



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414

DEPARTMENT OF EARLY LEARNING AND CARE

FILED: 09/30/2026 3:35 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amendments ensure the compliance of the Central Background Registry with current federal requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/30/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/15/2026

TIME: 6:00 PM

OFFICER: Danielle Boudreaux

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 16530024299

NEED FOR THE RULE(S):

The purpose of this rulemaking is to update the Oregon Department of Early Learning and Care's (DELC) Central Background Registry (CBR) requirements to fully align with federal standards, which mandates FBI fingerprint-based background checks. These updates require the FBI fingerprint results before an individual may be granted Conditional Enrollment status in the CBR. This change states when a CBR applicant may be conditionally enrolled while their

application is being processed. The rules will also clarify who must supervise someone who is conditionally enrolled when they are working with children in child care settings. The rules for the CBR, licensed child care facilities and recorded programs will be updated to reflect these updates.

This rulemaking also aims to increase transparency, strengthen safeguards for children and provide clearer guidance to caregivers, providers, and community members on expectations for background checks and supervised access.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Child Care and Development Fund State Plan: FFY 2025-2027

(https://www.oregon.gov/delc/about-us/Documents/ACF-118_CCDF_2025-2027_Oregon.pdf)

Appendix 1: Lead Agency Implementation Plan for State/Territory Oregon FFY 2025-2027

(<https://www.oregon.gov/delc/Documents/Appendix%20ACF-118%20CCDF%20FFY%202025-2027%20For%20Oregon.pdf>)

Approval Letter with Conditions: FFY 2025-2027 State Plan:

(https://www.oregon.gov/delc/about-us/Documents/ApprovalLetterOR_FFY_2025-2027_CCDF_10_1_2024.pdf)

Noncompliance Letters from the Administration for Children & Families are available from the CCDF Administration Team.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Enrollment in the Central Background Registry is required of all individuals associated with a child care facility in Oregon. As such, the process for enrollment and the changes based on alignment with federal standards affects all individuals the same regardless of race. DELC does not anticipate an impact on racial equity, either positive or negative, within the state of Oregon.

FISCAL AND ECONOMIC IMPACT:

DELC will not be affected fiscally as the amendments reflect a change in the process that does not impact existing costs. No other public agency will be affected fiscally by these amendments because of federal governing requirements that do not apply to other agencies and information gathered cannot be shared with other agencies.

Child care providers may be impacted by the conditional CBR process change due to the operational change of when conditional CBR enrollment may be offered. Based on the time study completed early in 2026, the change to conditional enrollment is expected to be minimally impactful to most providers and may actually minimize the use of conditional enrollment for many applicants.

Recorded programs, both preschool and school age, may see temporary impacts to staffing needs if they have staff in conditional status that require appropriate supervision, but, as stated above, use cases for conditional enrollment moving forward may be less than current levels.

No specific dollar amounts are able to be reported or anticipated at this time, as timelines for CBR application processing and business needs of individual programs and providers are all situationally unique variables.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) *Effect on Small Businesses:* (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) No impact to public agencies is anticipated. Child care providers may be impacted, but the effects of those impacts are expected to be minimal.

2a) Many child care facilities that may be impacted by these changes are small businesses. The specific cost of compliance with revised rules is impossible to quantify at this time, given the multitude of variables with program/business design, staffing, and CBR processing timelines.

2b) DELC does not anticipate additional costs for reporting, recordkeeping, or administrative activities.

2c) DELC does not anticipate additional costs for professional services, equipment supplies, or labor and increased administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Administrative rule amendments are required per federal regulation; therefore, it was not necessary to consult small businesses regarding the proposed rule language. However, small businesses (i.e., providers) will be notified of the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A RAC will be convened during the public comment period.

