



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

EXHIBIT 1 - STAFF REPORT

DATE: April 15, 2021
TO: Planning Commission Members
FROM: Heather Richards, Planning Director
SUBJECT: Public Hearing (Docket G 1-21) – Amending the zoning ordinance to allow child care as an outright permitted use.

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S:

Report in Brief:

This is a public hearing to consider proposed amendments to the McMinnville City Code, Chapter 17, allowing child care as an outright permitted use in all residential and commercial zones, and in some industrial zones.

Background:

Currently child care is allowed as an outright permitted use in residential zones if it occurs in a residential dwelling unit and twelve or fewer people are present at any one time. In all other scenarios it is a conditional use process.

Recently the provision of available child care has emerged as a barrier for parents to work, and for employers to access necessary workforce. With the pandemic it has become an even more significant barrier for women to be in the workforce.

Cities are starting to review their zoning ordinances to evaluate how they can remove regulations which may be preventing the development of more child care opportunities in their communities.

The City of McMinnville was asked to evaluate its zoning ordinance for the same purpose.

On November 19, 2020, city staff conducted a work session with the Planning Commission to discuss the current code regulations for child care, state regulations and opportunities to revise the city's code to better emulate state regulations and to create an easier path towards success for child care

Attachments:

Exhibit A – G 1-21 Decision Document

Exhibit B – G 1-21 Proposed Code Amendments

Exhibit C – Executive Summary, Child Care Work Group, State of Oregon, January 2020

providers. At that time, Planning Commission asked staff to bring back some proposed amendments to the zoning ordinance to remove regulatory barriers for child care providers in McMinnville.

Discussion:

There are three different types of child care facilities licensed in the State of Oregon per Oregon Administrative Rules (OAR) 414-200-0415 – 414-350-0415.

- **Registered Family Child Care Home:** A facility in the prover’s own home in which up to 10 children receive child care, including the provider’s own children. (OAR 414-205-0000 to OAR 414-350-0170).
- **Certified Family Child Care Home:** A facility in the provider’s own home, in which up to 16 children received child care, including the provider’s own children, regardless of full-time or part-time. The number of children depends upon the physical size of the home, provider qualifications, and the number of qualified caregivers. (OAR 414-350-0000 to OAR 414-350-0405).
- **Child Care Center:** A facility, usually located in a commercial building, in which children receive care. The number of children allowed depends on the physical size of the facility and the number of qualified staff members. (OAR 414-300-0000 to OAR 414-200-0415).

Oregon Revised Statute 329A.440 governs how cities and counties can regulate certain types of child care facilities. Per ORS 329A.440, registered family child care homes and certified family child care homes shall be considered a residential use of property for zoning purposes and shall be permitted uses in all areas zoned for residential or commercial purposes. A city cannot enact or enforce zoning ordinance prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

329A.440 Application of zoning ordinances to registered or certified family child care homes.

(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

(3) A county may:

(a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

(c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Attachments:

Exhibit A – G 1-21 Decision Document

Exhibit B – G 1-21 Proposed Code Amendments

Exhibit C – Executive Summary, Child Care Work Group, State of Oregon, January 2020

Thus, in McMinnville, any zone that allows residential dwelling units needs to allow **registered family child care and certified family child care homes** as an outright permitted use. Currently the code limits child care facilities to a maximum of twelve people as an outright permitted use. The proposed amendments bring the code into compliance with ORS 329A.440, allowing child care homes in the R1 (Single Family Residential), R2 (Single Family Residential), R3 (Two-Family Residential), R4 (Multi-Family Residential), R5 (Multiple Family Residential) and OR (Office Residential) zones.

The proposed amendments also allow for child care centers to be considered as conditional uses in the same zones: R1 (Single Family Residential), R2 (Single Family Residential), R3 (Two-Family Residential), R4 (Multi-Family Residential), R5 (Multiple Family Residential) and OR (Office Residential) zones.

And the proposed amendments allow for **child care centers** to be considered permitted outright uses in all commercial zones (C1, C2 and C3), and then in the light industrial zones (M-L, M-1). Child care centers are conditional uses in the M2 zone.

Lastly, the proposed amendments require one off-street parking space per employee for all child care facilities and child care centers, and a designated pick-up and drop-off zone for two vehicles, which can be on-street parking if it is not immediately adjacent to another use.

Attachments:

- Exhibit A: Decision Document
- Exhibit B: Proposed Amendments
- Exhibit C: Executive Summary, Child Care Work Group, State of Oregon, January 2020

Fiscal Impact:

There is not immediate fiscal impact to the City of McMinnville with this action.

Recommendation:

Staff recommends the Planning Commission recommend the proposed code amendments to the McMinnville City Council for adoption.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY STAFF, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE THE PROPOSED ZONING ORDINANCE TEXT AMENDMENTS PRESENTED IN DOCKET G 1-21.”

Attachments:

Exhibit A – G 1-21 Decision Document

Exhibit B – G 1-21 Proposed Code Amendments

Exhibit C – Executive Summary, Child Care Work Group, State of Oregon, January 2020



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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE, TITLE 17, CHAPTER 17.03, GENERAL PROVISIONS.

DOCKET: G 1-21

REQUEST: The City of McMinnville is proposing to amend Title 17, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single Family Residential Zone), Chapter 17.15 (R-2 Single Family Residential Zone), Chapter 17.18 (R-3 Two Family Residential Zone), Chapter 17.21 (R-4 Multiple Family Residential Zone), Chapter 17.22 (R-5 Multiple Family Residential Zone), Chapter 17.24 (O-R Office Residential Zone), Chapter 17.27 (C-1 Neighborhood Business Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.36 (M-L Limited Light Industrial Zone), Chapter 17.39 (M-1 Light Industrial Zone), Chapter 17.42 (M-2 General Industrial Zone), and Chapter 17.60 (Off-Street Parking and Loading) in order to remove regulatory barriers for child care providers within the City of McMinnville and to bring the City's Municipal Code into compliance with Oregon statutory regulations and guidelines relative to child care.

LOCATION: N/A

ZONING: R1, R2, R3, R4, R5, OR, C1, C2, C3, ML, M1, M-2

APPLICANT: City of McMinnville

STAFF: Heather Richards, Planning Director

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: April 15, 2021. Meeting held virtually via Zoom meeting software, Zoom Online Meeting ID 942 3599 8716.

DECISION-MAKING BODY: McMinnville City Council

DATE & TIME: TBD

PROCEDURE: The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

CRITERIA: Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.

APPEAL:

The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

DECISION

Based on the findings and conclusions, the McMinnville Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 1-21) to the McMinnville City Council.

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DECISION: APPROVAL
////////////////////////////////////

City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

I. Application Summary:

The City of McMinnville is proposing to amend Title 17, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single Family Residential Zone), Chapter 17.15 (R-2 Single Family Residential Zone), Chapter 17.18 (R-3 Two Family Residential Zone), Chapter 17.21 (R-4 Multiple Family Residential Zone), Chapter 17.22 (R-5 Multiple Family Residential Zone), Chapter 17.24 (O-R Office Residential Zone), Chapter 17.27 (C-1 Neighborhood Business Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.36 (M-L Limited Light Industrial Zone), Chapter 17.39 (M-1 Light Industrial Zone), Chapter 17.42 (M-2 General Industrial Zone), and Chapter 17.60 (Off-Street Parking and Loading) in order to remove regulatory barriers for child care providers within the City of McMinnville and to bring the City's Municipal Code into compliance with Oregon statutory regulations and guidelines relative to child care. The City is adding definitions for "Child Care Center", "Child Care Home (Registered or Certified Family Child Care Home)" and "Day Care Facility (Adult)". The City is identifying "Child Care Home", and "Day Care Facility (Adult)" when the day care facility is located in a residential dwelling unit and has twelve or fewer people present at any one time, as outright permitted uses, and "Child Care Center", and "Day Care Facility (Adult) when the structure is not a residence, as conditional uses in the R1, R2, R3, R4, R5 and OR zones. The City is proposing that "Child Care Center" be a permitted use in the C1, C2, C3, ML and M1 zones, and be a conditional use in the M2 zone. And the city is proposing that "Child Care Center" and "Child Care Facility" be required to provide one off-street parking space per employee and a designated drop-off and pick-up zone for two vehicles be required.

II. CONDITIONS OF APPROVAL

None.

III. FINDINGS OF FACT

1. The City of McMinnville has received requests to reduce regulatory barriers for child care facilities to help enable the development of more child care in the community.
2. On November 19, 2020, city staff hosted a work session with the Planning Commission to discuss options for child care amendments to the McMinnville City Code. At that time, Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to remove regulatory barriers for child care providers as deemed appropriate.
3. Notice of the application and the April 15, 2021 Planning Commission public hearing was published in the News Register on Friday, April 9, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
4. On April 15, 2021, the Planning Commission held a duly noticed public hearing to consider the request.
5. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.

IV. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Alignment with Oregon Revised Statutes and Administrative Rules:

ORS 329A.440 – Oregon Revised Statute 329A.440 governs how cities and counties can regulate certain types of child care facilities. Per ORS 329A.440, registered family child care homes and certified family child care homes shall be considered a residential use of property for zoning purposes and shall be permitted uses in all areas zoned for residential or commercial purposes. A city cannot enact or enforce zoning ordinance prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

329A.440 Application of zoning ordinances to registered or certified family child care homes.

(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

(3) A county may:

(a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

(c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Finding: Proposed amendments bring the McMinnville Municipal Code into compliance with ORS 329A.440 by allowing registered and certified family child care homes as allowed outright permitted uses in any residential and commercial zone if provided in a single-family dwelling unit.

OAR 414-200-0415 to OAR 414-350-0415 – Oregon Administrative Rules (OAR) 414-200-0415 to OAR 414-350-0415 govern the operational structure and licensing of child care facilities in the state of Oregon.

Finding: Proposed amendments align definitions of child care facilities in the McMinnville Municipal Code with OAR 414-200-0415 to OAR 414-350-0415, and reinforces the parameters for each type of child care facility in the allowance of the McMinnville Municipal Code.

Alignment with McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

Citizen Involvement

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Finding: Goals X 1 is satisfied by this proposal in that the proposed modifications were reviewed at a public hearing by the McMinnville Planning Commission on April 15, 2021.



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**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –
Chapter 17.03, General Provisions**

New proposed language is represented by **bold font**, deleted language is represented by ~~strikethrough font~~.

Chapter 17.06

DEFINITIONS

Section 17.06.015 General Definitions

Child Care Center – Any facility that is certified to provide care to children and is located in a building constructed as other than a residential dwelling. This could include a day nursery, nursery school, preschool or similar unit operating under any name.

Child Care Home, (Registered or Certified Family Child Care Home) – A facility constructed as a residential dwelling where child care is offered in the home of the provider, on a regular basis, to more than three children from more than one family at any one time other than the provider’s children, and not more than 16 children including children of the provider, regardless of full-time or part-time status. Must be licensed through the Oregon Office of Child Care.

Day Care Facility, (Adult) – Any facility that provides community based group programs designed to meet the needs of adults with functional and cognitive impairments through individual plans of care that are structured, comprehensive and provide a variety of health, social and related support services in protective settings during part of the day but provide less than 24-hour care.

~~**Day Care Facility** – Any facility that provides care to three or more persons exclusive of family members during a limited portion of a 24-hour period, including a day nursery, family day care center, adult day care, or similar unit operating under any name or as may be licensed by the State of Oregon. This does not include educational or health care facilities, residential facilities or those offering overnight care or detention facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

~~**Residential Child Care Facility** – (Repealed as per Ord. 4952 March 13, 2012).~~

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Section 17.12.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:**
 - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Twelve or fewer people are present at any one time at the center.
 - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 4. Operator must have the appropriate licenses required by state regulations.
- G. Residential Home as defined in Chapter 17.06 (Definitions)**
- ~~E. Day care facility, under the following provisions:~~
 - ~~6. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~7. Twelve or fewer people are present at any one time at the center.~~
 - ~~8. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
 - ~~9. That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.~~
- ~~F. Residential Home as defined in Chapter 17.06 (Definitions).~~
- ~~G. Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.12.020 Conditional Uses.

- C. Child Care Center, under the following provisions;**
 - 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 2. Operator must have the appropriate licenses required by state regulations.
- D. Church;**
- E. Community building, including library;**
- F. Day Care Facility (Adult), under the following provisions**
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.

- ~~E. Day care facility, when the following situations exist;~~
- ~~1. The structure is not used as a residence by the operators, and/or~~
 - ~~2. Thirteen or more people present at any one time,~~
 - ~~3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Chapter 17.15

R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Section 17.15.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
- 1. The structure is a residential dwelling unit.**
 - 2. The provider resides at the dwelling.**
 - 3. Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 5. Operator must have the appropriate licenses required by state regulations.**
- F. Day Care Facility (Adult), under the following provisions:**
- 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
 - 2. Twelve or fewer people are present at any one time at the center.**
 - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 4. Operator must have the appropriate licenses required by state regulations.**
- G. Residential Home as defined in Chapter 17.06 (Definitions)**

- ~~E. Day care facility, under the following provisions:~~
- ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~2. Twelve or fewer people are present at any one time at the center.~~
 - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
 - ~~4. That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.~~
- ~~F. Residential Home as defined in Chapter 17.06 (Definitions).~~
- ~~G. Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.15.020 Conditional Uses.

- B. Child Care Center, under the following provisions;**
- 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**

- 2. Operator must have the appropriate licenses required by state regulations.
- C. Church;
- D. Community building, including library;
- E. Day Care Facility (Adult), under the following provisions
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.
- ~~D. Day care facility, when the following situations exist;

 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Thirteen or more people present at any one time,
 - 3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Chapter 17.18

R-3 TWO-FAMILY RESIDENTIAL ZONE

Section 17.18.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:
 - 1. The structure is a residential dwelling unit.
 - 2. The provider resides at the dwelling.
 - 3. Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:
 - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Twelve or fewer people are present at any one time at the center.
 - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 4. Operator must have the appropriate licenses required by state regulations.
- G. Residential Home as defined in Chapter 17.06 (Definitions)
- ~~E. Day care facility, under the following provisions:

 - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 - 2. Twelve or fewer people are present at any one time at the center.
 - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~

- 4. ~~That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.~~
- F. ~~Residential Home as defined in Chapter 17.06 (Definitions).~~
- G. ~~Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.18.020 Conditional Uses.

- B. Child Care Center, under the following provisions;**
 - 1. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 2. **Operator must have the appropriate licenses required by state regulations.**
- C. Church;**
- D. Community building, including library;**
- E. Day Care Facility (Adult), under the following provisions**
 - 1. **The structure is not a residence.**
 - 2. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 3. **Operator must have the appropriate licenses required by state regulations.**
- ~~D. Day care facility, when the following situations exist;~~
 - 1. ~~The structure is not used as a residence by the operators, and/or~~
 - 2. ~~Thirteen or more people present at any one time,~~
 - 3. ~~That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Section 17.21.010 Permitted Uses.

