



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

EXHIBIT 4 - STAFF REPORT

DATE: May 20, 2021
TO: Planning Commission Members
FROM: Heather Richards, Planning Director
SUBJECT: (Docket G 1-21) – Amending the Zoning Ordinance to Reduce Regulatory Barriers for Child Care and Align the City’s Code with State Regulations.

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is the consideration of proposed amendments to the McMinnville Municipal Code, Chapter 17, Zoning Ordinance, to reduce regulatory barriers for child care and align the City’s code with state regulations.

The Planning Commission hosted a public hearing on this proposal on April 15, 2021. They closed the public hearing on the same day but elected to keep the record open for written comments until April 30, 2021 per the request of the Department of Land Conservation and Development.

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 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.

On April 15, 2021, the Planning Commission hosted a public hearing on proposed code amendments to the McMinnville Municipal Code, Chapter 17, Zoning Ordinance that would remove regulatory barriers for child care opportunities and align the City's code with state regulations.

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 provider'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]

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 permitted outright uses in City-owned parks or recreation facilities, public schools or conforming private schools 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 as conditional uses if located in facility that is not a City-owned park or recreation facility, public school or conforming private school in the same zones.

And the proposed amendments allow for **registered child care and certified family child care homes** and **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 on-site 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.

Discussion:

The Planning Commission closed the public hearing on April 15, 2021 and left the record open for written comments until April 30, 2021 per the request of the Department of Land Conservation and Development.

After the close of the public hearing, planning commissioners asked staff to research the following questions:

1. *Can Cities regulate how many child care homes are allowed in attached residential dwelling units?*

Answer: No, state law requires that cities allow registered and certified child care homes in all residential units.

2. *Can developers or Home Owner's Associations prevent the location of child care facilities in a neighborhood through the use of Covenants, Conditions and Restrictions (CC&Rs)?*

Answer: Yes, unless the state regulations expressly prohibit that ability to restrict land uses through CC&Rs, developers and/or Home Owner's Associations can restrict the presence of child cares in neighborhoods through the use of CC&Rs.

3. *What is the number of children allowed per square foot of space for registered and certified child care homes and child care centers?*

Answer: This is a variable determination based upon the age of the children and the number of adults present. Please see attached Oregon Department Early Learning Division Rule Handbooks for Register Child Care Homes, Certified Child Care Homes and Child Care Centers.

Changes Made to the Proposed Amendments Since the Public Hearing:

- Added the provision of allowing child care centers as outright permitted uses in the residential zones when located in a City-owned park or recreation facility, public school or conforming private school, as many as those facilities are located in residential zones and provide after-school child care.
- Revised the language for the number of children allowed for registered and certified child care homes per the recommendation of the Department of Land Conservation and Development.
- Added “on-site” employee parking to the parking standards per the Planning Commission recommendation.

Attachments:

- Exhibit A: Decision Document
- Exhibit B: Proposed Amendments
- Exhibit C: Oregon Dept Early Learning Division, Rules for Registered Family Child Care Homes
- Exhibit D: Oregon Dept Early Learning Division, Rules for Certified Family Child Care Homes
- Exhibit E: Oregon Dept Early Learning Division, Rules for Family Child Care Centers

Fiscal Impact:

There is no 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.”



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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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. Public hearing held virtually via Zoom meeting software, Zoom Online Meeting ID 942 3599 8716.

DATE & TIME: May 20, 2021. Meeting held virtually via Zoom meeting software, Zoom Online Meeting ID 960 2576 9049

**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.

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.

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.

City Council: _____ Date: _____
 Scott Hill, Mayor of McMinnville

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

Planning Department: _____ Date: _____
Heather Richards, Planning Director

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 R1, R2, R3, R4, R5 and OR zones. "Child Care Center" as an outright permitted use when located in a City-owned park or recreation facility, public school and conforming private school, and "Child Care Center" when not located in a City-owned park or recreation facility, public school or conforming private school as a conditional use in the R1, R2, R3, R4, R5 and OR zones. And "Day Care Facility (Adult)" when the structure is not a residence as a conditional use in the R1, R2, R3, R4, R5 and OR zones. The City is also proposing that "Child Care Homes: and "Child Care Center" be a permitted use in the C1, C2, C3, ML and M1 zones, and that "Child Care Centers" be a conditional use in the M2 zone. And finally, the city is proposing that "Child Care Center" and Child Care Facility" be required to provide one off-street parking space per on-site 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. On April 15, 2021, the Planning Commission closed the public hearing and kept the written record open until April 30, 2021.
6. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.

IV. Comments Received

A letter was received from the Oregon Department of Land Conservation and Development, April 26, 2021. (Attached).

V. CONCLUSIONARY FINDINGS:

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.



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

***.oregon.gov/LCD

April 26, 2021

Heather Richards, Community Development Director
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
Submitted via Email: heather.richards@mcminnvilleoregon.gov



Subject: Public Hearing (Docket G 1-21) – Amending zoning ordinance to allow child care as an outright permitted use (DLCD file Amendment 002-21)

Dear Director Richards,

This letter is in reference to post acknowledgement plan amendment (PAPA) 002-21, Docket G 1-21 amending Chapter 17 of McMinnville Municipal Code to remove regulatory barriers for the development of day care facilities. Thank you for keeping the record open until April 30 for DLCD to review and offer the following comments.

Recommendations for McMinnville's child care amendments: DLCD 04/26/21

The proposed amendments are a big step forward. McMinnville should be commended for tackling this important issue. We have some suggestions for simplification that will make the code easier to use and also less likely to become outdated. There are also some required (i.e., *not* a suggestion) changes, which are highlighted in yellow.

Definition: We suggest using a simpler definition (in italics, below) for Child Care Home that more closely matches the language in ORS 329A.440. This suggested definition specifies that family child care homes are allowed in residential dwellings, not structures constructed as residential dwellings, which avoids confusion for structures that were constructed as something other than residential dwellings and then converted to that use. It also avoids attempting to write exemptions into the definition. There are quite a number of programs that are exempt from licensing, however it would be neither possible nor desirable to include all of those exemptions in the definition of Child Care Home (or Child Care Center). Therefore, it is best to simply allow the use, keep the definition and standards as simple as possible, and leave the details up to the licensing agency (the Oregon Department of Education Early Learning Division).

Child Care Home, (Registered or Certified Family Child Care Home) – A home that is registered or certified by the Oregon Department of Education Office of Child Care to provide child care in the provider's home to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

Section 17.12.010(E)(3): Suggest removing this provision, or changing it to just list a maximum of 16 children. As noted above, it's enough to just allow the use and specify

that it has to be registered or certified by the State. The State will then determine what the specific requirements of the specific facility are. When the zoning code includes details like this, it is more likely to conflict with what the Early Learning Division allows either now or in the future if their standards change. The best approach is to leave the details of registering and certifying, including number children and number of families, up to the State's Early Learning Division.

Section 17.15.010(E)(3): Same comment as above.

Section 17.18.010(E)(3): Same comment as above.

Section 17.21.010(G)(3): Same comment as above. (Also, double check the lettering on this list. There are two "G's.")

Section 17.22.010(D)(3): Same comment as above.

Section 17.24.020(E)(3): Same comment as above.

Chapters 17.27, 17.30, 17.33, plus any other residential or commercial zone in the code: Child Care Homes (AKA family child care homes) must be permitted "in all areas zoned for residential or commercial purposes" (ORS 329A.440.1). So that means that any residential or commercial zone must allow family child care homes. Even if new dwellings aren't allowed in a commercial zone, this provision of the ORS requires family child care homes to be allowed in existing dwellings. The C-1, C-2, C-3, and any other commercial or residential zone that is in the code but not included in this amendment, must list "Child Care Home" as a permitted use.

Please enter these comments in your record for Docket G 1-21 and send us any revisions and staff report via email or through the PAPA database. If you have any questions or concerns, please contact me.

Kind regards,

Sarah J Marvin

Sarah Marvin, Interim Mid-Willamette Valley Regional Representative
Department of Land Conservation and Development

Cell: 503-559-1380 | Main: 503-373-0050

sarah.marvin@state.or.us



CITY OF MCMINNVILLE

PLANNING DEPARTMENT

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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 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. Child Care Center, under the following provisions:**
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. 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. The facility is not a facility defined in Section 17.12.010(G)(1).
 - 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 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. **Child Care Center, under the following provisions:**
 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. **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.~~
 - ~~10. 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. The facility is not a facility defined in Section 17.15.010(G)(1).
 - 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 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. Child Care Center, under the following provisions:**
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.

2. **Operator must have the appropriate licenses required by state regulations, if applicable.**

H. 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. **The facility is not a facility defined in Section 17.18.010(G)(1).**
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.

E. 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 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.
- I. Child Care Center, under the following provisions:**
1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- ~~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. The facility is not a facility defined in Section 17.21.010(I)(1).**
 - 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 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.
- E. **Child Care Center, under the following provisions:**
1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- 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. **The facility is not a facility defined in Section 17.22.010(E)(1).**
 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 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.
- H. Child Care Center, under the following provisions:**
 - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
 - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- ~~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 418.840.~~
- ~~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. The facility is not a facility defined in Section 17.24.010(H)(1).
 - 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. The operator must have the appropriate licenses required by state regulations, if applicable..
- 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 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

Chapter 17.30
C-2 TRAVEL COMMERCIAL ZONE

Section 17.30.010 Permitted Uses.

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

B. Child Care Center, under the following provisions:

1. The operator must have the appropriate licenses required by state regulations, if applicable..

[.....]

L. 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 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

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 17.36.020 Permitted Uses.

BB. Child Care Center, under the following provisions:

1. The operator must have the appropriate licenses required by state regulations, if applicable.

CC. 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 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

DD. 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 17.39.020 Permitted Uses.

AA. Child Care Center, under the following provisions:

1. Operator must have the appropriate licenses required by state regulations, if applicable.

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. **Operator must have the appropriate licenses required by state regulations, if applicable.**
- 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 on-site 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. |
|---|--|



Rules for

Registered Family Child Care Homes

Effective 8/13/2019

Oregon Department of Education
Early Learning Division

Office of Child Care

503-947-1400 • 1-800-556-6616

Contents

414-205-0000 Purpose	2
414-205-0010 Definitions	3
414-205-0020 Application for Registration	8
414-205-0035 General Requirements	9
414-205-0040 The Provider and Other Persons in the Home	11
414-205-0055 Training Requirements	14
414-205-0065 Children in Care	16
414-205-0075 Supervision of Children	16
414-205-0085 Guidance and Discipline	17
414-205-0090 Program of Activities	18
414-205-0100 Health	20
414-205-0105 Testing for Lead in Drinking Water	25
414-205-0110 Safety	27
414-205-0120 Sanitation	31
414-205-0130 Record Keeping	32
414-205-0140 Night Care	33
414-205-0150 Exceptions to Rules	34
414-205-0160 Complaints	34
414-205-0170 Suspension, Denial, Revocation, Findings Reviews and Civil Penalties	35

DIVISION 205

REGISTERED FAMILY CHILD CARE HOMES

414-205-0000 Purpose

- (1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Office of Child Care's (OCC) minimum requirements for registering family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.
- (2) Registration is required for persons who provide child care:
 - (a) On other than an occasional basis; and
 - (b) To more than three children from more than one family at any one time, other than the person's children subject to the limits in OAR 414-205-0065.
- (3) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.
- (4) These rules do not apply to care provided:
 - (a) In the home of the child;
 - (b) To three or fewer children, not including the provider's children subject to the limits in OAR 414-205-0065 except as provided in 414-205-0000(2)(c);
 - (c) To children from one family, not including the provider's children except as provided in 414-205-0000(2)(f);
 - (d) On an occasional basis by a person not ordinarily engaged in providing child care except as provided in 414-205-0000(2)(e);
 - (e) By the child's parent, legal guardian, or person acting in place of a parent;
 - (f) By a person related to the child care children by blood, marriage, or adoption; or
 - (g) By a person who is a member of the child's extended family, as determined by OCC on a case-by-case basis or;

(h) By a person providing care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day, except as provided in 414-205-0000(2)(d).

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

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

414-205-0010 Definitions

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

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

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

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

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

(4) "Child Care Child" means a child at least six weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The child does not reside in the home and the provider has supervisory responsibility for the child in the temporary absence of the parent.

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

(6) "Civil Penalty" means a fine imposed by OCC on a provider for violation on these rules.

(7) "Communicable Disease" means an illness caused by an infectious agent or its toxins.

- (8) "Disinfecting" means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.
- (9) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.
- (10) "Infant" means a child who is at least six weeks of age up to 12 months of age.
- (11) "Kindergarten-Age Child" means a child eligible to attend kindergarten in a public school. A kindergarten-age child is considered a school-age child.
- (12) "New Application" means a registration application that has been filed by an applicant who has never had an active registration.
- (13) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.
- (14) "OCC" means the Office of Child Care, Early Learning Division of the Department of Education.
- (15) "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.
- (16) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training and education of individuals who work in childhood care and education.
- (17) "Outbreak of Communicable Disease" means two cases from separate households associated with a suspected common source.
- (18) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care.
- (19) "Preschool-Age Child" means a child who is 36 months of age up to eligible to attend kindergarten in a public school.
- (20) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.
- (21) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

- (22) "Registration" means the document a family child care provider is issued by OCC to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS 329A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.
- (23) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.
- (24) "Reopen Application" means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.
- (25) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.
- (26) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease producing organisms, to a safe level on utensils, equipment and toys.
- (27) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This includes the months from the end of the prior school year to the start of the kindergarten school year.
- (28) "Serious Complaint" means a complaint filed against:
- (a) A registered family child care provider by a person who alleges that:
 - (A) Children are in imminent danger;
 - (B) There are more children in care than allowed by law;
 - (C) Provider is engaging in behavior prohibited under OAR 414-205-0085(6);
 - (D) Children are not being supervised;
 - (E) Multiple or serious fire, health or safety hazards are present in the home;
 - (F) Extreme unsanitary conditions are present in the home; or
 - (G) Adults are in the home who are not enrolled in OCC's CBR; or
 - (b) An individual providing child care, as defined by ORS 329A.250(4), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.

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

- (a) Injury requiring surgery;
- (b) Injury requiring admission to a hospital;
- (c) Injury requiring emergency medical attention;
- (d) Choking and unexpected breathing problems;
- (e) Unconsciousness;
- (f) Concussion;
- (g) Poisoning;
- (h) Medication overdose;
- (i) Broken bone;
- (j) Severe head or neck injury;
- (k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;
- (l) All burns;
- (m) Allergic reaction requiring administration of Epi-Pen;
- (n) Severe bleeding or stitches;
- (o) Shock or confused state;
- (p) Near-drowning.

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

- (a) Children are in imminent danger;
- (b) There are more children in care than allowed by law;
- (c) Provider is engaging in behavior prohibited under OAR 414-205-0085(6);
- (d) Children are not being supervised;

- (e) Multiple or serious fire, health or safety hazards are present in the home;
 - (f) Extreme unsanitary conditions are present in the home; or
 - (g) Adults are in the home who are not enrolled in OCC's CBR; or
 - (h) An individual is providing child care as defined by ORS 329A.250(4) without registering with the Office of Child Care of the Department of Education.
- (31) "Substitute Provider" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.
- (32) "Toddler" means a child who is at least 12 months of age but is not preschool-age.
- (a) "Younger Toddler" means a child who is at least 12 months of age but is under 24 months of age.
 - (b) "Older toddler" means a child who is at least 24 months of age but is not yet preschool-age.
- (33) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or staff with supervisory authority.
- (34) "Useable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key.
- (a) For homes built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.
 - (b) For homes built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 44 inches above the floor.

414-205-0020 Application for Registration

- (1) The applicant must apply for registration on the form(s) supplied by OCC. The original form(s) must be submitted to OCC for processing.
- (2) Persons submitting new applications must attend a family child care overview session prior to submitting their application to OCC.
- (3) Persons interested in submitting an application must meet the training requirements outlined in OAR 414-205-0055.
- (4) An application for registration is required:
 - (a) For a new registration;
 - (b) For renewing a registration; and
 - (c) For reopening a registration.
- (5) There is a non-refundable filing fee of \$30 for each application. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.
- (6) All civil penalties must be paid in full.
- (7) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit OCC, a fire marshal, or a public health official to assess the home and/or review child care records.
- (8) Providers must satisfactorily complete an on-site health and safety review conducted by OCC prior to issuance of a new, renewal or reopen registration. The review will ensure that the provider is in compliance with the rules related to health, safety and sanitation.
- (9) If an application for renewal is received by OCC at least 30 days prior to the expiration date of the current registration, the current registration, unless officially revoked, remains in effect until OCC has acted on the application for renewal and has given notice of the action taken.

414-205-0035 General Requirements

- (1) The home in which child care is provided must be the residence of the provider.
- (2) The provider may not hold a medical marijuana card, grow marijuana, or be a distributor of marijuana.
- (3) Registration is limited to one provider per household.
- (4) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.
- (5) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from OCC.
- (6) OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.
- (7) The name, address, telephone number, and registration status of providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.
- (8) The provider shall display the following near the entrance, or in some other area of the home where they may be clearly viewed by parent(s) of children in care:
 - (a) The Certificate of Registration; and
 - (b) Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months
- (9) The provider shall have no other employment, either in or out of the home, during the hours children are in care.
- (10) OCC staff may conduct an unannounced monitoring visit at least once during the license period.
- (11) The provider or substitute must allow a representative from the Office of Child Care access to the premises any time child care children are present.

- (12) The provider or substitute shall allow an inspection of all areas of the facility that are accessible to child care children, and a health and safety review of other areas of the facility to ensure the health and safety of child care children.
- (13) The provider must allow parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.
- (14) The provider must comply with local, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.
- (15) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.
- (16) The provider must notify parents if there will be a substitute provider and the caregiver's name. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.
- (17) The provider must notify parents if the children will be away from the home for any part of the day for visits, field trips or any other activity off the premises and the name of the caregiver.
- (18) If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren).
- (19) Registered providers shall comply with all conditions placed on their license.
- (20) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete and accurate.
- (21) Providers shall immediately notify all parents of any closure of the active license.
- (22) Providers must have parent(s) or guardian(s) of each child enrolled in the registered family child care home, sign a declaration form approved by the Office of Child Care verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.
- (23) Providers must post the Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal.

(24) The provider shall report to OCC:

- (a) Any death of a child while in care, within 24 hours;
- (b) Within 24 hours:
 - (A) Any child that is lost or missing from the premises;
 - (B) Any child that is left behind on a facility excursion;
 - (C) Any child that is left unattended on the premises;
 - (D) Any child that is left alone on the playground; or
 - (E) Any child that is left alone in a vehicle.
- (c) Any serious injury or incident, as defined in OAR 414-205-0010(29) within 5 calendar days after the occurrence. This does not include:
 - (A) Injuries for which a child is evaluated by a professional as a precaution;
 - (B) Injuries for which first aid is administered at the facility, but no further treatment by a medical professional is warranted; or
 - (C) Medical events due to routine, ongoing medical issues, such as asthma or seizures.
- (d) Any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours of the occurrence.
- (e) Any animal bites to a child within 48 hours of occurrence.

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

(26) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the registered family child care home of any valid non-compliance with regulations for safe sleep included in OAR 414-205-0090(11).

414-205-0040 The Provider and Other Persons in the Home

(1) The registered provider and any substitute provider shall:

- (a) Be at least 18 years old,
- (b) Have competence, sound judgment and self-control when working with children, and

- (c) Be mentally, physically and emotionally capable of performing duties related to child care.
- (2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.
- (3) The applicant and other residents of the home 18 years of age or older must be enrolled in OCC's CBR prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.
- (4) The provider must receive confirmation from OCC that an individual 18 years of age or over, is enrolled or conditionally enrolled in the CBR before the individual can:
 - (a) Reside on the premises;
 - (b) Stay overnight on the premises for longer than 14 consecutive days, not to exceed a total of 30 days in a calendar year;
 - (c) Assist the provider; or
 - (d) Volunteer in the child care program.
- (5) Individuals with conditional enrollment in the CBR shall not have unsupervised access to children.
- (6) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.
- (7) Any visitor to the home or other adult who is not enrolled in the CBR may not have unsupervised access to children.
- (8) The provider, substitutes and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the registered family child care license is active.
- (9) Individuals whose CBR enrollment has been revoked, denied or suspended, may not live in the home; be on the premises during child care hours; or have contact with child care children.

- (10) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, registration may be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.
- (11) The provider shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.
- (12) The provider shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the home while child care children are present, excluding persons authorized to drop off and pick up a child care child.
- (13) Prior to substituting for the provider, a caregiver must:
 - (a) Be familiar with the requirements for registration and agree to comply with them;
 - (b) Be enrolled in the CBR;
 - (c) Comply with all the requirements placed on the provider, except those in OAR 414-205-0055(1)(a), (2)(c), (3) (c);
 - (d) Have current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). The certifications must be current while the caregiver is substituting for the provider. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable;
 - (e) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law;
 - (f) Have current food handler's certification, if preparing or serving food to children;
 - (g) Have completed OCC approved health and safety training; and
 - (h) Have completed OCC approved safe sleep training.

414-205-0055 Training Requirements

- (1) When a person submits a new application for registration as a family child care provider, OCC shall, prior to approving the registration, receive evidence from the person that the person has:
 - (a) Completed the Family Child Care Overview session;
 - (b) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.
 - (c) A current food handler certification pursuant to ORS 624.570;
 - (d) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law;
 - (e) Completed OCC approved health and safety training; and
 - (f) Completed OCC approved safe sleep training.
- (2) When a registered family child care provider submits a renewal application, the OCC shall, prior to approving it, receive evidence from the provider that the provider has:
 - (a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.
 - (b) A current food handler certification pursuant to ORS 624.570; and
 - (c) Completed a minimum of ten hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least six clock hours of the ten hours of training must be in child development or early childhood education. A training on recognizing and reporting child abuse and neglect will be accepted after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.
 - (d) Completed OCC approved health and safety training. If the training is not complete at the time of the application, it must be completed by June 30, 2017.

- (A) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.
 - (B) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).
- (3) When a person submits a reopen application, the OCC shall, prior to approving it, receive evidence from the individual that the individual has:
- (a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.
 - (b) A current food handler certification pursuant to ORS 624.570; and
 - (c) Documentation that individual has ten hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: 2.5 hours of training for each six months of the previous license period. A training on recognizing and reporting child abuse and neglect will be accepted again after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.
 - (d) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.
 - (e) Completed OCC approved health and safety training.
 - (f) Completed OCC approved safe sleep training. If the reopen is the result of an address change, the person must complete the OCC approved safe sleep training by January 1, 2019.
- (4) While the registered family child care license is active, the provider must maintain current certification in first aid, infant and child CPR, food handler training, and must complete annual OCC approved health and safety training curriculum.
- (5) All current providers must complete OCC approved safe sleep training by January 1, 2019.

414-205-0065 Children in Care

- (1) A family child care provider may care for a maximum of 10 children under 13 years of age, or under age 18 if a child with special needs, at any one time. This includes the provider's own children, the child care children, foster children, and any other children for whom the provider is responsible.
- (2) Of the 10 children under 13 years of age or under age 18 years of age with special needs, the provider may care for:
 - (a) A maximum of 6 children preschool age or younger, including the provider's children, of which only 2 children may be under 24 months of age.
 - (b) Four school-age children, in addition to the six children preschool-age or younger.
 - (A) More school-age children if there are fewer than 6 children preschool age or younger, as long as there are no more than 10 children in the home at any one time.
- (3) Other children, including but not limited to relatives, neighborhood children or friends of the provider's children, are included in the maximum number of 10 children allowed in care if their parents or other adults responsible for supervising them are not present in the home or are not directly supervising their own child(ren).
- (4) Visiting children and their parents or others directly supervising them can be in the family child care home only on an occasional basis.
- (5) No child younger than 6 weeks of age can be in care in a family child care home. This does not include the provider's child(ren).

414-205-0075 Supervision of Children

The provider or a substitute provider is responsible for the children in care. At all times the provider or substitute provider must:

- (1) Be within sight or sound of all children;
- (2) Be aware of what each child is doing;
- (3) Be near enough to children to respond when needed;
- (4) Be physically present when there are children under the age of 36 months playing outside; and

- (5) Be physically present when kindergarten-age or younger children are playing outside, unless the outside play area is fully fenced and hazard free.

414-205-0085 Guidance and Discipline

- (1) The provider must have a written policy on guidance and discipline of child care children. The policy must be simple and understandable to the child, the parent(s) and to substitute providers.
- (2) The written guidance and discipline policy must be given to all parents.
- (3) The guidance and discipline policy shall:
 - (a) Provide for positive guidance, redirection and the setting of clear boundaries; and
 - (b) Be designed to help the child develop self-control, self-esteem and respect for others.
- (4) Only providers and substitutes shall provide guidance or discipline to child care children.
- (5) Guidance and discipline shall be fair, consistently applied, timely and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used.
- (6) The following behaviors by caregivers are prohibited:
 - (a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment;
 - (b) Using inappropriate forms of restraints, including, but not limited to, tying or binding;
 - (c) Using non-prescription chemicals for discipline or to control behavior;
 - (d) Yelling harshly or using profane or abusive language;
 - (e) Using mental or emotional punishment, including, but not limited to: name calling, ridicule or threats;
 - (f) Confining a child in an enclosed area (e.g. a locked or closed room, closet or box);
 - (g) Withdrawal or the threat of withdrawal of food, rest or bathroom opportunities;

- (h) Punishing a child for toileting accidents or for refusing to eat food;
 - (i) Engaging in any form of public or private humiliation, rejecting, terrorizing, neglecting or corrupting a child or any form of emotional abuse; and
 - (j) Requiring a child to remain silent or inactive for excessive periods of time or removing a child from activities or the group for excessive periods of time.
- (7) Parental request or permission to use any form of behavior listed in subsection (6) of this rule, does not give the provider or substitute provider permission to do so.