RULES PROPOSED:

414-061-0020, 414-061-0090, 414-210-0100, 414-210-0310, 414-305-0100, 414-305-0310, 414-310-0100, 414-310-0280, 414-320-0100, 414-320-0310, 414-360-0100, 414-360-0310, 414-425-0010, 414-425-0030, 414-450-0010, 414-450-0030

AMEND: 414-061-0020

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-061-0020

Definitions ¶¶

(1) "Adult protective services history" means information about whether the subject individual has a substantiated finding of abuse or neglect in an adult abuse investigation conducted by the Oregon Department of Human Services or its contractor or designee, or similar information held by another state, county, municipal or other governmental entity or its contractor or designee.¶¶

(2) "Adult protective services check" means a certification by the subject individual of the presence or absence of a substantiated finding of abuse or neglect in an adult abuse investigation, or obtaining and reviewing adult protective services records from appropriate governmental authority, its designee or contractor as required or permitted by these rules.¶¶

(3) "Agency Agreement" means the written agreement between the Oregon State Police (OSP) and the Department.¶¶

(4) "Caretaker Relative" is an individual related to the child by biology, marriage or adoption, including the former spouse of a relative who resides in the same household with and has primary responsibility for a child needing care.¶¶

(5) "Central Background Registry" or "CBR" means the registry established and operated pursuant to ORS

329A.030(6)(a).¶

(6) "Child Abuse and Neglect Records" means information on child abuse and neglect cases conducted by the Oregon Department of Human Services or its contractor or designee, or similar information held by another state, county, municipal or other governmental entity or its contractor or designee.¶

(7) "Child Abuse and Neglect Records Check" means obtaining and reviewing child abuse and neglect reports and records as required or permitted by these rules.¶

(8) "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 that is greater than that of their same aged peers, for whom a licensed or subsidized child care facility, or a facility for which a license is required, or a license-exempt child care facility as defined in this rule, has supervisory responsibility in the temporary absence of the parent.¶

(9) "Child Care Licensing Division" or "CCLD" is the division within the Department of Early Learning and Care formerly known as the Office of Child Care (OCC). For the purposes of these rules, an act or agreement by OCC is an act or agreement of CCLD. ¶

~~(9)~~ (10) "Computerized Criminal History (CCH) System" means the on-line computer files of significant criminal offender information maintained by the Oregon State Police (OSP).¶

~~(10)~~ (11) "Conditional Enrollment" means provisional enrollment in the CCR pursuant to ORS 329A.030(6)(a) Central Background Registry while the Department is awaiting any additional information necessary for full enrollment in the Central Background Registry, but after the Department has received the results of the subject individual's nationwide criminal records check through the Federal Bureau of Investigation, and the individual has:¶

(a) No disqualifying criminal record information, as listed in OAR 414-061-0045;¶

(b) No records of convictions listed in OAR 414-061-0050 (1) or (2) or convictions that are the substantial equivalent of convictions listed in OAR 414-061-0050(1) or (2) in the individual's state of residence if not Oregon;¶

(c) No substantiated finding of adult abuse or neglect;¶

(d) No child abuse and neglect history in Oregon or in the subject individual's state of residence, if not Oregon, or the Department has determined that the subject individual's child abuse and neglect history does not raise issues regarding the individual's suitability for enrollment and does not require the individual to submit adequate evidence of suitability; and ¶

(e) No negative foster care certification history.¶

~~(11)~~ (12) "Criminal Records" means information, including fingerprints and photographs, received, compiled, and disseminated by the Oregon State Police, or by other states or jurisdictions, for purposes of identifying criminal offenders and alleged offenders and maintained as to such persons' records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release and includes the OSP Computerized Criminal History System.¶

~~(12)~~ (13) "Criminal Records Check" means obtaining and reviewing criminal records as required or permitted by these rules and includes any or all of the following;¶

(a) A check of Oregon criminal records and driving records conducted through use of the Law Enforcement Data System (LEDS) maintained by OSP, in accordance with the rules adopted and procedures established by OSP;¶

(b) A check of Oregon criminal records, including through fingerprint identification or other means, conducted by OSP at the authorized agency or district's request;¶

(c) A nationwide check of criminal records, including through fingerprint identification, conducted by OSP through the Federal Bureau of Investigation (FBI);¶