- G. Residential Home as defined in Chapter 17.06 (Definitions)**
- F. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
 - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 - 2. The dwelling shall have a common wall at the “zero” lot line.
 - 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 - 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
 - 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 - 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
 - 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty

(50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

G. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:

1. **The structure is a residential dwelling unit.**
2. **The provider resides at the dwelling.**
3. **Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
4. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
5. **Operator must have the appropriate licenses required by state regulations.**

H. Day Care Facility (Adult), under the following provisions:

1. **The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
2. **Twelve or fewer people are present at any one time at the center.**
3. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
4. **Operator must have the appropriate licenses required by state regulations.**

~~F. Boardinghouse, lodginghouse, or roominghouse; [Deleted per Ordinance 5047.]~~

~~G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:~~

- ~~1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.~~
- ~~2. The dwelling shall have a common wall at the "zero" lot line.~~
- ~~3. Each lot shall comprise not less than twenty-five hundred square feet in area.~~
- ~~4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.~~
- ~~5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.~~
- ~~6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.~~
- ~~7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.~~
- ~~8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.~~

~~H. Day care facility, under the following provisions:~~

- ~~1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
- ~~2. Twelve or fewer people are present at any one time at the center.~~

- ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
- ~~4. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

Section 17.21.020 Conditional Uses.

- C. Child Care Center, under the following provisions;**
 - 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 2. Operator must have the appropriate licenses required by state regulations.**
- D. Church;**
- E. Community building, including library;**
- F. Day Care Facility (Adult), under the following provisions**
 - 1. The structure is not a residence.**
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 3. Operator must have the appropriate licenses required by state regulations.**
- ~~E. Day care facility, when the following situations exist;~~
 - ~~4. The structure is not used as a residence by the operators, and/or~~
 - ~~5. Thirteen or more people present at any one time,~~
 - ~~6. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Chapter 17.22

R-5 MULTIPLE-FAMILY RESIDENTIAL ZONE

Section 17.22.010 Permitted uses. In an R-5 zone, the following uses and their accessory uses are permitted:

- A. Multiple-family dwelling;
- B. Condominium;
- C. Boardinghouse, lodging house, or rooming house;
- D. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
 - 1. The structure is a residential dwelling unit.**
 - 2. The provider resides at the dwelling.**
 - 3. Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 5. Operator must have the appropriate licenses required by state regulations.**
- ~~D. Day care facility, under the following provisions:~~
 - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~2. Twelve or fewer children are present at any one time at the center.~~

- ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code, as amended, are met.~~
- ~~4. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810.~~
- ~~E. Residential child care facility, under the following provisions:~~
 - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~2. Five or less children under care reside in the home at any one time.~~
 - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code, as amended, are met.~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Section 17.22.020 Conditional uses. In an R-5 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66:

- A. Campus living organization (fraternity, sorority, or dormitory);
- B. Cemetery;
- C. Church;
- D. Community building, including library;
- E. Child Care Center, under the following provisions;**
 - 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 2. Operator must have the appropriate licenses required by state regulations.**
- ~~E. Day care facility, when the following situations exist:~~
 - ~~1. The structure is not used as a residence by the operators; and/or~~
 - ~~2. Thirteen or more children are present at any one time; (as amended by Ordinance 4534 April 27, 1993)~~
 - ~~3. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810 (as amended by Ordinance 4534 April 27, 1993).~~
- ~~F. Residential care facility, when the following situations exist:~~
 - ~~1. The structure is not used as a residence by the operators; and/or~~
 - ~~2. Six or more children are present at any one time.~~

Chapter 17.24

O-R OFFICE RESIDENTIAL ZONE

Section 17.24.020 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
 - 1. The structure is a residential dwelling unit.**
 - 2. The provider resides at the dwelling.**
 - 3. Child care is offered to more than three children from more than one family at any one time other than the provider's children, and not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
 - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 5. Operator must have the appropriate licenses required by state regulations.**

- F. **Clinic**
- G. **Day Care Facility (Adult), under the following provisions:**
 - 1. **The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
 - 2. **Twelve or fewer people are present at any one time at the center.**
 - 3. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 4. **Operator must have the appropriate licenses required by state regulations.**
- ~~F. Day care facility, under the following provisions:~~
 - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~2. Twelve or fewer children are present at any one time at the center.~~
 - ~~3. Requirements of the Oregon State Structure Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
 - ~~4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.~~
- ~~G. Dressmaking or tailor shop;~~
- ~~N. Residential child care facility, under the following provisions:~~
 - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
 - ~~2. Five or less children under care reside in the home at any one time.~~
 - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met;~~
- N. Dressmaking or Tailor shop;**

Section 17.24.030 Conditional Uses.

- A. Child Care Center, under the following provisions;**
 - 1. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 2. **Operator must have the appropriate licenses required by state regulations.**
- B. Church;**
- C. Day Care Facility (Adult), under the following provisions**
 - 1. **The structure is not a residence.**
 - 2. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 3. **Operator must have the appropriate licenses required by state regulations.**
- ~~B. Day care facility, when the following situations exist:~~
 - ~~1. The structure is not used as a residence by the operators, and/or~~
 - ~~2. Thirteen or more children are present at any one time;~~
 - ~~3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.~~
- ~~C. Residential care facility, when the following situations exist:~~
 - ~~1. The structure is not used as a residence by the operators, and/or~~
 - ~~2. Six or more children are present at any one time;~~

Chapter 17.27
C-1 NEIGHBORHOOD BUSINESS ZONE

Section 17.27.010 Permitted Uses.

- M. Child Care Center, under the following provisions;**
 - 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 2. Operator must have the appropriate licenses required by state regulations.

Chapter 17.30
C-2 TRAVEL COMMERCIAL ZONE

Section 17.30.010 Permitted Uses.

- B. Child Care Center, under the following provisions;**
 - 1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 2. Operator must have the appropriate licenses required by state regulations.

~~B. Boardinghouse, lodginghouse or roominghouse; [Deleted per Ordinance 5047.]~~

Chapter 17.33
C-3 GENERAL COMMERCIAL ZONE

Section 17.33.010 Permitted Uses.

- 74. Day Care Facility (Adult), under the following provisions**
 - 1. The structure is not a residence.
 - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 - 3. Operator must have the appropriate licenses required by state regulations.

Section 17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- ~~A. Day care facility;~~
- B. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- ~~C. Residential care facility;~~
- D. Public or private school;
- E. Public transportation passenger terminal;

Chapter 17.36

M-L LIMITED LIGHT INDUSTRIAL ZONE

Section 17.22.020 Permitted Uses.

- BB. Child Care Center, under the following provisions;**
1. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 2. Operator must have the appropriate licenses required by state regulations.
- CC. Day Care Facility (Adult), under the following provisions**
1. The structure is not a residence.
 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
 3. Operator must have the appropriate licenses required by state regulations.

Section 17.36.030 Conditional uses. In the M-L zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Cable television ground receiving station;
- B. Cemetery;
- C. ~~Day care facility;~~

Chapter 17.39

M-1 LIGHT INDUSTRIAL ZONE

Section 17.39.030 Conditional uses. The following uses and their accessory uses may be permitted, subject to the provisions of Chapters 17.72 and 17.74:

- A. Agricultural supply store, wholesale or retail;
- B. Recycling collection center;
- C. Service stations;
- D. Cemetery;
- E. ~~Day care facility;~~
- F. Public uses, limited to sewage treatment plants, schools and churches;
- G. Other similar conditional uses, approved subject to the provisions of Section 17.54.010(C). (Ord. 4522 §1(part), 1992).

Chapter 17.42

M-2 GENERAL INDUSTRIAL ZONE

Section 17.42.010 Permitted uses. In an M-2 zone, the following uses and their accessory uses are permitted:

- A. A use permitted in the M-1 zone **(except for Child Care Center and Day Care Facility (Adult))**;
- B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;
- C. Manufacture, processing, and storage of grains or fertilizer;
- D. Airport. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Section 17.42.020 Conditional uses. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Automobile wrecking yard;
- B. **Child Care Center, under the following provisions;**
 - 1. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 2. **Operator must have the appropriate licenses required by state regulations.**
- C. **Day Care Facility (Adult), under the following provisions**
 - 1. **The structure is not a residence.**
 - 2. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
 - 3. **Operator must have the appropriate licenses required by state regulations.**
- ~~B. Day Care Facility;~~

(Re-calibrate lettering for the remainder of this section as appropriate)

Chapter 17.60

OFF-STREET PARKING AND LOADING

Section 17.60.060 Spaces—Number required

B. Institutional land use category:

- 5. Day care, **child care center**, preschool, nursery, or kindergarten **One space per employee, and a designated pick-up and drop off zone for two vehicles which can be on-street parking if it is not immediately adjacent to another use.** ~~for each teacher or supervisor.~~

Exhibit C

STATE OF OREGON

OFFICE OF GOVERNOR KATE BROWN



Regional Solutions & Early Learning Division

Child Care Workgroup

EXECUTIVE SUMMARY

January 2020

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Introduction

In January 2019 Oregon State University through the Oregon Child Care Research Partnership released the report “Oregon’s Child Care Deserts: Mapping Supply by Age Group, Metropolitan State and Percentage of Publicly Funded Slots” prepared for the Oregon Early Learning Division.

This report found that:

“[M]any families with young children live in what experts have defined as a child care desert, a community with more than three children for every regulated child care slot. Using this standard, families with infants and toddlers in every Oregon county live in a child care desert. The picture is only slightly better for families with preschool-age children; families in 25 of 36 counties live in a child care desert.”

Building a strong economy for all of Oregon requires a level of collaboration and integration that goes beyond current practices. The Regional Solutions Program approaches community and economic development by recognizing the unique needs of each region in the state and working at the local level to identify priorities, solve problems, and seize opportunities to get specific projects completed. The goal of the Regional Solutions Program is to align state resources (staff capacity, information, grant funding programs) with other public, private and philanthropic funds to address regional economic and community development priorities. To implement this vision Governor Brown has appointed advisory committees for each of the eleven regions. The committees have two purposes: help coordinators and state agency teams identify high level priorities for community and economic development; and help connect resources from the community to expand the collective capacity to solve problems and seize opportunities. In April 2019 the Central Oregon Regional Solutions Committee identified availability/affordability of child care as a regional priority. Coordinators in other regions also indicated that this issue was a priority in their regions.

As a result, the Regional Solutions Program and Early Learning Division co-convened a state agency workgroup to better understand the state touchpoints and opportunities to support increasing the supply of high quality providers and child care slots. This report summarizes what we learned about the regulatory context related to child care facility construction and licensing, state programs that may support the creation of additional child care slots, child care tax incentives and pilot projects from around Oregon.

The contributors to this report would like to recognize the policy components related to the provision of child care that are included within this analysis. We would like to emphasize that further research into the child care policy arena is necessary and occurring. For example, the need for child care outside of traditional hours is a consideration outside the scope of this report, but vital to successful policy creation.

Workgroup Membership

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Glenn Geiger, Deputy State Fire Marshal, Oregon Office of the State Fire Marshal
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Definitions

ADA	Americans with Disabilities Act
BCD	Building Codes Division
BOLI	Bureau of Labor & Industries
CACFP	Child and Adult Care Food Program
CAP	Capital Access Program
CBR	Central Background Registry
CC	Child Care Center
CCDF	Child Care Development Fund
CCR&R	Child Care Resource and Referral
CEF	Credit Enhancement Fund, Oregon
CF	Certified Family Child Care Home
CPR	Cardiopulmonary Resuscitation
DHS	Department of Human Services, Oregon
DLCD	Department of Land Conservation and Development
DPU	Direct Pay Unit
EDLF	Entrepreneurial Development Loan Fund
ELD	Early Learning Department
EOA	Economic Opportunity Analysis
ERDC	Employment Related Day Care
FBI	Federal Bureau of Investigation
FPL	Federal Poverty Limit
JOBS	Job Opportunities & Basic Skills Training
NFPA	National Fire Protection Association
OAR	Oregon Administrative Rule
OCC	Office of Child Care
ODE	Department of Education, Oregon
OED	Employment Department, Oregon
OIB	Oregon Investment Board
ORS	Oregon Revised Statutes
OSFM	Office of State Fire Marshal
OSSC	Oregon Structural Specialty Code
RF	Registered Family Child Care Home
RS	Regional Solutions
SBDC	Small Business Development Center Network
SEA	Self-Employment Assistance Program
SMI	State Median Income
SQTL	Staff Qualifications and Training Logs
STC	Short Time Compensation
SUD	Supplemental Unemployment for Dislocated Workers
TA	Technical Assistance
TANF	Temporary Assistance for Needy Families
TGM	Transportation and Growth Management
TRA	Trade Readjustment Allowances
TUI	Training Unemployment Insurance
UI	Unemployment Insurance
USDA	U.S. Department of Agriculture
WOTC	Work Opportunity Tax Credit
WSDOT	Washington State Department of Transportation

Regulatory Context

Early Learning Division

Oregon Department of Education

The Early Learning Division's (ELD) mission is to support all of Oregon's young children and families to learn and thrive. ¹ ELD is an independent division of the Oregon Department of Education; its policy board is the Early Learning Council, a nine member Governor-appointed public board charged with coordinating a cross-sector system at the state level to improve kindergarten readiness.

The ELD is responsible for oversight of a statewide early care and education system. This work includes administration of state and federal early care and education programs such as Preschool Promise, prenatal to age five Oregon Prekindergarten, home visitation programs, Baby Promise, Relief Nurseries, Early Learning Hubs, and professional learning for early childhood educators and caregivers.

As Oregon's child care agency, the ELD is also responsible for the design and implementation of the state's child care work and serves as the lead agency for the federal Child Care Development Fund (CCDF). The child care licensing program ensures the health and safety of children in regulated child care settings across the state, technical assistance to providers to meet child care regulations, and is responsible for providing information to families about the availability of safe and quality child care. Staff members are located in a central office in Salem and in field offices in various parts of the state.

¹ Oregon Department of Education, Early Learning Division. (2019)

Types of Child Care Facilities

Child Care Center (CC)

A facility, usually located in a commercial building, in which children receive care. The number of children allowed depends on the physical size of the facility and the number of qualified staff members.² A CC has the ability to staff, and employees are required to meet job related requirements. A CC can provide full day care, seven days a week. At CC licensure is for one year. The rules that apply to child care centers are OAR 414-300-0000 to OAR 414-200-0415.

Registered Family Child Care Home (RF)

A facility in the provider's own home in which up to 10 children receive child care. Of those 10 children, six children may be preschool age or younger, two of the six preschool children may be under 24 months of age. **The provider's own children are included in the number of children in care.** RF licensure is for two years. The rules that apply to registered family child care homes are OAR 414-205-0000 to OAR 414-350-0170.

Certified Family Child Care Home (CF)

A facility in a building constructed as a single family dwelling in which up to 16 children receive child care. The number of children depends on the physical size of the home, provider qualifications, and the number of qualified caregivers. CF licensure is for one year. **The provider's own children are included in the number of children in care.** The rules that apply to certified family child care homes are OAR 414-350-0000 to OAR 414-350-0405.

Continue to next page.

² The following ratios apply to CC facilities meeting qualified staff requirements; Newborn to 23 months 1:4 ; 24 - 35 months 1:5; and, 36 months to kindergarten 1:10.