414-205-0090 Program of Activities

- (1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.
- (2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).
- (3) The children's activities must allow choice and develop skills based on each child's age and abilities.
- (4) A balance of active and quiet play must be provided, both indoors and outdoors.
- (5) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.
- (6) An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.
 - (a) Family beds or sofas may be used with individual bedding appropriate to the season.
 - (b) If the parent(s) so request, siblings may share the same bed.
 - (c) The upper level of bunk beds shall not be used for children under ten years of age.
 - (d) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.
- (7) Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate.

- (8) Throughout the day, each infant and toddler shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the home).
- (9) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.
- (10) Infants shall have a variety of appropriate infant toys stimulating to the senses.
- (11) The following safe sleep practices must be followed:
 - (a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;
 - (b) Bassinets may only be used until the infant is able to roll over on their own;
 - (c) Each mattress shall:
 - (A) Fit snugly; and
 - (B) Be covered by a tightly fitting sheet;
 - (d) A clean sheet shall be provided for each child;
 - (e) Infants must be placed on their backs on a flat surface for sleeping;
 - (f) While on the child care premises, if an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the provider must immediately move the infant to an appropriate sleep surface;
 - (g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;
 - (h) There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier (e.g. bottles, toys, pillows, stuffed animals, blankets, bumpers);
 - (i) Swaddling or other clothing or covering that restricts the child's movement is prohibited;
 - (j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and

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

414-205-0100 Health

- (1) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.
- (2) The home must be a healthy environment for children.
 - (a) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.
 - (b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.
 - (c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.
 - (d) Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present.
 - (e) No adult under the influence of marijuana shall have contact with child care children.
 - (f) Notwithstanding OAR 414-205-0000(5), marijuana plants shall not be grown or kept on the registered family child care home premises.
 - (g) All medical marijuana must be kept in its original container if purchased from a dispensary and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under child safety lock.

- (h) Effective July 1, 2015, all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.
 - (i) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks.
 - (j) The room temperature must be at least 68°F during the hours the child care business is conducted.
 - (k) Rooms occupied by children must have a combination of natural and artificial lighting.
 - (l) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (3) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.
- (a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.
 - (b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.
- (4) Infants must be laid on their backs on a flat surface for sleeping.
- (5) Illness:
- (a) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:
 - (A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or
 - (B) Has one of the following symptoms or combination of symptoms or illness;
 - (i) Fever over 100°F, taken under the arm;
 - (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);
 - (iii) Vomiting;

- (iv) Nausea;
 - (v) Severe cough;
 - (vi) Unusual yellow color to skin or eyes;
 - (vii) Skin or eye lesions or rashes that are severe, weeping or pus-filled;
 - (viii) Stiff neck and headache with one or more of the symptoms listed above;
 - (ix) Difficulty breathing or abnormal wheezing;
 - (x) Complaints of severe pain.
- (b) A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.
- (6) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child
- (7) Parents must be notified if their child is exposed to an outbreak of a communicable disease.
- (8) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent, as required in OAR 414-205-0130(2)(b).
- (9) Prescription and non-prescription medications must be properly labeled and stored.
- (a) Non-prescription medications or topical substances must be labeled with the child's name.
 - (b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.
 - (c) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.
- (10) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:
- (a) Providers must obtain written parental authorization prior to using sunscreen.

- (b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.
 - (A) Parents must be informed of the type of product and the sun protective factor (SPF).
 - (B) Parents must be given the opportunity to inspect the product and active ingredients.
- (c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.
- (d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.
- (e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".
- (f) Providers shall not use aerosol sunscreens on child care children.
- (g) Sunscreen shall not be used on child care children younger than six months.
- (h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.
- (11) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- (12) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.
- (13) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.
 - (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.
 - (b) Foods must be stored and maintained at the proper temperature.
 - (c) Foods must be prepared and served according to the minimum standards for food handler certification.
 - (d) Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.

- (e) Children shall not be laid down with a bottle for sleeping.
- (14) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.
- (a) Infants up to six months of age shall be held or sitting up in a caregiver's lap for bottle feeding;
 - (b) Bottles shall never be propped. The child or a caregiver shall hold the bottle.
 - (c) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.
- (15) Children of any age shall not be laid down with a bottle.
- (16) Any animal at the family child care home shall be in good health and be a friendly companion for the children in care.
- (a) Potentially aggressive animals must not be in the same physical space as the children.
 - (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.
 - (c) Dogs and cats shall be kept free of fleas, ticks and worms.
- (17) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.
- (18) Caregivers must be physically present when children are interacting with animals.
- (19) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.
- (20) Parents must be made aware of the presence of any animals on the premises.

414-205-0105 Testing for Lead in Drinking Water

- (1) For purposes of this rule, “drinking water faucet or fixture”
 - (a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and
 - (b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.
- (2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.
- (3) Initial Testing
 - (a) Any provider with an active registration as of September 30, 2018 must test each drinking water faucet or fixture by November 30, 2018.
 - (b) The following providers must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:
 - (A) Any provider with a pending registration application as of September 30, 2018; and
 - (B) Any provider applying for registration on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications.
 - (c) A provider identified in (3)(a) or (b) does not need to conduct the initial testing if:
 - (A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and
 - (B) The testing was conducted in accordance with the requirements of subsection (5) of this rule.
 - (d) A provider identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.
 - (e) A provider identified in (3)(b) must submit test results to OCC within 10 calendar days of the facility receiving the results from the laboratory. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.

(4) Ongoing Testing

- (a) After a provider conducts the initial testing under subsection (3) of this rule, the provider must test all drinking water faucets or fixtures at least once every six years from the date of the last test.
- (b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the provider receiving the results from the laboratory. The test results must be accompanied by a written statement that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

- (a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.
- (b) All testing must be performed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.
- (c) If a facility does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the provider must:
 - (A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and
 - (B) Notify OCC in writing if the alternative source of water changes.

(6) Results

- (a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:
 - (A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and
 - (B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule.
- (b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

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

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

(7) Recordkeeping and Posting

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

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

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

414-205-0110 Safety

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

(a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.

(b) Extension cords shall not be used as permanent wiring;

(c) All appliance cords must be in good condition;

(d) Multiple connectors for cords shall not be used;

(e) A grounded power strip outlet with a built-in over-current protection may be used;

(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;

(g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;

- (h) A working smoke detector on each floor and in any area where children nap;
 - (i) A working fire extinguisher with a rating of at least 2-A:10-BC;
 - (j) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;
 - (k) Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock;
 - (l) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock;
 - (m) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building;
 - (n) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and
 - (o) All clear glass panels in doors clearly marked at child level.
- (2) All floor levels used by children must have access to two useable exits, as defined in OAR 414-205-0010(34), to the outdoors.
- (a) If a basement is used for child care purposes, the requirement for two useable exits may be met by one of the following:
 - (A) A sliding glass door or swinging door to the outside and a window that meets the definition of a useable exit; or
 - (B) A window which meets the definition of a useable exit and an internal stairway to ground level that has unobstructed and direct access to the outdoors.
 - (b) If a window, which meets the definition of a useable exit, is used:
 - (A) Steps must be placed under the window to allow children to exit without assistance; and
 - (B) The window must be kept in good working condition.
 - (c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.

- (3) Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence):
 - (a) Child care children shall not sleep on the second floor or above;
 - (b) Care shall not be provided for infants and toddlers on the second floor or above;
 - (c) Night care shall not be provided on the second floor or above;
 - (d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;
 - (e) Care can be provided for preschool and school-age children on the second floor or above, if:
 - (A) There are two staircases to the ground level and all children are mobile enough to exit safely; or
 - (B) The designated fire marshal has approved the use of the upper floor.
- (4) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month and must include:
 - (a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;
 - (b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs and children with chronic medical conditions;
 - (c) An acceptable method to ensure that all children in attendance are accounted for
 - (d) Procedures for handling natural disasters (e.g. fire, earthquake, etc.) and man-caused events, such as violence at a child-care facility;
 - (e) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and
 - (f) Procedures for maintaining continuity of child care operations.
- (5) A telephone in working condition must be in the family child care home.
 - (a) Parents must be given the telephone number so they can contact the provider if needed.

- (b) Emergency telephone numbers for fire, ambulance, police and poison control and the provider's home address must be posted in a visible location
- (6) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.
 - (a) Broken toys, furniture and equipment must be removed from areas accessible to children.
 - (b) Both the exterior and interior of the home must be maintained in good repair.
 - (c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint.
 - (d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.
- (7) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.
- (8) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle
- (9) The provider must take precautions to protect children from vehicular traffic. The provider shall:
 - (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.
 - (b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
- (10) The following vehicles may be used to transport child care children:
 - (a) A vehicle manufactured to carry fewer than ten passengers;
 - (b) A school bus or a multi-function school activity bus;
 - (c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or
 - (d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:

- (A) Travel speed may not exceed 50 mph; and
- (B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

414-205-0120 Sanitation

- (1) Pre-mixed sanitizers and disinfectants that are EPA registered and meet Oregon Health Authority criteria may be used in all areas of the home per manufacturer instructions.
- (2) All caregivers and children must wash their hands with soap and warm, running water:
 - (a) Before handling food;
 - (b) Before assisting with feeding;
 - (c) Before and after eating;
 - (d) After diapering;
 - (e) After using the toilet;
 - (f) After assisting someone with toileting;
 - (g) After nose wiping;
 - (h) After playing outside; and
 - (i) After touching an animal or handling pet toys.
- (3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept out of children's reach and shall not be used on children.
- (4) All toys, equipment and furniture used by children must be cleaned, rinsed and sanitized regularly and whenever soiled.
- (5) Diaper changing surfaces must be either:
 - (a) Non-absorbent and easily disinfected;

- (b) Disposed of after each use; or
- (c) Laundered after each use.
- (6) The diaper changing area shall be located so that hand washing can occur immediately after diapering without contacting other surfaces or children.
- (7) The building and grounds must be maintained in a clean and sanitary manner.
- (8) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.
- (9) Bio-contaminants including but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.
- (10) The home's water supply must be safe to drink.
- (11) Wading pools are prohibited for wading.

414-205-0130 Record Keeping

- (1) The following records, except those specified in OAR 414-205-0105(7)(a), shall be kept by the provider for at least one year. These records shall be available at all times to OCC:
 - (a) Information from the parent(s) for each child at the time of admission:
 - (A) Name and birth date of the child;
 - (B) Any chronic health problem(s), including allergies, the child has;
 - (C) Date child entered care;
 - (D) Names, work and home telephone numbers and addresses, and the work hours of the parent(s) or legal guardian(s);
 - (E) Name and telephone number of person(s) to contact in an emergency;
 - (F) Name and telephone number of person(s) to whom the child may be released;
 - (G) The name of the school attended by the child care child; and
 - (H) Name, address and telephone number of the child's doctor and dentist.

- (l) Health history of any problems that could affect the child's participation in child care.
 - (b) Daily attendance records, including dates each child attended and arrival and departure times for each day. Times shall be recorded as the child care children arrive and depart;
 - (c) Medications administered, including the child's name, and the date and time of dosage and the dosage amount; and
 - (d) Injuries to a child.
- (2) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:
- (a) Obtain emergency medical treatment for a child;
 - (b) Administer medications to a child;
 - (c) Take a child on a field trip or other activity outside the home or participate in any water activity; and
 - (d) Transport a child to or from school or allow a child to bus or walk to or from school or home.

414-205-0140 Night Care

A provider providing night care must:

- (1) Have a written plan for the care, mutually agreed upon by the parent(s) and the provider;
- (2) Have a written plan for emergency situations occurring during the night;
- (3) Be awake for the arrival and departure of each child in night care; and
- (4) Follow all other applicable Registration rules.

414-205-0150 Exceptions to Rules

- (1) A provider may request an exception to a rule.
 - (a) An exception must be requested on a form provided by OCC;
 - (b) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children.
- (2) The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC.
- (3) In instances where care that is subject to registration, as defined in subsection (2) of rule 414-205-0000, will not be provided in the provider's own residence, the applicant/provider must request and receive approval for an exception prior to providing care at that location. In all respects, the location must appear and be arranged as a residence.
- (4) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.
- (5) An exception is valid only for the specified dates for which it is issued.
- (6) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.

414-205-0160 Complaints

- (1) The Office of Child Care will respond to complaints made on registered and illegal providers, and will cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.
 - (a) Any and all complaints may result in an on-site assessment at the family child care home;
 - (b) All serious complaints will result in an on-site assessment at the family child care home;
 - (c) Complaints alleging child abuse or neglect will be reported to the Department of Human Services Child Welfare (DHS) or local law enforcement agencies.

- (2) New applicants for registration will be given a copy of OCC's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request.

414-205-0170 Suspension, Denial, Revocation, Findings Reviews and Civil Penalties

- (1) A provider has the right to a review of any finding made by OCC. New applicants for registration will be given a copy of OCC's findings review procedures at the time of the on-site inspection. Information on the OCC findings review process will be in complaint letters. The OCC findings review procedures are also available upon request.
- (2) The Office of Child Care may immediately, and without prior notice, suspend the child care registration when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.
- (3) A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.
- (4) A provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.
- (5) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents and others for the duration of the suspension.
- (6) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.
- (7) If the provider does not request a hearing and the conditions which resulted in suspension have not been corrected, the registration shall be revoked.
- (8) Registration may be denied or revoked if a registered family child care home fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or well-being of children in care.
- (9) A registered family child care home whose registration has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.

- (10) The provider has the right to appeal any decision to deny, suspend, or revoke the registration, subject to the provisions of Chapter 183, Oregon Revised Statutes.
- (11) Any action taken by OCC to deny, suspend, or revoke registration may be reported to the Department of Human Services, USDA Child Care Food Programs and child care resource and referral system.
- (12) A provider whose registration has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked for cause shall not be eligible to reapply for 5 years after the effective date of the closure.
- (13) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, registration may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.
- (14) Registration may be denied, suspended or revoked if an individual listed in OAR 414-205-0075 has a child protective services history or an open child protective services or law enforcement case that would disqualify the individual from the CBR.
- (15) Violations of these rules or terms and conditions of certification under these rules may be subject to a civil penalty up to \$750 per violation.
- (16) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a registered facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:
 - (a) Provide technical assistance as appropriate;
 - (b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and
 - (c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:
 - (A) Numbers of previous violations of the same rule; or
 - (B) Circumstances surrounding the rule violation.
- (17) For a serious violation, as defined in OAR-414-205-0010 (30), a provider may be subject to a civil penalty not to exceed \$750 for each violation.

- (18) For a non-serious violation, a provider may be subject to a civil penalty of \$250 for each violation.
- (19) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules.
- (20) An individual or entity that provides child care subject to licensing in a home or facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified facility.
- (21) Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations.
- (22) The provider has the right to appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.
- (23) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.



Rules for

Certified Family Child Care

Effective 8/13/19

Oregon Department of Education

Early Learning Division

Office of Child Care

503-947-1400 • 1-800-556-6616

Contents

DIVISION 350 CERTIFIED FAMILY CHILD CARE HOMES.....	3
414-350-0000 Applicability of Rules.....	3
414-350-0010 Definitions.....	4
414-350-0020 Application for a Child Care Certificate	9
414-350-0030 Issuance of a Child Care Certificate.....	11
414-350-0040 Exceptions to Rules.....	12
414-350-0050 General Requirements.....	13
414-350-0060 Enrollment	16
414-350-0070 Arrival and Departure.....	17
414-350-0080 Records	18
414-350-0090 General Requirements.....	19
414-350-0100 The Provider	22
414-350-0110 Assistants	24
414-350-0115 Training Requirements	25
414-350-0120 Caregiver/Child Ratios and Supervision	27
414-350-0130 General Requirements.....	31
414-350-0140 Indoor Area.....	32
414-350-0150 Outdoor Area.....	33
414-350-0160 Sanitation	34
414-350-0165 Testing for Lead in Drinking Water.....	37
414-350-0170 Home Safety.....	39
414-350-0180 Illness or Injury	42
414-350-0190 Animals in the Certified Family Child Care Home	45
414-350-0200 Food Selection, Storage, and Preparation	46
414-350-0210 Meals and Snacks	47
414-350-0220 General Requirements.....	50
414-350-0230 Equipment, Furniture, and Supplies.....	54
414-350-0235 Infant and Toddler Furniture and Equipment.....	55
414-350-0240 Guidance and Discipline	56
414-350-0250 Transportation	57
414-350-0375 Night Care	58

414-350-0380 Swimming Activities60

414-350-0390 Suspension, Denial and Revocation65

414-350-0405 Civil Penalty.....66

DIVISION 350 CERTIFIED FAMILY CHILD CARE HOMES

414-350-0000 Applicability of Rules

- (1) OAR 414-350-0000 through 414-350-0405 set forth the Office of Child Care's (OCC) requirements for the inspection and certification of certified family child care homes subject to Oregon laws governing child care facilities (ORS 329A.030, 329A.250 through 329A.310, 329A.350 through 329A.460, and 329A.990) that:
 - (a) Care for no more than 16 children; and
 - (b) Are located in a building constructed as a single-family dwelling.
- (2) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.
- (3) The following child care facilities are specifically excluded by law and are not required to comply with these rules:
 - (a) A registered family child care home;
 - (b) A facility providing care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day except as provided in 414-350-0000(2);
 - (c) Care provided in the home of the child; or
 - (d) A facility that provides care on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care except as provided in 414-350-0000(2); or
 - (e) A facility that provides care for no more than three children other than the person's own children except as provided in 414-350-0000(2);
 - (f) A facility that provides care for children from only one family other than the person's own family except as provided in 414-350-0000(2).
- (4) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.
- (5) For purposes of these rules, the determination of compliance or noncompliance shall be made by OCC.

- (6) Providers have a right to review any action or decision affecting them. The OCC grievance procedures are available upon request to all applicants for child care certification or operators of certified family child care homes.
- (7) These rules apply only during the hours the provider is conducting the certified family child care business.

414-350-0010 Definitions

The following words and terms, when used in OAR 414-350-0000 through 414-350-0405, have the following meanings:

- (1) “Activity Area” means the area of the home that is available, during all the hours of operation, for the children’s activities. This area excludes the food preparation area of the kitchen, bathrooms, storage areas, and those parts of rooms occupied by heating stoves, furniture and stationary equipment not used by children.
- (2) “Attendance” means children actually present in the home at any given time.
- (3) “Capacity” means the total number of children allowed in the certified family child care home at any one time, based on the available square footage, the ages of the children to be served and the total number of staff.
- (4) “Caregiver” means any person, including the provider, who cares for the children in the certified family child care home and works directly with the children, providing care, supervision and guidance.
- (5) “Central Background Registry” means OCC’s Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.
 - (a) “CBR Enrollment” means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification and an FBI records check.
 - (b) “CBR Conditional Enrollment” means temporary approval to be enrolled in the CBR following a Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check.
- (6) “Certificate” means the document that is issued by OCC to a certified family child care home pursuant to ORS 329A.280.

- (7) “Certified Family Child Care Home” or “Home” means: a child care facility located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.
- (8) “Child Care” means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:
- (a) In the home of the child;
 - (b) By the child’s parent or guardian, or person acting in loco parentis;
 - (c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;
 - (d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care;
 - (e) By providers of medical services; or
 - (f) By a person who is a member of the child’s extended family, as determined by OCC on a case-by-case basis.
- (9) “Child Care Child” means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, and for whom the provider has supervisory responsibility in the temporary absence of the parent.
- (10) “Child with Special Needs” means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.
- (11) “Child Care Facility” means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 329A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.
- (12) “Civil Penalty” means a fine imposed by OCC on a provider for violation of these rules.
- (13) “Enrollment” means all children registered to attend the certified family child care home.

- (14) "Guidance and Discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.
- (15) "Infant" means a child who is at least 6 weeks of age but is not yet walking alone.
- (16) "Night Care" means care given to children who sleep at the home for all or part of the night.
- (17) "Nonserious violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-350-0010(33).
- (18) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of the Office of Child Care.
- (19) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.
- (20) "Operator" means the person responsible for the overall operation of the home and who has the authority to perform the duties necessary to meet certification requirements. In a certified family child care home, the operator is the provider.
- (21) "Oregon Registry" means Pathways for Professional Recognition in Childhood Care and Education is a voluntary, statewide program to document and recognize the professional achievements of people who work in the childhood care and education profession.
- (22) "Owner" means the person who holds the certified family child care business as property and has a major financial stake in the operation of the home.
- (23) "Parent" means parent(s), custodian(s), or guardian(s) exercising physical care and legal custody of the child.
- (24) "Potentially hazardous food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice, beans or pasta, and all other previously cooked foods, including leftovers.
- (25) "Preschool Age Child" means a child 36 months of age to eligible to attend kindergarten or above in public school.
- (26) "Program" means all activities and care provided for the children during their hours of attendance at the certified family child care home.
- (27) "Provider" means the person in the certified family child care home who is responsible for the children in care, is the children's primary caregiver, and in whose name the certificate is issued. In a certified family child care home, the provider is the operator.

- (28) "Qualifying Teaching Experience" means 1,500 hours, gained in at least three-hour blocks, within a 36-month period, with a group of children in an on-going group setting. Such a setting includes a kindergarten, preschool, child care center, certified or registered family child care home, Head Start program, or equivalent. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.
- (29) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.
- (30) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This includes the months from the end of the prior school year to the start of the kindergarten school year.
- (31) "Serious complaint" means a complaint filed against a certified child care home by a person who has alleged that:
- (a) Children are in imminent danger;
 - (b) There are more children in care than allowed by certified capacity;
 - (c) Corporal punishment is being used;
 - (d) Children are not being supervised;
 - (e) Multiple or serious fire, health or safety hazards are present in the home;
 - (f) Extreme unsanitary conditions are present in the home; or
 - (g) Adults are in the home who are not enrolled in the Central Background Registry.
- (32) "Serious Injury or Incident" means any of the following:
- (a) Injury requiring surgery;
 - (b) Injury requiring admission to a hospital;
 - (c) Injury requiring emergency medical attention;
 - (d) Choking and unexpected breathing problems;
 - (e) Unconsciousness;

- (f) Concussion;
- (g) Poisoning;
- (h) Medication overdose;
- (i) Broken bone;
- (j) Severe head or neck injury;
- (k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;
- (l) All burns;
- (m) Allergic reaction requiring administration of Epi-Pen;
- (n) Severe bleeding or stitches;
- (o) Shock or confused state;
- (p) Near-drowning.

(33) “Serious Violation” means OCC has made a valid finding when assessing a complaint that alleges:

- (a) Children are in imminent danger;
- (b) There are more children in care than allowed by law;
- (c) Corporal punishment is being used;
- (d) Children are not being supervised;
- (e) Multiple or serious fire, health or safety hazards are present in the home;
- (f) Extreme unsanitary conditions are present in the home; or
- (g) Adults are in the home who are not enrolled in the Office of Child Care’s Central Background Registry

(34) “Substitute Caregiver” means a person who acts as the children’s primary caregiver in the certified family child care home in the temporary absence of the provider.

- (35) “Supervision” means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires a caregiver to be within sight and/or sound of the children, knowledge of children’s needs, and accountability for children’s care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.
- (36) “Toddler” means a child who is able to walk alone but is under 36 months of age. “Younger toddler” means a child who is able to walk alone but is under 24 months of age; “older toddler” means a child who is at least 24 months of age but under 36 months of age.
- (37) “Unsupervised Access to Children” means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or staff with supervisory authority.
- (38) “Useable Exit” means an unobstructed door or window through which caregivers and children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

414-350-0020 Application for a Child Care Certificate

- (1) No person, unless exempted by Oregon laws governing child care facilities, shall operate a certified family child care home without a valid certificate issued by OCC.
- (2) Application for a certificate shall be made on forms provided by OCC.
- (3) A completed application is required:
- (a) For the initial certificate;
 - (b) For the annual renewal of a certificate; and
 - (c) Whenever there is a change of provider or location.
- (4) The applicant shall complete and submit an application to OCC at least:
- (a) 45 days before the planned opening date of the certified family child care home; and
 - (b) For renewal of a certificate, 30 days prior to the expiration of the certificate.
- (A) The expiration date of the current certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.

- (B) If an application for renewal and payment of the required fee is not received by OCC at least 30 days prior to the expiration date of the current certificate, the certificate will expire as of the date stated on the certificate and child care must cease at the facility, unless the renewal is completed before the expiration date.
 - (C) An application for a certificate shall be accompanied by a non-refundable filing fee.
 - (D) For the initial application, a change of provider, the reopening of a facility after a lapse in the certificate, or a change of location, the fee is \$25 plus \$2 for each certified space (e.g., the fee for a certified family child care home certified to care for 12 children is $\$24 + \$25 = \$49$).
 - (E) For a renewal application, the fee is \$2 for each certified space.
- (5) All civil penalties must be paid in full.
 - (6) An application for a certificate must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If an application is denied, an applicant will be required to submit a new application for a certificate.
 - (7) The applicant shall submit with the initial application or when the home is being remodeled a drawing showing the dimensions of all rooms to be used (length and width), the planned use of each room, the location of required exits, and the placement of the kitchen and bathrooms.
 - (8) The applicant shall provide verification to OCC that the home meets all applicable building codes and zoning requirements that apply to certified family child care homes:
 - (a) Before the initial certificate is issued; and
 - (b) Whenever the home is remodeled.
 - (9) The home shall be approved by an environmental health specialist registered under ORS Chapter 700 or an authorized representative of the Department of Human Services before a certificate is issued by OCC.
 - (10) The home may be inspected by the local fire jurisdiction when local ordinances require a fire life safety survey as part of a business license or when OCC determines there is a need to do so.
 - (11) If the provider applies to care for more than 12 children, the provider must complete a fire life safety self evaluation. OCC staff and the provider will review the self evaluation. If fire

safety concerns are identified, OCC staff may consult with the fire marshal and after consultation, may request that the fire marshal complete a fire life safety inspection.