(d) A check of criminal records repositories maintained by any state or jurisdiction, including through fingerprint identification or name-based identification;¶

(e) A check of the National Criminal Information Center's National Sex Offender Registry (NSOR);-¶

(f) A check of a sex offender registry maintained by any state or jurisdiction; or¶

(g) A check of Oregon Judicial Department's OJCIN/OECI which includes court case information for Oregon's 36 judicial districts.¶

~~(13)~~ (14) "DHS Background Check" means a background check completed pursuant to OAR 125-007-0200 through 125-007-0330 and OAR 407-007-0200 through 407-007-0370 on or before June 30, 2023.¶

~~(14)~~ (15) "Early Childhood Care and Education Program" means a regulated child care facility, federally-funded Head Start program, Oregon Department of Education funded pre-kindergarten program, parent-as-teacher program, or early childhood special education/early intervention program.¶

~~(15)~~ (16) "ERDC" means Employment Related Day Care benefits which a child care provider may be approved to receive pursuant to OAR 461-165-0180.¶

~~(16)~~ (17) "Early Learning Division" is the division formerly within the Department of Education that is referenced to as the Department of Early Learning and Care on or after July 1, 2023.-¶

~~(17)~~ (18) "Early Learning Program" means a preschool provider referenced in ORS 329.172(3) that has applied to participate in the preschool program described in that section.¶

~~(189)~~ "Employee" means any individual caring for, overseeing, or who has or may have access to children, who holds a paid position in a requesting agency.¶¶

~~(1920)~~ "Employee of the Department of Early Learning and Care" means any individual employed by the Department of Early Learning and Care.¶¶

~~(201)~~ "Enrollment" means approval for a five-year period for an individual to be enrolled in the Central Background Registry following an OSP criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification, and an FBI records check.¶¶

~~(21)~~ Enrollment may be:¶¶

(a) "Conditional" as defined in OAR 414-061-0020(11) and the individual may not have unsupervised contact with children while that provisional enrollment is in place; or¶¶

(b) "Limited" as defined in OAR 414-061-0020(28) and the individual is subject to the limitations placed on their enrollment.¶¶

~~(22)~~ "Fee" means the charges assessed by the subject individual for processing each criminal records check and/or fingerprint-based criminal records check.¶¶

~~(23)~~ "FBI" means the Federal Bureau of Investigation.¶¶

~~(234)~~ "Fingerprint-Based Criminal Records" means criminal offender information compiled and maintained by the Federal Bureau of Investigation.¶¶

~~(245)~~ "Foster Care Certification History" means information and records regarding the status of any application for or approval of the Oregon Department of Human Services permitting the subject individual to provide foster care, or similar information held by another state, county, municipal or other governmental authorities or their contractors or designees.¶¶

~~(256)~~ "Foster care certification check" means a certification by the subject individual of the presence or absence of any negative action taken on their foster care certification by appropriate governmental authority; or obtaining and reviewing foster care from appropriate governmental authority, its designee or contractor as required or permitted by these rules.¶¶

~~(267)~~ "Incident" means the commission of a Category I or Category II crime or its substantial equivalent, child abuse and neglect history, negative foster care history, or a substantiated finding of adult abuse or neglect. For purposes of these rules, a "Category I" crime is a crime listed in OAR 414-061-0050(1)(a) to (c) and a "Category II" crime is a crime listed in OAR 414-061-0050(2)(a) to (e).¶¶

~~(278)~~ "Limited enrollment" means:¶¶

(a) An enrollment in the CBR for a subject individual that is subject to a restriction or condition agreed to in writing by the subject individual and the Department; or¶¶

(b) An enrollment that does not allow unsupervised access to child care children for a subject individual who meets all of the following criteria:¶¶

(A) The subject individual is a household member of a subsidized care facility that is not registered or certified by the Department;¶¶

(B) The subject individual does not have a conviction for a disqualifying crime listed in 45 CFR 98.43(c);¶¶