Programs Exempt from Licensing

There are several types of programs that provide care to children that are exempt from licensing by the ELD. **These include:**

- Providing care in the home of the child when all of the children being cared for reside in that home;
- Caring for children that are related within fourth degree (fourth degree relative);
- All of the children are from the same family;
- Care is conducted occasionally care and not more than 70 days a year;
- Caring for fewer than three children at any one time, *not including their own children*;
- A school age program focused on single enrichment for no more than 8 hours a week (e.g. karate class);
- Program that are mostly a group athletic or social activity sponsored by organized club or hobby group (e.g. boy scouts);
- **Parent Cooperatives** – Parents of the children must provide care on a rotating basis and the program cannot operate for more than four hours per day;
- Programs operated by school district, political subdivision of the state or a governmental agency;
- Program where parents of children remain on site (e.g. child care at a health club);
- **Preschool Recorded Program** – Children are between the age of three years old and kindergarten, it is primarily educational, and children not present for more than four hours a day;
- **School Age Recorded** – Youth development activities that do not take the place of a parent’s care during the hours that school is not in session.

Continue to next page.

Provider Requirement by Facility Type

Central Background Registry

Enrollment in the Central Background Registry (CBR) is required as part of the licensing process. All child care staff, support staff and administrative staff who may have unsupervised access to children must have a background check completed by OCC and be enrolled in the CBR. Other individuals who are not employed or living in the facility may also be required to be enrolled in the CBR if their presence or role permits unsupervised access to children. Federal and state law requires OCC perform FBI fingerprint based background checks and obtain criminal history on all applicants including a child protective service check in all states where the individual has resided in the past five years. OCC currently subsidizes the CBR enrollment cost.

Certified Child Care Centers

Teacher qualifications:

- 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in specific areas depending on the age group in care; or
- A one year state or nationally recognized credential in the age group in care; or
- One year of teaching experience in a group care setting such as a child care center or preschool; or
- Six months teaching experience in a group care setting AND completion of 10 credits (semester system) or 15 credits (quarter system) as a college or university; or
- Step eight in the Oregon Registry.
- First aid
- Infant/child CPR
- Food Handler's
- Training on recognizing and reporting child abuse and neglect
- OCC health and safety training
- OCC Safe Sleep training

Ongoing training:

- 15 hours annually with at least 8 hours in child development

Registered Family Child Care

Provider must complete prior to licensing:

- Introduction to Registered Family (two part)
- First aid
- Infant/child CPR
- Food Handler's
- Training on recognizing and reporting child abuse and neglect
- OCC health and safety training
- OCC Safe Sleep training

Ongoing training:

- 10 hours every two years with at least 6 hours in child development

Certified Family Child Care

Provider qualifications:

- One year of teaching experience in a setting such as child care center or preschool; or
- One year as a registered family child care; or
- Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in early childhood education or child development; or
- Step eight in the Oregon Registry.

Provider must complete prior to licensing:

- First aid
- Infant/child CPR
- Food Handler's
- Training on recognizing and reporting child abuse and neglect
- OCC health and safety training
- OCC Safe Sleep training

Ongoing training:

- 15 hours annually with at least 8 hours in child development

Child Care Facilities – Licensing Procedure

There are three types of licensing applications. Initial applications are when a facility is opening for the first time. Renewal applications are when a facility is renewing their facility license. Reopen applications are when a facility is either reopening a facility that has been closed, or they are “reopening” at a new address.

CC and CF Initial Applications

Office of Child Care (OCC) provides information materials to prospective applicants for Child Care Center (CC) and Certified Family Child Care Home (CF). When that person has reviewed the material and is ready, they send OCC required permits and proposed floor plan, which OCC staff review. OCC consults with them to determine whether they will likely qualify to provide care, how many children they would be able to care for, any changes they will need to make, etc. If the prospective provider wants to proceed, OCC sends an application packet. During the application process the prospective provider secures sanitation inspection, fire inspection, and has water tested for lead. They submit the application materials, and OCC reviews for prior licensure, any prior concerns, inspection reports, and floor plan. OCC then visits the site to review for licensing. OCC and the applicant discuss health and safety issues and any other issues including non-compliance. OCC checks the facility’s staff for qualifications and ensures all background checks are completed (see below for the Central Background Registry).

If the facility has met all health and safety standards, and is only lacking in areas that will not affect children’s health and safety, OCC issues a temporary license. This allows the provider to begin operating. OCC also gives the provider information about federal reimbursements for nutritious food, and refers to the Health Department for requirements on communicable disease reporting, immunization, etc. A follow-up visit may occur if children were not present at the licensing visit. When the program review is complete and all deficiencies have been corrected, OCC issues an annual license.

OCC is typically able to respond to requests for precertification visits within two weeks of the receiving the request. The timeframe for receiving a license depends on many factors. OCC cannot issue a license until all city and zoning approval approvals are in place, and fire marshal and environmental health inspections have occurred. This process can take anywhere from four weeks to several months depending on the local jurisdiction and their requirements. More information on infrastructure requirements is discussed later within this report.

RF Initial Applications

Initial inquiries about registered family (RF) child care registration are directed to the local Child Care Resource and Referral (CCR&R). The CCR&R, a state subsidized organization that provides resources to recruit, train, and support child care facilities and work force, gives the prospective provider information about attending a two-part overview session. Part one is available online and done independently. Part two is in-person at the local CCR&R. During this training, prospective providers receive an application packet including information on required trainings and fees, and central background registry (CBR) forms.

Upon receipt of a completed application, OCC reviews for prior licensure and any concerns, verifies enrollment in the CBR, and that training (health and safety, overview classes) have been completed. OCC then visits the site and determines whether the facility meets required health and safety standards. If standards are met, a license is issued. If there are deficiencies, OCC advises the potential provider of the needed corrections and later conducts an additional visit to confirm corrections have been made. OCC also gives them information about federal reimbursements for nutritious food, and refers to the Health Department for requirements on communicable disease reporting, immunization, etc.

A visit can typically be conducted within two weeks of the application submission, if the applicant has completed all required trainings and background checks. From start to finish, a registered family license can be obtained within eight weeks depending on the schedule of required classes, and the responsiveness of the applicant to the background check process.

Renewal Applications

When a provider applies to renew their license, OCC schedules a visit. If OCC receives the application at least 30 days prior to expiration date, the license remains active until the agency makes a decision. If the application is received less than 30 days before expiration, the license will not extend beyond the expiration date if not yet approved. However, OCC can process such an application as a high priority.

During the visit, OCC goes through the appropriate health and safety checklist for the corresponding type of facility and notes any noncomplying items. OCC reviews sanitation and fire inspections (if required), and records of staff training, qualifications, and CBR enrollment. OCC also reviews children's enrollment records. The visit can occur when the facility is closed, in which case a follow-up program review visit will be scheduled when children are on site.

Consequence for findings of noncompliance depend on severity. Minor violations are noted in writing and result in an informal discussion and

agreement to correct the item. Moderate violations, those that present potential risk, or a significant accumulation of minor issues, are noted in writing, and result in an agreement to correct the items in specific timeframes. Unless corrected during the visit, a follow-up visit (or in some cases photos or other documentation) is used to confirm the correction. If the item is a repeat of a prior violation or significant accumulation of minor violations it will be noted in the OCC database. Moderate violations can delay renewal of a license. Major violations – substantial, clear, serious risk (but not imminent danger) – is noted in writing, entered in the OCC database, and results in a noncompliance letter to provider. A stop-gap correction must be done immediately or, depending on the situation, within 24 hours. OCC and the provider agree to a timeframe to implement a permanent correction, which must be verified with a follow-up visit. The license will not be renewed until the permanent solution is in place.

For CC (child care center) and CF (certified family), majority compliance results in a temporary license, along with a list of needed corrections and timeline. OCC conducts a follow-up visit to verify full compliance. When a facility is in full compliance OCC issues the annual (CC and CF) or two-year (RF) license, and updates the database.

There are nuances depending on the type of facility and violation. Missing training is an example. For a CC or CF that has not completed yearly training, a temporary license will be issued, and the facility will be given 60 days to complete and submit their training. Continued noncompliance can result in additional time to complete, and civil penalties. In contrast, an RF with incomplete training will not be given a temporary license and not renewed until training is complete.

Temporary License

Temporary licenses are only available for CF and CC facilities. RF facility licenses are only renewed once the facility passes the health and safety review visit. The maximum period for temporary license is 180 days.

For CF and CC facilities, the decision to allow a temporary license pending correction of violations depends on several factors, and is largely at the discretion of OCC. Temporary license may be granted if the facility is in majority compliance and has been inspected and approved for temporary operation by the environmental health specialist. A CC may be given temporary license pending the fire safety inspection.

OCC informs the applicant of the specific deficiencies which resulted in a temporary (rather than full) license, and provides technical assistance on how to meet the requirements.

OCC must determine that requirements have been met before issuing an annual license.

Full License

When the facility is in compliance with the rules, it will be issued an annual (CC or CF) or two-year (RF) license. The CF or CC license expires one year from the beginning of the temporary license, if a temporary has been given. The RF license expires two years from the licensing date.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), the written request is evaluated by OCC based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the rule. Using an OCC form, the provider request must include a justification for the requested exception and explanation of how the facility will meet the intent of the rule. OCC will not grant an exception if the requirement is established by statute; OCC will only grant an exception if the health, safety and well-being of children are ensured. OCC may grant the exception as made or with conditions. Exceptions can only be granted with approval from a senior licensing specialist. If granted, OCC prints and sends a new license document showing the exception, and enters the exception in the database.

During license renewal process, OCC reviews any ongoing exception for the facility. In cooperation with the provider OCC determines if the exception is still relevant, and can renew the license with the continued exception.

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Building & Fire Codes

Building Codes Division

The Building Codes Division (BCD) administers Oregon's Statewide Building Code, which provides uniform standards that ensure newly constructed residential and commercial buildings are safe for citizens to occupy. ³ The state legislature established a "uniform" building code in 1973; the division celebrated the 40th Anniversary of that statewide code in 2013. The division also administers and regulates building laws and rules, and licenses qualified businesses and individuals who work in these trades: electrical, plumbing, boiler and pressure vessel, and elevator.

Mission

To work with Oregonians to ensure safe building construction while promoting a positive business climate within the state.

The BCD provides a range of services to support the people of Oregon, including: adopting a set of construction codes which are applicable throughout the state; licensing construction trades workers, inspectors and businesses; training and certifying building inspectors and building officials; enforcing laws and rules to ensure safe building practices; providing permitting and inspection services; and, collaborating with cities and counties to promote efficient building practices and positive economic development.

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³ Information provided by the Dept. of Consumer and Business Services, Building Codes Division (2019)

The Oregon Structural Specialty Code

The Oregon Structural Specialty Code (OSSC) regulates child care facilities in other than dwellings. The Oregon Residential Specialty Code covers one- and two-family dwellings and townhouses. The following sections provide a brief overview of OSSC child care facility requirements as they relate to the following areas:

- Occupancy Classification
- Sprinkler Systems
- Fire/Smoke Alarms
- Accessibility (ADA)

Nomenclature: *The OSSC uses the term “daycare” in place of “child care.”*

Considerations for Existing Structures

Additional items for consideration when converting existing commercial space to a child care facility include but are not limited to:

Change of Occupancy

When converting a commercial building or space from say an office (B occupancy classification) to a child care facility (E OR I-4 occupancy classification) a change of occupancy analysis is required which will trigger a review by the local building department. Plans stamped by a design professional (Oregon Architect or Engineer) must be submitted for review and approval by the building department having jurisdiction.

Conformance *(Per OSSC 3408.1)*

“No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

For example, if the new occupancy classification requires a sprinkler system and the existing building had none, one would have to retrofit.

Accessibility

As to “accessibility,” OSSC Section 3408.1 states: “Unless additions or alterations are made to the building or facility, change in use or occupancy alone shall not require compliance with the provisions of Chapter 11, Accessibility.” Any additions would have to fully comply with new accessibility provisions. All renovations, alterations and modifications are subject to the requirements of ORS 447.241 “Standards for renovation, alteration or modification of certain buildings.”

This section of statute, AKA “The 25% Rule,” requires the removal of architectural barriers for persons with mobility impairments commensurate with the amount of renovation, alteration or modification being undertaken to the “area of primary function.” In this application, if renovating the areas of an existing commercial building which were to be used for day care (or the area of primary function), one is required to remove architectural barriers up to the point that the cost exceeds 25 percent of the alteration to the primary function area. In simple terms, if the cost of the alteration to the “area of primary function” was \$20,000, one would need to spend an additional \$5,000 to remove architectural barriers.

ORS 447.241 provides a priority punch list as follows:

- (a) Parking;
- (b) An accessible entrance;
- (c) An accessible route to the altered area;
- (d) At least one accessible rest room for each sex or a single unisex rest room;
- (e) Accessible telephones;
- (f) Accessible drinking fountains; and,
- (g) When possible, additional accessible elements such as storage and alarms.

In choosing which accessible elements to provide under this section, priority shall be given to those elements that will provide the greatest access.

In short, one would remove existing barriers per the priority in statute up to the point that the \$5,000.00 was exhausted. For example, if the \$5,000.00 was exhausted after providing an accessible Parking Space (item “a”), an accessible entrance (item “b”) and an accessible route to the altered area (item “c”), the statute would be satisfied. One would continue down the list of priorities until the 25% pool of money is used up.

Use of Existing Single-Family Dwellings for Child Care Facility

While the base requirement from the State Building Code is that a sprinkler system be installed, local building officials have discretion to approve alternate methods of compliance. For example, depending upon the condition of the existing dwelling, a building official may be willing to accept additional exits, additional smoke alarms and perhaps heat detectors/alarms in lieu of a sprinkler system. Each home under consideration will require individual, site-specific evaluation.

Child Care Facility Classification Overview

1. Group E Educational, Oregon Structural Specialty Code

305.2.0	Descriptions
<p>More than five children older than 2 ½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.</p>	
305.2.1	Within places of religious worship
<p>Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.</p>	
305.2.2	Five or fewer children
<p>A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.</p>	
305.2.3	Five or fewer children in a dwelling unit
<p>A facility such as the above within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the Oregon Residential Specialty Code.</p>	
903.2.3	Sprinkler System - Group E
<ol style="list-style-type: none"> 1. Throughout all Group E fire areas ⁴ greater than 12,000 square feet (1115 m²) in area. 2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies. <p>Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.</p>	

⁴ **Fire Area:** The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

3. The Group E fire area has an occupant load of 300 or more.

907.2.3 Fire Alarms or Smoke Alarms - Group E

A manual fire alarm system is not required for Group E occupancies with an occupant load of 50 or less.

ORS 447.220 Accessibility (ADA) - General Purpose Statement

“It is the purpose of ORS 447.210 to 447.280 to make affected buildings in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act.”

- Group E daycare is included in the definition of “affected building.”

Features required to be “Accessible” include:

1. Parking
2. A route to entrances
3. A route throughout the building
4. Hardware, controls
5. Restrooms, grab bars, etc.
6. All common use areas including kitchens

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2. Group I-4 Institutional, Oregon Structural Specialty Code

308.5 -308.5.5	Descriptions - Institutional Group I-4, day care facilities
<p>This group shall include buildings and structures occupied by more than five persons of any age who receive custodial care⁵ for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for.</p>	
308.6.1	Classification as Group E
<p>A child day care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge⁶ serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.</p>	
308.6.2	Within places of religious worship
<p>Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.</p>	
308.6.3	Five or fewer persons receiving care
<p>A facility having five or fewer persons receiving custodial care shall be classified as part of the primary occupancy.</p>	
308.6.4	Five or fewer persons receiving care in a dwelling unit
<p>A facility such as the above within a dwelling unit and having five or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the Oregon Residential Specialty Code.</p>	

⁵ **Custodial Care:** Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes persons receiving care who evacuate at a slower rate and/or who have mental and psychiatric complications.