- (12) Upon receipt of a completed application, a representative of OCC shall evaluate the home and all aspects of the proposed operation to determine if certification requirements (OAR 414-350-0000 through 414-350-0405) are met.

414-350-0030 Issuance of a Child Care Certificate

- (1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card. A certificate shall not be issued to an applicant who grows marijuana or distributes marijuana.
- (2) A certificate shall be issued by OCC when it has been determined the home is in compliance with OAR 414-350-0000 through 414-350-0405. There are two types of certification. These are:
 - (a) A regular certificate which, except as provided in OAR 414-350-0020(4)(b)(A), is valid for no more than one year; and
 - (b) A temporary certificate. A certified family child care home may not operate under a temporary certificate for more than 180 days in any 12-month period. A temporary certificate is issued when:
 - (A) The home is in compliance with most requirements;
 - (B) There are no deficiencies identified by OCC that are hazardous to children; and
 - (C) The provider demonstrates an effort to be in full compliance.
- (3) A certificate is not transferable to any other location or to another organization or individual.
- (4) A certificate is granted in the name of the operator/provider. An operator/provider is limited to one certificate at one address.
- (5) An owner can have multiple sites under the following conditions:
 - (a) If the owner is the provider/operator in one of the homes, the owner can have two certified family child care homes; or
 - (b) If the owner does not directly care for any children, the owner can have more than two certified family child care homes.

- (c) If the owner is the provider/operator in a home certified for more than 12 children, the owner may be the provider for only that certified family child care home. The provider may be the owner of other facilities. See OAR 414-350-0030(5).
- (6) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.

414-350-0040 Exceptions to Rules

- (1) OCC may grant an exception to an individual rule (OAR 414-350-0000 through 414-350-0405) for a specified period of time when:
 - (a) A requirement does not apply to the home; or
 - (b) The intent of the requirement can be met by a method not specified in the applicable rule.
- (2) The provider shall request an exception to a rule on a form provided by OCC. The request shall include:
 - (a) A justification for the requested exception; and
 - (b) An explanation of how the provider plans to meet the intent of the rule.
- (3) No exception to a rule shall be granted:
 - (a) If the requirement is established by statute;
 - (b) To any home safety requirement (OAR 414-350-0170);
 - (c) Unless the health, safety, and well-being of the children are ensured; or
 - (d) That would place the facility in violation of local zoning or state building codes.
- (4) Exceptions may not be implemented until approval is received from OCC.
- (5) The granting of an exception to a rule shall not set a precedent, and each request shall be considered on its own merits.
- (6) OCC may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.

414-350-0050 General Requirements

- (1) The following items shall be posted in the certified family child care home where they may be clearly viewed by parents:
 - (a) The most current certificate issued by OCC;
 - (b) Notification of a communicable disease outbreak at the home;
 - (c) The evacuation plan and the location where parents may be reunited with their children in the event of an evacuation;
 - (d) A notice that the following items are available for parents to review:
 - (A) The guidance/discipline policy;
 - (B) The current week's menus, with substitutions recorded;
 - (C) The description of the general routine;
 - (D) Information on how to report a complaint to OCC regarding certification requirements; and
 - (E) The most recent OCC and sanitation inspection reports and, if applicable, fire life safety self-evaluation (or fire marshal inspection report if completed).
 - (e) The Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal.
 - (f) Providers must post all serious valid complaint and serious non-compliance letters for 12 calendar months.
- (2) Providers shall immediately notify all parents of any closure of the active license.
- (3) The provider shall ensure that a copy of these administrative rules is available in the certified family child care home to all parents and staff.
- (4) Caregivers shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.055) to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

- (5) The certified family child care home shall comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act (ADA).
- (6) Representatives of all agencies involved in certification shall have immediate access to all parts of the home whenever the provider is conducting the child care business:
 - (a) OCC staff shall have the right to inspect all areas of the facility that are accessible to child care children, and to conduct a health and safety review of other areas of the facility to ensure the health and safety of child care children. This includes access to all caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules; and
 - (b) Representatives of the Department of Human Services Child Welfare (DHS) and the State Fire Marshal have the right to enter and inspect the home when an inspection has been requested by OCC.
- (7) Custodial parents of all children enrolled shall have access to the home during the hours their child(ren) are in care.
- (8) The provider shall develop the following information in writing and shall make it available to OCC, to staff, and to parent(s) at the time of enrollment:
 - (a) Guidance and discipline policy;
 - (b) Information on transportation, when provided by the provider or other caregiver; and
 - (c) The plan for handling emergencies and/or evacuations, including, but not limited to, acute illness of a child or staff, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility, power outages, and situations which do not allow reentry to the home after evacuation.
- (9) The provider shall comply with the Department of Human Services' administrative rules relating to:
 - (a) Immunization of children (OAR 333-019-0021 through 333-019-0090);
 - (b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415); and
 - (c) Child care restrictable diseases (OAR 333-019-0010).
- (10) The provider shall report to OCC:
 - (a) Any death of a child while in care, within 24 hours;

- (b) Within 24 hours:
 - (A) Any child that is lost or missing from the premises;
 - (B) Any child that is left behind on a facility excursion;
 - (C) Any child that is left unattended on the premises;
 - (D) Any child that is left alone on the playground; or
 - (E) Any child that is left alone in a vehicle.
- (c) Any serious injury or incident, as defined in OAR 414-350-0010(32) within 5 calendar days after the occurrence. This does not include:
 - (A) Injuries for which a child is evaluated by a professional as a precaution;
 - (B) Injuries for which first aid is administered at the facility, but no further treatment by a medical professional is warranted; or
 - (C) Medical events due to routine, ongoing medical issues, such as asthma or seizures.
- (d) Any damage to the building that affects the provider's ability to comply with the rules for Certified Family Child Care Homes within 48 hours of the occurrence.
- (e) Any animal bites to a child within 48 hours of occurrence.
- (f) Any change in provider prior to being on site. Such notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. A phone call, followed by written documentation, an e-mail or a FAX will serve as notification.
- (11) Documentation of meals and snacks provided by the certified family child care home shall be made available to OCC upon request, if the home does not participate in the USDA Child and Adult Care Food Program. Documentation is limited to the three weeks prior to the request.
- (12) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0405).
- (13) Facilities must have parent(s) or guardian(s) of each child enrolled in the certified family child care home, sign a declaration form approved by the Office of Child Care verifying they

have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.

- (14) Parental request or permission to waive any of the rules for certified family child care homes does not give the provider permission to do so.
- (15) The written emergency plan must be given to parents of children in care.
- (16) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the certified family child care home of any valid non-compliance with regulations for safe sleep included in OAR 414-350-0220(7).

414-350-0060 Enrollment

- (1) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.
- (2) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the certified family child care home shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.
 - (a) Refusal by the provider to care for a child with a need for special care because of lack of related skills and degree of competence or because of structural barriers in the certified family child care home, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are knowledgeable about the specific disability. The provider shall record the assessment that was made for each child with special needs.
 - (b) If a child with special needs is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider, parent(s) and, if necessary, outside specialists. The provider shall be responsible for ensuring that all caregivers have knowledge of the plan and act in compliance with the plan.
- (3) The provider shall obtain the following information in writing from parent(s) of each child before admission. The information shall be kept current at all times.
 - (a) Name and birth date of child;
 - (b) Name(s), home and business addresses and telephone numbers, and the working hours of custodial parent(s) or guardian(s);
 - (c) The school attended by a school-age child;

- (d) Name and telephone number of child's medical provider(s) and dentist, if applicable.
 - (e) Name and telephone number of person to be called in an emergency if the parent cannot be located; and
 - (f) Name and telephone number of person(s) to whom the child may be released.
 - (g) Any chronic health problem(s), including allergies, the child has.
- (4) The provider shall obtain the following written authorizations from parent(s) of each child before admission. The authorizations shall be kept current at all times.
- (a) Permission for the provider to obtain emergency medical treatment for the child. The emergency medical release shall be on a form accepted by the medical treatment facility used by the provider for emergency medical services;
 - (b) Permission for the provider to call an ambulance or take a child to an available physician or medical treatment facility;
 - (c) If applicable, permission for the child to participate in field trips; and
 - (d) If applicable, permission for the child to participate in swimming or wading activities, both on and off the premises of the home.
- (5) No child under six weeks of age shall be enrolled in the certified family child care home.

414-350-0070 Arrival and Departure

- (1) The provider shall require that the person bringing the child to the certified family child care home remain with the child until the child is accepted by a caregiver.
- (2) The provider shall release a child only to a parent or another person named and identified by the parent. The provider shall verify the identification of any person who picks up a child.
- (3) If a school-age child arrives at or leaves the home without a parent, there shall be arrangements in advance, in writing, from the parent for the arrival and departure times and what the provider will do if the child has not arrived by the expected time.
- (4) The provider must notify parents if there will be a substitute caregiver and the caregiver's name or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

414-350-0080 Records

- (1) The provider shall keep the following records:
 - (a) Complete and current information on each child, as required in OAR 414-350-0060(3) and (4);
 - (b) Daily attendance record for each child, including dates each child attended and arrival and departure times each day;
 - (c) Daily attendance record for the provider and each caregiver, including dates worked and arrival and departure times each day;
 - (d) Medication administered, as specified in OAR 414-350-0180(9);
 - (e) Emergency plan practice sessions and evacuations, as specified in OAR 414-350-0170(15);
 - (f) An injury to or death of a child, as specified in OAR 414-350-0180(8);
 - (g) Child abuse reports made to the Department of Human Services Child Welfare (DHS) or a law enforcement agency;
 - (h) The general routine, as specified in OAR 414-350-0220(3);
 - (i) Verification of the provider's and each caregiver's:
 - (A) Qualifications for the position, as specified in OAR 414-350-0100 and 414-350-0110;
 - (B) Current health-related training, such as CPR and First Aid, as specified in OAR 414-350-0100(3);
 - (C) Training as required in OAR 414-350-0115;
 - (D) Current enrollment in the Central Background Registry;
 - (E) Current food handler's certification pursuant to ORS 624.570, when required; and
 - (F) Caregiver participation in an orientation to the provider's policies and practices and these administrative rules.
- (2) A provider shall allow custodial parent(s), upon request, to review all records and reports, except for child abuse reports, maintained on their own children.

- (3) Records, except those specified in OAR 414-350-0165(7)(a), shall be kept for at least two years, and caregivers' and children's records for two years after termination of employment or care. These records shall be available at all times to OCC.

414-350-0090 General Requirements

- (1) As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, gender, marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.
- (2) All caregivers, including the provider, shall:
 - (a) Have competence, sound judgment, and self-control in working with children;
 - (b) Be mentally, physically, and emotionally capable of performing duties related to child care; and
 - (c) Have the required training and/or experience for the positions they hold, as specified in OAR 414-350-0100 and 0110.
- (3) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.
- (4) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during hours of operation. This does not apply to persons authorized to drop off and pick up a child care child.
 - (a) The owner, the provider, all caregivers and other residents of the premises 18 years of age or older must be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certificate.
 - (b) The provider must receive confirmation from OCC that an individual 18 years of age or over, is enrolled or conditionally enrolled in the CBR before the individual can:
 - (A) Reside on the premises;
 - (B) Stay overnight on the premises for longer than 14 consecutive days, not to exceed a total of 30 days in a calendar year;
 - (C) Assist the provider; or
 - (D) Volunteer in the child care program.

- (c) If any person listed in section (4)(a) & (b) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.
 - (d) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, employment address and telephone number.
 - (e) Any visitor to the home or other adult who is not enrolled in the Central Background Registry shall not have unsupervised access to children.
- (5) Individuals conditionally enrolled in the CBR shall not have unsupervised access to children until the provider has confirmed with OCC the individual is enrolled, but may count in staff to child ratio.
 - (6) The provider shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.
 - (7) The provider shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the home while child care children are present, excluding persons authorized to drop off and pick up a child care child.
 - (8) The provider, caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the certified family child care license is active.
 - (9) Individuals whose CBR enrollment has been revoked, denied or suspended, may not live in the home; be on the premises during child care hours; or have contact with child care children.
 - (10) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.
 - (11) Volunteers must meet the following requirements:
 - (a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry.

- (b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry.
 - (c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the provider must have a written policy to this effect, the policy must be known to all caregivers and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.
- (12) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the certified family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the certified family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.
 - (13) No one shall consume alcohol on the certified family child care home premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during the hours the child care business is conducted or when child care children are present.
 - (14) Notwithstanding OAR 414-350-0000(6), no one shall possess, use or store illegal controlled substances on the certified family child care home premises. No one shall be under the influence of illegal controlled substances on the certified family child care home premises.
 - (15) Notwithstanding OAR 414-350-0000(6), no one shall grow or distribute marijuana on the premises of the certified family child care home. No adult shall use marijuana on the certified family child care home premises during child care hours or when child care children are present.
 - (16) No adult under the influence of marijuana shall have contact with child care children.
 - (17) Secure Storage:
 - (a) All medical marijuana obtained from a dispensary must be kept in its original container and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under lock.
 - (b) Effective July 1, 2015 all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.
 - (18) Notwithstanding OAR 414-350-0000(6), marijuana plants shall not be grown or kept on the certified family child care home premises.

414-350-0100 The Provider

(1) The provider shall be:

- (a) At least 18 years of age if the facility is certified for 12 children; or at least 21 years of age if the facility is certified for more than 12 children; and
- (b) Responsible for the operation of the certified family child care home, including those duties ordinarily considered to be administrative. These include, but are not limited to, financial management, maintaining records, maintenance of the building and grounds, meal planning and preparation, compliance with certification requirements, communication with OCC, and correcting deficiencies.

(2) The provider shall have:

- (a) At least one year of qualifying teaching experience, as specified in OAR 414-350-0010(28), in the care of a group of children in an ongoing group setting such as a kindergarten, preschool, child care center, certified family child care home, registered family child care home, or Head Start program; or prior to applying to be certified for up to 16 children, completed one year of successful operation as a certified family child care facility for 12 children if the qualifying teaching experience is based on registered family child care; or
- (b) Completion of 20 credits (semester system) or 30 credits (quarter system) of training in a college or university in early childhood education or child development; or
- (c) Documentation of attaining at least step eight in the Oregon Registry.

(3) The provider shall provide evidence of the following training prior to being certified:

- (a) A current certification in first aid and infant and child cardiopulmonary resuscitation. CPR training must have practical hands-on instruction, therefore, strictly online training is not acceptable. CPR courses that involve an on-line component with hands-on instruction may be acceptable.
- (b) A current food handler certification;
- (c) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law; and
- (d) Completed OCC approved safe sleep training.

- (4) Prior to a facility providing care to more than two children under 24 months of age, the provider shall have at least 30 clock hours of training specific to infant and toddler care. The provider of facilities certified on October 15, 2002, who are providing care for more than two children under 24 months of age must have documentation of 30 hours of prior training in infant and toddler care or a plan, approved by OCC, that shows how the training will be attained.
- (5) The provider/operator shall be on-site at least half of the hours of operation that are reflected on the certificate. If the facility is certified for more than 12 children, the provider shall be on site at least 2/3 of the hours of operation that are reflected on the certificate. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences.
- (6) The provider shall have no other employment, either in or out of the home, during the hours the provider is directly caring for children.
- (7) The provider, or a substitute caregiver, shall be present during all the hours the certified family child care business is conducted.
- (8) A caregiver substituting for the provider shall:
 - (a) Be at least 18 years old;
 - (b) Have current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). Training must have practical hands-on instruction; therefore, online training is not acceptable.
 - (c) Have current food handler certification pursuant to ORS 624.570, if the substitute will be preparing or serving food;
 - (d) Be familiar with the provider's policies and procedures and with these requirements (OAR 414-350-0000 through 414-350-0405);
 - (e) Be authorized and able to correct a deficiency that might be an immediate threat to children; and
 - (f) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a provider;
 - (g) Have completed a minimum of two hours of training on child abuse and neglect that is specific to Oregon law before they can have unsupervised access to children; and
 - (h) Have worked in the home at least 60 hours when substituting for the provider in a home certified to care for more than 12 children.

414-350-0110 Assistants

- (1) Assistants may be included in the caregiver/child ratio calculation.
- (2) An Assistant I shall:
 - (a) Be at least 15 years of age;
 - (b) Have current certification in first aid and pediatric CPR;
 - (A) CPR courses must have practical hands-on instruction;
 - (B) CPR courses that involve an on-line component with hands-on instruction may be accepted;
 - (C) Strictly on-line CPR training is not acceptable; and
 - (D) New Assistant I's must complete the training within 90 days of employment.
 - (c) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405).
 - (d) Have completed a minimum of 2 hours of training on child abuse and neglect that is specific to Oregon law within 30 days of employment;
 - (e) Have a current food handler certification approved by the Oregon Health Authority or OCC before preparing or serving food;
 - (f) Have completed OCC approved health and safety training within 30 days of employment; and
 - (g) Have completed OCC approved safe sleep training within 30 days of employment.
- (3) An Assistant I, who is not enrolled in the CBR because they are under the age of 18, must be supervised within sight AND sound of the provider or substitute provider.
- (4) An assistant I, who is enrolled in the CBR, must be supervised within sight OR sound of the provider or substitute provider.
- (5) An Assistant II shall:
 - (a) Be at least 18 years of age;

- (b) Have on file documentation of an orientation and be familiar with the provider's policies and procedures and these requirements (OAR 414-350-0000 through 414-350-0405);
- (c) Have worked at least 60 hours at the certified family child care home, in a minimum of 3–4 hour blocks of time;
- (d) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable;
- (e) With the approval of the provider, may be out of sight and sound of the provider with a group of children; and
- (f) Have completed OCC approved safe sleep training.

414-350-0115 Training Requirements

- (1) All staff shall receive an orientation within the first two weeks of employment and before they can have unsupervised access to children. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:
 - (a) Individual responsibilities in the event:
 - (A) The home must be evacuated (e.g. fire);
 - (B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g. power outage, environmental hazard); or
 - (C) A child or staff is injured or becomes ill;
 - (b) These requirements (OAR 414-350-0000 through 414-350-0405);
 - (c) The facility policies, as required in OAR 414-350-0050; and
 - (d) Procedures for reporting suspected child abuse or neglect.
- (2) The provider and all caregivers who function as substitute providers and Assistant II staff, including volunteers, shall participate yearly in at least 15 clock hours of training related to child care, of which at least eight clock hours shall be in child development or early childhood education. The annual 15 clock hours of training or education must include OCC approved health and safety training curriculum. Substitute providers and volunteers who provide care in the home for less than 20 hours in a calendar year are not required to participate in the 15 clock hours of training. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours

for each month worked in the current license period.

- (a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).
 - (b) Training may include correspondence courses, conferences, workshops and audio-visual programs.
 - (c) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.
 - (d) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.
- (3) During the first year of certification and the first year of employment staff may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's and recognizing and reporting child abuse and neglect training, as part of the 15 clock hours of training required in OAR 414-350-0115(2), but may not use these toward the eight hours required in child development or early childhood education.
- (a) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.
 - (b) Recognizing and reporting child abuse and neglect training must be two clock hours or more in duration to be accepted.
- (4) During subsequent years of certification and subsequent years of employment staff may count five hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect training can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.
- (5) The provider shall document each caregiver's training, showing the subject matter, the date completed, and the number of clock hours of training in each certification year.
- (6) The provider and all staff, with the exception of Assistant I's, who count in staff to child ratios must complete OCC approved training on recognizing and reporting child abuse and neglect and health and safety, prior to having unsupervised access to children and functioning in their position. Assistant I's must complete the training within the first 30 days

of employment.

- (7) The provider and all staff, with the exception of Assistant I's, who count in staff to child ratios must complete OCC approved training on safe sleep prior to having unsupervised access to children. Assistant I's must complete the training within the first 30 days of employment.
- (8) All current staff must complete OCC approved safe sleep training by January 1, 2019.
- (9) When a reopen or address change application is submitted, OCC shall, prior to approving it, receive evidence that the provider and all staff have completed OCC approved safe sleep training. If the reopen is a result of an address change, the person must complete the OCC approved safe sleep training by January 1, 2019.

414-350-0120 Caregiver/Child Ratios and Supervision

- (1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance:
 - (a) All children in the home, including the provider's or other caregivers' own children, shall be counted in determining the caregiver/child ratio and group size;
 - (b) All children visiting the home on a regular basis will count in capacity. Children attending with a parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children;
 - (c) The required caregiver/child ratios shall be met at all times.
- (2) Children shall at all times have the full attention of and be supervised by the required number of caregivers:
 - (a) Children shall be within sight and/or sound of a caregiver at all times;
 - (b) A caregiver shall be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas;
 - (c) Children may not be on a floor level of the home unless a caregiver is on the same floor level, except as specified in OAR 414-350-0120(2)(d);
 - (d) When bathroom facilities are not on the same floor level, a written plan for adequate supervision of both bathroom and child care areas shall be developed and implemented.

- (3) The number of caregivers is determined by the age and number of the youngest child(ren) in the group. If the provider is certified to care for more than 12 children and plans to care for more than 8 infants and/or toddlers, the provider must develop a plan showing how infants and toddlers will be limited to a group size of not more than eight. The plan must be approved by OCC:

- (a) If all children are in the same age group, the following table determines the staff/child ratio;

TABLE A

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
Six Weeks to 24 Months	12	1:4	If more than 12 children are in care, the groups must be separated, and if more than eight of the 13 children in care are infants or toddlers, the group size may not exceed eight.
24 Months to Eligible for First Grade	12	1:10	If more than 12 children are in care, the groups must be separated.
Eligible for First Grade to Age 13	16	1:15	May be one group; must have second provider if over 15 school-age children are in care.

- (b) If children in care include any infants and/or toddlers, the following table determines the staff/child ratio;

TABLE B

When Children in Care Include:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child under 24 Months	12	1:8	If more than 12 children are in care and one is under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio. Practice Note: Groups may be arranged to have the younger child in a separate group with 1:8 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Two Children under 24 Months	12	1:7	If more than 12 children are in care and two are under 24 months, the group must be separated.

			<p>Each group must meet the appropriate adult to child ratio.</p> <p>Practice Note: Groups may be arranged to have the younger children in a separate group with 1:7 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.</p>
Three Children under 24 Months	12	1:6	<p>If more than 12 children are in care and over three are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio.</p> <p>Practice Note: Groups may be arranged to have the younger children in a group with 1:6 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.</p>
Four or More Children under 24 Months	12	1:4	<p>If more than 12 children are in care and four are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio and if more than eight infants or toddlers are in care, group size may not exceed eight.</p> <p>Practice Note: Groups may be arranged to have the younger children in a separate group with 1:4 ratios in Table A if all children are the same age; Table C if mixed-ages.</p>

(c) If children in care include a mix of only preschool and school aged children, the following table determines the staff/child ratio;

TABLE C

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child in Care Age 24 Months to Eligible for First Grade; The rest of children in care are school-age	12	1:12	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.
Between two and 12 Children are Between 24 Months and Eligible for First Grade; The rest of the children in care are school-age	12	1:10	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.

(d) Even though staff/child ratios are specified in (a) and (b) above, a certified family child care provider may care for 10 children ages 6 weeks to school-age if:

(A) No more than 6 children are pre-school age or younger, including the provider's own children and any staff children;

(B) Of the 6, only 2 children are under 24 months of age; and

(C) Four of the children are school-age.

(4) The maximum number of children allowed in a certified family child care home at anyone time is 16.

(5) If the home is certified to care for more than 12 children and the age blend is such that group separation is required:

(a) Groups may be joined for: meals, naps, outdoor play, and limited quiet activities such as a video or circle time;

- (b) Provider must develop a plan that shows how the groups will be separated without requiring remodeling of the home. The plan must be approved by OCC.
- (6) If the facility provides care to more than two children under 24 months of age, the provider shall meet the requirements specified in OAR 414-350-0100(4).
- (7) Prior to a facility providing care to more than four children under 24 months of age, at least one caregiver other than the provider shall meet the requirements specified in OAR 414-350-0100(4). In addition, the provider shall have an extra 20 clock hours of training specific to infant and toddler care above and beyond the original requirements. If the facility is certified to care for more than 12 children, there must be someone who meets the training requirements of OAR 414-350-100(4) on site at all times that five or more children under 24 months of age are in care.

414-350-0130 General Requirements

- (1) The certified family child care home shall be:
 - (a) Located in an area zoned residential or commercial:
 - (A) "Residential zone" means any zone within an acknowledged urban growth boundary or an acknowledged residential exception area that allows a dwelling unit as a use permitted outright.
 - (B) "Commercial Zone" means any zone within an acknowledged urban growth boundary or an acknowledged commercial exception area that allows sales or service or commercial and professional offices as uses permitted outright.
 - (b) A building constructed as a single family dwelling; and
 - (c) In space designed or remodeled for living quarters.
- (2) A home that is not the residence of the provider or a home located in a zone other than residential or commercial shall meet all state and local planning and zoning, occupancy, and building code requirements for a child care facility.
- (3) If there is a structural or maintenance problem that could present a health or safety hazard to children, OCC may request that the provider have the home inspected by the appropriate authority and the provider shall comply with the request.
- (4) The provider is responsible for payment of any applicable fees for inspections.