(C) The subject individual is the parent or a caretaker relative for a child needing care; and¶¶

(D) The child care is needed for the parent or caretaker relative to participate in the JOBS program or they are eligible for the ERDC subsidy program.¶¶

~~(289)~~ "OCC" means the agency previously referred to as the Office of Child Care and, on or after July 1, 2023, referred to known as the Child Care Licensing Division of the Department of Early Learning and Care.¶¶

~~(2930)~~ "OSP" means the Oregon State Police.¶¶

~~(301)~~ "Preschool Recorded Program" means a facility providing care for preschool age children that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.¶¶

~~(312)~~ "Reciprocal Agreement Program" includes:¶¶

(a) A metropolitan service district organized under ORS chapter 268; and¶¶

(b) A private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.¶¶

~~(323)~~ "Requesting Agency" means a childhood care and education program or individual providing care to children that is:¶¶

(a) Regulated by the Department under ORS 329A.280 or 329A.330;¶¶

(b) An early childhood care and education program;¶¶

(c) A Preschool or a School Age Recorded Program; or¶¶

(d) A Subsidized Care Facility as defined in these rules.¶¶

~~(334)~~ "School Age Recorded Program" means a program as described in ORS 329A.250-(12) through (14).¶¶

~~(345)~~ "Subsidized Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of a day, paid for in whole or in part

by public funds administered by the Oregon Department of Early Learning and Care.¶¶

~~(35-6)~~ "Subsidized Care Facility" means any facility approved by either the Oregon Department of Human Services (ODHS) or the Oregon Department of Early Learning and Care (DELC) to provide subsidized care to children for which payment for child care is made directly by ODHS or DELC to the provider and does not include any facility providing care paid for in whole or in part by public funds when none of the public funds are administered by either ODHS or DELC. ¶¶

~~(36-7)~~ "Unsupervised Contact with Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of an individual who holds a position qualified child care provider or caregiver with supervisory authority and holds any who is actively enrolled in the CBR that is not a Limited with an enrollment that is not suspended nor is Limited or Conditional Enrollment as defined by these rules.

Statutory/Other Authority: ORS 329A.030(7)

Statutes/Other Implemented: ORS 329A.030

AMEND: 414-061-0090

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-061-0090

Central Background Registry Enrollment Procedures ¶

(1) A subject individual shall be approved for enrollment that is not a conditional or limited enrollment in the Central Background Registry if the Department has determined that the individual:¶

(a) Has provided all information and/or documents requested by the Department;¶

(b) Has not ~~is not disqualified from enrollment pursuant to OAR 414-061-0045 and has no history as described in OAR 414-061-0045, 414-061-0050; or OAR 414-061-0075 or has dealt with the issues~~ the Department has determined that the individual has dealt with the issues raised by the individual's history and provided adequate evidence of suitability;¶

(c) Has completed the application;¶

(d) Has paid the applicable fee; and¶

(e) Has complied with the rules of the Department adopted pursuant to the Central Background Registry (OAR 414-061-0000 through 414-061-0120).¶

(2) A subject individual:¶

(a) May be approved for or have their enrollment changed to a limited enrollment in the Central Background Registry as agreed to in writing by the subject individual and the Department.¶

(b) Who is a household member of a subsidized care facility may be approved for a limited enrollment in the Central Background Registry that does not allow unsupervised access to child care children unrelated to the subject individual if the Department has determined that the individual:¶

(A) Has provided all information and/or documents requested by the Department;¶

(B) Has completed the application;¶

(C) Has paid the applicable fee;¶

(D) Has complied with the rules of the Department adopted pursuant to the Central Background Registry (OAR 414-061-0000 through 414-061-0120); and¶

(E) Is a household member of a subsidized care facility that is not registered or certified by the Department;¶

(F) Does not have a conviction for a disqualifying crime listed in 45 CFR 98.43(c);¶

(G) Is the parent or a caretaker relative with primary responsibility for a child needing care; and¶

(H) Needs child care in order to participate in the JOBS program or they are eligible for the ERDC subsidy program.¶