⁶ **Level of exit discharge:** Typically the ground floor.

903.2.6	Sprinkler System - Group I
<p>An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.</p> <p>Exception 2: An automatic sprinkler system is not required where Group I-4 day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.</p>	

907.2.6	Fire Alarms or Smoke Alarms - Group I
<p>A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I occupancies.</p>	

Accessibility (ADA)	
<p>Group I-4 day care is included in the definition of “affected building”. See statement for Group E above.</p>	

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3. Oregon Residential Specialty Code

R101.2	Descriptions - Scope, Item 2
Allows detached single-family residences to be used for family child care home or foster care in accordance with ORS chapters 418, 443 and 657A.	

Sprinkler System	
A residential sprinkler system (NFPA Standard 13D) is required in any single-family dwelling being used for any purpose other than residential. Local building officials may approve an alternate design to the sprinkler system where equivalent protection is provided. <i>Other purposes invoking the sprinkler system requirements include:</i> <ul style="list-style-type: none">• Daycare• Adult and child foster care• Live-work units	

R314.1	Fire Alarms or Smoke Alarms - General
Smoke alarms shall comply with NFPA 72 and Section R314 of the Oregon Residential Specialty Code.	

Accessibility (ADA)	
Generally not required.	

Oregon State Fire Marshal

The Office of State Fire Marshal (OSFM) delivers community safety services that are comprehensive, effective, and of high value through partnering and collaboration with various agencies and the community. OSFM services are planned, developed, and delivered through collaboration with stakeholders. Each program has performance measures for key mission areas, and each manager works with their staff to develop a biennial work plan to accomplish its goals. Process and outcome improvement is emphasized at all levels in all programs. Employee contributions. All program managers strive for timely response and development of competent, empowered, problem-solving employees. Competent employees are a key component to premier customer service. The success of our agency relies on our employees.

Mission

Protecting citizens, their property, and the environment from fire and hazardous materials.

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Fire Code Matrix

The following is a matrix overview of applicable Oregon fire codes for child care facilities in non-residential buildings. The building construction features found in Chapters 7, 9 and 10 are maintained by the fire official as approved by the building official at the time of construction.

Note: this list should not be viewed as comprehensive, reflecting all requirements, nor does it attempt to suggest an oversimplification of complex codes or standards.

Category	Requirement	OR Fire Code
General Fire Requirements	Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard.	304.2
	Open flames such as from candles and heaters shall not be located on or near decorative material or similar combustible materials.	305.1 308.1.5
Emergency Planning & Preparedness	Provide documentation of compliance based on occupancy specific requirements related to: employee training; emergency evacuation drills; fire safety, evacuation and lockdown plans; and hazard communication.	Chapter 4
Fire Service Features	Fire apparatus access roads shall be provided and maintained.	503.1
	NO PARKING—FIRE LANE signs shall be provided for fire apparatus access roads.	503.3
	Buildings shall be provided with approved address identification	505.1
	A key box to be installed in an approved location if required by the fire department.	506.1
	A water supply capable of supplying the required fire flow for fire protection shall be provided to premises.	507.1
	Identify and maintain access to rooms containing fire protection equipment.	509
Building Services & Systems	Gas appliances to be installed per Oregon Mechanical Specialty Code	603
	Electrical hazards shall be abated.	604.1
	Multiplug adapters are not allowed but “power strips” are acceptable when used per code.	604.4
	Extension cords shall not be a substitute for permanent wiring.	604.5
	Electrical equipment and fixtures (such as appliances) shall be tested and listed by an approved agency (such as “UL”) and installed and maintained in accordance with all instructions (owner’s manual).	604.7
	Portable, electric space heaters shall be permitted to be used in certain occupancies in accordance with this code section.	604.10

Category	Requirement	OR Fire Code
	Type I hood shall be installed above all cooking appliances used for commercial purposes that produce grease vapors. The required automatic fire extinguishing systems protecting commercial cooking systems shall be serviced. All records shall be maintained.	607
Fire & Smoke Construction	The fire-resistance rating of rated construction shall be maintained. Examples: ceiling and wall penetrations repaired. Fire doors not blocked open.	Chapter 7
Decorative Materials & Furnishings	Natural Christmas trees are only allowed in buildings with full fire sprinkler systems.	806
	Educational occupancies shall not use corridors for storage, and must limit artwork in corridors to 20% of the wall area and 50% in classrooms.	807.5.2
Fire Protection Systems	Fire alarm systems, portable fire extinguishers, fire-extinguishing systems, and fire sprinkler systems shall be inspected, tested maintained in an operative condition at all times. Records shall kept as required for the fire official.	Chapter 9
Egress	The means of egress (exiting) shall be maintained.	Chapter 10

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Section 2

State Support Programs

Oregon Department of Education Early Learning Division

Baby Promise

A targeted, contract-based program, will reimburse providers for the cost of delivering high quality infant/toddler slots. The program makes care available to families at or below 185 percent of federal poverty, which is about \$46,000 annually for a family of four. The ELD is currently piloting Baby Promise with three CCR&Rs in Multnomah County, Coos and Curry Counties, and Central Oregon for a total of 250 slots. This legislative session, HB 2024 passed into law creating a statutory framework to support Baby Promise expansion in future biennia.

Preschool Promise

A publicly funded, high quality, full-day preschool program for families whose incomes are at or below 200 percent of the Federal Poverty Level about \$48,000 annually for a family of four. The program currently reaches 1,300 three- and four-year old children and families, allowing for families to choose options in a range of settings, including elementary schools, Head Start programs, licensed center- and home-based child care programs and community-based organizations. During the 2019 legislative session, Preschool Promise received funding through the Student Success Act Early Learning Account, allowing for approximately 2,500 new slots statewide.

Oregon Prekindergarten

Oregon's largest early learning investment. OPK expands the federal Head Start program to reach additional families with incomes at or below 100 percent of the Federal Poverty Level about \$24,000 annually for a family of four. Program services include health, early childhood education, parent involvement, mental health, social services, nutrition, and home visitation. Oregon Prekindergarten services are delivered by 28 community-based organizations or public schools across the state, the majority of whom also receive federal Head Start grant funds. During the 2019 legislative session, the legislature made changes to the program to expand investments in OPK for children prenatally through age three, reaching an estimated 1200 additional families. New investments will also enhance existing OPK slots by providing funds for Head Start programs to convert from half day to full day services, and for OPK teachers to receive raises bringing them closer to commensurate pay with public school teachers.

Workforce Development & Professional Learning

The ELD administers child care quality federal investments through the Child Care Development Fund. These resources are primarily utilized to support a regional network of 13 Child Care Resource and Referral (CCR&Rs) agencies across the state. CCR&Rs are responsible for providing a wide variety of program services which include recruiting, training and promoting retention of a high quality, diverse early learning and child care providers. As part of the Student Success Act, ELD received \$12.5 million annually to improve its professional learning supports for the early care and education workforce. This includes expanding access to high-quality education and training. ELD will return to the Legislature in the 2020 Session to present a plan to utilize these funds to ensure more early childhood educators and caregivers have access to competency-based training, technical assistance, and access to post-secondary education through scholarships.

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Department of Human Services

The Department of Human Services (DHS) is Oregon’s principal agency for helping Oregonians achieve wellbeing and independence through opportunities that protect, empower, respect choice and preserve dignity, especially for those who are least able to help themselves. ⁷

DHS provides direct services to more than 1 million Oregonians each year. These services provide a key safety net for those in our society who are most vulnerable or who are at a difficult place in their life.

Support Programs

Overview Matrix

There are three ways for families to access child care subsidy assistance through DHS.

Program	Acronym	Criteria	Copay	Payment Method
Employment Related Day Care	ERDC	Working Parents not receiving TANF	Copay	Billing issued by Direct Pay Unit (DPU)
Additional Programs				
Job Opportunities & Basic Skills Training	JOBS	May be receiving cash assistance and participating in training or work search programs	No Copay	Billing issued by Direct Pay Unit (DPU)
Temporary Assistance To Needy Families	TANF	Receive cash assistance while working or unemployed-very low income	No Copay	Billing issued by Direct Pay Unit (DPU)

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⁷ <https://www.oregon.gov/DHS/ABOUTDHS/Pages/index.aspx>

Employment Related Day Care (ERDC) Program

Assists families in accessing quality child care while they are working. ERDC is a subsidy program. This means the family pays a portion of the child care. This amount depends on the family size and income.

Basic Eligibility for ERDC

- Parent or caretaker is employed
- Income is below 185% of the Federal Poverty Limit (FPL)
- Has a child care need for a qualifying child (0-12 or 13-17 with special needs)
- Oregon resident
- Meet citizen/noncitizen requirements (child needing care only)
- Use a DHS approved child care provider

Note: Two parent families need to have work hours that overlap or one of the parents must verify they are unable to provide care due to mental or physical health reasons.

Changes Effective October 1, 2015 – 12 Month Eligibility

All ERDC cases are opened for no less than 12 months. Temporary changes to employment will not result in immediate closure. Child care may continue for work search, medical leave, or military transition.

Persons in Filing Group (Eligibility)	ERDC Eligibility Standard (185% FPL)
2	\$2,538
3	\$3,204
4	\$3,870
5	\$4,536
6	\$5,202
7	\$5,868
8 or more	\$6,534

All families receiving ERDC have a copay. The lowest copay is \$27. The current average copay per family is \$275 a month. Copays are calculated using the number of people in the family who must apply together and their combined income. The copay increases as the family income increases.

Note: The copay is calculated by a mathematical formula. Families whose income is at or below 50 percent of the 2007 FPL are assigned the minimum copay or 1.5% of the monthly countable income plus 10% (whichever is higher). For filing groups whose countable income is over 50% of the 2007 FPL, the copay is determined as a percentage of monthly income.

The Spark copay incentives are tiered
\$27 is waived to \$0
\$28 - \$200 is lowered by \$20 a month
\$201 and up is reduced by 10%

Lower copays when using a Spark provider

When a family chooses to connect a Spark rated provider they qualify for a lower copay. The copay is lowered the month after the provider is connected to their case. Families with the minimum copay will have their copay waived.

Priority Child Care Processing

Homeless families or families applying for child care for a foster child can have child care opened immediately, for a period, while the worker waits for income verification.

Student Child Care

Working parents can apply for additional hours to cover class time if attending a school that is eligible to receive Federal student aid.

Self-employment Coverage

Self-employed hours are eligible for child care.

Higher Exit Income Limit

Once approved for benefits families have a higher income limit for ERDC (250% FPL or 85% SMI whichever is higher)

Exit limit

Once a family is approved for ERDC they qualify to stay on the program until they reach the higher exit limit. This allows families to maintain child care while their income increases and reduces the cliff effect.

ERDC Income Limit after initial Certification & at Recertification

Persons in Filing Group (Eligibility)	Monthly gross income
2	\$3,566
3	\$4,405
4	\$5,244
5	\$6,130
6	\$7,030
7	\$7,930
8 or more	\$8,830

Wait List

A wait list is used to maintain the ERDC caseload within the legislatively approved cap (around 8,000 families). When the wait list is in effect, there are exemptions for some families. A family is exempt when they: received ERDC in one of the prior 2 calendar months, have a member who received TANF or Temporary Assistance to Domestic Violence Survivors (TADVS) in one of the prior 3 calendar months, receive a Child Welfare Waiver, or have a child eligible for a current contracted child care slot.

DHS Listed Child Care Providers

The ERDC program provides subsidy payments to a variety of child care providers. This ranges from licensed centers to license-exempt family providers. License-exempt family providers, known as family, friends and neighbor, are instrumental in providing care for children whose parents work irregular shifts and hours. Family, friend and neighbor providers are also the primary source of child care in many of Oregon's child care deserts. Providers are broken down by the following rate categories:

Licensed Care	
Certified Center	Care provided in a facility that is certified.
Certified Family	Care provided in a residential dwelling that is certified.
Registered Family	Child care provided in a residential dwelling that is registered as a Registered Family provider.

License-Exempt Care	
Standard Family	Care provided in the providers own home or in the home of the child when the provider does not qualify for the enhanced or licensed rate.
Enhanced Family	Child care is provided in the provider's own home or in the home of the child, and the provider meets the enhanced rate training requirements.
Standard Center	Care provided in a facility that is not located in a residential dwelling, is exempt from certification rules and staff do not meet requirements for enhanced rate.
Enhanced Center	Child care provided in an exempt center whose staff meets the enhanced rate training requirements.

To become a listed and approved provider with DHS a provider listing form must be completed and submitted to DHS Direct Pay Unit. The provider, any family members age 16 and above and visitors who are in the home during child care hours and have unsupervised access to the children are required to have a criminal and child protective services background check completed as part of the listing process. A person who lived outside the state of Oregon in the past 18 months must have an FBI background check completed (others may be required as well). Background checks for licensed providers are conducted through the OCC and follow OCC rules.

Orientation for License-Exempt Providers

Child care providers exempt from licensing are required to attend an orientation on the DHS processes. This includes listing, billing, payment, provider rights and responsibilities and food program resources available through U.S. Department of Agriculture (USDA).

Enhanced rate trainings are available after the orientation for providers who are interested in pursuing additional training and career advancement. The enhanced rate trainings include CPR/First Aid, Recognizing and Reporting Child Abuse and Neglect “What you can do about child abuse” and food handler certifications. Once the enhanced trainings are completed the provider receives a higher rate of pay.

Provider Requirements

License-exempt child care providers must complete the "Introduction to Child Care Health and Safety" two-hour, web-based training prior to being approved by DHS.

License-exempt providers who are not related to the children in care are also required to be CPR/First Aid certified, take Recognizing and Reporting Child Abuse and Neglect and pass an onsite monitoring visit prior to being approved by DHS. These providers are referred to as Regulated Subsidy providers.

Provider Payments

Payments made to child care providers are made for child care provided on or after the date the provider is in approved listing status or licensed by the OCC. This means the Department does not backdate the child care payment to the family’s date of eligibility unless the provider was in approved status or licensed on that date.

Payment Rates

DHS child care providers are paid either an hourly or monthly rate. Licensed providers and enhanced rate providers receive a facility type that allows them to bill a part-time monthly rate as well. Facility types are determined by the

Direct Pay Unit who reviews the provider listing form and verifies licensing status with OCC.

Providers who are licensed with the OCC receive a higher rate of pay than license-exempt or enhances rate providers. License-exempt family providers are at the lower end of the pay rate. License-exempt family providers can take additional classes to become enhanced or licensed. Providers are receive the higher rate the month after all classes are completed. To reach the DHS enhanced rate, classes are offered at no cost to the provider and an hourly stipend is paid for classroom time.

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Oregon Employment Department

The Oregon Employment Department (OED) has many programs under our mission to support business and promote employment.⁸ These programs treat child care businesses with employees as they do other businesses with employees. OED does not have any programs at this time that are focused specifically on child care businesses and providers, early childhood education providers, or child care availability.

The following are programs that could benefit child care businesses in Oregon and the child care workforce:

Self-Employment Assistance Program

The SEA program is an option for Unemployment Insurance claimants who have been identified as likely to run out of benefits before they return to work. Claimants are identified using a computerized mathematical formula called worker profiling. SEA program participants may attend SEA counseling/training and can engage in self-employment activities on a full-time basis. Participants must complete both a written business plan and a market feasibility study. The program operates as a collaborative effort between the Oregon Employment Department, and the Small Business Development Center Network (SBDC).

