on a form prescribed by the Agency. The Agency may withhold funds from a county that is not in compliance with the requirements specified in these rules or the terms of the Intergovernmental Agreement including any amendments thereto. Any funds disbursed to a county under an approved Intergovernmental Agreement will be used only for those services and purposes set forth in ORS 417.705 through 417.797, 419A.170, the Intergovernmental Agreement and these Administrative Rules.

(2) All applicable federal, state, and local laws including, but not limited to, OMB A-87 Cost Principles for State, Local, and Indian Tribal Governments, Single Audit Act of 1996, OMB A-133 Audits of State, Local Governments and Non-Profit Organizations, Title VI of the Civil Rights Act of 1964, and Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Pro-Child Act of 1995 must be followed. Local Commission budget allocations and Intergovernmental Agreements will be approved and monitored by the Agency. Primary emphasis of county allocations will be on the delivery of resources to children, youth or families.

(3) The BOCC will sign an Intergovernmental Agreement document with the Agency. The county will not use the grant monies to reimburse any person or entity for expenditures made, or to pay for

any expenses incurred, prior to the effective date of the Intergovernmental Agreement.

(4) Budget Amendments: A county will notify the Agency of any change in a budget previously approved by the Agency by submitting a Budget Distribution in a format prescribed by the Agency. The Budget Distribution will be approved in writing by the Agency (or its delegate), Local Commission chairperson, or, if authorized by the Local Commission, the Local Commission director, and BOCC before funds can be expended pursuant to the Intergovernmental Agreement.

(5) Reverting Funds: Any Grant monies, State or Federal, disbursed to a county that are not obligated or expended by the county in accordance with the Intergovernmental Agreement by the end of the biennium, must be returned to the Agency unless the Agency permits such funds to be carried over or extended as follows:

(a) The Local Commission has submitted to the Agency a Budget Distribution, and request for a carryover or extension in a format set by the Agency, describing the proposed use of those monies, consistent with ORS 417.705 through 417.797 and 419A.170; and

(b) The proposed use provides that the funds will be expended within the first 90 days of the next biennium.

(c) The Agency may deny a request for carryover or extension from a Local Commission if the Agency finds any of the following concerning the prior biennium activities or the proposed use(s):

(A) The Local Commission is found to be using funds, or proposes to use the funds, for purposes other than those authorized pursuant to the Local Plan or Intergovernmental Agreement;

(B) The Local Commission on Children and Families failed to submit timely, accurate, or complete fiscal reports or activity reports as required in OAR 423-010-0027(8); or failed to make timely corrections that remedied report deficiencies upon review and notice from the Agency;

(C) The Local Commission's operations failed to comply with federal or state statute, administrative rule or the Intergovernmental Agreement between the county and the Agency;

(D) The Local Commission's request for carryover or extension is in excess of 1/8 of the prior biennium funding stream allocation for that county.

(d) Before submission to the Agency, the Budget Distribution and request for carryover or extension must be approved and certified by the Local Commission chairperson or, if authorized by the Local Commission, the Local Commission director and BOCC.

(e) Funds not expended within the first 90 days of the next biennium will be returned to the State. Federal funds will be re-allocated at a statewide level. General funds will revert to the State treasury.

(6) Contractual Agreements: For funds allocated to the county by the Agency, a county will enter into a formal contractual agreement with any other agency, entity or person for expenditure of those funds. The contract for provider allocations should specify both desired and measurable outcomes that will measure success in achieving outcomes that are part of the Local Plan. The contract will also require that providers follow the requirements set forth in 7 and 8 of this rule.

(7) Fiscal Reports and Activity Reports:

(a) For funds allocated to the county by the Agency, all public and private agencies and persons receiving funding allocations will file reports with the Local Commission on the provider's fiscal and activity information as evidence of meeting the county's contractual agreement between the county and the provider. Reports will be submitted as required in the Intergovernmental Agreement.

(b) A request for a waiver, for the current reporting period, must be submitted in writing to the Agency. The Local Commission must remit a letter to include:

(A) Stating the hardship reason for the waiver (e.g. staff turnover, serious illness);

(B) Specifying the date reports will be sent to the Agency; and

(C) Assurance the next reports will be in by the next reporting period due date. The Agency must receive the request for waiver before the reporting due date. No funds will be released until all reports are received. Local Commissions that are unable to meet the

due dates in at least three out of four consecutive reporting periods will receive funds on a reimbursement basis.