(c) Approved for a limited enrollment may have access to their own child at their own residence or any other location, and may have access to child care children as provided by the written agreement between the individual and the Department. The Department may disclose the terms of the limited enrollment to any requesting agency. ¶

(3) All enrollments in the Central Background Registry shall expire five years from the date of enrollment, unless suspended or removed sooner, and may be renewed upon application to the Department, payment of the required fee and compliance with the rules adopted by the Early Learning Council pursuant to the Central Background Registry (OAR 414-061-0000 through 414-061-0120).-The five-year enrollment period shall include the time the subject individual was enrolled prior to entering into an agreement changing the enrollment to a limited enrollment.¶

(4) A subject individual who has been enrolled in the Central Background Registry will be notified by the Department of the individual's enrollment and the enrollment dates. Notification of enrollment status may be sent ~~via email~~ electronically at the request of the individual. Such notification will not be sufficient evidence of enrollment for employment by a requesting agency unless sent by the Department directly to the requesting agency.¶

(5) A subject individual may be conditionally enrolled in the Central Background Registry ~~pending the results of an FBI criminal records check~~ while the Department is awaiting any additional information necessary for full enrollment if ~~the individual has been determined to be suitable based on their application having no disclosures of Central Background Registry, but after the Department has received the results of the subject individual's nationwide criminal records check through the Federal Bureau of Investigation, and the individual has:~~ ¶

(a) No negative foster care history or certification history; ¶

(b) No substantiated finding of adult abuse or neglect, and, in this state and in the state of the individual's residence, if other than Oregon, no state; ¶

(c) No disqualifying criminal records information as outlined in OAR 414-061-0045, no category I or II; ¶

(d) No records of convictions or the substantial equivalent of convictions of crime as listed in OAR 414-061-0050; and no negative child abuse and neglect information. (1) or (2); and ¶

(e) No child abuse and neglect history, or the Department has determined that the individual's child abuse and neglect history does not raise issues regarding the individual's suitability for enrollment and does not require the individual to submit adequate evidence of suitability.¶

(6) The following apply to subject individuals conditionally enrolled in the Central Background Registry:¶

(a) The five-year enrollment period shall include the time the subject individual was conditionally enrolled.¶

(b) A conditionally enrolled subject individual who has subsequently been determined not to be suitable based on ~~FBI criminal records information~~, criminal records or child abuse and neglect records from other states of prior residence, or any other information that was not disclosed on the application that the Department becomes aware of, shall be suspended or removed from the Central Background Registry, according to the provisions of OAR 414-061-0110.¶

(c) A conditionally enrolled subject individual who is subsequently determined to be suitable based on ~~FBI criminal records information~~ or criminal records or child abuse and neglect records from states of prior residence shall be enrolled in the Central Background Registry.¶

(d) A conditional enrollment will expire if the subject individual has not been enrolled in the Central Background Registry within one year of the conditional enrollment.¶

(e) A subject individual with conditional enrollment shall not have unsupervised access to child care children at any time.¶

~~(f) A subject individual with limited conditional enrollment may have access to their own child at their own residence or any other location, or as provided by a qualified child care provider or caregiver with supervisory authority who is actively enrolled by in the written agreement between CBR with an enrollment the individual and the Department. The Department may disclose the terms of the limited enrollment to any requesting agency at is not suspended and is not a Limited or Conditional enrollment as defined by OAR 414-061-0020, or as required by rules applicable to the facility in which the subject individual is present.¶~~

~~(6Z)~~ If an application for renewal and payment of the required fee is received by the Department at least 14 days prior to the expiration date of the current enrollment, the enrollment remains in effect until the Department has acted upon the application for renewal and given notice of the action taken. This subsection does not apply to a renewal application submitted by an individual who is removed from the Central Background Registry at the time of submission of the renewal application.