Trade Adjustment Assistance Program

The Trade Adjustment Assistance program helps workers who have lost their jobs as a result of foreign competition. Certified individuals may be eligible to receive one or more program benefits and services depending on what is needed to return them to employment. The following services may be available based on the availability of federal funds and individual eligibility: reemployment services; job search allowance; relocation allowance; additional unemployment insurance in the form of Trade Readjustment Allowances (TRA); a wage subsidy for re-employed workers aged 50 or older; training (in the classroom, on the job, and through apprenticeships); and a Health Coverage Tax Credit.

⁸ Oregon Department of Employment. "OED Summary for Child Care Workgroup." Salem: Jessica Nelson, June 28, 2019. Document.

Training Unemployment Insurance Program

The Training Unemployment Insurance (TUI) program lets eligible dislocated workers attend school and receive Unemployment Insurance benefits at the same time so they can continue to care for their families and obtain employment. The program does not pay for the training itself, but instead removes the work search requirements from your weekly claims while you attend school full time. Extended benefits are available for TUI participants. Supplemental Unemployment for Dislocated Workers (SUD) can provide up to an additional 26 weeks of benefits while you are participating in approved training through the TUI program.

Work Share Oregon Program

When times are tough, Work Share provides Oregon businesses an alternative to layoffs. This newly streamlined program allows employers to leverage unemployment insurance (UI) to subsidize a portion of lost wages for employers whose work time is reduced due to market downturns or other business stressors. Work Share (STC-Short Time Compensation) allows you to keep skilled employees during slow times by reducing work hours. Eligible staff whose hours and wages are reduced, receive a portion of their regular unemployment insurance benefits to compensate for the lost wages.

Work Opportunity Tax Credit

The Work Opportunity Tax Credit (WOTC) is a Federal tax credit designed as an incentive for businesses to hire individuals that consistently face significant barriers to employment. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers. Participating employers are compensated through a reduced federal income tax liability. WOTC joins other workforce programs that help incentivize workplace diversity and facilitate access to good jobs for American workers.

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Oregon Department of Land Conservation & Development

The Oregon Department of Land Conservation and Development (DLCD) is a small state agency. We work in partnership with local governments, and state and federal agencies, to address the land use needs of the public, communities, regions, and the state. The Land Conservation and Development Commission (LCDC) provides policy direction for the land use planning program and oversees DLCD operations.⁹

Under the statewide land use planning program, each city and county is called upon to adopt and maintain a comprehensive plan and an implementing zoning code consistent with 19 statewide planning goals. Recognizing that each city and county has unique values and aspirations, our job is to provide planning guidance and technical assistance to help communities plan for their future while considering the needs of the region and the state.

Helping cities and counties address these functions in the context of a wide range of state and local interests requires that we be problem solvers. The department's mission reflects this active role

DLCD Child Care Resources

The DLCD has several resources available to support Oregon cities in planning and providing opportunities for child care opportunities.¹⁰

Technical Assistance Grants

Each biennium, DLCD has funding available for planning projects throughout the state. The current grant cycle is July 2019 – June 2021 and priority projects include those which provide for planning for economic development. This funding source is often used by jurisdictions to update their Economic Opportunities Analyses (EOA), which can and often do include strategies related to child care to support the workforce. While the program has not previously funded a planning effort related solely to the provision of child care, it is possible that a jurisdiction or region could submit such a proposal for funding consideration.

⁹ Oregon Department of Land Conservation and Development Webpage, State of Oregon. July 2019

¹⁰ Oregon Department of Land Conservation and Development. "DLCD Child Care Resources." Salem: Scott Edelman, July 2019. Document.

Direct Technical Assistance

Per Oregon law (ORS 329A.440), registered and certified family child care homes are required to be allowed in all areas zoned for residential or commercial purposes. This means that these are considered residential uses and cannot be prohibited in zones that allow other residential uses. That said, cities are allowed to apply review criteria which could potentially serve as a financial or logistical impediment to establishing such uses. Through the Transportation and Growth Management (TGM) Code Assistance Program, operated in coordination with the Oregon Department of Transportation, cities can receive assistance with a code audit. Reducing barriers to and providing incentives for development of child care facilities within a jurisdiction's zoning ordinance can be part of such an audit. In addition, DLCD staff can provide direct assistance to jurisdictions related to how other cities deal with child care in their land use codes.

DLCD is interested in helping ensure cities are aware that in-home care must be allowed as a permitted use in all areas zoned for residential or commercial purposes, including single-family neighborhoods per ORS 329 A. 440 (). DLCD is updating its model code accordingly and will continue to help make sure this information is readily available to cities and counties.

ORS 329A.440

Application of zoning ordinances to registered or certified family child care homes

- (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.
- (2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.
- (3) A county may:
 - (a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;
 - (b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

- (c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).
- (4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Note: prior to 2013, this ORS was numbered 657A.440, so it may be referred to by that number in other publications (including the [TGM Model Code for Small Cities](#)).

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Oregon Department of Transportation

The Oregon Department of Transportation (ODOT) began in 1913 when the Oregon Legislature created the Oregon Highway Commission to "get Oregon out of the mud."¹¹

Today, we develop programs related to Oregon's system of:

- Highways, roads, and bridges;
- Railways;
- Public transportation services;
- Transportation safety programs;
- Driver and vehicle licensing; and,
- Motor carrier regulation.

In support of the Regional Solutions Child Care Workgroup, the ODOT has several resources to share regarding child care and support for local child care facilities. These resources are listed below and include external grants and an internal program to support child care benefits.

Transportation Growth Management (TGM) Program

The TGM program, in partnership with the DLCD, has a Code Assistance program which helps local governments identify and update regulations to promote efficient land use and transportation. This resource could assist communities looking to update local codes to support development of child care facilities.

The TGM program also offers annual TGM Planning Grants to help local jurisdictions plan for streets and land to lead to more livable, sustainable, and economically vital communities. This grant opportunity can help address the development or retention of child care facilities at a higher level, as an integrated piece of the planning area, whether it be a county, city, or specific corridor.

ODOT Rail & Public Transit Division

The ODOT Rail and Public Transit Division has biennial grant programs supporting local public transportation. Local partners seeking to mitigate

¹¹ <https://www.oregon.gov/ODOT/About/Pages/Mission.aspx>

transportation barriers related to accessing child care may coordinate with local public transportation providers in how these grants are implemented. Public transportation providers regularly review and refine their service design in response to community needs and particularly the needs of transportation disadvantaged populations.

Highway Construction Workforce Development Program

The ODOT Office of Civil Rights, in partnership with the Bureau of Labor & Industries (BOLI), offers child care benefits through the ODOT/BOLI Highway Construction Workforce Development Program. The goals of this program are to increase diversity in hiring, increase apprenticeship numbers, and provide resources for training. ORS 184.866 describes the type of services and focus areas in this program. It includes: pre-apprenticeship programs, pre-employment counseling, orientations on the highway construction industry, basic skills improvement classes, career counseling, remedial training, entry requirements for training programs, supportive services and assistance with transportation, child care and other special needs, and job site mentoring and retention services.

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Business Oregon

Business Oregon is the state's economic development agency.

The Business Oregon Commission oversees the agency's activities to ensure a coherent, integrated approach to economic development and a continuous policy direction that can transcend changes in executive and legislative leadership.

Mission

Business Oregon invests in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy.

Vision

Prosperity for all Oregonians.

Business Oregon Support Programs

Credit Enhancement Fund

The Oregon Credit Enhancement Fund (CEF) is a loan insurance program available to lenders to assist businesses in obtaining access to capital.

The fund insures the repayment of loans made by lenders that provide working capital or fixed-asset financing to businesses.

The program:

- Is available to almost any business;
- Can include loans used for fixed assets or working capital;
- Can insure term loans and lines of credit; and,
- Has an enrollment fee typically between 1.25% and 3.5% of the insured amount based on the term and type of the credit facility.

Loan insurance is:

- Typically up to 80% of the loan amount for term loans with a maximum insurance exposure of up to \$2,000,000;
- A maximum term that does not exceed the useful life of assets securing the loan or a maximum term of 15 years;
- Typically, up to 75% of the loan for operating lines of credit with a maximum insurance exposure of \$1,500,000;
- A maximum initial term of one year for operating lines of credit;

- Available on business term loans and operating lines made by participating financial institutions (banks and credit unions);
- Available for secured loans (usually needing full collateral coverage except for First Loss Collateral Support Insurance);
- And, is subject to other criteria outlined in the CEF Application and Oregon Administrative Rule.

Capital Access Program

The Oregon Capital Access (CAP) Program helps lenders (banks and credit unions) make more commercial loans to small businesses and provides capital for start-up or expansion. The program is designed for non-profit and for-profit businesses seeking funds for most business purposes.

All types of loans and lines of credit are eligible. Lenders build a loan-loss reserve each time they enroll a loan. Contributions to the loan-loss reserve account are matched by Oregon Capital Access Program.

CAP loans:

- Have enrollment fees between 3% and 7% as determined by the financial institution;
- Will receive a match on the enrollment fee of up to \$35,000 per borrower; and,
- Have rates and terms for repayment determined by the lender.

CAP loans may not be used to:

- Purchase or improve residential housing;
- Purchase or improve real property not used for business operations;
- Or refinance an existing balance of a non-enrolled loan.

Entrepreneurial Development Loan Fund

The Entrepreneurial Development Loan Fund (EDLF) provides direct loans to help start-ups, micro-enterprises and small businesses expand or become established in Oregon. This fund fills a niche not provided through traditional lending markets.

Participants must meet one, or both, of the following criteria:

- Have revenues of less than \$500,000 in the previous 12 months; or
- Be a business owned by a severely disabled person.

Loans are:

- A maximum amount of \$75,000 (\$100,000 total loans);
- Generally a maximum term and amortization of 5 years; and,
- Fixed interest rate of Prime plus 2%, minimum.

Applications must show that the business:

- Can provide good and sufficient collateral for the loan;
- Possesses a reasonable capacity to repay the loan;
- Meets program equity requirements;
- Is enrolled in small business counseling through Certified Entities; and,
- Meets other criteria outlined in the EDLF Application and Oregon Administrative Rule.

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Additional Resources for Financial Support

Oregon's Economic Development Districts

Oregon's Economic Development Districts work to provide effective, efficient delivery of economic development services benefiting healthy and sustainable communities and businesses. These districts operate regionally: forging strategies, solutions, and partnerships that achieve clear, quantifiable and tangible results, most of which would not have been feasible for a single local jurisdiction to implement. Like our counterparts nationwide, Oregon's Economic Development Districts manage and deliver an abundance of federal and state programs. Based on local needs and priorities, programs include:

- Entrepreneurial development
- Community and economic development
- Housing
- Small business development finance
- Workforce development

Oregon's Economic Development Districts take a long-term, holistic view of regional community and economic development opportunities and challenges. They recognize the interdependence and cross-cutting relationships between economic development, environmental stewardship, infrastructure upgrades, intermodal transportation systems, affordable and quality housing, a skilled and reliable workforce and many other factors essential to our state's economic competitiveness and strong quality of life.

Oregon Investment Board

The Oregon Investment Board (OIB) provides economic development loans and grants to projects benefiting Oregon counties lying in the Columbia River Gorge National Scenic Area. OIB has made multiple loans to a child care provider to establish, expand and maintain operations, which were ultimately unsuccessful.

Eastern Oregon Border Board - Workforce Mobilization Grant

Grant available to businesses, non-profits, local governments, and educational service providers located in the Border Region. You have to be in the "Border region" which is defined in the statute but basically includes Ontario, Vale, Nyssa, Adrian and Willowcreek.

Used for programs, equipment, facility upgrades, start-up costs, expansion, training, or other products and services identified as necessary to mobilize a workforce.

- Industry letters of support required to support need for the project.
- Preference given to programs targeting current or potential employees living and working or attending school full time in Border Region.
- Applicant will be assessed on capability to account for funds and will be required to report as to the financial status of the grant throughout project.
- Maximum grant for one project is \$100,000.
- Grant can only be used for what applicant specified on application, no indirect rate.
- One to one match is required.
- Applications will be accepted annually.

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Child Care Tax Exemptions & Credits

Department of Revenue

The Oregon Department of Revenue started as the Oregon Tax Commission in 1909.¹² The agency has approximately 1,000 employees who help achieve its mission of making revenue systems work to fund the public services that preserve and enhance the quality of life for all citizens. In support of its mission, the agency:

- Administers nearly 40 tax programs, including Oregon’s personal income, corporate excise, recreational marijuana, and cigarette and other tobacco tax programs.
- Supervises the state’s property tax system and supports county property tax administration.
- Appraises large industrial and centrally assessed properties.
- Administers tax programs for other state agencies and local governments, including the state lodging tax, vehicle privilege and use taxes, local marijuana taxes, and transit district taxes.
- Serves as the primary collection agency for executive branch agencies and state boards and commissions.

Property Tax

ORS 307.145 - Certain Child Care Facilities (Tax Expenditure 2.001)

Allows for an exemption from property tax for the entire, or a portion of property owned by an eleemosynary or religious organization that is used for educational child care. To qualify the child care facility must be certified and regulated by the Office of Child Care at the Department of Education, and the property used in the immediate connection with an educational purpose.

ORS 307.130 - Charitable Organizations (Tax Expenditure 2.083)

Property of nonprofit corporation may be exempted if the corporation is charitable (its primary purpose is charity; its operations further its charitable purpose; and its performance includes gift or giving) and if the corporation occupies and uses the property in a manner that furthers the organization’s charitable purpose. Does not require certification by the Office of Child Care as the exemption under ORS 307.145 does, but does require a higher level of charitable activity to qualify.

¹² <https://www.oregon.gov/DOR/about/Documents/800-559.pdf>

ORS 307.140 - Religious Organizations (Tax Expenditure 2.085)

Property of a religious organization used solely for administration, education, literary, benevolent, charitable, entertainment and recreational purposes by a religious organization may be exempt. This exemption is not likely to be used for a child care facility alone as ORS 307.145 would provide the exemption, but ORS 307.140 may be used in the case of a religious organization that filed for exemption on their entire facility that included an educational child care center. Does not require certification by the Office of Child care.

Income Tax ¹³

ORS 315.213 - Contributions to the Office of Child Care (Tax Expenditure 1.425)

Allows an income tax credit to individual or corporation for contributions to this office in the Department of Education. The credit is the lesser of 50% of contribution or the tax liability of the taxpayer. The contributions are used to “improve the quality of child care programs through education awards...” (2019-21 Tax Expenditure Report). Without these funds, Education reports there would be less state funding to help stabilize child care provider wages and improving the quality of child care.

ORS 315.264 - Working Family Household and Dependent Care Credit (Tax Expenditure 1.424)

Individual income tax credit that reimburses low / middle income families with employment related dependent care expenses. The credit is a percentage of the expenses (which are limited to \$24k for joint filers and \$12k for single filer). The percentage of the credit is limited by adjusted gross income, household size and age of youngest dependent. The credit is also refundable.

Resource: Oregon Tax Expenditure Report

¹³ Oregon Department of Revenue. “Child Care Work Group.” Salem: Danette Benjamin (Property Tax); Ken Ross (Personal Income Tax), May 17, 2019. Document.