414-350-0140 Indoor Area

(1) The indoor area used for child care shall meet the following requirements:

- (a) If the provider is certified to care for 12 children or fewer, there shall be a minimum of 35 square feet of indoor activity area, as defined by OAR 414-350-0010(1), per child. If the provider is certified to care for more than 12 children, there shall be a minimum of 35 square feet of indoor activity area per child for 12 or fewer children, and 50 square feet of indoor activity area available per child for each of the additional four children. This space, considered in determining capacity of the home, shall be available for use by children at all times. The following shall not be counted as part of the 35 square feet per child requirement: heating units, storage areas; large permanent equipment; any space not useable by children.
- (b) There shall be a designated area for children under 24 months of age that is developmentally appropriate and safe.
- (c) If the facility is certified to care for more than 12 children, the provider must develop a written plan showing that the space accessible to the children meets their safety needs, there is adequate supervision and there is adequate availability of toileting and hand washing for the children in care. OCC must approve the plan.
- (d) Activity areas shall be adequately lighted and ventilated. Room temperature shall be at least 68 degrees F. (20 degrees C.) and not so warm as to be dangerous or unhealthy to children in care.

(2) Indoor fixtures and equipment shall meet the following requirements:

- (a) There shall be at least one flush toilet and one hand washing sink with mixing faucets available to the children at all times. If the facility is certified to care for more than 12 children, the provider must have a second flush toilet somewhere in the facility if: there are more than 15 children in care or if there are more than 12 toddlers in care. Homes with certification in effect on September 15, 2002, shall comply with the requirement for mixing faucets when bathroom facilities are remodeled.
- (b) Easily cleanable steps or blocks shall be provided so that children can use the toilets and sinks without adult assistance.
- (c) If bathroom facilities are not on the same floor level as the activity areas, the provider must comply with OAR 414-350-0120(2)(d).
- (d) Telephone service shall be available in the home at all times when children are in care.

- (e) Telephone numbers for fire, emergency medical care, and poison control, as well as the facility address, shall be posted on or near the telephone. Portable telephones must have emergency numbers and the facility address on the phone.
- (f) There must be a system in place to ensure that parents can have contact with the provider and staff when children are in care.

414-350-0150 Outdoor Area

- (1) There shall be an outdoor activity area that children can reach safely. If the outdoor activity area is not under the control of the provider during the hours of operation of the home, written approval to use the area by OCC is required.
- (2) A home shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.
- (3) The outside activity area shall be:
 - (a) Suitably surfaced and well drained. Playground equipment, such as slides, swings, climbing structures and other elevated equipment, shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission;
 - (b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and
 - (c) Equipped to provide age-appropriate activities for gross motor development.
- (4) The outdoor activity area of the home designated for use by child care children shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Certified family child care homes with certification in effect on September 15, 2002, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must meet applicable local codes.
- (5) The provider shall be aware of and protect children from any toxic or other harmful plants, shrubs, or trees.
- (6) The use of swimming pools shall comply with OAR 414-350-0380. As specified in 414-350-0380(2)(h), portable-style wading pools are not permitted.

414-350-0160 Sanitation

(1) Water Supply:

- (a) The home's water supply shall be continuous in quantity and from a water supply system approved by the Department of Human Services.
- (b) If drinking water is from a private source, the provider shall provide evidence of bacterial and chemical analysis which establish safety of the water;
- (c) The tests shall be conducted by the local health department, the Department of Human Services, or an approved commercial laboratory;
- (d) The bacterial analysis shall be done quarterly;
- (e) The chemical analysis shall be done only once for a well and yearly for other water sources;
- (f) The provider shall have drinking water available to children that is supplied in a safe and sanitary manner. Drinking water for preparing food, infant formula, drinking or cooking shall not be obtained from bathroom sinks or diaper changing sinks.

(2) Hand Washing:

- (a) Caregivers and children shall wash their hands with soap and warm running water after nose wiping, after using the toilet, and before and after eating;
- (b) Caregivers shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food, and after assisting a child with toileting and nose wiping;
- (c) Infants' and children's hands shall be washed with soap and warm running water after diaper changing;
- (d) Staff shall immediately and thoroughly wash their hands after handling animals or cleaning cages;
- (e) Commercial products labeled "hand sanitizers" shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept under child-proof lock and shall not be used by children;
- (f) When hand washing is not possible, e.g., on field trips or the neighborhood park, moist towelettes shall be used.

(3) Maintenance:

- (a) The building, toys, equipment, and furniture shall be maintained in a clean, sanitary, and hazard-free condition:
 - (A) Kitchen and bathrooms shall be cleaned when soiled and at least daily;
 - (B) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;
 - (C) All kitchen counters, shelves, tables, refrigeration equipment, sinks, drain boards, cutting boards, and other equipment or utensils used for food preparation shall be kept clean and in good repair;
 - (D) All food storage areas shall be kept clean and free of food particles, dust, dirt and other materials;
 - (E) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.
 - (F) The isolation area shall be thoroughly cleaned after use and all bedding laundered after each use;
 - (G) A diaper-changing table shall:
 - (i) Have a surface that is non-absorbent and easily cleaned;
 - (ii) Be cleaned and sanitized after each use;
 - (iii) Not be used for any purposes other than diapering, including food or drink preparation or storage, dish washing, storage of food service utensils, arts and crafts supplies or products, etc.; and
 - (iv) Comply with the requirements for diaper changing area specified in OAR414-350-0235(2)(b).
 - (H) Bathtubs, showers, sinks, bathinettes, or other receptacles used for bathing children shall be cleaned and sanitized after each use and shall not be used to obtain water for preparing food, infant formula, drinking or cooking.
 - (I) Bedding shall be cleaned when soiled, with change of occupant, or at least once a week.

- (b) Tableware, kitchenware (pots, pans and equipment), and food-contact surfaces of equipment shall be washed, rinsed, sanitized, and air-dried after each use. The cleaning and sanitizing of tableware and kitchenware shall be accomplished by using:
 - (A) A dishwasher that is operated according to the manufacturer's instructions; or
 - (B) A three-step manual process as follows:
 - (i) Washing in the first compartment;
 - (ii) Rinsing in a second compartment; and
 - (iii) Immersion in a third compartment or large dishpan or tub for at least two minutes in a sanitizing solution containing at least 2 teaspoons of household chlorine bleach in each gallon of warm water.
- (c) A sink used for diapering or bathing activities shall not be used for any part of preparing food, infant formula, drinking, cooking or dish washing.
- (d) Soap, paper towels dispensed in a sanitary manner, and mixing faucets with hot and cold running water shall be provided at each hand washing sink.
- (e) The home and grounds shall be kept clean and free of litter or rubbish and unused or inoperable equipment, utensils, and vehicles.
- (f) All garbage, solid waste, and refuse shall be disposed of at least once a week.
 - (A) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids;
 - (B) All garbage storage areas and garbage containers shall be kept clean; and
 - (C) All garbage storage shall be inaccessible to children.
- (g) Bio-contaminants including, but not limited to bodily fluids and blood shall be disposed of in a manner that prevents exposure to children.
- (4) Insect and Rodent Control:
 - (a) The home shall be in such condition as to prevent the infestation of rodents and insects.
 - (b) Doors and windows which are opened for ventilation shall be equipped with fine-meshed screens.

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

414-350-0165 Testing for Lead in Drinking Water

- (1) For purposes of this rule, “drinking water faucet or fixture”
 - (a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and
 - (b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.
- (2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.
- (3) Initial Testing
 - (a) Any provider with an active certificate as of September 30, 2018 must test each drinking water faucet or fixture for lead by November 30, 2018.
 - (b) The following providers must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:
 - (A) Any provider with a pending certificate application as of September 30, 2018; and
 - (B) Any provider applying for a certificate on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications.
 - (c) A provider identified in subsection (3)(a) or (b) does not need to conduct the initial testing if:
 - (A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and
 - (B) The testing was conducted in accordance with the requirements of subsection (5) of this rule.
 - (d) A provider identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.
 - (e) A provider identified in (3)(b) must submit test results to OCC within 10 calendar days of the facility receiving the results from the laboratory. The test results must be

accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(4) Ongoing Testing

- (a) After a provider conducts the initial testing under subsection (3) of this rule, the provider must test all drinking water faucets or fixtures at least once every six years from the date of the last test.
- (b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the provider receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

- (a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.
- (b) All testing must be performed by a laboratory accredited by the Oregon laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.
- (c) If a facility does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the provider must:
 - (A) Submit a written statement to OCC identifying the alternative source of water and confirming that the provider does not use any on-site plumbing fixtures for drinking, cooking, preparing infant formula, or preparing food; and
 - (B) Notify OCC in writing if the alternative source of water changes.

(6) Results

- (a) If test results show that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:
 - (A) Prevent access to that drinking water faucet or fixture immediately after receiving the test results; and
 - (B) Continue to prevent access to that drinking water faucet or fixture until mitigation is completed in accordance with subsection (6)(b) of this rule.

(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the provider must:

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

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

(7) Recordkeeping and Posting

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

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

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

414-350-0170 Home Safety

(1) All floor levels used by children for play and napping shall have two usable exits to ground level.

(2) All rooms used by children for play and napping shall have two usable exits.

(3) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks usable exits.

(4) There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home. Fire extinguishers shall be easily accessible, kept out of the reach of children, and located along the path of emergency exiting.

(5) Smoke alarms shall be:

(a) Installed on each floor level of the home and in any area where children nap; and

(b) Maintained in operating order.

- (6) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.
- (7) Matches and lighters shall be kept in locked storage when not in use.
- (8) A portable light source, to be used in emergencies, shall be:
 - (a) Available in all activity areas used by children;
 - (b) In working condition; and
 - (c) Stored in an easily accessible place.
- (9) Items of potential danger (e.g., cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents) shall be:
 - (a) Kept in the original container or labeled;
 - (b) Stored under child-proof lock; and
 - (c) Kept away from food service supplies.
- (10) The provider shall protect children from safety hazards, including but not limited to:
 - (a) A rigid screen or guard shall be installed to prevent children from falling into a fireplace or against a heater or wood stove;
 - (b) A movable barrier, such as mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety;
 - (c) Child-proof latches shall be installed on all cupboards, closets, and drawers that contain hazardous objects and may be accessible to preschool-age and younger children;
 - (d) Firearms, ammunition, and other potentially hazardous equipment, such as darts, other projectiles, power tools, and knives shall be kept under lock:
 - (A) Firearms, pellet or BB guns must be unloaded and kept in areas not used by child care children; and
 - (B) Ammunition shall be stored separately from firearms;
 - (e) Hot water heaters shall be equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location;

- (f) Unused appliances, such as old refrigerators or freezers, that present a risk for entrapment, shall be secured so as to prevent entry by children;
 - (g) Clear glass panels in doors shall be clearly marked at child level;
 - (h) All exposed electrical outlets in rooms used by preschool or younger children shall have hard-to-remove protective caps or safety devices when not in use;
 - (i) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power strip outlet with built-in over-current protection may be used;
 - (j) Floors shall be free of splinters, large unsealed cracks, sliding rugs, and other hazards;
 - (k) Devices which generate heat and are hot from recent use shall be inaccessible to children; and
 - (l) After painting or laying carpet, the certified home must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.
- (11) The provider shall have written evidence that any wood stove in the home has been inspected and approved for use by the local building official.
 - (12) All wood stove and fireplace flues shall be cleaned as needed or, at a minimum, once a year. A written record of cleaning shall be maintained on site.
 - (13) The use of unvented, fuel-fired space heaters is prohibited.
 - (14) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building.
 - (15) All caregivers and children shall practice at least one aspect of the emergency plan, as described in OAR 414-350-0050(9)(c), once per month.
 - (a) Evacuating the home shall be practiced at least eight times per year. If the facility is certified to care for more than 12 children and more than 4 children regularly in care are under 24 months of age, evacuating the home shall be practiced monthly.
 - (b) The provider shall maintain a written record showing the date, time of day, participants, and type of emergency of each emergency plan practice session.

- (16) The written plan for evacuating and removing children to a safe location in an emergency must be posted in the home and must be familiar to the children and the caregivers. The plan must include:
- (a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;
 - (b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;
 - (c) An acceptable method to ensure that all children in attendance are accounted for;
 - (d) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and
 - (e) Procedures for maintaining continuity of child-care operations.
- (17) The provider must take precautions to protect children from vehicular traffic. The provider shall:
- (a) Require drop off and pick up only at the curb or at an off-street location protected from traffic.
 - (b) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
- (18) Other hazards observed in the certification process must be corrected.

414-350-0180 Illness or Injury

- (1) A provider shall not admit, or retain in care, a child who:
- (a) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Department of Human Services administrative rules, OAR 333-019-0010; or
 - (b) Has one of the following symptoms, or combination of symptoms, of illness:
 - (A) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);
 - (B) Vomiting;
 - (C) Fever over 100 degrees F taken under the arm;
 - (D) Severe cough;

- (E) Unusual yellow color to skin or eyes;
 - (F) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;
 - (G) Stiff neck and headache with one or more of the symptoms listed above;
 - (H) Difficult breathing or abnormal wheezing; or
 - (I) Complaints of severe pain.
- (2) A child who, after being admitted, shows signs of illness, as defined in subsection (1) of this rule, shall be isolated and the parent(s) notified and asked to remove the child from the home as soon as possible.
 - (3) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the home and the parent(s) notified when they pick up the child.
 - (4) A specific place for isolating a child who becomes ill shall be provided. The isolation area shall be:
 - (a) Located where the child can be seen and heard by a caregiver; and
 - (b) Equipped with a cot, mat, or bed for each sick child.
 - (5) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.
 - (6) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care:
 - (a) The provider shall have written procedures for taking a child to emergency medical care;
 - (b) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the parent(s).
 - (7) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place but kept out of reach of children:
 - (a) The first aid supplies shall include bandaids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and CPR mouthguards; and
 - (b) First aid supplies shall be taken on all field trips.

- (8) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:
- (a) A written report of the injury or accident shall be maintained on file;
 - (b) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s); and
 - (c) The injury to or death of a child shall be reported to OCC in accordance with OAR414-350-0050(11)(a) and (c).
- (9) No prescription or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, shall be given to a child except under the following conditions:
- (a) A signed, dated, written authorization from the parent(s) is on file;
 - (b) Prescription medication is in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, date and physician's name;
 - (c) Non-prescription medication is in the original container, labeled with the child's name, the dosage, and directions for administering;
 - (d) A written record of all medications administered, listing, as a minimum, the name of the child, type of medication, the signature of the caregiver administering the medication, date, time, and dosage given, shall be kept;
 - (e) All medications shall be secured in a tightly-covered container with a child-proof lock or latch and stored so that they are not accessible to children;
 - (f) Medications requiring refrigeration shall be kept in the refrigerator in a separate, tightly-covered container, with a child-proof lock or latch, clearly marked "medication"; and
 - (g) Parent(s) shall be informed daily of medication administered to their child.
- (10) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:
- (a) Providers must obtain written parental authorization prior to using sunscreen.
 - (b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

- (A) Parents must be informed of the type of product and the sun protective factor (SPF).
- (B) Parents must be given the opportunity to inspect the product and active ingredients.
- (c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.
- (d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.
- (e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".
- (f) Providers shall not use aerosol sunscreens on child care children.
- (g) Sunscreen shall not be used on child care children younger than six months.
- (h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.
- (11) Parents of all children enrolled in the certified family child care home shall be informed of any outbreak of communicable disease within the facility.
- (12) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between the provider, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.

414-350-0190 Animals in the Certified Family Child Care Home

- (1) Any animal at the certified family child care home must be in good health and show no evidence of carrying a disease.
 - (a) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations. Proof of current compliance with immunizations shall be kept on file in the home.
 - (b) Animals shall be cared for as recommended by a veterinarian. The provider shall have and follow written procedures for the care and maintenance of the animals.
- (2) Potentially aggressive animals must not be in the same physical space as the children.
- (3) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, monkeys, hook-beaked birds, baby chicks, and ferrets are prohibited, unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include

prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

- (4) Any animals other than cats and dogs shall be kept in an approved cage for the type of animal. Cages shall have removable bottoms and shall be kept clean and sanitary.
- (5) All animals shall be kept away from food preparation surfaces. If animals have access to food preparation surfaces, the surfaces shall be cleaned and sanitized prior to meal preparation.
- (6) Litter boxes shall not be located in any part of the home used by children or for food storage, preparation, or eating.
- (7) Caregivers must be physically present when children are interacting with animals.
- (8) Handwashing, as specified in OAR 414-350-0160(2), shall be practiced.
- (9) Parents must be made aware of the presence of any animals in the child care home.

414-350-0200 Food Selection, Storage, and Preparation

- (1) All food and drink served by the provider shall be selected, stored, prepared, and served in a sanitary manner.
- (2) All staff who prepare or serve food must have and maintain a current food handler certification pursuant to ORS 624.570.
- (3) All food products served by the provider shall be obtained from commercial food suppliers, except that:
 - (a) Fresh fruits and vegetables may be served;
 - (b) Frozen fruits, frozen vegetables, and canned and frozen jams and jellies processed in the certified family child care home may be served; and
 - (c) Home-canned or home-processed food, other than those described in OAR 414-350-0200(3)(b), may be served to an individual child only when supplied by that child's parent(s).
- (4) Only pasteurized and fortified milk shall be served to children.
 - (a) Powdered milk may be used only in cooking; and

- (b) The serving of unpasteurized milk is prohibited.
- (5) Only pasteurized 100% fruit or vegetable juice shall be served.
- (6) A certified family child care home shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods.
- (7) All potentially hazardous food shall, except when being prepared, be kept at 41° Fahrenheit or below, or 140° F or above.
 - (a) A temperature-measuring device (TMD) in working condition shall be affixed to the door or the front edge of the top shelf of all refrigerators.
 - (b) Foods requiring refrigeration after preparation shall be covered and rapidly cooled to a temperature of 41° F or below.
 - (c) Extra care shall be taken to ensure that, after pouring milk, any unused portion left in the container is returned to the refrigerator immediately.
 - (d) Refrigerated storage space at 41° F or less shall be used to store lunches that contain potentially hazardous food that children bring from home.
 - (e) Leftover food prepared but not served by the provider shall be covered, dated, labeled, and either refrigerated promptly and used within 36 hours or frozen immediately for later use.
 - (f) Foods that have been cooked and then refrigerated shall be reheated rapidly according to food handler certification standards.
- (8) Children shall not be in the kitchen or food preparation areas when foods are being prepared unless they are protected from such hazards as hot foods, sharp utensils, etc.

414-350-0210 Meals and Snacks

- (1) The provider shall provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. USDA guidelines will be used to determine if meals and snacks are adequate and nutritious. Foods of minimal nutritional value (e.g., Jell-O, popcorn, desserts, potato chips) shall only be served occasionally and not replace nutritious foods.
 - (a) Every meal shall meet USDA guidelines and shall include at least one serving from each of the following food groups: fluid milk; breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese). Each meal shall include two servings of fruits or vegetables. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition.

- (b) Snacks shall meet USDA guidelines and shall consist of food or beverage from at least two of the following food groups: fluid milk, breads and grains; meat, fish, poultry or meat alternatives (e.g., dried beans, peanut butter, yogurt or cheese); vegetables and fruits. No liquids other than milk and 100% fruit juice shall be counted as part of the daily nutrition. A snack shall not consist of only two beverages.
 - (c) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) shall not be served to a child without a written statement of parental consent and written instructions from a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without written instructions from a registered dietician or medical practitioner and written parental consent.
- (2) Meals and snacks provided to children shall meet the following requirements:
- (a) In certified family child care homes open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served to all children, a midmorning snack is not required;
 - (b) School-age children arriving after school shall be served a snack;
 - (c) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided by the parent(s); and
 - (d) There shall be no more than 3-1/2 hours between meals and snacks.
- (3) Meals and snacks for children shall be:
- (a) Prepared by the provider;
 - (b) Prepared by the parent of the child; or
 - (c) Prepared from a source approved by the Department of Human Services.
- (4) When the parent of a child provides food for the child's meal:
- (a) The provider shall be responsible for at least one serving of milk or a milk product to each child at meals;
 - (b) Each child's food shall be monitored daily by a caregiver to ensure that the food meets nutritional requirements as defined in section (1) of this rule; and
 - (c) The provider shall have sufficient food available to supplement any meal that does not meet nutritional requirements as defined in section (1) of this rule.

- (5) Meals shall be served in a manner that supports safe and sanitary eating and allows socialization to occur.
- (6) Nutrient concentrates and supplements shall not be served to a child without a written statement of consent from the parent and a medical practitioner. Special diets, not including vegetarian diets, shall not be served to a child without a written statement of consent from the parent and a registered dietician or medical practitioner.
- (7) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a certified home must have a written plan, approved by the environmental health specialist and OCC, which includes at least the following elements:
 - (a) Provision for handwashing immediately prior to eating;
 - (b) Separate serving portions for each table, if more than one table is used;
 - (c) Serving utensils distinct from eating utensils;
 - (d) Provision for serving mildly ill children so as to prevent the spread of the illness;
 - (e) The discarding of any food brought to the table and not eaten; and
 - (f) Food brought to the table must be covered until a caregiver is seated with the children.
- (8) A certified family child care home serving children under 12 months of age shall comply with the following requirements for those children:
 - (a) Each child shall be fed on his/her own feeding schedule.
 - (b) When formula is furnished by the provider, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, the provider must have a written plan for mixing formula and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist.
 - (c) Formula, breast milk, and food provided by the parent shall be clearly marked with the child's name and refrigerated if required.
 - (d) No liquids, other than milk, formula, water, and 100 percent fruit juice, shall be served.
 - (e) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission.

- (f) Solid foods fed to infants shall be selected from the USDA Infant Food Chart.
 - (A) Solid foods shall not be fed to infants less than four months of age without parental consent.
 - (B) Solid food shall not be served directly from the container unless the child consumes the entire contents of the container or any remaining food in the container is discarded.
 - (C) If a portion of solid food from a container is placed in a clean, sanitized dish and served from the dish, any food remaining in the dish shall be discarded.
 - (D) Open containers of food, from which a portion has been removed, must immediately be refrigerated at 41 degrees F or less.
 - (E) Solid foods, with the exception of finger foods, shall be fed with a spoon.
- (g) Honey or foods containing honey shall not be served; and
- (h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.
 - (A) Infants up to six months of age shall be held or sitting up in a caregiver's lap for bottle feeding.
 - (B) Bottles shall never be propped. The child or a caregiver shall hold the bottle.
 - (C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.
- (9) Children of any age shall not be laid down with a bottle.

414-350-0220 General Requirements

- (1) The provider and any caregivers must give the children's needs first priority, ensuring they get adequate care and attention.
- (2) There shall be activities for children according to their ages, interests, and abilities. If the provider is certified to care for more than 12 children the provider shall have a written program of activities for each age group.
- (3) A description of the general routine, covering all hours of operation, shall be in writing and shall provide:

- (a) Regularity of such activities as eating, napping, and toileting with flexibility to respond to the needs of individual children;
 - (b) A balance of active and quiet activities;
 - (c) Individual and group activities;
 - (d) Daily indoor and outdoor activities in which children use both large and small muscles;
 - (e) Periods of outdoor play each day when weather permits; and
 - (f) Opportunities for a free choice of activities by children.
- (4) The provider and other caregivers shall use the written description of the general routine as a guide, allowing flexibility to respond to the needs of individual children and/or groups of children and to appropriate variations in daily activities.
- (5) No child may view television or videos or play computer or electronic games for more than two hours per day.
- (6) Infant and toddler program of activities. The following apply to infant and toddlers in care at the certified home.
- (a) Infants shall be allowed to form and follow their own patterns of sleeping and waking periods.
 - (b) Children shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, warm, and uncluttered area.
 - (c) Throughout the day, each infant and toddler shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the home).
 - (d) The provider must have routines for eating, napping, diapering and toileting, with flexibility to respond to the needs of each child.
 - (e) Infants shall have a variety of appropriate infant toys stimulating to the senses.
 - (f) Children shall be given appropriate opportunities to use the five senses through sensory play.
 - (g) Infants shall be put to sleep on their backs.

- (h) Immediate attention shall be given to the emotional and physical needs of the children.
No child shall be routinely left in a crib except for sleep or rest.
 - (i) Caregivers shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.
 - (j) In addition, toddlers shall be given opportunities to participate in:
 - (A) A variety of activities encouraging creative expression through the arts; and
 - (B) Running, climbing, and other vigorous physical activities.
- (7) The following safe sleep practices must be followed:
- (a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;
 - (b) Bassinets may only be used until the infant is able to roll over on their own;
 - (c) Each mattress shall:
 - (A) Fit snugly; and
 - (B) Be covered by a tightly fitting sheet;
 - (d) A clean sheet shall be provided for each child;
 - (e) Infants must be placed on their backs on a flat surface for sleeping;
 - (f) While on the child care premises, if an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the provider must immediately move the infant to an appropriate sleep surface;
 - (g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;
 - (h) There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier (e.g. bottles, toys, pillows, stuffed animals, blankets, bumpers);
 - (i) Swaddling or other clothing or covering that restricts the child's movement is prohibited;

- (j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and
 - (k) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the home and placed in an appropriate sleep surface.
- (8) Preschool-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2), preschool-age children shall have opportunities, on a daily basis, to choose from a variety of activities and experiences, which shall include:
- (a) Creative expression through the arts;
 - (b) Dramatic play;
 - (c) Gross (large) motor development;
 - (d) Fine (small) motor development;
 - (e) Music and movement;
 - (f) Opportunities to listen and speak;
 - (g) Concept development;
 - (h) Appropriate sensory play; and
 - (i) A supervised nap or rest period. Children who do not sleep after 20–45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.
- (9) School-age program of activities. In addition to the daily routine specified in OAR 414-350-0220(2), school age children shall have opportunities to choose from a variety of activities, including:
- (a) Individual or group projects and activities, including homework; and
 - (b) Rest or relaxation.
- (10) A home providing swimming or other water activities to children shall meet all of the requirements set forth in OAR 414-350-0380.
- (11) Spa pools on the grounds of the certified family child care home shall be enclosed by a barrier at least 48 inches high, with a lockable gate or door, and have a lockable pool cover.