(c) The Local Commission will send to the Agency a fiscal and activity report on a form prescribed by the Agency. The reports will be certified by the BOCC or its delegate.

(d) The Local Commission will file with the Agency a final fiscal report for all funds received from the Agency in a biennium on a form prescribed by the Agency by November 1 of each odd-numbered year. The final fiscal report must be certified by the BOCC or its delegate.

(8) Records Management: All public and private agencies and persons receiving funding allocations from the Agency will retain all fiscal and program monitoring records of a funded program for a period not less than specified in OAR 166, divisions 40 and 100 (County Records Retention). Records will be available for Agency, county and state audit upon request. A county or provider may be required to retain records for longer than specified in rule if an audit is in progress or discrepancies found in a previous audit have not been resolved. Such records will be subject to any applicable county regulations concerning retention of records and auditing procedures.

(9) Withholding of funds: The Agency may withhold funds from a county that is not in compliance with the federal, state, or local law or the Intergovernmental Agreement. Under the following conditions, the Agency may withhold funds from Local Commission:

(a) The Local Commission is found to be using funds for purposes other than those authorized pursuant to the Local Plan or Intergovernmental Agreement;

(b) The Local Commission failed to submit timely, accurate, or complete fiscal reports or activity reports as required in OAR 423-010-0027(7);

(c) The Local Commission's operations failed to comply with federal or state statute, administrative rule, or the Agreement between the Local Commission and the Agency or between the BOCC on behalf of the Local Commission and the Agency; or

(d) The Local Commission's activities have not achieved outcomes consistent with the best practices within that funding stream.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 417.705 - 417.900 & 419A.170

Hist.: CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0028

Local Commission Funding Allocations

A Local Commission may make funding allocations anytime during the course of the biennium. A Local Commission will use a competitive or collaborative funding process to solicit and select proposals for program allocations at least once during the course of the biennium, except as stated in division 45 of these Administrative Rules. Local Commissions are required to comply with all applicable federal, state and local procurement requirements, and where appropriate the State Commission encourages the use of collaborative funding processes.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 417.705 - 417.900 & 419A.170

Hist.: CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0036

Capital Expenditures; Ownership of Property

(1) Equipment and other capital expenditure items, with a value of over \$5,000, purchased by a county or a provider with county funds allocated from the Agency will be the property of the county and subject to county policies on capital expenditures and equipment. When activity funding ends or an activity is terminated for any reason, the equipment purchased with funds allocated under the Act will revert to the county, except that, on the recommendation of the Local Commission, the Board of County Commissioners may allow the former provider to retain the equipment if it will continue to be used effectively in the provision of services to children, youth or families.

(2) Nothing in this rule will be interpreted to mean that Local Commission will retain inventory records on equipment with a value of \$5,000 or less.

Stat. Auth.: ORS 183, 417.705 - 417.797 & 419A.170
 Stats. Implemented:
 Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-010-0040

Prohibition Against Replacement of County Funds

Except as otherwise provided in ORS 417.780, funds received by a county from the Agency will not be used to replace county general funds or used to replace other state funding currently being used by the county for existing programs for children, youth or families.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170
 Stats. Implemented: ORS 417.705 - 417.900 & 419A.170
 Hist.: JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-1-95; CCF 1-1997, f. 12-15-97, cert. ef. 12-19-97; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

DIVISION 45

SYSTEMS AND PROGRAM OPERATIONS

Healthy Start

423-045-0005

Authority

These rules are promulgated pursuant to ORS 417.705 through 417.797.

Stat. Auth.: ORS 417.705 - 417.797
 Stats. Implemented:
 Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02

423-045-0010

Purpose

The purpose of these rules is to assist counties in the implementation and operation of Healthy Start program services. The Healthy Start program seeks to ensure healthy, thriving children and strong, nurturing families by offering a range of voluntary and non-stigmatizing services ranging from universal basic short-term services to long-term intensive home visiting. Healthy Start offers these services in and around the time of birth, targeting first-birth families at a minimum. Healthy Start services follow evidence-based practices designed to achieve appropriate early childhood benchmarks, following the Healthy Families America model. These rules are the minimum standards for the establishment, operations, evaluation, and funding of Healthy Start program services under ORS 417.795.

Stat. Auth.: ORS 417.705 - 417.797
 Stats. Implemented: ORS 417.705 - 417.797
 Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-045-0015

Program Restrictions

(1) Systems Requirements:

(a) Healthy Start services will be consistent with the local early childhood system planning.