Oregon Collaborations & Pilot Projects

Early Learning Hubs

In 2013, the Oregon Legislature passed House Bill 2013 creating 16 regional and community-based Early Learning Hubs. Hubs are charged with generating partnerships and local conditions that make quality early childhood services more available, accessible and effective for children and families, particularly those who are historically underserved.

The Early Learning Hubs have three specific goals:

- Create an early childhood system that is aligned, coordinated, and family-centered;
- Ensure that children arrive at school ready to succeed; and,
- Ensure that Oregon's young children live in families that are healthy, stable, and attached

Early Learning Hub Regional Information

Below is a map and list of all 16 Early Learning Hubs, with contact information.



Hub Name	Coverage Area	Hub Contact
Blue Mountain Early Learning Hub	Umatilla, Morrow and Union counties	Amy Hoffert 541-966-3165
Clackamas Early Learning Hub	Clackamas County	Annette Dieker 971-420-3528
Early Learning Hub of Central Oregon	Deschutes, Jefferson and Crook counties	Brenda Comini 541-480-8993
Early Learning of Linn, Benton & Lincoln Counties	Linn, Benton and Lincoln counties	Kristi Collins 541-917-4908
Early Learning Multnomah	Multnomah County	Molly Day 503-226-9364 Frances Sallah 503-226-9324
Early Learning Washington County	Washington County	Adam Freer 503-846-4491
Eastern Oregon Community Based Services Hub	Malheur, Baker and Wallowa counties	Kelly Poe 208-230-0648
Four Rivers Early Learning Hub	Hood River, Wasco, Sherman, Gilliam and Wheeler counties	Christa Rude 541-340-0438
Frontier Early Learning Hub	Grant and Harney counties	Donna Schnitker 541-573-6461
Lane Early Learning Alliance	Lane County	Bess Day 541-741-6000 x162
Marion & Polk Early Learning Hub, Inc.	Marion and Polk counties	Lisa Harnisch 503-967-1185
Northwest Early Learning Hub	Tillamook, Columbia and Clatsop counties	Dorothy Spence 503-614-1682
South-Central Oregon Early Learning Hub	Douglas, Lake and Klamath counties	Gillian Wesenberg 541-440-4771
South Coast Regional Early Learning Hub	Coos and Curry counties	Heather Baumer 541 435-7751
Southern Oregon Early Learning Services	Jackson and Josephine counties	Rene Brandon 541-858-6731
Yamhill Early Learning Hub	Yamhill County	Jenn Richter 503-376-7421

Updated: 2/22/2019

Regional Child Care Programs

Baker Early Learning Collaborative

Creating an Early Learning Child care and Nurturing Center in downtown Baker City for infant to preschool ages. Would provide care to employee children, overflow Head Start and other community members. The Baker Early Learning Collaborative has been meeting for over a year and there is a lot of community support for this type of project.

- Location:** Baker City, Oregon
- Program Contact:** Mark Witty, Baker School District Superintendent
- Additional Partners:** Baker School District 5J, Early Learning Collaborative, DHS

Bandon Project

Establishing a day care within walls of a Bandon public school and working on a shared services model to reduce cost of management. The Bandon School Board has made available under-utilized space in an elementary school to a non-profit preschool that emerged from a multi-sector collaboration. South Coast Business Employment Corporation is acting as the host legal entity and funders include Wild Rivers Coast Alliance, Oregon Community Foundation and The Ford Family Foundation. The same collaborative of partners have also received foundation support to create a shared services model to try to reduce the administrative costs of providing child care.

- Location:** Bandon, Oregon
- Program Contact:** Melissa Metz, CEO, South Coast Business Employment Corporation, (541) 269-2013, ext. 272
- Additional Partners:** Wild Rivers Coast Alliance, Bandon School District, Ford Family Foundation, Oregon Community Foundation

Cascade Locks Child Care Improvement

CL school offer limited child care with limited space. They are working to extend hours and quality. Four Rivers Early Learning Hub is also a partner in this work, providing both funding and facilitative leadership support.

- Location:** Cascade Locks Elementary School
- Program Contact:** [Amy Moreland](#), 541-374-8467
- Additional Partners:** Early Learning Hub, Port of Cascade Locks, City of Cascade Locks, Thunder Island Brewing

Central Oregon Child Care Accelerator

A consortium of regional businesses and non-profits, early learning and health organizations, local and state government, and the Bend Chamber are working together to tackle Central Oregon's shortage of child care. In November 2019, the Bend Chamber hired a Child Care Accelerator position to begin work on creating more options for those looking for quality, affordable child care options. The Accelerator will spearhead efforts to pilot new collaborative child care programming and operations between Oregon State University-Cascades and Central Oregon Community College that can be built and replicated throughout the region. To address the funding challenges of developing and expanding child care facilities, the Child Care Accelerator will work with employers, public sector organizations and private investors willing to help offset costs and will lead an effort to help broker collaborative projects that create additional quality and affordable child care and will assist child care providers in understanding and navigating the permitting process to expand or build their own facilities (along with regional partners).

Location: Central Oregon

Program Contact: [Katy Brooks](#), Bend Chamber of Commerce, 541-419-9344
Employers, Better Together, TRACEs, Pacific Source,

Additional Partners: NeighborImpact Child Care Resources, Central Oregon Health Council

NW Early Learning Hub: Preschool Expansion Grant (MMT)

The Preschool Expansion Grant (MMT) has led to community conversations and the development of individual county task forces to explore solutions around the lack of high quality child care. Task force partners include County Commissioners, Superintendents, Mayors, Chamber of Commerce, Economic and Small Business, teachers, child care providers, CCO, community colleges, Lower Columbia Hispanic Council, and local partners. Conversations focus on high quality, family needs, equitable work force and economic development, and creating a conversation around how the lack of high quality early childhood settings impacts whole communities.

Location: Clatsop, Columbia, and Tillamook

Program Contact: Amy Lovelace and Eva Manderson
County Commissioners, Superintendents, Mayors, Chamber of Commerce,

Additional Partners: Economic and Small Business, teachers, child care providers, CCO, community colleges, Lower Columbia Hispanic Council, and local partners

Bay Area Hospital/SW Oregon Community College

Bay Area Hospital has established, on the SW Oregon Community College campus in Coos Bay, a new child care center. The center will primarily serve hospital employees and their families and also be open to the public. The facility opens in January 2020.

Location: Coos Bay
Program Contact: Clay England, Bay Area Hospital, CHRO, 541 269-8409
Additional Partners: SWOCC, Bay Area Hospital, Ford Family Foundation

Grass Valley/Evergreen Holdings

Hemp company is paying for startup costs for child care in Grass Valley to serve its employees and broader community. Home provider/not facility

Location: Grass Valley/Sherman County
Program Contact: Private provider, Evergreen holdings
Additional Partners: Early Learning Hub

La Grande School District/Hospital Project

Location: La Grande

Lane Early Learning Alliance

Works to meet the needs of the children and families furthest from opportunity in Lane County by ensuring early childhood system is aligned and coordinated, children are ready for kindergarten, and families are healthy and stable.

Location: Lane County
Program Contact: [Bess Day](#), 541-741-6000
Additional Partners: Eugene 4J, PacificSource, First Place Family Center, United Way of Lane County, Trillium, Lane County, Bethel SD, Creswell SD, CARES, LCC, Cornerstone Community Housing, DHS, Pearl Buck Center, Lane ESD, Springfield Public Schools, Head Start

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Early Learning Hub of Linn, Benton, and Lincoln Counties

Per the Linn-Benton-Lincoln EL Hub: It surfaced at a recent Willamette Workforce Partnership meeting that the business community is having difficulty finding quality employees due to lack of child care (OSU, hospital system are examples). In a separate process, OSU had just identified it as a barrier to hiring faculty. In response, two different community efforts have emerged. Numerous partners are convening an Early Learning Summit which will convene businesses to discuss community needs and identify strategies. They have also contracted with a local consultant, Heidi McGowan, who helped develop a business plan for a similar issue in Bandon. The US Chamber of Commerce has a toolkit they've recently shared with this group that they're considering using as well - per the Hub Director, the US Chamber of Commerce is developing an economic analysis of the issue in four different states. Apparently, Oregon is one of them. The United Way and Workforce Partnership are both playing leadership roles to address this issue as well.

- Location:** Linn, Benton, Lincoln Counties
- Program Contact:** [Kristi Collins](#), 541-917-4949
- Additional Partners:** Business, early childhood education, parents, K-12, Health, Human and Social Services

Preschool for All Taskforce

Community taskforce headed by Multnomah County Commissioner Jessica Vega Pederson with multiple workgroups to explore feasibility of universal preschool in Multnomah County. Taskforce report released on July 18, 2019 and can be found at [here](#). Taskforce recommendations address program quality and necessary policies, workforce development, infrastructure investments, public funding options and administration needs. Preschool for All Phase 2 began in fall 2019 with strategy for political and public support and community planning for implementation.

- Location:** Multnomah County
- Program Contact:** Brooke Chilton Timmons
- Additional Partners:** Multnomah County Board of County Commissioners, Early Learning Multnomah hub, Social Venture Partners Portland, Parent Accountability Council (PAC), Preschool For All Taskforce members (see report for extensive list)

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Snake River Produce Project

Regional Solutions and the Eastern Oregon Early Learning Hub have helped to connect Snake River Produce who wants to create a child care facility in Nyssa with the state licensing folks and a local non-profit child care provider, Giggles and Grace, who would run the facility. The idea is that Snake River would rezone their old office building to commercial, renovate the space and then Giggles and Grace would rent the space and operate the facility for both employee children and community children. Would create approximately 60 slots for infant all the way to after school program

Location: Nyssa, Oregon

Program Contact: [Tiffany Cruickshank](#), 541-372-2600

Additional Partners: Early Learning Hub, Giggles and Grace, RS, OCDC

Powers Preschool

The SCREL Hub provides funding to support the Preschool Program in Powers, Oregon. There are no other early learning programs located in this beautiful but extremely isolated community, and so this program is a vital resource for their families. The preschool program is focused on developing skills that promote kindergarten readiness and smooth transitions into the school system. Staff from the Preschool and Elementary school participate in shared professional development opportunities and work together to align program activities and curriculum to create a strong continuum of learning for the children. The Preschool program also hosts Family nights, provides home visiting, and promotes a read-at-home program to engage families as partners in their child's learning and development. Summer camps are also available where the kids have an opportunity to go on field trips and learn outside, and prepare to enter kindergarten ready to succeed.

Location: Powers, Oregon

Program Contact: [Heather Baumer](#), Director, South Coast Regional Early Learning (SCREL) Hub

Additional Partners: Early Learning Hub, Powers public schools

Continue to next page.

Ford Childhood Enrichment Center at Umpqua Community College

The child care center at UCC was at risk of closing due to financial issues, so the UCC president reached out to numerous community partners - including businesses, local initiatives, and the Early Learning Hub - to come together around the issue. The child care center has been maintained and is still on UCC's campus; it is now being operated as Maple Corner Montessori.

Location: Umpqua Community College/Douglas County
Program Contact: Leanne Jorgensen, Founder, Maple, Corner Montessori
541-391-4777

Employer Supported Network of Family Child Care Providers (ESN)

Child Care Resource & Referral of Washington County, a program of Community Action partners with two large corporations in Washington County to provide a Family Child Care Network. Programs are required to give priority to Employee from Corporations as well as be listed with DHS to serve families on ERDC. The partnership staffs two full time Quality Improvement Specialist as well as partial Supervisory and Admin FTE to support 30 programs. An emphasis is recruitment of infant toddler programs. Providers outside of the ESN benefit from the collaboration by financially supporting the CCR&R infrastructure.

Location: Washington County, Community Action
Program Contact: Karen Henkemeyer

Kid Time Children's Museum of Southern Oregon

The City of Medford has leased a former Carnegie library in downtown to Kid Time. Kid Time is the largest provider of Preschool Promise slots in Southern Oregon, and has a three year waiting list. The new facility will allow them to increase enrollment by a quarter—and provide a much-improved outdoor play area. Kid Time is still raising the funding needed to complete needed renovations.

Location: Medford, Oregon
Program Contact: Sunny Spicer, Executive Director, Kid Time Children's Museum, 541-772-9922
Additional Partners: City of Medford

What's happening in other States

Washington Department of Transportation

Infant at Work Program ¹⁴

“As an effort to provide a modern and flexible work environment and maintain the Washington State Department of Transportation (WSDOT) as an employer of choice to recruit and retain employees, WSDOT offers a program allowing parents to bring their infants to work. This would assist with parents maintaining work life balance, promote parent-child bonding, and create more flexibility for a parent to work in lieu of taking leave.”

Monday, April 9, 2018

Infant at Work program helps improve work-life balance ¹⁵

By Celeste Dimichina

For many, the idea of becoming a parent in and of itself is daunting. The questions and stresses – everything from what diapers and car seats to get to what doctor to choose – seems never ending.

Before my first daughter was born, I spent a great deal of time weighing the pros and cons of being a stay-at-home mom or returning to work and trusting a stranger to care for our newest and most precious family member. The thought of leaving my new baby in the care of a stranger terrified me more than the thought of sleepless nights or endless diaper changes.

I made the most of the 12-week maternity leave my then-employer allowed, spending my time forming a bond with my child.

But sooner than I would've liked I returned to work, leaving our baby with her new daycare provider, who was great. But for many parents, it's a cruel game of "would you rather." Would you rather spend time with your new baby, at home, un-paid? Or would you rather spend the day at work because you have bills to pay and a baby to provide for?

¹⁴ Washington State Department of Transportation Infants at Work Manual – [Chapter 31](#)

¹⁵ Source: [Ryan Lanier - Monday, April 09, 2018](#)

That's why our agency's year-old "Infant at Work" program is such a fantastic perk.

What is the "Infant at Work" program?

The Infant at Work program allows some employees to bring their babies to work when they're six weeks old until the infant turns six months old, or they become mobile. The baby has to be in an office-type setting. Our Incident Response Team, for example, can't bring the baby along while they patrol the highways. The type of work, location and safety has to be taken into account when determining eligibility.

What's the point?

The program is designed to provide a modern, flexible work environment and allows employees the chance to continue working rather than taking an



extended leave, or leaving their baby with family or daycare. It promotes a positive work/life balance, allowing the parent to continue bonding with their child while also allowing them to get important work done.

Left: Southwest Region Communications Manager Kimberly Pincheira and son Zander support WSU and our communications team. Right: Planning specialist Chelsey Martin and son Hendric hard at work in our Vancouver office.

So what's in it for WSDOT?

This isn't a one-sided deal. The Infant at Work program allows the employee to return to work sooner, increases employee retention and lowers turnover costs while improving employee loyalty and morale. Giving the baby consistent access to breastfeeding has also shown to have health benefits, lowering health care costs.

What happens if the baby cries, or if the baby is sick?

Babies get sick. Babies cry. There's no getting around that. Maintaining a healthy and productive work environment was a primary consideration in developing this program.

Having worked around some parents who brought their babies to work, I can vouch for the fact that the program works. My coworkers who have brought their child to work are clearly happier, and the babies are happy. I haven't found it to be distracting and it allows the employees to be productive while feeling valued and appreciated. It's a program I wish I could've taken advantage of when my children were that age and I'm happy for my colleagues and their babies who will have this opportunity to form those important bonds while also remaining producing employees.