The enclosure and cover shall be locked whenever the child care business is being conducted.

414-350-0230 Equipment, Furniture, and Supplies

- (1) The certified family child care home shall have indoor and outdoor play equipment, materials, and furniture that are:
 - (a) Appropriate to the developmental needs and interests of children;
 - (b) Safe, clean, durable, well constructed, in good repair, and made from lead-free, non-toxic materials;
 - (c) Child-sized or appropriately adapted for infants, toddlers, and preschool age children's use; and
 - (d) Easily accessible to the children.
- (2) The quantity of play materials (i.e., toys, books and games) shall be sufficient to:
 - (a) Avoid excessive competition;
 - (b) Provide a variety of choices to each child;
 - (c) Provide a balance of active/quiet and individual/group activities; and
 - (d) Provide the variety of activities required in OAR 414-350-0220(2), (3), and (4).
- (3) An individual bed, mat or cot, appropriate to the cultural background of the child, with individual bedding appropriate to the season shall be provided for each toddler and preschool age child in the home at nap time and for each school-age child who wants to rest.
 - (a) Family beds may be used.
 - (b) If the parent(s) so request, siblings may share the same bed.
 - (c) The upper level of bunk beds shall not be used for children under 10 years of age.
 - (d) The upper level of bunk beds may be used for children 10 years or older if a bed rail and safety ladder are provided.

414-350-0235 Infant and Toddler Furniture and Equipment

- (1) Each infant shall have a crib, portable crib, or playpen with a clean, non-absorbent mattress that meets the following requirements:
 - (a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;
 - (b) Locks and latches on the dropside of the crib shall be safe and secure from accidental release or release by the infant inside the crib;
 - (c) Each mattress shall fit snugly; and
 - (d) Sleeping arrangements shall be appropriate to the cultural background of the infant, with individual bedding appropriate to the season.
- (2) If infants and toddlers are in care there shall be:
 - (a) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children; and
 - (b) A diaper-changing area. The area shall be located so that handwashing can occur immediately after diapering without contact with other surfaces or other children.
 - (c) If the provider is certified to care for more than 12 children and more than 8 infants and toddlers are regularly in care, there must be a second diaper-changing area available.
- (3) The diaper-changing table or area shall comply with the requirements specified in OAR 414-350-0160(3)(a)(G).
- (4) If high chairs are used, they shall have:
 - (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) Straps to prevent a child from sliding out.
- (5) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.
- (6) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.
- (7) The use of infant walkers is prohibited.

- (8) The use of potty chairs must be approved by the environmental health specialist and/or by OCC.

414-350-0240 Guidance and Discipline

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

414-350-0250 Transportation

When transportation is provided by or arranged for by the certified family child care home, the following requirements must be met.

- (1) Drivers shall be at least 18 years of age and hold a current driver's license.
- (2) The vehicle shall be:
 - (a) In compliance with all applicable state and local motor vehicle laws, and
 - (b) Maintained in a safe operating condition.
- (3) If transportation is provided between the certified family child care home and the child's school or other destination, the provider shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the provider. If the pick-up schedule results in children being unsupervised at school or other location, the provider shall notify parents of this fact.
- (4) When transporting children:
 - (a) The emergency information for each child who is being transported shall be in the vehicle.
 - (b) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers.
 - (c) A seat that fully supports the passenger shall be provided for each child.
 - (d) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.
 - (e) All children shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation. A child under four years of age and weighing 40 pounds or less shall be in an approved child safety system. A child between the ages of 4 and 6 years AND children who weigh between 40 and 60 pounds, regardless of age, must use a booster seat.
 - (f) Staff/child ratios, as specified in OAR 414-350-0120, shall be maintained in vehicles, as well as in the certified family child care home, when one caregiver is transporting children.

- (g) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter.
 - (h) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person.
 - (i) No child shall be left unattended inside or outside a vehicle.
 - (j) If firearms and ammunition are stored in a vehicle, they must be stored as specified in OAR 414-350-0170(10)(d).
- (5) The following vehicles may be used to transport child care children:
- (a) A vehicle manufactured to carry fewer than ten passengers;
 - (b) A school bus or a multi-function school activity bus;
 - (c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or
 - (d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:
 - (A) Travel speed may not exceed 50 mph; and
 - (B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

414-350-0375 Night Care

When a certified family home provides night care to child care children, the provider shall meet all of the requirements for certified family child care homes contained in OAR 414-350-0000 through 414-350-0405, except for 414-350-0150 and 414-350-0220. In addition, the home shall comply with the following requirements, and the certification shall reflect that regulated night care is offered.

- (1) Staffing:
 - (a) During the hours of night care, the required staff/child ratios, as specified in OAR 414-350-0120 shall be maintained.
 - (b) A caregiver must be present on the same floor level as the child care children who are sleeping.

- (c) A caregiver must be awake for the arrival and departure of each child in night care. A caregiver must be awake during night care hours if more than six(6) children are in care.
- (d) All persons 18 years of age and older, inclusive of guests sleeping in the home during night care hours, shall comply with OAR 414-350-0090(4).

(2) Activities:

- (a) There shall be quiet activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime. These activities shall be appropriate to the child's age, interests and abilities.
- (b) The use of television, videos, and computer or electronic games shall comply with OAR 414-350-0220(5).
- (c) The provider shall have a written plan for night care which includes:
 - (A) Regular routines;
 - (B) Supervision of children;
 - (C) Evacuation procedures for awake and sleeping children;
 - (D) Sleeping arrangements; and
 - (E) Arrival and departure procedures.
- (d) If 24-hour care is provided, the provider shall have a written plan for self care, i.e., how her/his own needs will be met.

(3) Sleeping Arrangements:

- (a) Space shall be available so that children may go to sleep at various times, based on their age and need for rest.
- (b) All sleeping rooms used by children shall have two useable exits. A sliding door or window can be considered a useable exit if it meets the definition, as specified in OAR 414-350-0010(38).
- (c) Beds and bedding shall comply with OAR 414-350-0230(3) and 414-350-0235(1).

(4) Personal Hygiene:

- (a) When bathing is provided, there shall be:

- (A) Individual washcloths and towels for each child;
 - (B) Individual bathing opportunities for each child, unless a parent(s) has given permission for siblings to bath together;
 - (C) Safety glass in glass shower doors or glass tub enclosures;
 - (D) Appropriate cleaning and sanitizing procedures implemented after each child has used the shower or tub; and
 - (E) Appropriate equipment in bathtubs and showers to prevent slipping.
- (b) Children spending the night shall have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with his/her name.
 - (c) When bathing, showering or brushing teeth, children shall be supervised by a caregiver. For school-age children, privacy shall be maintained.

414-350-0380 Swimming Activities

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

(1) Definitions:

- (a) "Beginning swimmer" means a child who has mastered the skills required to:
 - (A) Hold his breath with his head submerged;
 - (B) Perform a front and back float;
 - (C) Perform the flutter kick on his front and back;
 - (D) Be able to level off from a vertical entry into a float position; and
 - (E) Do a combined stroke (front or back) for at least 20 feet without stopping.
- (b) "Non-swimmer" means a child who does not meet the definition of beginning swimmer.
- (c) "Lifeguard" means a person holding current certification and meeting the requirements OAR 333-060 of -0015(13).

- (d) "Swimming pool" means a swimming or wading pool licensed by the Oregon Department of Human Services or one of its delegated agents under the requirements of OAR 333-060-0005 through 333-060-0225.
- (e) "Wading" means water activities in which the water's depth is no higher than the child's knee.

(2) General Health and Safety:

- (a) Children with diarrhea or who have had diarrhea within the last two weeks shall not use the pool.
- (b) Children who are not toilet trained shall wear swim diapers.
- (c) Children shall use the toilet and shower before entering the pool.
- (d) Proper supervision shall be maintained, as specified in OAR 414-350-0380(3)(e), (f) and (g) and 414-350-0380(d) and (e).
- (e) The pool operator shall maintain water quality as required in OAR 333-060-0200 or pool use shall cease until the water quality is restored.
- (f) Children using the pool shall participate in basic water safety instruction based on their ages and developmental levels.
 - (A) All adults counted in the staff/child ratios in Table 4 shall be able to swim if the water is more than 48 inches deep and, regardless of the water depth, shall be dressed for swimming.
 - (B) For children 6 weeks to 36 months, one of the required staff must be in the water. Other staff may be on deck.
- (g) Recreational swimming is not allowed for non-swimmers ages 6 weeks to 36 months in swimming pools with water depth 24 inches and over.
- (h) Portable-style wading pools are not permitted.

(3) On-Premises Pool Facilities:

- (a) On-premises pool facilities shall be licensed by the Oregon Department of Human Services or its delegated agent and shall comply with the requirements in OAR 333-060-0005 through 333-060-0225.
- (b) On-premises pool facilities shall have toilets and showers for use by the swimmers.

- (c) All new pools or pools at certified family child care homes certified after September 15, 2002, shall have dressing areas for each sex, with storage for the children's clothes.
- (d) All activities occurring in a pool shall be under the direction and direct supervision of lifeguards.
- (e) Center staff/child ratios shall be maintained at all times children are in the pool area, as specified in Table 4 of this rule.
- (f) Lifeguard/child ratios shall be maintained at all times children are in the pool area:
 - (A) For children not yet attending kindergarten, there shall be one lifeguard for every 20 children;
 - (B) For children attending kindergarten and older, there shall be one lifeguard for every 40 children; and
 - (C) For mixed age groups of children, the age of the youngest child shall determine the lifeguard/child ratio.
- (g) During all periods of pool operation, the appropriate number of lifeguards shall be on duty in the pool area. During periods of recreational swimming, at least one of the required number of lifeguards shall be stationed on the pool deck.
- (h) Water activities that involve a sprayer or spray feature using potable water that is not re-circulated or collected may be conducted by the home.

Staffing Requirements for Swimming

Wading Pools- Water Depth under 24 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	1:1	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:6	1:6	1:8	1:8
Attending Kindergarten +	1:10	1:10	1:10	1:15

Swimming Pools- Water Depth from 24 – 48 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	Not Allowed	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:5	1:2	1:7	1:7
Attending Kindergarten +	1:10	1:10	1:10	1:15

Swimming Pools- Water Depth over 48 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	Not Allowed	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:4	Not Allowed	1:6	1:6
Attending Kindergarten +	1:5	1:5	1:10	1:15

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

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

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

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

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

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

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

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

(4) Off-Premises Pool Facilities:

(a) Off-premises pool facilities used by the center shall be licensed by the Oregon Department of Human Services as public swimming pools.

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

(c) Certified family child care home staff and children shall comply with the rules and regulations of the public swimming pool.

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

(e) Children shall be within sight and sound of certified family child care home staff at all times.

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

(5) Natural Bathing Areas:

(a) The certified family child care home shall not conduct swimming activities in areas with flowing water.

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

414-350-0390 Suspension, Denial and Revocation

- (1) Certification may be denied or revoked if a certified family child care home fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or well-being of children in care.
- (2) The provider has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of Chapter 183, Oregon Revised Statutes.
- (3) A provider whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked shall not be eligible to reapply for 5 years after the effective date of the closure.
- (4) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.
- (5) OCC may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.
- (6) A provider whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.
- (7) A provider whose certification has been suspended must post the suspension in the home where it can be viewed by parents and others for the duration of the suspension.
- (8) If the provider does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.
- (9) An owner whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.
- (10) A certified family child care home whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.
- (11) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system.

- (12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.
- (13) Certification may be denied, suspended or revoked if an individual listed in OAR 414-350-0080(5) has a child protective services history or an open child protective services or law enforcement case that would disqualify the individual from the CBR.

414-350-0405 Civil Penalty

- (1) Violations of these rules or terms and conditions of certification under these rules may be subject to a civil penalty up to \$1200 per violation.
- (2) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:
 - (a) Provide technical assistance as appropriate;
 - (b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and
 - (c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:
 - (A) Numbers of previous violations of the same rule; or
 - (B) Circumstances surrounding the rule violation.
- (3) For a serious violation, as defined in OAR-414-350-0010 (33), an owner may be subject to a civil penalty not to exceed \$1200 for each violation.
- (4) For a non-serious violation, an owner may be subject to a civil penalty of \$400 for each violation.
- (5) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules.
- (6) An individual or entity that provides child care subject to licensing in a home or facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified facility.

- (7) Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations.
- (8) The provider has the right to appeal any decision to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes.
- (9) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.



Rules for

CERTIFIED CHILD CARE CENTERS

Effective 8/13/19

Oregon Department of Education
Early Learning Division
Office of Child Care
503-947-1400 • 1-800-556-6616

Contents

GENERAL PROVISIONS	1
414-300-0000 Applicability of Rules.....	1
414-300-0005 Definitions	2
CERTIFICATE.....	9
414-300-0010 Application for a Child Care Certificate.....	9
414-300-0015 Issuance of a Child Care Certificate	11
414-300-0020 Exceptions to Rules	12
CENTER MANAGEMENT	13
414-300-0030 General Requirements	13
414-300-0040 Enrollment.....	16
414-300-0050 Arrival and Departure.....	18
414-300-0060 Record Keeping.....	19
PERSONNEL	20
414-300-0070 General Requirements	20
414-300-0080 Director Qualifications and Duties.....	23
414-300-0090 Head Teacher Qualifications and Duties.....	25
414-300-0100 Teacher	27
414-300-0110 Teacher Aides.....	28
414-300-0115 School-Age Multi-Site Programs - Additional Staff	29
414-300-0120 Staff Training	30
414-300-0130 Staff/Child Ratios and Group Size	32
PHYSICAL SETTING	34
414-300-0140 Indoor Space.....	34
414-300-0150 Outdoor Space	35
414-300-0160 Fire Protection	36
414-300-0170 Hazards and Emergencies.....	36
414-300-0180 Sanitation.....	39
414-300-0190 Toilet Facilities.....	42
414-300-0200 Kitchens.....	43
414-300-0205 Testing for Lead in Drinking Water	44
414-300-0210 Furniture	47
414-300-0215 Infant and Toddler Furniture and Equipment	47

HEALTH	48
414-300-0220 Illness or Injury	48
414-300-0230 Medications	51
414-300-0240 Animals in the Center.....	52
414-300-0250 Food Selection, Storage, and Preparation.....	53
414-300-0260 Cleaning, Sanitizing, and Storage of Food Service Equipment and Utensils.....	55
414-300-0270 Nutrition	56
414-300-0280 Meals and Snacks	57
PROGRAM OF CARE OF CHILDREN.....	60
414-300-0290 Program Plan	60
414-300-0295 Program of Activities for All Children.....	60
414-300-0300 Infant and Toddler Program of Activities.....	61
414-300-0310 Preschool-Age Program of Activities.....	63
414-300-0320 School-Age Program of Activities	63
414-300-0330 Guidance and Discipline.....	64
414-300-0340 Equipment and Materials.....	65
414-300-0350 Transportation	66
SPECIAL PROGRAMS	68
414-300-0360 Night Care	68
414-300-0380 Swimming Activities.....	70
414-300-0390 Drop-in Care.....	75
SANCTIONS	75
414-300-0400 Suspension, Denial and Revocation	75
414-300-0415 Civil Penalty	76

GENERAL PROVISIONS

414-300-0000 Applicability of Rules

- (1) OAR 414-300-0000 through 414-300-0415 set forth the Office of Child Care's (OCC) requirements for inspecting and certifying those child care facilities subject to Oregon laws governing child care facilities, ORS 329A.030, 329A.250 through 329A.310, 329A.350 through 329A.460 and 329A.990, that:
 - (a) Serve thirteen or more children; or
 - (b) Serve twelve or fewer children and are located in a building constructed as other than a single-family dwelling.
- (2) Individuals who are not enrolled in the Central Background Registry because of removal, denial for cause, or voluntary surrender in lieu of legal action, may only care for their own children or children related within the fourth degree as determined by civil law, pursuant to ORS 329A.252.
- (3) These rules do not apply to child care facilities specifically excluded by law. Excluded facilities are those that:
 - (a) Provide care for preschool children that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day except as provided in 414-300-0000(2); or
 - (b) Provide care for school-age children that is primarily a single enrichment activity, for eight hours or less a week; or
 - (c) Provide care in which youth development activities are provided to school-age children during hours that school is not in session and which does not take the place of a parent's care; or
 - (d) Provide care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; or. This exclusion applies only to the time engaged in the group athletic or social activities and if the children can come and go as they please; or
 - (e) Are operated by a school district, political subdivision of this state, or a government agency; or
 - (f) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care except as provided in 414-300-0000(2); or
 - (g) Operate as a parent cooperative for no more than four hours a day; or

- (h) Provide care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity; or
 - (i) Provide care for three children other than the person's own children except as provided in 414-300-0000(2); or
 - (j) Provide care for children from only one family other than the person's own family except as provided in 414-300-0000(2).
- (4) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.
 - (5) For purposes of these rules, the determination of compliance or noncompliance shall be made by OCC.
 - (6) Providers have a right to review any action or decision affecting them. The OCC grievance procedures are available upon request to all applicants for child care certification or operators of centers.

414-300-0005 Definitions

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

- (1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, isolation quarters, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.
- (2) "Attendance" means children actually present in the center at any given time.
- (3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.
- (4) "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.
- (5) "Central Background Registry" means OCC's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120.

- (a) "CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification and an FBI records check.
 - (b) "CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following a Oregon State Police records check and child abuse and neglect records check but prior to receipt by OCC of the results of the required FBI records check.
- (6) "Certificate" means the document that is issued by OCC to a child care center pursuant to ORS 329A.280.
- (7) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:
- (a) In the home of the child;
 - (b) By the child's parent or guardian, or person acting in loco parentis;
 - (c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;
 - (d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care; or
 - (e) By providers of medical services.
- (8) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.
- (9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, for whom the child care center has supervisory responsibility in the temporary absence of the parent.
- (10) "Child Care Center" or "Center" means a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.
- (11) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.

- (12) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 329A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.
- (13) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.
- (14) "Comparable group care program" means a program which has the following elements:
- (a) Staff are supervised by knowledgeable professionals;
 - (b) Training of staff is provided or required annually;
 - (c) Group size is similar to a certified child care facility;
 - (d) Curriculum is age appropriate; and
 - (e) The program is not providing uncertified drop-in care.
- (15) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.
- (16) "Director" means a person who is designated by the operator as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0080.
- (17) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center.
- (18) "Enrollment" means all children registered to attend the center.
- (19) "Group" means a specific number of children assigned to specific staff.
- (20) "Guidance and discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.
- (21) "Head Teacher" means the person(s) who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school-age program in the center.
- (22) "Infant" means a child who is at least six weeks of age but is not yet walking alone.

- (23) "Infant and Toddler Age Program" means care and education provided in a center, or part of a center, to children between the ages of six weeks and thirty-six months.
- (24) "Night Care" means care given to children who sleep at the child care center for all or part of the night.
- (25) "Non-serious Violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-300-0005(44)
- (26) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of the Office of Child Care.
- (27) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.
- (28) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the operator is other than the owner, an individual must be appointed as the operator by the owner.
- (29) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.
- (30) "Outbreak of a communicable disease" means two cases from separate households associated with a suspected common source.
- (31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner may or may not be active in the operation of the center; the owner may also be the operator.
- (32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.
- (33) "Parent cooperative" means a child care program in which:
 - (a) Care is provided by parents on a rotating basis;
 - (b) Membership in the cooperative includes parents;
 - (c) There are written policies and procedures; and

- (d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.
- (34) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care under the direct control of the child care facility.
- (35) "Preschool-Age Child" means a child who is 36 months of age to eligible to attend kindergarten or above in public school.
- (36) "Preschool-Age Program" means care and education provided in a center, or part of a center, to children 36 months of age to eligible to attend kindergarten.
- (37) "Program" means all activities and care provided for the children during their hours of attendance at the center.
- (38) "Qualifying Teaching Experience" means:
- (a) For infant/toddler and preschool age groups, 1,500 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period;
 - (b) For school-age groups, 600 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.
- (39) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.
- (40) "School-Age Child" means a child eligible to attend kindergarten or above in public school. This includes the months from the end of the prior school year to the start of the kindergarten school year.
- (41) "School-Age Program" means care and education provided in a center, part of a center, school or other facility to children attending kindergarten or eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, eligible to be enrolled in the first grade or above in the next school year.
- (42) "Serious complaint" means a complaint filed against:
- (a) A certified child care center by a person who has alleged that:
 - (A) Children are in imminent danger;

- (B) There are more children in care than allowed by certified capacity;
 - (C) Corporal punishment is being used;
 - (D) Children are not being supervised;
 - (E) Multiple or serious fire, health or safety hazards are present in the center;
 - (F) Extreme unsanitary conditions are present in the center; or
 - (G) Adults are in the center who are not enrolled in the Central Background Registry; or
- (b) A facility providing child care, as defined ORS 329A.250(3), which is not a certified child care center by a person who has alleged that there are more children in care than allowed by law.
- (43) "Serious Injury or Incident" means any of the following:
- (a) Injury requiring surgery;
 - (b) Injury requiring admission to a hospital;
 - (c) Injury requiring emergency medical attention;
 - (d) Choking and unexpected breathing problems;
 - (e) Unconsciousness;
 - (f) Concussion;
 - (g) Poisoning;
 - (h) Medication overdose;
 - (i) Broken bone;
 - (j) Severe head or neck injury;
 - (k) Chemical contact in eyes, mouth, skin, inhalation or ingestion;
 - (l) All burns;
 - (m) Allergic reaction requiring administration of Epi-Pen;
 - (n) Severe bleeding or stitches;

- (o) Shock or confused state;
 - (p) Near-drowning.
- (44) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges:
- (a) Children are in imminent danger;
 - (b) There are more children in care than allowed by law;
 - (c) Corporal punishment is being used;
 - (d) Children are not being supervised;
 - (e) Multiple or serious fire, health or safety hazards are present in the center;
 - (f) Extreme unsanitary conditions are present in the center;
 - (g) Adults are in the center who are not enrolled in the Central Background Registry; or
 - (h) A facility is providing child care as defined in ORS 329A.250(4) which is not a certified child care center, by a person who has alleged that there are more children in care than allowed by law.
- (45) "Site Director/Supervisor" means the person in charge of the facility at a site which is part of a larger multi-site program.
- (46) "Site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.
- (47) "Staff" means an individual who is the director, an employee, or a volunteer who is in the center for more than a single activity.
- (48) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site.
- (49) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.
- (50) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR 414-300-0100.

- (51) "Teacher Aide" means a caregiver who works under the direct supervision of a teacher and who meets the qualifications of Aide I or Aide II pursuant to OAR 414-300-0110.
- (52) "Toddler" means a child who is able to walk alone but is under 36 months of age. "Younger toddler" means a child who is able to walk alone but is under 24 months of age; "older toddler" means a child who is 24 months of age but under 36 months of age.
- (53) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or staff with supervisory authority.
- (54) "Usable Exit" means an unobstructed door or window through which caregivers and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

CERTIFICATE

414-300-0010 Application for a Child Care Certificate

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

certificate, unless officially revoked, remains in force until OCC has acted on the application for renewal and has given notice of the action taken.

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

- (e) Staff management, orientation and training;
 - (f) Maintenance of building and grounds;
 - (g) Meal planning and preparation;
 - (h) Transportation of children, if provided; and
 - (i) Ensuring the appropriateness of program activities according to age and development of the children.
- (12) An operator shall provide verification to OCC that the center meets all applicable building codes and zoning requirements that apply to child care facilities:
- (a) Before the initial certificate is issued; and
 - (b) Whenever the facility is remodeled.
- (13) The center shall be approved by an environmental health specialist registered under ORS chapter 700, or an authorized representative of the Health Division, and by a state or local fire marshal, before a certificate is issued by OCC.
- (a) If structural, emergency or permit problems occur, OCC may request that the operator have the center inspected by the appropriate authority; and
 - (b) The operator is responsible for payment of any applicable fees for fire safety and sanitation inspections.
- (14) Upon receipt of a completed application, a representative of OCC shall evaluate the center and all aspects of the proposed operation to determine if the center meets certification requirements (OAR 414-300-0000 through 414-300-0415).

414-300-0015 Issuance of a Child Care Certificate

- (1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card. A certificate shall not be issued to an applicant who grows marijuana or distributes marijuana.
- (2) A certificate shall be issued by OCC when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0415. There are two types of certifications. These are:

- (a) A regular certificate, which, except as provided in OAR 414-300-0010(4)(b)(A), is valid for no more than one year; and
- (b) A temporary certificate. A child care center may not operate under a temporary certification for more than 180 days in any 12-month period. A temporary certificate is issued when:
 - (A) The center is in compliance with most requirements;
 - (B) There are no deficiencies identified by OCC that are hazardous to children; and
 - (C) The operator demonstrates an effort to be in full compliance.
- (3) A certificate is not transferable to any other location or to another organization or individual.
- (4) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.