Statutory/Other Authority: ORS 329A.030(7)

Statutes/Other Implemented: ORS 329A.030

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-210-0100

Definitions

The following words and terms within these rules have the following meanings: ¶

- (1) "Applicant" means an individual who submits the child care license application to operate a registered family child care in their home and in whose name the registration will be issued. ¶
- (2) "Behavior and Guidance" means the on-going process of helping children develop self-regulation and assume responsibility for their own behaviors and actions. ¶
- (3) "Business Day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the central office of CCLD is closed. ¶
- (4) "Capacity" means the total number of children allowed in care at the registered family child care or in care away from the home at any one time. ¶
- (5) "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. ¶
- (6) "CBR" (Central Background Registry) means ~~CCLD~~ DELC'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 five 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 present in or hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check. ¶~~
- (c) "CBR Limited Enrollment" is defined in OAR 414-061-0020 and allows an individual to reside or work in a child care facility under specific conditions or restrictions. ¶
- (7) "CCLD" means the Child Care Licensing Division in the Department of Early Learning and Care. ¶
- (8) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodial parent, during a part of the 24 hours of the day, with or without compensation. ¶
- (9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child who is under the age of 18 with special needs or disabilities and who requires a level of care that is above normal for the child's age, for whom the provider has supervisory responsibility in the temporary absence of the parent. ¶
- (10) "Child with Specific Needs" means a child who requires specialized supports or other accommodations including some adaptation of the registered family child care's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary. ¶
- (11) "Civil Penalty" means a fine imposed by CCLD on a provider for violation of these rules. ¶
- (12) "DEL" means the Department of Early Learning and Care. ¶
- (13) "Developmentally Appropriate" means: ¶
 - (a) Caregivers interact with each child in a way that respects the child's unique abilities; ¶
 - (b) Caregivers have knowledge about how children grow and learn; ¶
 - (c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children being served; and ¶
 - (d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶
- (14) "Disinfect" means to destroy or inactivate all germs from an inanimate surface. Disinfecting involves cleaning and rinsing the surface, by the followed by applying a disinfectant, such as: ¶
 - (a) A chlorine and water solution following the manufacturer's instructions; or ¶
 - (b) An EPA registered disinfectant, used according to the manufacturer's instructions including, correct concentrations, contact time, drying or rinsing requirements and suitability for the surface. ¶
- (15) "Every Child Belongs (ECB)" is Oregon's early childhood suspension and expulsion prevention program. The goal of Every Child Belongs is to help early childhood care and education programs keep children in care by offering responsive support when challenges arise. ¶
- (16) "Facing Potential Expulsion" refers to the risk of a child being expelled permanently from the registered family child care. Indicators of potential expulsion include, but are not limited to: ¶