Left: Emily Glad keeps working as our Toll Division Communications Manager while son Anders supervises. Right: Ferries worker Tim Wiess is able to get work done while daughter Grace naps.

If the infant becomes sick, is disruptive for a prolonged period of time, causes a distraction in the work place, or prevents the parent from accomplishing work, the parent must take the infant home or to a backup daycare provider. While having a baby at work can be great, it can't be at the detriment of co-workers.

We've reconfigured already existing areas of our offices into safe, quiet spaces for parents to take their baby for them to calm down. These offices are equipped with a computer to allow the parent to continue working without interrupting co-workers.

Appendix

BASIS FOR CHILD CARE REGULATION STATUTORY AUTHORITY

ORS 329A.260

Gives Office of Child Care authority to establish health and safety standards that a child care facility must meet in order to qualify for a license.

ORS 329A.280

Gives OCC authority to regulate Certified Family Child Care and Certified Child Care Centers. To carry out the intent of statutes, OCC has developed minimum requirements set forth in administrative rules for three types of child care facilities.

Administrative Rules

OCC has adopted administrative rules (OARs or regulations) establishing basic health and safety requirements to protect children. They are designed to reduce risks to children who spend a major part of their day away from their own homes. An applicant's readiness for licensing will be evaluated by OCC staff through the procedures that follow. This policy provides a statewide system with flexibility to respond to local needs.

Child Care Regulation Statutes & Administrative Rules

ORS 183.310-495, Administrative Procedures Act

ORS 192.410-500, Inspections of Public Records

ORS 418-740-775, Reporting of Child Abuse

ORS 329A.250 through 329A.460, Child Care Facilities

ORS 329A.0.0, Central Background Registry

OAR 414-205-0000 through 414-205-0170, Rules for Registration

OAR 414-300-0000 through 414-300-0415, Rules for Child Care Centers

OAR 414-350-0000 through 414-350-0405, Rules for Certified Family Child Care Homes

OAR 414-061-0000 through 414-061-0120, Rules for the Central Background Registry

Text of Oregon Revised Statute - [Chapter 329A.010 et. seq. 2011 Edition](#)

Text of Oregon Administrative Rules for [Certified Family Child Care Homes](#)

Text of Oregon Administrative Rules for [Certified Child Care Centers](#)

LICENSING PROCESS

ORS 329A.440 Application of zoning ordinances to registered or certified family child care homes

(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

(3) A county may:

(a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

(c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Note that prior to 2013, this ORS was numbered 657A.440, so it may be referred to by that number in other publications (including the TGM Model Code for Small Cities).

Subsection 2 prevents cities or counties from imposing zoning conditions that are “more restrictive than conditions imposed on other residential dwellings in the same zone.” This means that local jurisdictions can require anything more for family child care homes, including extra parking spaces, a fence or buffer, open space, or other additional standard.

Procedures for Licensing

There are three types of licensing applications. Initial applications are when a facility is opening for the first time. Renewal applications are when a facility is renewing their facility license. Reopen applications are when a facility is either reopening a facility that has been closed, or they are “reopening” at a new address.

Initial Applications

Upon request, information and application materials shall be provided to prospective applicants as outlined below. These may be provided by CO, support staff in regional offices, or the LS.

Packet 1 is an informational packet sent to individuals inquiring for the first time about how to become a licensed child care facility. See Appendix C for packet content.

Packet 2 contains application materials for prospective licensees who have reviewed Packet 1 and wish to proceed. See Appendix C for packet content.

The LS will complete the pre-certification consultation form CRT 109 prior to a potential applicant receiving the Packet 2.

The LS will measure the potential capacity of the center or home including the outside play area. Final measurements will help in determining the capacity on the initial license.

The LS will provide technical assistance materials including but not limited to:

Child Care Enrollment and Authorization form TA 806

Infant and Toddler Enrollment form TA 805

School Age Transportation Agreement form TA 804

Upon receipt of an application CO staff will:

Determine if the applicant has been licensed previously and if there are previous concerns that need addressed;

Create a facility record in CCRIS, if one does not already exist from the precertification visit, and enter in the application data;

Forward the application to the appropriate LS.

Generally the LS will act upon the application within:

45 days for new or change of address

30 days for change of provider

Note: CF and CC rules state that applications are good for 12 months from the date received by OCC. Additionally, prior to OCC acting on an application, all outstanding final orders for civil penalties must be paid in full.

When the applicant has obtained the required permits, and has been inspected by the environmental health specialist and fire marshal (if required) the LS will:

Prior to the visit:

Review applicable inspection reports. Retain the original copy of the sanitation and fire inspection reports for the facility file.

Review the local zoning and occupancy permits (if required) and retain a copy for the file.

Review the submitted floor plan to determine consistency with measurements taken at the precertification visit.

Print up a previsit report in CCRIS to take on the visit.

At the licensing visit:

Complete the applicable checklist and discussion items with the applicant. Indicate any noncompliance on the checklist. Determine if the facility has majority compliance to issue a temporary license. Obtain applicant signature and leave a copy with the provider.

Review staff files to ensure that staff are qualified for their position and that proper verification of CBR enrollment is on file.

The applicant should also be provided information on the USDA Child & Adult Care Food Program.

Refer the applicant to the Health Department for information about the law governing child care and restrictable disease, immunizations, and communicable disease reporting requirements.

If an applicant does not have children present at the time of the initial visit, at the LS discretion, there may be a program review done at another visit before an annual license can be issued.

If the facility has been issued a temporary license, determine the timeframe for the temporary license and schedule a follow-up visit.

Note: At all licensing visits, initials and renewals, it is important to provide the facility a copy of the Findings Review Procedures, form LIC 315 and the Complaint Policy, form LIC 350.

A temporary license can be changed to an annual license when the deficiencies are corrected and/or the program review has been completed. If all conditions are met during the initial visit, the program may be approved for an annual license at that time.

Renewal Applications

Central Office will process the application and assign the licensing visit in CCRIS. Any special instructions for the LS will be put in the "Assignment Notes to Staff" section in CCRIS. These notes can be viewed in CCRIS by clicking the radio button in front of the LS assigned to the visit or on the previsit report. The visit assignment will automatically appear on the LS's assignment page. The paper application is forwarded on to the LS by CO.

If a renewal application is received by OCC 30 days prior to the expiration date, the license will continue in active status until OCC takes action on the license. If the application is not received 30 days prior to the license expiration, active status will end on the expiration date unless OCC renews the license. The application may be processed as a high priority.

When the LS receives the application a licensing visit is scheduled.

For CF, when mutually agreed upon by the LS and the provider, the facility may be closed during the renewal inspection. If there are no children in care during the renewal inspection, the LS will conduct a separate visit to complete a program review.

Note: Remember to take a previsit report on all visits. This is vital when updating the employee tab in CCRIS.

At the licensing visit the LS:

Completes the applicable checklist and discussion items;

Notes any noncompliance on the checklist;

Reviews the sanitation and fire inspections as required;

Reviews the Staff Qualifications and Training Logs (SQTL) for required training;

Reviews new staff files to ensure that new staff are qualified for their position;

Checks that CBR enrollment is on file for all staff;

Reviews children's records.

Noncompliance during a renewal inspection

Minor noncompliance is a rule violation with potential for only minor negative impact:

It will not be entered into CCRIS as an observed noncompliance, but will be noted on the checklist.

The LS will use an informal process to reach agreement about corrections.

It is not necessary to provide documentation of compliance, and no follow-up is needed to ensure compliance.

The director/provider's signature on the checklist constitutes provider's agreement to correct.

Moderate noncompliance is a rule violation that presents a potential risk or represents a significant accumulation of minor noncompliance issues.

It may delay the renewal of a license

It will not be entered into CCRIS as an observed noncompliance unless it is a repeated noncompliance, or there is an accumulation of moderate and minor noncompliance. However, it will be noted on the checklist.

Specific timeframes should be determined for coming into compliance. The timeframe depends on the nature of the corrections. Timeframes are agreed upon by OCC and the facility.

To ensure compliance, a follow-up visit is usually needed unless corrections are made during the visit. Sometimes written documentation or pictures from the facility will suffice.

Major noncompliance is a rule violation that presents a substantial risk, i.e., clear and serious risk, but not imminent danger.

The violation will be specifically noted on the checklist and is entered in CCRIS as an observed noncompliance and a noncompliance letter is sent.

A stop-gap corrective measure must be done immediately (e.g. do not allow children to play on dangerously broken play structures) or within 24 hours, as appropriate to the situation.

The facility's license will not be renewed until a permanent solution to the noncompliance is in place. Specific time frames should be determined for coming into compliance depending on the nature of the corrections. The time frames should be agreed upon by OCC and the facility. A follow-up visit must be made to ensure that the provider has come into compliance.

Note: For examples of major, moderate and minor noncompliance see Appendix B.

The LS shall document the noncompliance, enter the noncompliance into CCRIS, and send a noncompliance letter.

The expected timeline for OCC to mail out a noncompliance letter for observed noncompliance after completing the visit is 10 business days. In consideration of this timeline:

The LS should complete the CCRIS data entry and send a draft of the noncompliance letter to their assigned reviewer within 10 business days of completing the visit.

The SLS will review the draft letter and return it to the LS with any recommended changes within two business days.

The LS will make any needed changes and mail out the letter to the facility within the 10 business day timeline.

If majority compliance is observed, the LS will note the remaining items, with a timeline to be completed. Both the LS and the applicant will sign the checklist, and the LS will issue a temporary license. A timeframe for the temporary license will be determined and a follow up visit scheduled.

If the facility is in full compliance, then the LS will complete the renewal checklist and issue an annual license.

Results from the visit will be entered into CCRIS to generate the appropriate license.

Note: All data input on licensing visits should occur as soon as possible, but no later than five business days after the date of inspection, if the license is in danger of expiring, or ten business days after the inspection, if the license is not in danger of expiring. Any noncompliance cited must follow the noncompliance letter timelines in Section IV, subsection B. 2. g. above.

Renewals with Missing Training

The rules for CF and CC state that staff must “participate” yearly in training. The rules do not specify that training must be cleared through ORO. In light of this, the following guidelines apply for training:

At license renewal, if a facility states that they have NOT completed their yearly training during the licensing year and if it cannot be completed prior to their license expiration, a noncompliance will be given. A temporary license will be issued, and the facility will be given 60 days to complete and submit their training to ORO. If the facility still has not completed and submitted their training to ORO after 60 days, another noncompliance will be given. A civil penalty will be assessed. The facility may be given another 60 days to complete and submit their training to ORO. If the training is not complete after the additional 60 days (four months from license expiration), another noncompliance will be given and another civil penalty will be given.

At license renewal the facility states that they HAVE completed the training, but have not submitted it to ORO, or it has been submitted, but it is not yet posted in ORO. Because they state that they did the training during the license period, a noncompliance will not be given, however, the provider must provide verification that the training was taken, e.g., copies of training certificates. A

temporary license will be issued and the facility will be given 60 days to submit their training to ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

If the facility has taken the training and the training was submitted to ORO, but it was rejected by ORO, the licensing specialist shall staff this with the senior licensing specialist or their regional manager. The option may be to issue a temporary license without giving the facility a noncompliance depending on the circumstances. The facility will still have to submit valid training that is vetted by ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

Note: If you have a facility that is struggling to get off their temporary license, discuss this with your SLS and/or your RM at the three month point.

Application Status

Temporary license

Renewal applications only

At renewal, a temporary license may be issued if the facility is in majority compliance with the rules and has been inspected and approved for temporary operation by the LS and the environmental health specialist.

A temporary license may be given pending the fire safety inspection required for child care centers, at the discretion of the LS.

The temporary license will be effective the date of the expiration of the previous license if the application was received at least 30 days prior to the expiration for the current license and the required fee has been paid.

If deficiencies are noted, the LS will inform the applicant of the specific deficiencies which resulted in a temporary license rather than an annual license. Technical assistance will be given on how to meet the requirements.

The LS must determine that requirements have been met before issuing an annual license.

Note: A temporary license can only be issued for a maximum of 180 days. If a facility is reaching the 4 month point on a temporary license, the LS should begin consulting with their regional manager.

Note: The LS must keep track of the temporary license expiration date to ensure the license does not expire.

Annual license

When the facility is in compliance with the rules, it will be issued an annual license. The annual license shall expire one year from the beginning of the temporary license, if a temporary has been given.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), that request must be submitted in writing and the LS will evaluate the request based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the applicable rule.

The provider must request an exception to a rule on OCC form CRT 159. The request must include:

A justification for the requested exception, and

An explanation of how the facility will meet the intent of the rule.

No exception to a rule will be granted:

If the requirement is established by statute, or

Unless the health, safety and well-being of children are ensured.

The provider shall complete the exception request form and submit it to their LS.

The LS will review the exception, and recommend either approval or denial of the exception by completing form CRT 159A, Certified Exception Response.

If recommending approval, conditions recommended may be included on the exception response form. Comments may be added as necessary.

The exception response form will be signed and dated by the LS, entered into CCRIS and assigned to the senior licensing specialist (SLS). The hard copy of the exception request and response form is then forwarded to the SLS for review. This can be done either in person, by fax, or by scanning the documents. The SLS will approve or deny the exception request, assign it back to the LS in CCRIS and send back a hard copy.

Note: Exceptions requests and the response form completed by the LS must be submitted to the SLS within five business days of when the LS received the exception request from the facility.

A copy of the exception response form is mailed to the provider and the original is placed in the facility file.

The LS completes the CCRIS data entry.

A new license is printed and sent to the facility showing the exception and any relevant conditions. A copy of the new license is placed in the file.

Ongoing Exception Review for Certified Facilities

Procedure for Ongoing Exception Review:

While preparing for the renewal visit, the licensing specialist will verify if there are any ongoing exceptions in the facilities' file.

The licensing specialist will either start a new blue ongoing exception form or pull the existing blue ongoing exception form from the file, and bring it with them to the renewal visit.

During the renewal visit, the licensing specialist will review the exception and any associated conditions with the director or provider to ensure the exception is still relevant to the facility.

The licensing specialist will mark "approved" and mark the current licensing period.

The licensing specialist will note any comments.

Both the director or provider and the licensing specialist will sign.

The licensing specialist will enter the exception in CCRIS and follow the procedures listed in the CCRIS scenario

The licensing specialist will return the blue ongoing exception form to the correspondence section in the file.

The following licensing period, the licensing specialist will use the second box on the form.

Voluntary Withdrawal/License Closure

Voluntary Withdrawal

An application for certification must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If a facility chooses to not complete the licensing process, the facility can complete a Voluntary Withdrawal/Closure form, LIC 309 or communicate their decision by phone or email. The form is not required, but the LS should document the communication in CCRIS.

The LS should communicate the voluntary withdrawal either by phone or email to their regional background specialist in CO. CO will complete the voluntary withdrawal in CCRIS.

If an application is not withdrawn, it must go through the process of denial. Since a denial is a time consuming negative action, it is always preferred to have applicants withdraw their application.

Voluntary Closure

The provider may voluntarily close their license prior to its expiration. The provider may submit this request in writing, preferably using a Voluntary Withdraw/Closure form, LIC 309. If the LS receives a written request, the LS forwards this to CO. CO will process the voluntary closure and complete a closure action in CCRIS. CO will send a confirmation letter to the facility with notification that the license has been closed.