414-300-0020 Exceptions to Rules

- (1) OCC may grant an exception to an individual rule (OAR 414-300-0000 through 414-300-0415) for a specified period of time when:
 - (a) A requirement does not apply to the facility; or
 - (b) The intent of the requirement can be met by a method not specified in the applicable rule.
- (2) The operator shall request an exception to a rule on a form provided by OCC. The request shall include:
 - (a) A justification for the requested exception; and
 - (b) An explanation of how the center will meet the intent of the rule.
- (3) No exception to a rule shall be granted:
 - (a) If the requirement is established by statute; or
 - (b) Unless the health, safety, and well-being of the children are ensured.
- (4) Exceptions may not be implemented until approval is received from OCC.

- (5) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.
- (6) OCC may withdraw approval of an exception at any time, if deemed necessary to ensure the health, safety and well-being of the children.

CENTER MANAGEMENT

414-300-0030 General Requirements

- (1) The operator shall display the following near the entrance, or in some other area of the center, where they may be clearly viewed by parent(s) of children in care:
 - (a) The most current certificate issued by OCC;
 - (b) Name of the director and/or the substitute director;
 - (c) Notice of planned field trips away from the immediate neighborhood, showing the date and place of each excursion;
 - (d) The current week's menu for all meals and snacks, if meals are provided by the center. Any substitution shall be recorded on the menu;
 - (e) A notice that the items identified in section (2) of this rule are available for review on request;
 - (f) Information on how to report a complaint to OCC regarding certification requirements;
 - (g) Notice that custodial parents have access to the center during the hours of operation and without advance notice;
 - (h) Notice of center closures (vacation days, holidays, etc.);
 - (i) The Early Learning Division Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal; and
 - (j) Centers must post all serious valid complaints and serious non-compliance letters for 12 calendar months.
- (2) The certified child care center shall immediately notify all parents of any closure of the active license.
- (3) The operator shall have available for review on request:

- (a) A copy of OAR 414-300-0000 through 414-300-0415, Rules for the Certification of Child Care Centers; and
 - (b) The most recent OCC, sanitation, and fire safety inspection reports.
- (4) The operator shall report to OCC:
- (a) Any death of a child while in care, within 24 hours;
 - (b) Within 24 hours:
 - (A) Any child that is lost or missing from the premises;
 - (B) Any child that is left behind on a facility excursion;
 - (C) Any child that is left unattended on the premises;
 - (D) Any child that is left alone on the playground; or
 - (E) Any child that is left alone in a vehicle.
 - (c) Any serious injury or incident, as defined in OAR 414-300-0010(43) within 5 calendar days after the occurrence. This does not include:
 - (A) Injuries for which a child is evaluated by a professional as a precaution;
 - (B) Injuries for which first aid is administered at the center, but no further treatment by a medical professional is warranted: or
 - (C) Medical events due to routine, ongoing medical issues, such as asthma or seizures.
 - (d) Damage to the building which affects the operator's ability to comply with these requirements, within 48 hours after the occurrence;
 - (e) Any animal bites to a child within 48 hours of occurrence; and
 - (f) Any change in director prior to the director being on site. Such prior notification must include the replacement person's qualifications for the position and documentation that the person is enrolled in the Central Background Registry. An e-mail or a phone call, followed by written documentation, or a FAX will serve as notification.
- (5) Information provided to OCC on applications, in records or reports, or any other written or verbal communication, shall be current, complete, and accurate.
- (6) Staff shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.050), to the Department of Human

Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

- (7) The child care center shall comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans With Disabilities Act (ADA).
- (8) The following information shall be in writing and made available to staff, OCC, and to parent(s) at the time of enrollment:
 - (a) Name, business address, and business telephone number of the person(s) who have immediate responsibility for the daily operation of the center;
 - (b) Guidance and discipline policy;
 - (c) Arrival and departure procedures;
 - (d) Emergency plan, as specified in OAR 414-300-0170(3);
 - (e) Procedures for field trips; and
 - (f) Information on transportation, when provided by the center;
- (9) Representatives of all agencies involved in certification and custodial parents shall have immediate access to all parts of the center during hours of operation. OCC staff shall have the right to enter and inspect the center, including access to all staff, records of children enrolled in the center, and all records and reports related to the center operation regarding compliance with these rules.
- (10) The center shall comply with the Health Division's administrative rules relating to:
 - (a) Immunization of children (OAR 333-050-0010 through 333-050-0140);
 - (b) Reporting communicable diseases (OAR 333-018-0000);
 - (c) Child care restrictable diseases (OAR 333-019-0010); and
 - (d) Dishwashing (OAR 333-150-0000).
- (11) Facilities must have parent(s) or guardian(s) of each child enrolled in the center, sign a declaration form approved by the Office of Child Care verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time there has been an exception or condition added to the license.
- (12) The written emergency plan must be given to parents of children in care.

- (13) A center shall have written health policies and procedures approved by the Health Division or the county health department which cover, but are not limited to, the following:
- (a) Storage and handling of food;
 - (b) Diaper changing and disposal, if applicable. The diaper changing procedure must be posted in the diaper changing area;
 - (c) Bathing infants, if the center cares for infants;
 - (d) Care of bed linen;
 - (e) Hand washing procedures. The hand washing procedures must be posted at hand washing sinks; and
 - (f) Serving formula, storage and handling of bottles, and feeding infants, if the center cares for infants.
- (14) Parental request or permission to waive any of the rules for the certification of child care centers does not give the center permission to do so.
- (15) The Office of Child Care may notify parent(s) or guardian(s) of children under 12 months of age enrolled in the center of any valid non-compliance with regulations for safe sleep included in OAR 414-300-0300(6).

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

414-300-0040 Enrollment

- (1) Children shall be admitted only in accordance with the conditions of the certificate, including, but not limited to, capacity, hours of operation, age range, and special conditions.
- (2) All children visiting the center on a regular basis will count in capacity. Children attending with a non-staff parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children.
- (3) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), the center shall not discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care.
 - (a) Refusal by the operator to care for a child with a need for special care because of lack of related skills and degree of competence, or because of structural barriers in the center, shall not in itself establish a prima facie case of discrimination. The decision to enroll/not enroll a child shall be made on an individual basis after the child's child care needs have been assessed using information from parents and professionals who are

knowledgeable about the specific disability. The operator shall record the assessment that was made for each child with special needs.

- (b) If a child with special needs is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between center staff, parent(s), and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.
- (4) The operator shall obtain the following information in writing from parent(s) of each child before admission. The information shall be kept current at all times.
- (a) Name and birth date of child;
 - (b) Date child entered care;
 - (c) Name(s), home and business address(es) and telephone number(s) of the custodial parent(s);
 - (d) The school attended by a school-age child;
 - (e) Name and telephone number of child's medical provider(s) and dentist, if applicable;
 - (f) Name and telephone number of person to be called in an emergency if the parent cannot be located;
 - (g) Name and telephone number of person(s) to whom the child may be released; and
 - (h) Any chronic health problem(s) the child has, including allergies.
- (5) The operator shall obtain the following information in writing from parent(s) of each infant and toddler before admission:
- (a) Schedule of feeding;
 - (b) Types of food introduced and timetable for new foods;
 - (c) Toilet and diapering schedule;
 - (d) Sleep schedule;
 - (e) Child's way of communicating and being comforted; and
 - (f) Developmental and health history of any problems that could affect the child's participation in child care.

- (6) The operator shall obtain the following written authorizations from parent(s) of each child before admission:
 - (a) Permission for the center to obtain emergency medical treatment for the child. The emergency medical release shall be:
 - (A) On a form accepted by the medical treatment facility used by the operator for emergency medical services; and
 - (B) Immediately accessible to all staff.
 - (b) Permission for the center to call an ambulance or take a child to an available physician or medical treatment facility; and
 - (c) Approval when applicable for:
 - (A) Participation in field trips; and
 - (B) Participation in swimming or wading activities, both on and off the premises of the center.
- (7) A center shall maintain separate information and authorization forms on each child in care.
- (8) An opportunity shall be given for each child, with his/her parent(s), to have a pre-placement visit to the center and for the center staff to exchange information with the parent(s).
- (9) No child under six weeks of age shall be enrolled in a center.

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

414-300-0050 Arrival and Departure

- (1) A center shall require that the person bringing a child to the center remain with the child until the child is accepted by staff.
- (2) A center shall release a child only to a parent or another person named and identified by the parent(s). The operator shall verify the identification of any person, other than the parent, who picks up a child.
- (3) If a school-age child arrives at or leaves the center without a parent, there shall be arrangements in advance, in writing, from the parent(s) for the arrival and departure times and what to do if a child has not arrived at the center by the expected time.

414-300-0060 Record Keeping

- (1) The operator shall keep all records, except those specified in OAR 414-300-0060(1)(d)(F) and 414-300-0205(7)(a), for at least two years, and staff and children's records for two years after termination of employment or care. These records shall be available at all times to OCC:
 - (a) Complete and current information on each child as required in OAR 414-300-0040(4) and (6);
 - (b) Records of daily attendance showing:
 - (A) The date of employment, time of arrival and departure, and room assignment for each staff; and
 - (B) The date, name of each child in attendance, and time of arrival and departure. The record must show the children in attendance at any given time;
 - (C) The current day's attendance record shall be maintained in the child's classroom in paper format.
 - (c) Personnel record for each staff, which shall include:
 - (A) Name, address and telephone number of staff;
 - (B) Position in center;
 - (C) Written verification (such as transcripts, payroll records, time sheets, documented resumes, notes regarding telephone conversations, etc.) that the person possesses the qualifications for the position;
 - (D) Verification that the staff is currently enrolled in the Central Background Registry;
 - (E) Statement of the staff's duties;
 - (F) Record of current health-related training, such as CPR, Life Support, Life Saving, and First Aid, and current food handler certifications, as appropriate;
 - (G) Driving record, driver's license number and expiration date if the person is to transport children; and
 - (H) Documentation of dates and participation in orientation, training, and staff development activities, as required in OAR 414-300-0120.
 - (d) A written record of:

- (A) A death of or injury to a child, as specified in OAR 414-300-0030(5)(a);
 - (B) Dates and times of the practices of emergency procedures;
 - (C) Child abuse reports made to the Department of Human Services Child Welfare (DHS) or a law enforcement agency;
 - (D) Authorizations to administer medication to a child, as specified in OAR 414-300-0230(1)(a);
 - (E) Medications dispensed, as specified in OAR 414-300-0230(1)(d);
 - (F) Meals and snacks provided by the center for the previous three weeks;
 - (G) The program of activities for each group of children, as specified in OAR 414-300-0295; and
 - (H) The daily schedule for each group of children, as specified in OAR 414-300-0290.
- (2) The operator shall allow custodial parent(s), upon request, to review records and reports, except for child abuse reports, maintained on their own children.

PERSONNEL

414-300-0070 General Requirements

- (1) The operator shall establish a system of job descriptions, staff selection, and staff evaluation. All caregivers shall:
 - (a) Have competence, sound judgment, and self-control in working with children;
 - (b) Be mentally, physically, and emotionally capable of performing duties related to child care; and
 - (c) Have the required training and/or experience for the position for which they are hired.
- (2) There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-0090). A person assigned the duties of the position must meet the qualifications of the position.
- (3) Notwithstanding OAR 414-300-0120(3), there shall be at least one person in the center at all times who has current certification in first aid and CPR.
- (4) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties.

- (5) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.
- (6) No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child. This includes any individual in the center who has or may have unsupervised access, however brief, to child care children (i.e., the owner, the operator, all child care staff, maintenance staff who work on-site during hours of operation, volunteers who may be left alone with children, etc.). This does not apply to persons authorized to drop off and pick up a child care child.
- (a) The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification;
- (b) The facility must receive confirmation from OCC that staff who are 18 years of age or older, are enrolled or conditionally enrolled in the CBR before they may be on-site of the child care premises during child care hours.
- (c) When a center is notified by OCC that a staff member or other individual has been removed from the Central Background Registry, the center shall not permit the staff member or other individual to have access to child care children;
- (d) If any person listed in section (6) and section (6)(a) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center;
- (e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, address, and telephone number.
- (7) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with OCC the individual is enrolled.
- (8) All caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the center license is active.
- (9) Individuals whose CBR enrollment has been revoked, denied or suspended, may not be on the premises during child care hours; or have contact with child care children.

- (10) Any visitor to the center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.
- (11) The center shall have a written plan to ensure that individuals who are not enrolled or conditionally enrolled in the CBR and are on the child care premises shall not have unsupervised access to children.
- (12) The center shall maintain a log of arrival and departure times of all individuals 18 and older who are not enrolled or conditionally enrolled in the CBR and enter the center while child care children are present, excluding persons authorized to drop off and pick up a child care child.
- (13) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.
- (14) Alcohol shall not be consumed or stored on the child care center premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the child care center premises during the hours the child care business is conducted or when child care children are present.
- (15) No one shall possess, use or store illegal controlled substances on the child care center premises. No one shall be under the influence of illegal controlled substances on the child care center premises.
- (16) No one shall grow or possess marijuana plants or distribute marijuana on the child care center premises. No one shall possess, use or store marijuana on the premises of the child care center unless medically necessary to treat a child care child. No adult shall use or be under the influence of marijuana on the child care center premises.
- (17) Marijuana, derivatives and associated paraphernalia shall not be kept on the child care center premises unless medically necessary to treat a child care child. All associated medical marijuana must be kept in original container if purchased at a dispensary, and together with derivatives and related paraphernalia must be kept under child safety lock.
- (18) Volunteers must meet the following requirements:
 - (a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry;
 - (b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry;
 - (c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the center must have a written policy to this effect, the policy must be

known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.

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

414-300-0080 Director Qualifications and Duties

- (1) The director shall:

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

(b) Have:

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

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

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

(c) Have:

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

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

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

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

- (b) Operating the center in compliance with certification requirements (OAR 414-300-0000 through 414-300-0415).
- (3) If head teacher qualifications (OAR 414-300-0090) are met by the director, that person may serve as head teacher for the age range of children for which she/he is qualified if she/he works full-time in the center:
 - (a) If the center is certified for less than 40 children, the director may serve as head teacher and have regular teaching duties, if qualified;
 - (b) If the center is certified for 40 or more children, the director may serve as head teacher, but shall have no regular teaching duties.
- (4) A director responsible for a center certified for fewer than 100 children shall be in the center at least one-third of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.
- (5) A director responsible for a center certified for more than 100 children can be responsible for only one site. The director shall be in the center at least half of the hours that the center is in operation. The hours shall be calculated on a weekly basis, except for planned vacations and emergency absences. The time on-site must include time spent directly observing staff and children.
- (6) The director, or a substitute director, shall be on the premises during all hours of operation.
- (7) The director must have completed OCC approved health and safety training.
- (8) If the center is certified to care for infants, the director must have completed OCC approved safe sleep training.
- (9) The substitute director shall:
 - (a) Meet at least the qualifications of a teacher;
 - (b) Be familiar with the certification requirements;
 - (c) Be authorized, able, and available to correct a deficiency that might be an immediate threat to children's health or safety; and
 - (d) Have on file documentation of an orientation and training in these administrative rules and the functions and duties of a director.
- (10) Whenever a director is absent from the center, the name of the substitute director shall be posted in the center, as required in OAR 414-300-0030(1)(b).

414-300-0090 Head Teacher Qualifications and Duties

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

Qualifications for Head Teacher

TABLE 1

Option	Infant and Toddler Age Program	Preschool-Age Program	School-Age Program
(a) Bachelor's Degree (BS/BA) from college or university with a major in:	<ul style="list-style-type: none"> • Early childhood education • Child development 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education 	<ul style="list-style-type: none"> • Child development • Elementary education • Physical education • Recreation • Special education • Early childhood education
OR (b) Associate's Degree (AS/AA) from a college with a major in:	<ul style="list-style-type: none"> • Early childhood education • Child development 	<ul style="list-style-type: none"> • Early childhood education • Child development • Or related degree 	<ul style="list-style-type: none"> • Child development • Physical education • Recreation • Special education • Early childhood education • Or related degree
OR (c) A one year state or nationally recognized credential:	<ul style="list-style-type: none"> • Related to infant and toddler care 	<ul style="list-style-type: none"> • Related to preschool-age care 	<ul style="list-style-type: none"> • Related to school-age care
OR (d) Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in: AND At least one year of qualifying teaching experience in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Early childhood education • Child development <ul style="list-style-type: none"> • Infants and/or toddlers 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education <ul style="list-style-type: none"> • Preschool-age children 	<ul style="list-style-type: none"> • Child development • Physical education • Elementary education • Special education • Recreation • Early childhood education <ul style="list-style-type: none"> • School-age children
OR (e) At least two years of qualifying teaching experience, with at least one year as a teacher, in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Infants and/or toddlers 	<ul style="list-style-type: none"> • Preschool-age children 	<ul style="list-style-type: none"> • School-age children
OR (f) Documentation of attaining at least step 8.5 (eight.five) in the Oregon Registry			

414-300-0100 Teacher

- (1) For each group of children, a person shall be designated as the teacher. This person shall:
 - (a) Be at least 18 years of age;
 - (b) Be responsible for and supervise a designated group of children; and
 - (c) Supervise the activities of an aide assigned to his/her group.
- (2) A teacher shall meet the qualification requirements of one of the options listed in Table 2 of this section. Table 2.
- (3) Teachers must have completed OCC approved health and safety training.
- (4) If caring for infants, teachers must have completed OCC approved safe sleep training.

Qualifications for Teacher

TABLE 2

Option	Infant and Toddler Age Program	Preschool-Age Program	School-Age Program
(a) Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in:	<ul style="list-style-type: none"> • Early childhood education • Child development 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education 	<ul style="list-style-type: none"> • Child development • Elementary education • Physical education • Recreation • Special education • Early childhood education
OR (b) A one year state or nationally recognized credential:	<ul style="list-style-type: none"> • Related to infant and toddler care 	<ul style="list-style-type: none"> • Related to preschool-age care 	<ul style="list-style-type: none"> • Related to school-age care
OR (c) At least one year of qualifying teaching experience, with at least one year as a teacher, in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Infants and/or toddlers 	<ul style="list-style-type: none"> • Preschool-age children 	<ul style="list-style-type: none"> • School-age children
OR (d) Completion of 10 credits (semester system) or 15 credits (quarter system) of training at a college or university in: AND At least six months of qualifying teaching experience in a Certified Child Care Center or comparable group care program, in the care of:	<ul style="list-style-type: none"> • Early childhood education • Child development • Infants and/or toddlers 	<ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education • Preschool-age children 	<ul style="list-style-type: none"> • Child development • Elementary education • Physical education • Recreation • Special education • Early childhood education • School-age children
OR (f) Documentation of attaining at least step 8 (eight) in the Oregon Registry			

414-300-0110 Teacher Aides

(1) Aide I shall:

- (a) Be at least 15 years of age;
- (b) Be directly supervised, i.e., within sight and sound of a staff person who meets at least the qualifications of a teacher;
- (c) Have current certification in first aid and pediatric CPR within 90 days of employment.
 - (A) CPR training must have practical hands-on instruction;
 - (B) CPR courses that involve an on-line component with hands-on instruction may be accepted; and
 - (C) Strictly on-line CPR training is not acceptable.
- (d) Have completed a minimum of 2 hours of training on recognizing and reporting child abuse and neglect that is specific to Oregon law within 30 days of employment;
- (e) Have completed OCC approved health and safety training within 30 days of employment.
- (f) If caring for infants, completed OCC approved safe sleep training within 30 days of employment.

(2) An Aide II must:

- (a) Have completed a training with a minimum of 2 hours on recognizing and reporting child abuse and neglect that is specific to Oregon law;
- (b) Have completed OCC approved health and safety training; and
- (c) If caring for infants, completed OCC approved safe sleep training.

(3) Aide II in infant/toddler/preschool-age programs shall:

- (a) Be at least 18 years of age;
- (b) Have worked at least six months at the center where they are now employed; and
- (c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.

- (4) Aide II in school-age programs shall:
 - (a) Be at least 18 years of age;
 - (b) Have worked at least four months in the school-age program where they are now employed; and
 - (c) Have current certification in first aid and CPR. Training must have practical hands-on instruction; therefore, online training is not acceptable.
- (5) Staff at Aide II level may, with the approval of the director, be out of sight and sound of a teacher for brief, necessary events, such as taking a child to the bathroom or bringing a child in for minor medical attention.
- (6) An Aide II may not be left alone with a group of children, except as described in OAR 414-300-0130(2)(a) and 414-300-0350(5)(b).
- (7) Staff at Aide II level shall be trained in the policies and procedures appropriate to tasks assigned prior to even brief periods of unsupervised access to children.

414-300-0115 School-Age Multi-Site Programs - Additional Staff

- (1) In a multi-site program, the operator shall develop a written plan which shows:
 - (a) How the administrative functions in section OAR 414-300-0080(2)(a) will be met; and
 - (b) How Head Teacher functions in OAR 414-300-0090(2)(a) and (b) will be met.
- (2) All staff of school-age multi-site programs shall meet qualifications for the position they hold, as specified in OAR 414-300-0080, -0090, -0100 and -0110, unless otherwise specified in this section.
- (3) If the multi-site program does not have a director, the site coordinator and the site director/supervisor shall jointly perform the functions of director.
- (4) A site coordinator shall:
 - (a) Be at least 21 years of age;
 - (b) Have at least one year of training and/or experience in management and supervision of adults;
 - (c) Be authorized, able and available to correct deficiencies; and
 - (d) If acting as a substitute teacher, be teacher qualified.

- (5) A site coordinator shall be at each site on a monthly basis during the hours of operation. The time at each site must include time spent directly observing staff and children.
- (6) A site director/supervisor shall:
 - (a) Be at least 18 years of age;
 - (b) Be at least teacher-qualified;
 - (c) Be authorized, able and available to correct deficiencies; and
 - (d) If the facility is certified for 40 or more children, not have teaching duties unless the number of children on site is less than 40.
- (7) A site director/supervisor shall be on site at least one-half of the hours, calculated on a weekly basis, that the school-age program is in operation.
- (8) If a school-age multi-site program does not have a head teacher at each site, a designated head teacher for the multi-site program shall observe at each site on a monthly basis during the hours of operation.

414-300-0120 Staff Training

- (1) All staff shall receive an orientation within the first two weeks of employment and before they can have unsupervised access to children. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:
 - (a) Individual responsibilities in the event:
 - (A) The building must be evacuated (e.g., fire);
 - (B) An emergency requiring staff and children to remain inside under unusual circumstances (e.g., power outage, environmental hazard); or
 - (C) A child or staff is injured or becomes ill;
 - (b) These requirements (OAR 414-300-0000 through 414-300-0415);
 - (c) The center policies, as required in OAR 414-300-0030; and
 - (d) Procedures for reporting suspected child abuse or neglect.
- (2) The operator shall have documentation for each staff person of the date and type of orientation received and the person providing the orientation.

- (3) Within the first 90 days of employment, all staff shall complete first aid and Infant and Child CPR training or have current certification in first aid and Infant and Child CPR on file. First aid and Infant and Child CPR training must be kept current during employment at the center. First aid training shall include the following components: bleeding; burns; poisoning; choking; injuries; shock; seizures; sprains and breaks; dental emergencies; and head injuries. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.
- (4) Key people in food preparation must have food handler certification, pursuant to ORS 624.570, within 30 days of employment or have current certification on file. Food handler's training must be kept current during employment at the center. Key people include cooks, kitchen staff who handle food, and classroom staff who serve meals from a communal source.
- (5) The director, head teacher, and all teachers shall participate yearly in at least 15 clock hours of training or education related to child care, of which at least eight clock hours shall be in child development or early childhood education. The annual 15 clock hours of training or education must include OCC approved health and safety training curriculum. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours for each month worked in the current license period.
 - (a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).
 - (b) A head teacher whose qualifications for the position are based solely on work experience shall emphasize training in child development and early childhood education for the first two years of employment;
 - (c) Training may include correspondence courses, conferences, workshops, or audiovisual programs.
 - (d) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.
 - (e) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.
 - (f) The center shall record each person's training showing the subject matter, the date completed, and the number of clock hours of training in each certification year.

- (6) During the first year of employment, a staff person may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's training, if applicable, and child abuse and neglect training as part of the 15 clock hours of training required in OAR 414-300-0120(5), but may not use these toward the eight hours required in child development or early childhood education.
- (7) During subsequent years of employment, a staff person may count 5 hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.
- (8) Staff meetings shall not count as training.
- (9) All staff, with the exception of Aide I's, who count in staff to child ratios must complete OCC approved training on recognizing and reporting child abuse and neglect, and health and safety training, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.
- (10) All infant caregivers, with the exception of Aide I's, must complete OCC approved training on safe sleep, prior to having unsupervised access to children and functioning in their position. Aide I's must complete the training within the first 30 days of employment.
- (11) If certified to care for infants, current infant caregivers must complete OCC approved safe sleep training by January 1, 2019.

414-300-0130 Staff/Child Ratios and Group Size

- (1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance.
- (2) The maximum number of children in a group and the ratio of caregivers to children specified in Table 3A of this rule shall apply, except that:
 - (a) When all toddler, preschool and school-age children are at rest, the situation permits, and the room is arranged so all children are supervised, there may be one teacher or Aide II supervising the resting room. As children awaken and become active, additional staff shall be added to return ratios to those in Table 3A. Sufficient staff to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the resting room; and
 - (b) Maximum group size shall not apply to field trips, outdoor play, planned large group activities, napping and eating. Staff/child ratios shall apply to these activities.