(b) Healthy Start programs will collaborate with local health departments, other providers of prenatal and perinatal services, and the Local Commission to identify and build upon existing services for families and to prioritize additional services if needed (i.e.: mental health, drug and alcohol, and early intervention). If collaboration does not occur, the Department of Human Services and the Agency will provide technical assistance to promote improved collaboration.

(c) Healthy Start programs actively participate in local community efforts to implement the early childhood system of supports and services towards the achievement of desired outcomes, working to maximize the effective use of available resources and to avoid duplication of services.

(d) Local Commissions are not required to engage in a competitive bidding process to select providers for Healthy Start services each biennium. Local Commissions may conduct a competitive or collaborative funding process when significant deficits in program

operations and services are found or when changes in the stability of service delivery systems present new options for these services.

(2) Age: Children ages prenatal through five and their families.

(3) Service Area: Provide funding for voluntary family support services, including but not limited to screening and follow-up services such as resource referral, further assessment, and intensive home visiting following the Healthy Families America model.

(4) Program Requirements:

(a) Through June, 2005, Healthy Start Programs will make progress toward full compliance with ORS 417.795 as operationalized by the 2004 Healthy Start Implementation Manual: Statewide Program Policies and Procedures. All Healthy Start programs are required to be in full compliance by July, 2005.

NOTE: Copies of the Healthy Families America model and of the Healthy Start Implementation Manual are available from the Agency.

(b) Programs will develop site specific procedure manuals to further specify local program operations. Local procedure manuals will be submitted to the Agency at intervals specified by the Agency.

(c) Services provided by Healthy Start program are voluntary. Service providers will obtain express written consent before any services are offered.

(d) Local Healthy Start programs will assure that parents have given express written consent prior to any release of information.

(e) Healthy Start program services will not be a part of a mandated plan for families. Mandated plans include plans developed by the Department of Human Services Self Sufficiency and Child Welfare services.

(f) Local Healthy Start Programs will:

(A) Participate in the independent statewide program evaluation;

(B) Participate in statewide training for supervisors, family support workers, and family assessment workers;

(C) Participate in quarterly meeting and trainings for program managers and supervisors;

(D) Meet statewide and local early childhood system quality assurance standards;

(E) Participate in the Healthy Families America site self-assessment, as part of ongoing quality assurance;

(F) Ensure that voluntary home visiting services through Healthy Start are coordinated with home visiting services offered by the local health department and other programs.

(5) Program Budget Requirements:

(a) All programs are required to participate in federal Medicaid (Title XIX) Administrative Claiming, following program procedures provided by the Agency.

(A) Medicaid earnings, except as described in 423-010-0023(3), must be used to maintain or expand Healthy Start program core services, as defined in the Healthy Start Program Implementation Manual.

(B) Programs will report on the use of their Medicaid (Title XIX) funds to the Agency at intervals specified by the Agency.

(C) All program staff will attend training provided by the Agency prior to participation in Medicaid (Title XIX) Administrative Claiming and annually thereafter.

(b) Local programs will demonstrate a 20 percent local match as part of the base operating budget of their programs. Match will be reported to the Agency at the intervals specified by the Agency. This leverage may be in any combination of cash, cash equivalent, in-kind or volunteer hours.

(c) The Local Commission will monitor the local Healthy Start programs to ensure fiscal and programmatic integrity.

(d) If, for any reason, a current provider stops providing contracted services prior to the end of the contract, the Local Commission will notify the Agency 45 days prior to signing a new provider contract so that the Agency can provide program specific training and technical assistance. The Local Commission and the Agency may mutually agree to a notice period of less than 45 days if necessitated by specific local circumstances.

(e) The Agency will manage the Title XIX Medicaid Administrative Claiming program in accordance with all state and federal rules and regulations.

Stat. Auth.: ORS 417.705 - 417.797
 Stats. Implemented: ORS 417.705 - 417.797
 Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

Early Childhood Planning

423-045-0020

Purpose

Each Local Commission on Children and Families, as part of the Local Plan for the county or region, will coordinate voluntary local early childhood system planning that focuses on the needs of children who are zero through eight years of age and their families.