OCC may also accept a verbal request to voluntarily close. If the LS receives a verbal request, the LS should put a documentation in CCRIS and contact CO. CO will complete the closure action in CCRIS and send out a confirmation letter.

If a provider is closing because of pending legal action by OCC, the closure type would be “V/C in lieu of legal action”. If a provider voluntarily closes in lieu of legal action, the provider may not do exempt child care. The file is flagged in CCRIS by CO. The LS will forward the file to CO for storage.

Note: If a provider wishes to be licensed again following a voluntary closure, the provider must apply and meet all of the licensing requirements.

Note: Voluntary closure or voluntary withdrawal requests should be forwarded to CO within five business days of when the LS received the closure request.

Initial Applications

Upon request, information and application materials shall be provided to prospective applicants as outlined below. These may be provided by CO, support staff in regional offices, or the LS.

Packet 1 is an informational packet sent to individuals inquiring for the first time about how to become a licensed child care facility. See Appendix C for packet content.

Packet 2 contains application materials for prospective licensees who have reviewed Packet 1 and wish to proceed. See Appendix C for packet content.

The LS will complete the pre-certification consultation form CRT 109 prior to a potential applicant receiving the Packet 2.

The LS will measure the potential capacity of the center or home including the outside play area. Final measurements will help in determining the capacity on the initial license.

The LS will provide technical assistance materials including but not limited to:

Child Care Enrollment and Authorization form TA 806

Infant and Toddler Enrollment form TA 805

School Age Transportation Agreement form TA 804

Note: Other technical assistance handouts are available on the OCC internal website.

Upon receipt of an application CO staff will:

Determine if the applicant has been licensed previously and if there are previous concerns that need addressed;

Create a facility record in CCRIS, if one does not already exist from the precertification visit, and enter in the application data;

Forward the application to the appropriate LS.

Generally the LS will act upon the application within:

45 days for new or change of address

30 days for change of provider

Note: CF and CC rules state that applications are good for 12 months from the date received by OCC. Additionally, prior to OCC acting on an application, all outstanding final orders for civil penalties must be paid in full.

When the applicant has obtained the required permits, and has been inspected by the environmental health specialist and fire marshal (if required) the LS will:

Prior to the visit:

Review applicable inspection reports. Retain the original copy of the sanitation and fire inspection reports for the facility file.

Review the local zoning and occupancy permits (if required) and retain a copy for the file.

Review the submitted floor plan to determine consistency with measurements taken at the precertification visit.

Print up a previsit report in CCRIS to take on the visit.

At the licensing visit:

Complete the applicable checklist and discussion items with the applicant. Indicate any noncompliance on the checklist. Determine if the facility has majority compliance to issue a temporary license. Obtain applicant signature and leave a copy with the provider.

Review staff files to ensure that staff are qualified for their position and that proper verification of CBR enrollment is on file.

The applicant should also be provided information on the USDA Child & Adult Care Food Program.

Refer the applicant to the Health Department for information about the law governing child care and restrictable disease, immunizations, and communicable disease reporting requirements.

If an applicant does not have children present at the time of the initial visit, at the LS discretion, there may be a program review done at another visit before an annual license can be issued.

If the facility has been issued a temporary license, determine the timeframe for the temporary license and schedule a follow-up visit.

Note: At all licensing visits, initials and renewals, it is important to provide the facility a copy of the Findings Review Procedures, form LIC 315 and the Complaint Policy, form LIC 350.

A temporary license can be changed to an annual license when the deficiencies are corrected and/or the program review has been completed. If all conditions are met during the initial visit, the program may be approved for an annual license at that time.

Renewal Applications

Central Office will process the application and assign the licensing visit in CCRIS. Any special instructions for the LS will be put in the "Assignment Notes to Staff" section in CCRIS. These notes can be viewed in CCRIS by clicking the radio button in front of the LS assigned to the visit or on the previsit report. The visit assignment will automatically appear on the LS's assignment page. The paper application is forwarded on to the LS by CO.

If a renewal application is received by OCC 30 days prior to the expiration date, the license will continue in active status until OCC takes action on the license. If the application is not received 30 days prior to the license expiration, active status will end on the expiration date unless OCC renews the license. The application may be processed as a high priority.

When the LS receives the application a licensing visit is scheduled.

For CF, when mutually agreed upon by the LS and the provider, the facility may be closed during the renewal inspection. If there are no children in care during the renewal inspection, the LS will conduct a separate visit to complete a program review.

Note: Remember to take a previsit report on all visits. This is vital when updating the employee tab in CCRIS.

At the licensing visit the LS:

Completes the applicable checklist and discussion items;

Notes any noncompliance on the checklist;

Reviews the sanitation and fire inspections as required;

Reviews the Staff Qualifications and Training Logs (SQTL) for required training;

Reviews new staff files to ensure that new staff are qualified for their position;

Checks that CBR enrollment is on file for all staff;

Reviews children's records.

Noncompliance during a renewal inspection

Minor noncompliance is a rule violation with potential for only minor negative impact:

It will not be entered into CCRIS as an observed noncompliance, but will be noted on the checklist.

The LS will use an informal process to reach agreement about corrections.

It is not necessary to provide documentation of compliance, and no follow-up is needed to ensure compliance.

The director/provider's signature on the checklist constitutes provider's agreement to correct.

Moderate noncompliance is a rule violation that presents a potential risk or represents a significant accumulation of minor noncompliance issues.

It may delay the renewal of a license

It will not be entered into CCRIS as an observed noncompliance unless it is a repeated noncompliance, or there is an accumulation of moderate and minor noncompliance. However, it will be noted on the checklist.

Specific timeframes should be determined for coming into compliance. The timeframe depends on the nature of the corrections. Timeframes are agreed upon by OCC and the facility.

To ensure compliance, a follow-up visit is usually needed unless corrections are made during the visit. Sometimes written documentation or pictures from the facility will suffice.

Major noncompliance is a rule violation that presents a substantial risk, i.e., clear and serious risk, but not imminent danger.

The violation will be specifically noted on the checklist and is entered in CCRIS as an observed noncompliance and a noncompliance letter is sent.

A stop-gap corrective measure must be done immediately (e.g. do not allow children to play on dangerously broken play structures) or within 24 hours, as appropriate to the situation.

The facility's license will not be renewed until a permanent solution to the noncompliance is in place. Specific time frames should be determined for coming into compliance depending on the nature of the corrections. The time frames should be agreed upon by OCC and the facility. A follow-up visit must be made to ensure that the provider has come into compliance.

Note: For examples of major, moderate and minor noncompliance see Appendix B.

The LS shall document the noncompliance, enter the noncompliance into CCRIS, and send a noncompliance letter.

The expected timeline for OCC to mail out a noncompliance letter for observed noncompliance after completing the visit is 10 business days. In consideration of this timeline:

The LS should complete the CCRIS data entry and send a draft of the noncompliance letter to their assigned reviewer within 10 business days of completing the visit.

The SLS will review the draft letter and return it to the LS with any recommended changes within two business days.

The LS will make any needed changes and mail out the letter to the facility within the 10 business day timeline.

If majority compliance is observed, the LS will note the remaining items, with a timeline to be completed. Both the LS and the applicant will sign the checklist, and the LS will issue a temporary license. A timeframe for the temporary license will be determined and a follow up visit scheduled.

If the facility is in full compliance, then the LS will complete the renewal checklist and issue an annual license.

Results from the visit will be entered into CCRIS to generate the appropriate license.

Note: All data input on licensing visits should occur as soon as possible, but no later than five business days after the date of inspection, if the license is in danger of expiring, or ten business days after the inspection, if the license is not in danger of expiring. Any noncompliance cited must follow the noncompliance letter timelines in Section IV, subsection B. 2. g. above.

Renewals with Missing Training

The rules for CF and CC state that staff must “participate” yearly in training. The rules do not specify that training must be cleared through ORO. In light of this, the following guidelines apply for training:

At license renewal, if a facility states that they have NOT completed their yearly training during the licensing year and if it cannot be completed prior to their license expiration, a noncompliance will be given. A temporary license will be issued, and the facility will be given 60 days to complete and submit their training to ORO. If the facility still has not completed and submitted their training to ORO after 60 days, another noncompliance will be given. A civil penalty will be assessed. The facility may be given another 60 days to complete and submit their training to ORO. If the training is not complete after the additional 60 days (four months from license expiration), another noncompliance will be given and another civil penalty will be given.

At license renewal the facility states that they HAVE completed the training, but have not submitted it to ORO, or it has been submitted, but it is not yet posted in ORO. Because they state that they did the training during the license period, a noncompliance will not be given, however, the provider must provide verification that the training was taken, e.g., copies of training certificates. A temporary license will be issued and the facility will be given 60 days to submit their training to ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

If the facility has taken the training and the training was submitted to ORO, but it was rejected by ORO, the licensing specialist shall staff this with the senior licensing specialist or their regional manager. The option may be to issue a temporary license without giving the facility a noncompliance depending on the circumstances. The facility will still have to submit valid training that is vetted by ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

Note: If you have a facility that is struggling to get off their temporary license, discuss this with your SLS and/or your RM at the three month point.

Application Status

Temporary license

Renewal applications only

At renewal, a temporary license may be issued if the facility is in majority compliance with the rules and has been inspected and approved for temporary operation by the LS and the environmental health specialist.

A temporary license may be given pending the fire safety inspection required for child care centers, at the discretion of the LS.

The temporary license will be effective the date of the expiration of the previous license if the application was received at least 30 days prior to the expiration for the current license and the required fee has been paid.

If deficiencies are noted, the LS will inform the applicant of the specific deficiencies which resulted in a temporary license rather than an annual license. Technical assistance will be given on how to meet the requirements.

The LS must determine that requirements have been met before issuing an annual license.

Note: A temporary license can only be issued for a maximum of 180 days. If a facility is reaching the 4 month point on a temporary license, the LS should begin consulting with their regional manager.

Note: The LS must keep track of the temporary license expiration date to ensure the license does not expire.

Annual license

When the facility is in compliance with the rules, it will be issued an annual license. The annual license shall expire one year from the beginning of the temporary license, if a temporary has been given.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), that request must be submitted in writing and the LS will evaluate the request based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the applicable rule.

The provider must request an exception to a rule on OCC form CRT 159. The request must include:

A justification for the requested exception, and

An explanation of how the facility will meet the intent of the rule.

No exception to a rule will be granted:

If the requirement is established by statute, or

Unless the health, safety and well-being of children are ensured.

The provider shall complete the exception request form and submit it to their LS.

The LS will review the exception, and recommend either approval or denial of the exception by completing form CRT 159A, Certified Exception Response.

If recommending approval, conditions recommended may be included on the exception response form. Comments may be added as necessary.

The exception response form will be signed and dated by the LS, entered into CCRIS and assigned to the senior licensing specialist (SLS). The hard copy of the exception request and response form is then forwarded to the SLS for review. This can be done either in person, by fax, or by scanning the documents. The SLS will approve or deny the exception request, assign it back to the LS in CCRIS and send back a hard copy.

Note: Exceptions requests and the response form completed by the LS must be submitted to the SLS within five business days of when the LS received the exception request from the facility.

A copy of the exception response form is mailed to the provider and the original is placed in the facility file.

The LS completes the CCRIS data entry.

A new license is printed and sent to the facility showing the exception and any relevant conditions. A copy of the new license is placed in the file.

Ongoing Exception Review for Certified Facilities

Procedure for Ongoing Exception Review:

While preparing for the renewal visit, the licensing specialist will verify if there are any ongoing exceptions in the facilities' file.

The licensing specialist will either start a new blue ongoing exception form or pull the existing blue ongoing exception form from the file, and bring it with them to the renewal visit.

During the renewal visit, the licensing specialist will review the exception and any associated conditions with the director or provider to ensure the exception is still relevant to the facility.

The licensing specialist will mark "approved" and mark the current licensing period.

The licensing specialist will note any comments.

Both the director or provider and the licensing specialist will sign.

The licensing specialist will enter the exception in CCRIS and follow the procedures listed in the CCRIS scenario

The licensing specialist will return the blue ongoing exception form to the correspondence section in the file.

The following licensing period, the licensing specialist will use the second box on the form.

Voluntary Withdrawal/License Closure

Voluntary Withdrawal

An application for certification must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If a facility chooses to not complete the licensing process, the facility can complete a Voluntary Withdrawal/Closure form, LIC 309 or communicate their decision by phone or email. The form is not required, but the LS should document the communication in CCRIS.

The LS should communicate the voluntary withdrawal either by phone or email to their regional background specialist in CO. CO will complete the voluntary withdrawal in CCRIS.

If an application is not withdrawn, it must go through the process of denial. Since a denial is a time consuming negative action, it is always preferred to have applicants withdraw their application.

Voluntary Closure

The provider may voluntarily close their license prior to its expiration. The provider may submit this request in writing, preferably using a Voluntary Withdraw/Closure form, LIC 309. If the LS receives a written request, the LS forwards this to CO. CO will process the voluntary closure and complete a closure action in CCRIS. CO will send a confirmation letter to the facility with notification that the license has been closed.

OCC may also accept a verbal request to voluntarily close. If the LS receives a verbal request, the LS should put a documentation in CCRIS and contact CO. CO will complete the closure action in CCRIS and send out a confirmation letter.

If a provider is closing because of pending legal action by OCC, the closure type would be "V/C in lieu of legal action". If a provider voluntarily closes in lieu of legal action, the provider may not do exempt child care. The file is flagged in CCRIS by CO. The LS will forward the file to CO for storage.

Note: If a provider wishes to be licensed again following a voluntary closure, the provider must apply and meet all of the licensing requirements.

Note: Voluntary closure or voluntary withdrawal requests should be forwarded to CO within five business days of when the LS received the closure request.

Packets

Certified Family Packet #1	
Multilanguage insert	Guide to the Certification of Child Care Facilities
Cover letter for prospective Certified Family (Some regions use their own custom cover letter)	Rule book for the Certified Family Child Care Homes book

This packet is mailed to individuals calling in for the first time wanting information about how to become a certified family child care home.

Certified Family #2 Packet	
Multilanguage insert X	Fire safety self-checklist
Cover letter (Some regions use their own letter)	CBR applications- 3
Certified Family Child Care Home application	CBR Information for Child Care Facilities
Abuse reporting information	Sample copy of the CF checklist
Sanitation agency list	
Sanitation inspection form	
Sanitation self-checklist	

This packet is normally mailed or handed out by the LS to prospective certified family facilities at the precertification visit.

Certified Center #1 Packet	
Multilanguage insert	Guide to the Certification of Child Care Facilities
Cover letter for prospective Certified Center (Some regions use their own custom cover letter)	Rule book for Certification of Child Care Centers

This packet is normally mailed to individuals calling in for the first time wanting information about how to become a licensed child care center.

Certified Center #2 Packet	
Multilanguage insert	Sanitation agency list
Cover letter (Some regions use their own custom cover letter)	Sanitation inspection form
Certified Center application	Sanitation self-checklist
Facility Management list	Fire agency list
Director designation form	Fire safety inspection report form
Determining capacity form	Fire safety self-checklist
Abuse reporting information	Emergency drill record
CBR applications- 3	CBR Information for Child Care Facilities
Sample copy of CC initial checklist	

After a prospective center has read through the Certified Center #1 packet and decided they want to start the licensing process, the LS will either mail, or deliver the #2 packet.