(c) Centers with certification in effect on July 15, 2001, shall comply with age groupings, staff/child ratios and group size in either Table 3A or Table 3B for as long as the facility is continuously used for child care, under the following conditions:

- (A) The center must choose to operate under Table 3A or Table 3B; centers shall not operate under a combination of both;
- (B) If centers wish to change from operating under one set of ratios to operating under the other set of ratios, the change shall occur at the time of certification renewal; and
- (C) Centers may change options only twice.

TABLE 3A

Age of Children	Minimum Number of Caregivers to Children	Maximum Number of Children in a Group
Six Weeks of Age through 23 Months	1:4	8
24 Months of Age through 35 Months	1:5	10
36 Months of Age to Attending Kindergarten	1:10	20
Attending Kindergarten and Older	1:15	30

TABLE 3B

Age of Children	Minimum Number of Caregivers to Children	Maximum Number of Children in a Group
Six Weeks of Age and Under 30 Months	1:4	8
30 Months of Age to Attending Kindergarten	1:10	20
Attending Kindergarten and Older	1:15	30

- (3) Children shall at all times have the full attention of the appropriate number of staff. Children shall be within sight and sound of a caregiver at all times, except as specified below.
- (a) School-age children shall be within sight and/or sound of staff at all times, and staff shall be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas. A written plan regarding the use and monitoring of these activity areas must be approved by OCC.
 - (b) School age programs with toilet facilities or activities off-site shall have a written plan, approved by OCC, to assure accountability for all children.

- (4) At least one caregiver who meets the qualifications of a teacher (OAR 414-300-0100) shall supervise each group of children.
- (5) In a mixed group of older toddler, preschool and school-age children, the number of caregivers shall be determined by the age of the youngest child in the group.
- (6) If there are four or fewer children of any age in care for 45 minutes or less directly after opening or directly before closing, OAR 414-300-0300(10) does not apply and infants and younger toddlers may be included with older children. The staff shall be teacher-qualified in one of the represented age groups and the staff/child ratio must be 1:4.
 - (a) Each age group must have age appropriate activities, equipment and toys available for use; and
 - (b) If infants or toddlers are part of the multiple age group, a diaper changing area must be located in the room being utilized for care.
- (7) Any time there are children in care,
 - (a) There shall be a staff person and one other adult on site. The other adult shall be enrolled in the Central Background Registry and shall be physically available to be called on by staff, if needed; or
 - (b) There shall be a written plan, approved by OCC, for a second caregiver to be available within 5 minutes for emergencies. The name and telephone number of the emergency back-up shall be known to all staff who work alone.

PHYSICAL SETTING

414-300-0140 Indoor Space

- (1) There shall be a minimum of 35 square feet of indoor activity area per child. Space considered in determining the facility capacity shall be available for use by children at all times, shall be used exclusively for child care during the hours of operation and shall be determined on a room-by-room basis. The following shall not be counted as part of the 35 square feet per child requirement: heating units; storage areas; teachers' desks; large permanent equipment; any space not useable by children. Cribs will be counted as useable space if the space underneath the cribs is accessible to children.
- (2) A school-age program shall have a minimum of 50 square feet of indoor activity area per child or may have a minimum of 35 square feet of indoor activity area per child if:
 - (a) The children in care have access to a larger gross motor area, either indoor or outdoor, on a daily basis; or

- (b) The center has a plan, approved by OCC, which addresses how the gross motor needs of children in care will be met.
- (3) In a room used by more than one group of children not yet attending kindergarten, the area occupied by each group shall be defined by use of portable or permanent room dividers or program equipment that stand above the eye level of the children who use the area. Rooms used only for large group activities (e.g., eating, napping, large muscle activities) are exempt from this requirement.
- (4) Storage space shall be available for each child's clothing and personal possessions.
- (5) Storage space shall be available for play equipment, teaching equipment and supplies, records and files, cots, mats, and cleaning equipment and supplies.

414-300-0150 Outdoor Space

- (1) There shall be an outdoor activity area which the children can reach safely. If an outdoor activity area is not next to the center, or not under the control of the center during hours of operation, it cannot be used without the specific approval of OCC.
- (2) There shall be at least 75 square feet of outdoor space for each child using the area at one time. In centers where groups of children are scheduled at different times for outdoor play, there shall be 75 square feet times one-third of the center's capacity, if permitted by local zoning regulations
- (3) The outside activity area shall:
 - (a) Be suitably surfaced. All pieces of playground equipment shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission;
 - (b) Be well drained;
 - (c) Be kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and
 - (d) Be equipped to provide age-appropriate activities for gross motor development.
- (4) The outdoor activity area of a center serving children not yet attending kindergarten shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Centers with certification in effect on July 15, 2001, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must meet applicable local codes.

414-300-0160 Fire Protection

- (1) The building, occupant load and means of egress, including the number of exits, exiting distances, doors and exit illumination and signs, shall meet the requirements of the Oregon Structural Specialty Code.
- (2) Rooms used for child care shall not be located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code.
- (3) Fire Extinguishers
 - (a) There shall be at least one 2A-10BC-rated fire extinguisher in the center;
 - (b) Fire extinguisher(s) shall be placed as recommended by the fire marshal.
- (4) Smoke Detectors:
 - (a) Smoke detectors shall be installed in all areas where children nap;
 - (b) When the center's capacity is 50 or more, an approved manual fire alarm system shall be provided, as required by the Oregon Structural Specialty Code;
 - (c) Smoke detectors shall be tested each month.
- (5) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in corridors, stairwells or exit ways.
- (6) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.
- (7) There shall be written evidence that any wood stove in the building has been inspected and approved for use by the local building official.

414-300-0170 Hazards and Emergencies

- (1) Protection from Hazards:
 - (a) Glass surfaces subject to impact by children shall be of safety glass and marked at a child's eye level or have a protective barrier in place.
 - (b) Electrical outlets accessible to children not yet attending kindergarten shall have protective caps or safety devices when not in use.
 - (c) All stairways with three steps or more used by children shall have handrails installed a minimum of thirty inches to a maximum of thirty-four inches above the stair tread.

- (d) Protective barriers shall be used in any hazardous location accessible to a child.
 - (e) A movable barrier, such as a mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.
 - (f) Lights shall be protected from hazards or breakage by installation of covers or shields.
 - (g) All rooms used by staff and children shall have adequate lighting.
 - (h) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.
 - (i) Items of potential danger to children (e.g., cleaning supplies and equipment, poisonous and toxic materials, paints, plastic bags, aerosols, detergents) shall be:
 - (A) Kept in the original container or labeled;
 - (B) Secured by a child-proof lock or latch;
 - (C) Stored in an area not used by children; and
 - (D) Stored separately from food service equipment and supplies.
 - (j) Lead-based paint or other toxic finishing materials shall not be used on walls, furnishings, toys, or any other equipment, materials or surface which may be used by children or are within their reach.
 - (k) The possession and/or storage of firearms and ammunition are prohibited in the center.
 - (l) The center must take precautions to protect children from vehicular traffic. The center shall:
 - (A) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and
 - (B) Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
 - (m) Other hazards observed in the certification process must be corrected.
- (2) Preparation for Emergencies:
- (a) A portable emergency light source, in working condition, shall be available with each group of children.

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

(3) Emergency Plan:

- (a) The center shall have a written plan for handling emergencies, including, but not limited to, acute illness of a child or staff, floods, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility and evacuation of the facility. The plan must include:
 - (A) How the center will ensure that parents or the parents' emergency contacts can be reached in person;
 - (B) Designation of an alternate safe location in the event of evacuation;
 - (C) How the center will inform parents where children will be located in the event of evacuation and how children will be reunited with their families;
 - (D) An accessible file of emergency contact numbers for children and staff;
 - (E) Designation of a staff member(s) to take the emergency contact numbers file to the evacuation site in the event of an evacuation;
 - (F) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;
 - (G) An acceptable method to ensure that all children in attendance are accounted for;
 - (H) Procedures in the event that children must shelter-in-place or if the child care center must be locked-down so that no one can enter or leave; and
 - (I) Procedures for maintaining continuity of child care operations.
- (b) All staff shall be familiar with the emergency telephone numbers and emergency procedures.

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

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

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

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

414-300-0180 Sanitation

(1) Water Supply:

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

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

(2) Heat and Ventilation:

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

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

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

(3) Insect and Rodent Control:

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

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

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

(4) Maintenance:

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

- (A) Kitchen and toilet rooms shall be cleaned when soiled and at least daily;
 - (B) The isolation area shall be thoroughly cleaned after each use and all bedding laundered before it is used again;
 - (C) Door knobs and cabinet pulls in toilet rooms and diaper changing areas shall be sanitized daily;
 - (D) All clean linen shall be stored in a sanitary manner;
 - (E) Soiled bed linen and clothing shall not be stored in food preparation or food storage areas, and shall be inaccessible to children;
 - (F) Floors, walls, ceilings, and fixtures of all rooms shall be kept clean and in good repair;
 - (G) All food storage areas shall be kept clean and free of food particles, dust, dirt, and other materials;
 - (H) Cribs, mats, and cots shall be sanitized with a sanitizing solution at least once a week and upon change of occupant. If visibly soiled, items must be cleaned prior to sanitizing.
 - (I) Bedding shall be cleaned when soiled, upon change of occupant and at least once a week;
 - (J) Water tables and toys used in water tables shall be emptied and sanitized daily;
 - (K) When a chemical, such as chlorine, is used for sanitizing, a test kit that measures the parts per million concentration of the solution shall be used to ensure the proper concentration; and
 - (L) Cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces shall be kept clean and used for no other purpose. Cloths that are reused shall be stored in a sanitizing solution between uses.
- (b) The center shall be kept hazard-free, in good repair, and free of litter or rubbish and unused or inoperable equipment and utensils.
- (5) Infant and Toddler Care:
- (a) The following shall be sanitized immediately after each use. If visibly soiled, items must be cleaned prior to sanitizing:
 - (A) A bathtub or other receptacle used for bathing a child;
 - (B) A diaper-changing table;

- (C) High chairs, tables and chairs;
 - (D) Toys that infants and toddlers put in the mouth; and
 - (E) Toilet training seat inserts.
- (b) Pacifiers must be labeled, stored individually and sanitized after contamination. The health department must approve methods of sanitation.
 - (c) A sanitizing solution shall be kept in each diaper changing area ready for immediate use. This solution need not be stored in a locked cabinet but must be out of children's reach.
- (6) Hand washing:
- (a) Staff and children shall wash their hands with soap and warm running water after using the toilet or wiping the nose, and before and after eating.
 - (b) Staff shall wash their hands with soap and warm running water before and after changing a diaper, before and after feeding a child or handling food and after assisting a child with toileting or wiping the nose.
 - (c) Infants' and children's hands shall be washed with soap and warm running water after diaper changing.
 - (d) Commercial products labeled "hand sanitizers" shall not replace hand washing. If hand sanitizers are present in the center, they shall be kept under child-proof lock and shall not be used by children.
 - (e) When hand washing is not possible, e.g. on field trips and on the playground, moist towelettes shall be used.
- (7) Waste Disposal:
- (a) All sewage and liquid wastes shall be collected, treated, and disposed of in compliance with the requirements of the Department of Environmental Quality.
 - (b) All garbage, solid waste, and refuse shall be disposed of at least once a week.
 - (c) All garbage shall be kept in watertight, non-absorbent, and easily washable containers with close-fitting lids.
 - (d) Diaper disposal containers shall be approved by the environmental health specialist.
 - (e) All garbage storage areas and garbage containers shall be kept clean.

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

414-300-0190 Toilet Facilities

(1) Toilets:

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

(2) Hand washing Sinks:

- (a) There shall be at least one hand washing sink with mixing faucets for every two toilets. Centers with certification in effect on July 15, 2001, shall comply with the requirement for mixing faucets when toilet facilities are remodeled.
 - (b) A sink used for hand washing, bathing, or diaper-changing shall not be used in any way for preparation of food or drinks, or for dish washing.
 - (c) Hot and cold running water, as well as soap and paper towels dispensed in a sanitary manner, shall be provided at each hand washing sink. Other hand drying options must be approved by the environmental health specialist.
 - (d) Self-closing metered faucets shall be designed to provide water flow for at least 15 seconds without the need to reactivate the faucet. Centers with certification in effect on July 15, 2001, shall comply with the water flow requirement for self-closing metered faucets when toilet facilities are remodeled.
 - (e) Drinking fountains shall not be installed at sinks. If installed at sinks, the fountains shall not be used as a source of drinking water.
- (3) If toilets or hand washing sinks are adult size, easily-cleanable steps or blocks shall be provided so that preschool age children can use the toilets and sinks without adult assistance.
- (4) Bathrooms shall have smooth, washable, easily-cleanable walls and floors.

- (5) Infants and Toddlers — In a center serving children under 36 months old, there shall be:
- (a) At least one flush toilet in or adjacent to each older toddler area;
 - (b) One toilet with training seat, or child-size toilet, for every ten older toddlers. Potty chairs are prohibited;
 - (c) At least one diaper-changing table in or adjacent to each activity and sleeping room. Each table shall have a surface that is non-absorbent and easily cleaned. The diaper-changing policy shall be posted above each table;
 - (d) A hand-washing sink in each diaper changing area, except that centers with certification in effect on July 15, 2001, shall comply with this requirement when the diaper changing area is remodeled; and
 - (e) A bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.

414-300-0200 Kitchens

- (1) Kitchens shall have facilities for dish washing, storage, and preparation of food. The kitchen shall be separate from any child caring areas.
- (2) If there is no kitchen in the center and if meals or snacks are not catered, the center shall observe the requirements in OAR 414-300-0280(8).
- (3) The walls, floors, and floor coverings of all rooms in which food or drink is prepared or stored, or utensils are washed or stored, shall be smooth, washable, and easily cleanable.
- (4) All equipment and utensils used for food service, including plastic ware and food-contact surfaces, shall be:
 - (a) Easily cleanable;
 - (b) Durable;
 - (c) Nontoxic;
 - (d) Nonabsorbent; and
 - (e) Maintained in a clean and sanitary condition.
- (5) All equipment used for food preparation shall be installed and maintained in a manner providing ease of cleaning beneath, between, and behind each unit.

- (6) A center shall have a:
- (a) Mechanical dishwasher that meets the requirements in the Health Division's administrative rules, OAR 333-150-0000; or
 - (b) Compartmentalized sink that meets the requirements in the Health Division's administrative rules, OAR 333-154-0000.
 - (c) Centers with a maximum capacity of 19 children may use a light commercial dishwasher approved by the National Sanitation Foundation.
- (7) There shall be separate sinks in the kitchen designated by the environmental health specialist for hand washing, for food preparation activities, and for dishwashing activities.
- (a) The sink designated for hand washing shall be equipped with soap and paper towels dispensed in a sanitary manner and posted with a hand washing sign.
 - (b) In centers in which there is not a sink provided for food preparation, a sink used for dishwashing may be used as long as dishwashing activities do not interfere with sanitary food preparation, and the sink is sanitized before being used for food preparation.
 - (c) Sinks in the kitchen shall be used exclusively for food service activities.
 - (d) Centers newly constructed or remodeled after July 15, 2001, shall meet the requirements for hand washing sinks established by State Building Code, as defined in ORS chapter 455.
- (8) Children shall not be allowed in the kitchen except for a supervised learning activity.

414-300-0205 Testing for Lead in Drinking Water

- (1) For purposes of this rule, "drinking water faucet or fixture"
- (a) means any plumbing fixture on the premises used to obtain water for drinking, cooking, preparing infant formula, or preparing food; and
 - (b) does not include any plumbing fixture used to obtain water for handwashing, bathing, or diaper changing.
- (2) Water obtained from fixtures identified in subsection (1)(b) of this rule cannot be used for drinking, cooking, preparing infant formula, or preparing food.
- (3) Initial Testing
- (a) Any operator with an active certificate as of September 30, 2018 must test each drinking water faucet or fixture by November 30, 2018.

- (b) The following operators must test each drinking water faucet or fixture for lead in the water prior to being eligible to receive a license from OCC:
 - (A) Any operator with a pending certificate application as of September 30, 2018; and
 - (B) Any operator applying for certificate on or after September 30, 2018, including, but not limited to, initial applications, renewal applications, and reopen applications.
- (c) An operator identified in subsection (3)(a) or (b) does not need to conduct the initial testing if:
 - (A) All drinking water faucets or fixtures have been tested within 6 years prior to the effective date of this rule; and
 - (B) The testing was conducted in accordance with the requirements of subsection (5) of this rule.
- (d) An operator identified in subsection (3)(a) must submit all test results to OCC no later than November 30, 2018. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.
- (e) An operator identified in subsection (3)(b) must submit test results to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(4) Ongoing Testing

- (a) After an operator conducts the initial testing under subsection (3) of this rule, the operator must test all drinking water faucets or fixtures at least once every six years from the date of the last test.
- (b) All test results obtained in accordance with subsection (4)(a) of this rule must be submitted to OCC within 10 calendar days of the operator receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.

(5) Sampling and Testing

- (a) All sample collection and testing must be in accordance with the Environmental Protection Agency (EPA)'s 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.
- (b) All testing must be performed by a laboratory accredited by the Oregon laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018.

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

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

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

(6) Results

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

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

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

(b) Following receipt of test results showing that water from any drinking water faucet or fixture has 15 parts per billion (ppb) or more of lead, the operator must:

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

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

(7) Recordkeeping and Posting

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

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

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

414-300-0210 Furniture

- (1) Furniture shall:
 - (a) Be durable;
 - (b) Have cleanable or non-absorbent surfaces;
 - (c) Be safely constructed, with no sharp, rough, loose, or pointed edges; and
 - (d) Be in good repair.
- (2) Tables and seating shall be scaled to the height and size of a child.
- (3) There shall be a safe, washable cot or rest mat for each toddler and preschool age child in the center at nap time and for each school-age child who wants to rest.
- (4) Each mat used for napping shall be:
 - (a) Covered with a waterproof cover; and
 - (b) At least one inch thick.
- (5) Mats or cots shall be placed at least two feet apart if children are placed head to toe; or three feet apart otherwise. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.
- (6) Each child who is resting shall have individual bedding consisting of at least a sheet or blanket.
- (7) Mats, cots and bed linen shall be properly stored, as recommended by the environmental health specialist.

414-300-0215 Infant and Toddler Furniture and Equipment

- (1) Each infant shall have a crib, portable crib, or play pen with a clean, non-absorbent mattress that meets the following requirements:
 - (a) Each crib shall be of sturdy construction with vertical slats no more than 2 3/8" apart;
 - (b) Locks and latches on the dropside of a crib shall be safe and secure from accidental release or release by the infant inside the crib;
 - (c) Cribs shall not be used with the dropside down;
 - (d) Each mattress shall fit snugly;

- (e) Each mattress shall be covered by a sheet;
 - (f) Crib bumpers, if used, shall be easily cleanable, durable, and not dangerous to children;
 - (g) There shall be no restraining devices of any type used unless prescribed by a physician;
and
 - (h) Wall or stacking cribs shall not be used.
- (2) Sleeping arrangements other than cribs, portable cribs or playpens must be approved by OCC.
 - (3) There shall be at least two feet of space between cribs, portable cribs or play pens when in use. They shall be arranged in a manner that allows for a direct, unobstructed passage to each child.
 - (4) If high chairs are used, they shall have:
 - (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) Straps to prevent a child from sliding out.
 - (5) If clip-on table chairs are used, they shall have straps to prevent a child from sliding out.
 - (6) There shall be at least one adult-sized chair for each group of infants and toddlers.
 - (7) Cribs, portable cribs, playpens, and high chairs must meet US Consumer Product Safety Commission or equivalent standards.
 - (8) The use of infant walkers is prohibited.
 - (9) The use of baby equipment shall not substitute for providing a variety of stimulating experiences.

HEALTH

414-300-0220 Illness or Injury

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

- (A) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Health Division administrative rules, OAR 333-019-0010; or
- (B) Has one of the following symptoms, or combination of symptoms, of illness:
 - (i) Fever over 100 degrees F taken under the arm;
 - (ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);
 - (iii) Vomiting;
 - (iv) Nausea;
 - (v) Severe cough;
 - (vi) Unusual yellow color to skin or eyes;
 - (vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;
 - (viii) Stiff neck and headache with one or more of the symptoms listed above;
 - (ix) Difficult breathing or abnormal wheezing; or
 - (x) Complaints of severe pain.
- (b) A child who shows signs of illness, as defined in this rule, shall be isolated and the parent(s) notified and asked to remove the child from the center as soon as possible;
- (c) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the center and the parent(s) notified when they pick up their child;
- (d) A specific place for isolating a child who becomes ill shall be provided. The isolation area:
 - (A) Shall be located where the child can be seen and heard by staff; and
 - (B) Shall be equipped with a cot, mat, or bed for each sick child.
- (e) An outbreak of a child care restrictable disease, as defined in OAR 333-019-0010, or food poisoning shall be reported immediately to the local health department and posted for the parents of all children who attend the facility.
- (f) If a child with allergies is enrolled who needs a specific plan for caring for that child, such a plan shall be developed in writing between center staff, parents, and if necessary, outside specialists. All staff who come in contact with that child shall be fully aware of the plan.

(2) Injuries:

- (a) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.
- (b) The operator shall have written procedures for handling injuries that shall be made known to all staff, including:
 - (A) Procedure for taking a child to emergency medical care;
 - (B) Routine for treatment of minor injuries; and
 - (C) First aid measures for serious accidents.
- (c) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but kept out of reach of children:
 - (A) The first aid supplies shall include Band-Aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, and a sanitary temperature-taking device;
 - (B) Separate first aid supplies and a copy of each child's medical release form shall be taken on all field trips away from the immediate neighborhood.
- (d) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:
 - (A) A written report of the injury or accident shall be maintained on file;
 - (B) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).
- (e) The injury to or death of a child shall be reported to OCC in accordance with OAR 414-300-0030(5)(a) and (b).

(3) Emergency Medical Care:

- (a) The operator shall identify a licensed physician, hospital, or clinic to be used for emergency medical care;
- (b) In the event of an illness or injury which requires immediate medical care, the director or the substitute director is responsible for securing such care and notifying the parent(s).

414-300-0230 Medications

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

- (e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".
 - (f) Providers shall not use aerosol sunscreens on child care children.
 - (g) Sunscreen shall not be used on child care children younger than six months.
 - (h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.
- (5) Parent(s) shall be informed daily of medication administered to their child.

414-300-0240 Animals in the Center

- (1) Animals shall be in good health, show no evidence of carrying any disease, and be a friendly companion for the children.
 - (a) When immunizations are required, proof of current compliance signed by a veterinarian shall be on file at the center.
 - (b) Dogs and cats shall be maintained on a flea, tick and worm control program. Products toxic to humans are prohibited.
 - (c) Animals shall be cared for as recommended by a veterinarian.
- (2) Reptiles (e.g., lizards, turtles, snakes, iguanas), frogs, monkeys, hook-beaked birds, baby chicks, ferrets, and potentially aggressive animals are prohibited. Educational programs which include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.
- (3) Parent(s) shall be informed in writing of any animal in the center.
- (4) Animals, except fish, shall not be in classrooms for infants or toddlers.
- (5) The center shall have and follow written procedures for the care and maintenance of the animals in the center.
- (6) Animals shall be kept in an approved cage for the type of animal. Cages shall have removable bottoms and shall be kept clean and sanitary.
- (7) Animal litter boxes shall not be located in areas accessible to children.
- (8) There shall be assigned staff who are responsible for the handling, care and feeding of the animal(s).

- (a) The cleaning of cages shall not be done in areas used for food preparation, storage or serving.
 - (b) Staff must immediately and thoroughly wash their hands after handling animals or cleaning cages.
 - (c) The cleaning of cages shall be scheduled when children are not present.
 - (d) Animal food supplies shall be kept out of the reach of children and stored separately from food supplies and equipment. Animal food shall be stored in a manner that does not attract rodents or insects.
 - (e) Chemicals related to the care of animals shall be kept under lock.
- (9) Caregivers shall always be present when children are exposed to animals.
 - (10) If children are allowed to handle animals, they shall immediately and thoroughly wash their hands after handling.

414-300-0250 Food Selection, Storage, and Preparation

- (1) All food and drink provided by the center shall be selected, stored, prepared, and served in a sanitary manner.
- (2) Selection:
 - (a) All food products served by the center shall be obtained from commercial suppliers, except that:
 - (A) Fresh fruits and vegetables and center-frozen fruits or vegetables may be served;
 - (B) Home-canned or processed food may be served to a child only when supplied by the child's parent(s); and
 - (C) The serving of unpasteurized juice is prohibited.
 - (b) Only Grade A pasteurized and fortified milk shall be served to children.
 - (A) Powdered milk shall be used only in cooking.
 - (B) The serving of unpasteurized milk is prohibited.
- (3) Storage:
 - (a) A center shall have at least one refrigerator, in good operating condition, that is adequate to store all potentially hazardous foods. "Potentially hazardous food" means

any food or beverage that contains milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice or beans, and all other previously cooked foods.

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

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

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

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

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

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

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

(4) Preparation:

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

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

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

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

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

(5) Service:

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

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

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

(b) To protect food from contamination:

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

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

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

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

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

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

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

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

414-300-0260 Cleaning, Sanitizing, and Storage of Food Service Equipment and Utensils

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

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

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

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

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

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

- (5) After being cleaned and sanitized, tableware and utensils shall be:
- (a) Stored in a clean, dry place protected from insects, dust, and other contamination; and
 - (b) Handled in a way that protects them from contamination.