- (a) The use of strategies identified in the program's behavior and guidance policy (OAR 414-210-0700) without reducing or eliminating the challenging behavior; ¶
- (b) The use of temporary safety-based intervention; or ¶
- (c) The use of physical restraint with the child on more than one occasion. ¶
- (17) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are like those found in such associations. ¶
- (18) "Field Trip" means an excursion or program activity with a specific destination away from the home that begins when caregivers and children leave the premises, whether by vehicle or by walking. It does not include neighborhood walks, routine school or home pick-up and drop-offs provided by the registered family child care. ¶
- (19) "Fire Code Official" means a Fire Inspector II, Fire Marshal, Deputy State Fire Marshal or designated person defined by ORS 476.030, ORS 476.060 and OAR 837-039-0016. ¶
- (20) "Hazard" means anything that may inflict injury or cause harm. ¶
- (21) "Inaccessible to children" means method to prevent a child from reaching, entering, using or getting to items, areas, or materials of a registered family child care by one or more of the following means: ¶
 - (a) Secured with a child safety device, such as a child safety cupboard lock or doorknob device: ¶
 - (A) A device specifically manufactured as a child safety product; or ¶
 - (B) For a product not manufactured as a child safety product, the device must have a multi-step opening process, or require two hands to open. ¶
 - (b) Locked, such as in a locked room, cupboard, or drawer; or locks that do not use a key or combination, such as a deadbolt or hook-and-eye latch, only if they are installed at least 60 inches high; ¶
 - (c) Behind a properly secured child safety gate; or ¶
 - (d) In a cupboard or on a shelf that is not within reach of any surface from where a child could stand or climb. ¶
- (22) "Infant" means a child who is 6 weeks to 12 months of age. ¶
- (23) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths. ¶
- (24) "License" means the document that is issued by CCLD to a registered family child care. A license may also be referred to as a registration. ¶
- (25) "Licensing period" means the 24 months for which a registered family child care license is issued. ¶
 - (a) For an initial license, the licensing period begins the day the regular license is issued and ends the same day two years after. For example, if a registered family child care is issued a license on July 6, 2024, the licensing period is July 6, 2024 through July 6, 2026. ¶
 - (b) For a renewal license for which the provider submitted a timely renewal application, the licensing period begins the day the prior licensing period ended and ends the same day two years after, regardless of the date the renewal license is issued, unless the provider and CCLD agree to change the licensing period to begin on a different date. ¶
- (26) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat. ¶
- (27) "New Application" means a registration application that has been filed by an applicant who has never had an active registration. ¶
- (28) "Night Care" means care given between 9:00 p.m. and 5:00 a.m. or when any enrolled child sleeps for more than 3 hours at the registered family child care. ¶
- (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) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD. ¶
- (31) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent. ¶
- (32) "Physical Restraint" means purposely limiting or obstructing the freedom of a person's bodily movement. Physical restraint does not include: ¶
 - (a) Holding a child to comfort the child when in distress; ¶
 - (b) Holding a child to move them safely from one area to another without the use of force (e.g. redirecting a toddler to another activity); ¶
 - (c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe or hold a pencil or tool, bottle feeding, etc.); or ¶
 - (d) Any prohibited discipline or action listed in OAR 414-210-0710. ¶
- (33) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶
- (34) "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. ¶

- (35) "Premises" means the physical location used by a registered family child care to provide care subject to regulation or investigation by CCLD, including all indoor and outdoor areas not directly used for child care if the provider, child care staff, or child care children have actual or potential access to the areas. ¶
- (36) "Preschool-Age Child" means a child who is at least 36 months of age but not yet eligible to be enrolled in kindergarten or above, before the first day of the current school year. ¶
- (37) "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. The provider is the person responsible for the overall operation of the home and who has the authority to perform the duties necessary to meet registration requirements. ¶
- (38) "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. References in these rules to "registered family child care home" or "home" refer to the provider or any agent, including a substitute provider, operating under the registration. ¶
- (39) "Registration" means the document a registered family child care provider is issued by CCLD to operate a registered 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 414-210-0100 through 414-210-1620. ¶
- (40) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration. ¶
- (41) "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. ¶
- (42) "Restrictable Disease" means an illness or infection as identified by the Public Health Division in OAR 333-019-0010 that would prohibit the child from attending child care. ¶
- (43) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce germs to a safe level on utensils, equipment, toys, or other non-porous surfaces. ¶
- (a) An appropriate test kit or strips are required to measure the concentration of sanitizing solutions. ¶
- (b) Any sanitizer used on food contact surfaces and toys must be labeled "safe for food contact surfaces." ¶
- (44) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year. ¶
- (45) "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 or joint dislocation; ¶
- (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; or ¶
- (p) Near-drowning. ¶
- (46) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which: ¶
- (a) Children are in imminent danger; ¶
- (b) There are more children in care than allowed by licensed capacity; ¶
- (c) Disciplinary methods prohibited under OAR 414-210-0710 are being used; ¶
- (d) Children are not being supervised; ¶
- (e) Multiple or serious fire, health or safety hazards are present in the registered family child care; ¶
- (f) Extreme unsanitary conditions are present in the registered family child care; ¶
- (g) Adults are in the home who are not enrolled in the CBR; or ¶
- (h) A home is providing child care without the appropriate certification. ¶
- (47) "Serious safety threat" refers to a child's behavior that presents a danger to the physical safety of themselves or others, which cannot be reduced or eliminated by the provider's existing guidance and behavior strategies (OAR 414-210-0700). ¶
- (48) "Shelter-in-Place" means caregivers and children staying at the home due to an external threat such as a

storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building. ¶

(49) "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. ¶

(50) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed. ¶

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

(52) "Temporary Safety-Based Intervention" means temporarily removing a young child from a registered family child care when the child's behavior poses a serious safety threat, as defined in these rules, for such time period and for no longer than necessary to incorporate supports to reduce the occurrence of the behavior, ensure child safety, and have the child return to the program as quickly as possible. ¶