Stat. Auth.: ORS 417.705 - 417.797

Stats. Implemented: ORS 417.705 - 417.797

Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04

423-045-0025

System Requirements

(1) The Commission will involve in the planning process parents, youth, and community members and representatives of local providers of early childhood services that reflect diversity of the county or region, including but not limited to:

- (a) Hospitals and the health profession;
- (b) Local Intergovernmental coordinating councils;
- (c) Oregon prekindergarten programs;
- (d) Contractors who are designated by the Superintendent of Public Instruction to be responsible for the administration of early childhood special education and early intervention services in a service area;
- (e) Community corrections agencies;
- (f) Mental health service providers;
- (g) County health departments;
- (h) Healthy Start Family Support services programs;
- (i) Alcohol and drug treatment programs;
- (j) Child care providers;
- (k) Local Child Care Resource and Referral agencies;
- (l) Developmental disability service providers;
- (m) The kindergarten through grade 12 education community;
- (n) Faith-based organizations; and
- (o) Other providers of prenatal and perinatal services.

(2) The early childhood system planning developed by each Local Commission will:

(a) provide for the coordination of early childhood programs by creating a process to connect children and families with the most appropriate supports;

(b) Include a description of how the components of the voluntary early childhood system of services will be implemented in the county or region;

(c) Build on existing programs;

(d) Identify ways to maximize the use of volunteers and other community resources; and

(e) Ensure that diverse populations within a community receive services that are culturally and gender appropriate.

(3) The voluntary early childhood system planning will work to achieve the early childhood benchmarks and intermediate outcomes jointly identified by the State Commission on Children and Families, the Department of Education and the Department of Human Services, with input from early childhood partners.

(4) The voluntary early childhood system will include the following components:

(a) A process to identify as early as possible children and families who would benefit from early childhood services;

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through eight years of age and their families who give their express written consent. These services include:

- (A) Screening, assessment and home visiting services;
- (B) Specialized or targeted home visiting services;
- (C) Community-based services such as relief nurseries, family support programs and parent education programs;
- (D) High quality child care;
- (E) Preschool and other early education services;

- (F) Health services for children and pregnant women;
- (G) Mental health services;
- (H) Alcohol and drug treatment;
- (I) Developmental disability services; and
- (J) Other state and local services.

(5) Local voluntary early childhood services will be guided by the 2004 Quality Assurance Guidelines established jointly by the State Commission on Children and Families, the Department of Education and the Department of Human Services, with input from early childhood partners. A copy of the Quality Assurance Guidelines is available from the Agency.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 417.705 - 417.797

Hist.: OCCF 1-2004, f. & cert. ef. 9-15-04

Court Appointed Special Advocate Programs

423-045-0030

Purpose

The purpose of these rules is to assist counties in the implementation and operation of Court Appointed Special Advocate Programs (CASA). CASA Programs seek to ensure healthy, thriving children and strong, nurturing families by advocating for the best interests of children involved in juvenile court proceedings due to abuse or neglect. Court Appointed Special Advocates are volunteers, appointed to a child by the Court and remain a consistent advocate for the child for the duration of the court case, securing a safe and permanent family as quickly as possible. These rules are the minimum standards for the establishment, operations, evaluation, and funding of CASA Programs under ORS 419A.170.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 419A.170

Hist.: OCCF 1-2004, f. & cert. ef. 9-15-04

423-045-0035

Program Restrictions

(1) Systems Requirements:

(a) CASA Programs will promote outcomes consistent with the local comprehensive community plan that reflect the best interest of abused and neglected children.

(b) CASA Programs will promote culturally competent and gender specific services consistent with Agency guidelines.

(c) CASA Programs will, in conjunction with the local Commissions: identify existing services; prioritize additional services necessary (i.e.: mental health, drug and alcohol); and maximize the use of community resources that support families to achieve the desired outcomes for the child.

(d) Local Commissions are not required to do a competitive process for CASA Programs every biennium. Local Commissions may consider a competitive or collaborative funding process when significant deficits in program operations and services are found or when changes in stability of service delivery system present new possibilities for these services.

(2) Age: Children from birth to 18.

(3) Service Area: CASA Programs provide for the recruitment, training, support and supervision of Oregon Court Appointed Special Advocates.

(4) Program Requirements: CASA Programs will operate in accordance with ORS 419A.170, be members in good standing of the National Court Appointed Special Advocate Association and demonstrate compliance with the Standards for National CASA Association Member Programs (effective 9/2002 or subsequent versions), and any other standards adopted by the State Commission; these provide a blueprint for the CASA approach and identify quality assurance standards. The CASA approach is based on research and proven strategies and includes direct contact with the child as appropriate to the case.

Stat. Auth.: ORS 417.705 - 417.797 & 419A.170

Stats. Implemented: ORS 419A.170

Hist.: OCCF 1-2004, f. & cert. ef. 9-15-04