414-300-0270 Nutrition

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

414-300-0280 Meals and Snacks

- (1) Meals and snacks provided to children shall meet the following requirements:
 - (a) Food services hours may be flexible but there shall be no more than 3-1/2 hours between meals and snacks in any center providing care for the same children 3-1/2 or more consecutive hours;
 - (b) In a center open morning through afternoon, lunch and morning and afternoon snacks shall be served to the children in care. If breakfast is served in the center to all children, a midmorning snack is not required, as long as there is no more than 3-1/2 hours between meals;
 - (c) School age children arriving after school shall be served a snack; and
 - (d) When the planned attendance is prior to 7 a.m. or after 6:30 p.m., a child shall be offered a complete meal if it is not provided or arranged for by the parent(s).
- (2) Meals for children shall be:
 - (a) Prepared on-site;
 - (b) Catered; or
 - (c) Provided by the parent(s).
- (3) During the service and eating of meals and snacks, the appropriate number of staff to meet staff/child ratios shall be engaged with the children in food-related activities.
- (4) Proper hand washing, as specified in OAR 414-300-0180(6) shall be practiced prior to and after eating meals or snacks.
- (5) When parent(s) provide food for the meal:
 - (a) Food shall be brought on a daily basis and be ready to eat;
 - (b) All food and beverage containers shall be labeled with the child's name;
 - (c) The center shall provide at least one serving of milk to each child at meals and shall provide morning and afternoon snacks;
 - (d) Each child's food shall be monitored daily to ensure that the food meets nutritional requirements as defined in OAR 414-300-0270;
 - (e) The center shall have sufficient food available to supplement any lunch that does not meet nutrition requirements as defined in OAR 414-300-0270;

- (f) If parents bring food for all the children as snacks or for celebrations, the food shall be commercially prepared and served by the center in an approved manner; and
 - (g) There shall be a refrigerator on site to store foods needing refrigeration.
- (6) Catered foods shall be:
- (a) Prepared in a kitchen approved by the State Health Division or a county health department; and
 - (b) Delivered in a safe, sanitary manner with food maintained at the required temperature (OAR 414-300-0250).
 - (c) If meals are catered, the process of receiving, holding and serving food shall be approved by the environmental health specialist.
- (7) To serve family style meals, where food is brought to the table in larger quantities and served to the plates from the table, a center must have a written plan, approved by the environmental health specialist and OCC, which includes at least the following elements:
- (a) Provision for handwashing immediately prior to eating;
 - (b) Separate serving portions for each table;
 - (c) Serving utensils distinct from eating utensils;
 - (d) Table accommodations for group sizes no larger than those stated in OAR 414-300-0130, Table 3A or Table 3B, for that age group;
 - (e) Provision for serving mildly ill children so as to prevent the spread of the illness; and
 - (f) The discarding of any food brought to the table and not eaten.
- (8) If there is no kitchen in the center and if meals or snacks are not catered:
- (a) Only single service utensils shall be used;
 - (b) Either commercially-prepared, individually-packaged, single-serving foods shall be served or the serving of bulk food shall be approved by the environmental health specialist;
 - (c) Utensils that require washing shall not be used or stored on site;
 - (d) Food shall be stored in a space used only for food, beverages and single-service utensils; and

- (e) If foods needing refrigeration are served, the center shall have a refrigerator.
- (9) A center serving children under 12 months of age shall comply with the following requirements for those children:
 - (a) Each child shall be fed on his/her own feeding schedule;
 - (b) When formula is provided by the center, it shall be either the commercially prepared, iron-enriched, ready-to-feed type or shall be prepared from powder or concentrate and diluted according to manufacturers' instructions. When formula is prepared on site, it must be mixed in a kitchen approved by the environmental health specialist, and the program must have a written plan for mixing formula and sanitizing bottles and nipples. The plan must be approved in writing by the environmental health specialist;
 - (c) Formula, breast milk, and food provided by the parent(s) shall be clearly marked with the child's name and refrigerated if required;
 - (d) Whole milk, skim milk, 1%, and 2% milk shall not be served unless requested in writing by the child's parent(s) and with a medical provider's written permission.
 - (e) Any bottles used for feeding liquid must be sterilized at the center by boiling or must come from home labeled by the parent with the child's name. Nipples must be stored in a closed container after sterilizing;
 - (f) Solid foods fed to infants shall be selected from the food groups specified in OAR 414-300-0270(2):
 - (A) Solid foods shall not be fed to infants less than four months of age without parental consent;
 - (B) Solid food shall not be served directly from the container;
 - (C) Leftovers in the serving container shall be discarded; and
 - (D) Solid foods, with the exception of finger foods, shall be fed with a spoon.
 - (g) Honey or foods containing honey shall not be served to children under 12 months of age; and
 - (h) Children who cannot feed themselves shall be held or, if able to sit alone, fed in an upright position.
 - (A) Infants up to six months of age shall be held or sitting up in a caregiver's lap for bottle feeding.
 - (B) Bottles shall never be propped. The child or a staff person shall hold the bottle.

(C) Infants no longer being held for feeding shall be fed in a manner that provides safety and comfort.

(10) Children of any age shall not be laid down with a bottle.

PROGRAM OF CARE OF CHILDREN

414-300-0290 Program Plan

- (1) The center shall develop and post a written daily schedule for each group of children, according to their ages, interests and abilities. The schedule shall:
 - (a) Cover all hours of operation;
 - (b) Include regularity of routine activities such as eating, napping and toileting;
 - (c) Include periods of outdoor play each day when weather permits; and
 - (d) Include one or more regularly scheduled rest periods. Children who do not sleep after 20–45 minutes of quiet time must be provided with an alternative quiet activity. The activity may be in the same room where children are sleeping if it is not distracting to sleeping children.
- (2) The center shall follow the written daily schedule, allowing flexibility to respond to the needs of individual children and/or groups of children.

414-300-0295 Program of Activities for All Children

- (1) All caregivers must give the children's needs first priority, ensuring that they get adequate care and attention.
- (2) The center shall provide a written program of activities for each group of children according to their developmental ages, interests, and abilities. The program of activities must allow for change and flexibility and show evidence of the preplanning.
- (3) The program of activities shall be planned to provide:
 - (a) Positive learning experiences appropriate to the individual developmental needs of children in care;
 - (b) Individual and group activities;
 - (c) A balance of active and quiet activities;
 - (d) Opportunities for free choice by children; and

- (e) Daily indoor and outdoor activities in which children use both large and small muscles.
- (4) The center shall follow the written program of activities.
- (5) The center shall inform parents when children are participating in contracted services (e.g., tumbling, music) that the contracted services have not been certified by OCC.

414-300-0300 Infant and Toddler Program of Activities

- (1) Each infant and toddler shall be:
 - (a) Allowed to form and follow his or her own pattern of sleeping and waking periods; and
 - (b) Given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm, and uncluttered area.
- (2) Throughout the day, each child shall receive physical contact and individual attention (e.g., being held, rocked, talked to, sung to, and taken on walks inside and outside the center).
- (3) Routines relating to activities such as bedtime, feeding, diapering, and toileting shall be used as opportunities for language development, building the child's self esteem, and other learning experiences.
- (4) Children shall be encouraged to play with a variety of safe toys and objects.
- (5) Children shall be given appropriate opportunities to use the five senses through sensory play.
- (6) The following safe sleep practices must be followed:
 - (a) Each infant shall sleep in a crib, portable crib, bassinet or playpen with a clean, non-absorbent mattress. All cribs, portable cribs, bassinets and playpens must comply with current Consumer Product Safety Commission (CPSC) standards;
 - (b) Bassinets may only be used until the infant is able to roll over on their own;
 - (c) Each mattress shall:
 - (A) Fit snugly; and
 - (B) Be covered by a tightly fitting sheet;
 - (d) A clean sheet shall be provided for each child;
 - (e) Infants must be placed on their backs on a flat surface for sleeping;

- (f) While on the child care premises, if an infant falls asleep in a place other than their crib, portable crib, bassinet or playpen, the caregiver must immediately move the infant to an appropriate sleep surface;
 - (g) No child shall be routinely left in a crib, portable crib, bassinet or playpen except for sleep or rest;
 - (h) There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier (e.g. bottles, toys, pillows, stuffed animals, blankets, bumpers);
 - (i) Swaddling or other clothing or covering that restricts the child's movement is prohibited;
 - (j) Clothing or items that could pose a strangulation hazard (e.g. teething necklaces, pacifier attachments, clothing drawstrings) are prohibited; and
 - (k) Car seats are to be used for transportation only. Children who are asleep in a car seat must be removed upon arrival to the center and placed in an appropriate sleep surface.
- (7) Immediate attention shall be given to the emotional and physical needs of children.
- (8) Staff shall encourage the development of self-help skills (dressing, toileting, washing, eating) as children are ready.
- (9) In addition to those activities specified in OAR 414-300-0295(2), toddlers shall be given opportunities to participate in:
- (a) A variety of activities encouraging creative expression through the arts; and
 - (b) Running, climbing, and other vigorous physical activities.
- (10) Infants and younger toddlers shall have an activity area not used by older children at the same time.
- (11) The center shall provide the following information to each parent of an infant and toddler on a daily basis:
- (a) Their child's schedule of feeding;
 - (b) Their child's toilet and diapering activities; and
 - (c) Their child's sleep schedule.

414-300-0310 Preschool-Age Program of Activities

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

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

414-300-0320 School-Age Program of Activities

- (1) School age programs shall provide an environment where adults' actions demonstrate respect for school age children's changing physical, emotional and intellectual needs.
- (2) School age children shall have the opportunity to take part, on a daily basis, in activities which support their need to practice and build skills in problem-solving, making responsible choices, cooperation, creativity, and appropriate social interactions.
- (3) In addition to those activities specified in OAR 414-300-0295(2), school age children shall have opportunities to choose from a variety of activities, including:
 - (a) Creative expression through the arts;
 - (b) Individual projects, which may include homework;
 - (c) Exposure to individual and team physical activities;
 - (d) Opportunities to experience or learn about the tasks of adulthood (e.g., the world of work, taking responsibility, budgeting); and

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

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

414-300-0330 Guidance and Discipline

(1) A center shall have a written policy on guidance and discipline of children. The policy shall be posted in the center.

(2) All staff, volunteers and parents shall be familiar with the guidance and discipline policy.

(3) The guidance and discipline policy shall:

(a) Provide for positive guidance, redirection, and the setting of clear-cut limits; and

(b) Be designed to help the child develop self-control, self-esteem, and respect for others.

(4) Only staff, excluding volunteers, shall provide guidance or discipline to a child.

(5) Guidance and discipline shall be fair, consistently applied, timely, and appropriate to the infraction and the age of the child. Positive statements or redirection of behaviors shall be used.

(6) Prohibited punishment includes, but is not limited to:

(a) Hitting, slapping, shaking, striking with hand or instrument, pinching, tying or binding or inflicting any other form of corporal punishment;

(b) Mental or emotional punishment including, but not limited to, name calling, ridicule, yelling, or threats;

(c) Non-prescription chemical restraints used for discipline or to control behavior;

(d) Confining a child in an enclosed area (e.g., a locked or closed room, closet, box);

(e) Forcing or withholding meals, snacks, rest, or necessary toilet use; or

(f) Belittling a child for or forcing a child to clean up after toileting accidents.

(7) The center shall not accept parental permission to use any form of punishment listed in subsection (6) of this rule.

414-300-0340 Equipment and Materials

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

- (h) Dramatic play;
- (i) Science and/or exploration; and
- (j) Discovery of nature.

(4) Infants shall have a variety of appropriate infant toys stimulating to the senses.

414-300-0350 Transportation

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

- (1) Drivers shall:
 - (a) Be at least 18 years of age;
 - (b) Hold a current driver's license. If required by the Motor Vehicles Division (DMV), a commercial driver's license shall be obtained; and
 - (c) Maintain a safe driving record.
 - (d) The provider must take precautions to protect children from vehicular traffic.
- (2) The operator shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties. The DMV check shall be updated annually.
- (3) The vehicle shall be:
 - (a) In compliance with all applicable state and local motor vehicle laws; and
 - (b) Maintained in a safe operating condition.
- (4) If transportation is provided between the center and the child's school or other destination, the center shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the center. If the pick-up schedule results in children being unsupervised at school or other location, the center shall notify parents of this fact.
- (5) When transporting children on a regular basis, there shall be sufficient staff to meet the required staff/child ratios (OAR 414-300-0130) for each age group of children being transported.
 - (a) The driver may count in the staff/child ratios.

- (b) Staff shall be teacher-qualified or Aide II qualified. Aide I qualified staff may count in the staff/child ratios if one other staff is teacher-qualified.
 - (c) If none of the staff is teacher-qualified, an adult in the vehicle shall be trained in first aid and the vehicle shall be equipped with a cell phone or other communication device.
- (6) When transporting children on field trips, the center shall follow its procedures for field trips as described in OAR 414-300-0030(9)(e). The procedures shall include, but not be limited to, requirements regarding drivers and adult supervision.
- (7) When transporting children for any and all purposes:
- (a) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;
 - (b) A seat that fully supports the passenger shall be provided for each child;
 - (c) All children, shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation;
 - (d) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter;
 - (e) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person; and
 - (f) No child shall be left unattended inside or outside a vehicle.
- (8) The center shall maintain a written plan for transportation.
- (9) The following vehicles may be used to transport child care children:
- (a) A vehicle manufactured to carry fewer than ten passengers;
 - (b) A school bus or a multi-function school activity bus;
 - (c) A vehicle manufactured to carry ten or more passengers that was manufactured in 2010 or after; or
 - (d) A vehicle manufactured to carry ten or more passengers that was manufactured before 2010, with the following conditions:
 - (A) Travel speed may not exceed 50 mph; and

- (B) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by the Early Learning Division or on a form provided by the inspector which contains the same information.

SPECIAL PROGRAMS

414-300-0360 Night Care

- (1) A center providing night care to children shall meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0415, except for 414-300-0150, 414-300-0290 through 414-300-0320, and 414-300-0340(2)(e). In addition, the center shall comply with the following requirements:
 - (a) Staffing:
 - (A) During the hours of night care, the required staff/child ratio shall be maintained in the center.
 - (B) There shall be at least two staff persons present and awake at all times.
 - (C) All sleeping and awake children shall be within sight and sound of staff at all times. Audio and/or video monitoring devices shall not substitute for sight and sound supervision.
 - (b) Safety:
 - (A) No one shall be allowed to enter except authorized persons including, but not limited to, the child's family, persons authorized by the parent(s), staff, OCC certification representatives, fire safety officials, and environmental health specialists.
 - (B) The center shall provide staff training for evacuating sleeping children in an emergency.
 - (C) There shall be emergency lighting in each room used by children.
 - (c) Activities:
 - (A) The center shall provide a program of activities for children according to their ages, interests, and abilities.
 - (B) There shall be quiet time activities, such as story-time, games, arts and crafts, and reading, for each child arriving before bedtime.

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

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

(d) Sleeping Arrangements:

(A) Space shall be arranged so that children may go to sleep at various times, based on their age and need for rest.

(B) All sleeping rooms used by children shall have two usable exits. A sliding door or window that can be used to evacuate children may be considered a usable exit.

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

(i) Cribs shall comply with OAR 414-300-0215(1).

(ii) The upper level of bunk beds shall not be used for children under 10 years of age

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

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

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

(F) No children shall share a bed.

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

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

(e) Personal Hygiene:

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

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

- (i) There shall be at least one bathtub or shower for each 15 children. Bathtubs and showers shall be equipped to prevent slipping.
 - (ii) When bathing, showering, or brushing teeth, children shall be supervised by staff.
 - (iii) Privacy between the sexes shall be maintained for school age children.
 - (iv) Tubs or showers shall be cleaned after each use. If visibly soiled, tubs and showers must be cleaned prior to sanitizing.
 - (v) Glass shower doors or glass tub enclosures shall be constructed of safety glass.
- (f) Meals and Snacks:
- (A) Each child present at the time the evening meal is scheduled shall be served a meal.
 - (B) A nutritious nighttime snack (OAR 414-300-0270(4)) shall be available to all children in care.
 - (C) Each child present at the time breakfast is scheduled shall be served breakfast, unless the parent(s) specifies otherwise.

414-300-0380 Swimming Activities

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

(1) Definitions.

- (a) "Beginning swimmer" means a child who has mastered the skills required to:
 - (A) Hold his breath with his head submerged;
 - (B) Perform a front and back float;
 - (C) Perform the flutter kick on his front and back;
 - (D) Be able to level off from a vertical entry into a float position; and
 - (E) Do a combined stroke (front or back) for at least 20 feet without stopping.
- (b) "Non-swimmer" means a child who does not meet the definition of beginning swimmer.

- (c) "Lifeguard" means a person holding current certification and meeting the requirements of OAR 333-060-0015(13).
- (d) "Swimming pool" means a swimming or wading pool licensed by the Oregon Health Division or one of its delegated agents under the requirements of OAR 333-060-0005 through 333-060-0225.
- (e) "Wading" means water activities in which the water's depth is no higher than the child's knee.

(2) General Health and Safety:

- (a) Children with diarrhea or who have had diarrhea within the last two weeks shall not use the pool.
- (b) Children who are not toilet trained shall wear swim diapers.
- (c) Children shall use the toilet and shower before entering the pool.
- (d) Proper supervision shall be maintained, as specified in OAR 414-300-0380(3)(e), (f) and (g) and 414-300-0380(4)(d).
- (e) The pool operator shall maintain water quality as required in OAR 333-060-0200 or pool use shall cease until the water quality is restored.
- (f) Children using the pool shall participate in basic water safety instruction based on their ages and developmental levels.
- (g) Recreational swimming is not allowed for non-swimmers ages 6 weeks to 36 months in swimming pools with water depth 24 inches and over.
- (h) Portable-style wading pools are not permitted.

(3) On-Premises Pool Facilities:

- (a) On-premises pool facilities shall be licensed by the Oregon Health Division or its delegated agent and shall comply with the requirements in OAR 333-060-0005 through 333-060-0225.
- (b) On-premises pool facilities shall have toilets and showers for use by the swimmers.
- (c) All new pools or pools at centers certified after July 15, 2001, shall have dressing areas for each sex, with storage for the childrens' clothes.

- (d) All activities occurring in a pool shall be under the direction and direct supervision of lifeguards.
- (e) Center staff/child ratios shall be maintained at all times children are in the pool area, as specified in Table 4 of this rule.
 - (A) All adults counted in the staff/child ratios in Table 4 shall be able to swim if the water is more than 48 inches deep and, regardless of the water depth, shall be dressed for swimming.
 - (B) For children 6 weeks to 36 months, one of the required staff must be in the water. Other staff may be on deck.
- (f) Lifeguard/child ratios shall be maintained at all times children are in the pool area:
 - (A) For children not yet attending kindergarten, there shall be one lifeguard for every 20 children;
 - (B) For children attending kindergarten and older, there shall be one lifeguard for every 40 children; and
 - (C) For mixed age groups of children, the age of the youngest child shall determine the lifeguard/child ratio.
- (g) During all periods of pool operation, the appropriate number of life guards shall be on duty in the pool area. During periods of recreational swimming, at least one of the required number of life guards shall be stationed on the pool deck.
- (h) Water activities that involve a sprayer or spray feature using potable water that is not re-circulated or collected may be conducted by the center.

TABLE 4
Staffing Requirements for Swimming

Wading Pools- Water Depth under 24 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	1:1	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:6	1:6	1:8	1:8
Attending Kindergarten +	1:10	1:10	1:10	1:15

Swimming Pools- Water Depth from 24 – 48 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	Not Allowed	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:5	1:2	1:7	1:7
Attending Kindergarten +	1:10	1:10	1:10	1:15

Swimming Pools- Water Depth over 48 Inches

	Non-Swimmer		Beginning Swimmer	
Age of Child	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio	Staff/Child Ratio
	<u>Lessons</u>	<u>Recreation</u>	<u>Lessons</u>	<u>Recreation</u>
Six Wks – 36 Mo	1:1	Not Allowed	1:4	1:1
36 Mo – Not Yet Attending Kindergarten	1:4	Not Allowed	1:6	1:6
Attending Kindergarten +	1:5	1:5	1:10	1:15

- (i) A written plan for pool emergencies shall be available to all staff. The plan shall cover procedures for medical emergencies, chemical emergencies and severe weather.
 - (A) Staff shall be familiar with emergency procedures, the use of safety equipment and emergency contacts.
 - (B) The center shall provide in-service training and/or drills of the emergency procedures for the pool at least every six months. The director shall keep a written record of the type, date, time and duration of the training/drills.
 - (C) Emergency telephone numbers shall be posted near the telephone in the pool area and near a centrally-located and accessible telephone in the center.
- (j) Safety equipment shall be provided and comply with OAR 333-060-0005 through 333-060-0225. In addition:
 - (A) All pools shall have an emergency telephone located in the pool area. The telephone shall be able to dial directly for emergency assistance, unless otherwise approved by the Oregon Health Division.
 - (B) A bodily-fluid spill clean-up kit shall be provided in the pool area. The kit shall consist, at a minimum, of protective gloves, disinfectant, clean-up materials (e.g., bucket, sponge, paper towels), and a biohazard waste bag, be stored in a complete condition, and be replaced or restocked immediately after use.
 - (C) A rescue tube, of the type required by the lifeguard certifying agency, shall be provided for each lifeguard on duty.
- (4) Off-Premises Pool Facilities:
 - (a) Off-premises pool facilities used by the center shall be licensed by the Oregon Health Division as public swimming pools.
 - (b) The off-premises pool management shall be made aware of the child care center rules regarding swimming activities.
 - (c) Center staff and children shall comply with the rules and regulations of the public swimming pool.
 - (d) Center staff shall comply with the staff/child ratios in Table 4 of this rule. Lifeguard/child ratios shall be determined by the public swimming pool.
 - (e) Children shall be within sight and sound of center staff at all times.
 - (f) First aid supplies and a copy of each child's medical release form shall be taken to off-premises pool facilities.

(5) Natural Bathing Areas:

- (a) The center shall not conduct swimming activities in areas with flowing water.
- (b) Wading is the only water activity permitted in shallow surf, lakes, rivers and streams.

414-300-0390 Drop-in Care

- (1) A Drop-In Center shall meet all the requirements for child care centers contained in OAR 414-300-0000 through 414-300-0415, except for 414-300-0150.
- (2) The center shall comply with the following requirements which apply to Drop-In Care provided exclusively for drop-in children as a single primary service or as a separate component of a child care center.
 - (a) The child care area used for Drop-In Care shall not be used by the children from any other component of the center.
 - (b) Staff assigned to provide Drop-In Care shall not be responsible for children from any other component of the center at the same time.
 - (c) The planned attendance for a child in Drop-In Care shall not exceed two and one half full days per week, or twenty-five hours per week.

SANCTIONS

414-300-0400 Suspension, Denial and Revocation

- (1) The Office of Child Care may immediately, and without prior notice, suspend the child care certification when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.
- (2) A center whose certification has been suspended must immediately notify, verbally or in writing, all parents of the suspension.
- (3) A center whose certification has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.
- (4) A center whose certification has been suspended must post the suspension on the main entry door where it can be viewed by parents and others for the duration of the suspension.
- (5) If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.

- (6) If the center does not request a hearing and the conditions which resulted in suspension have not been corrected, the certification shall be revoked.
- (7) Certification may be denied or revoked if the center fails to meet requirements, provide OCC with information requested, allow an inspection, correct deficiencies, or is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care.
- (8) A center whose certification has been denied or revoked must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.
- (9) The center has the right to appeal any decision to suspend, deny or revoke the certification, subject to the provisions of chapter 183, Oregon Revised Statutes.
- (10) Any action taken by OCC to deny, suspend, or revoke certification may be reported to the Department of Human Services, USDA Child Care Food Programs, child care resource and referral system.
- (11) A center whose certification has been denied for cause (e.g. health and safety concerns, criminal activity or child protective services involvement) or revoked shall not be eligible to reapply for five years after the effective date of the closure.
- (12) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the center, or have access to children in the center.
- (13) Certification may be denied, suspended or revoked if an individual listed in OAR 414-350-0080(5) has a child protective services history or an open child protective services or law enforcement case that would disqualify the individual from the CBR.

414-300-0415 Civil Penalty

- (1) Violations of these rules or terms and conditions of certification under these rules may be subject to a civil penalty up to \$2500 per violation.
- (2) Whenever the Office of Child Care (OCC) investigates an alleged complaint at a certified facility, or a facility that may be operating in violation of the requirements of ORS 329A.250 through 329A.450, OCC shall:
 - (a) Provide technical assistance as appropriate;

- (b) Send written notice of the complaint visit to the facility with a finding of valid, unable to substantiate, or invalid; and
- (c) OCC shall assess whether additional legal actions are appropriate, including but not limited to civil penalties, denials, revocations or suspensions, depending upon:
 - (A) Numbers of previous violations of the same rule; or
 - (B) Circumstances surrounding the rule violation.
- (3) For a serious violation, as defined in OAR 414-300-0005(44), a center may be subject to a civil penalty not to exceed \$2500 for each violation.
- (4) For a non-serious violation, a center may be subject to a civil penalty of \$800 for each violation.
- (5) Each day that a child care facility is operating in violation of any of the rules and conditions of certification is a separate violation of the rules.
- (6) An individual or entity that provides child care subject to licensing in a home or facility that is not certified with the Office of Child Care, may be subject to a civil penalty not to exceed \$1,500 per day of operation of the uncertified facility.
- (7) Notwithstanding the Office of Child Care's (OCC) decision to impose a civil penalty for one or more rule violations, OCC may also take action to deny, suspend or revoke a certification for the same rule violation or violations.
- (8) The facility has the right to appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.
- (9) Failure to pay a civil penalty in which the Office of Child Care has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of the facility's certification.