(53) "Toddler" means a child who is 12 months of age to 36 months of age. ¶

(a) "Younger Toddler" means a child who is 12 months of age to 24 months of age. ¶

(b) "Older Toddler" means a child who is 24 months of age to 36 months of age. ¶

(54) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority: who holds an active enrollment in the CBR that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020. ¶

(55) "Visitor" means someone who is at the home for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio. ¶

(56) "Volunteer" includes any person who provides labor or services to a child care home but is not compensated with employment pay or benefits. ¶

(57) "Young Child" means any child who is six weeks of age until eligible to be enrolled in kindergarten on or before the first day of the current school year.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.330

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-210-0310

Central Background Registry Enrollment

- (1)-The provider must be enrolled in CCLD's CBR prior to the issuance of a registration. All other caregivers, and residents of the child care home 18 years of age or older must be enrolled or conditionally enrolled in CCLD's CBR prior to the issuance of an initial or renewal of a registration.¶¶
- (2)-Residents of the child care home who are under 18 years of age must be enrolled or conditionally enrolled in the CBR by their 18th birthday.¶¶
- (3)-A provider must receive confirmation from CCLD that an individual 18 years of age or over, is enrolled or conditionally enrolled in the CBR before the individual can:¶¶
- (a)-Reside in the child care home;¶¶
- (b)-Stay overnight on the premises for longer than 14 consecutive days, not to exceed a total of 30 days in a calendar year, unless not required to enroll in the CBR as provided in subsection (4) of this rule;¶¶
- (c)-Work in the child care home; or¶¶
- (d)-Volunteer in the child care home.¶¶
- (4)-Individuals 18 years of age and older that reside on the premises in living spaces other than the child care home (including, but not limited to, Accessory Dwelling Units (ADUs) or other Alternative Housing units, tiny homes, recreational vehicles (RVs), trailers, garage apartments, etc.) are not required to enroll in the CBR if all of the following conditions are met:-¶¶
- (a)-Those residing in or visiting the living space are not known by the provider to be suspended or to have been denied or removed for cause from the CBR;¶¶
- (b)-The living space can be accessed without entering the child care home;-¶¶
- (c)-Those residing in or visiting the living space have no opportunity for access to child care children without the permission of the provider and presence of a caregiver employed in the child care home. For the purposes of this rule, an individual has opportunity for access to child care children if they are able to be close enough to touch or have a conversation with a child care child inside or outside the home.-¶¶
- (d)-Child care is never conducted in the living space and child care children do not have access to the living space; and-¶¶
- (e)-The living space offers basic necessities such as running water, a bathroom, and cooking appliances, without having to enter the child care home during operating hours or when child care children are present.-¶¶
- (5)-The provider, caregivers, 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.¶¶
- (6)-Individuals with conditional enrollment in the CBR shall not have unsupervised access to children. Individuals with conditional enrollment must be supervised by a qualified child care provider or caregiver with supervisory authority who is enrolled in the CBR and whose enrollment is not conditional or limited.¶¶
- (7)-Any visitor to the child care home or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶¶
- (8)-A provider must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶¶
- (a)-The individual's name and relationship to the registered family child care (e.g. volunteer, vendor, guest, landlord, etc.); and¶¶
- (b)-Arrival and departure times.¶¶
- (9)-A provider must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended, are not on the premises during operating hours or when child care children are present; have contact with children in care; or live on the premises of the child care home (including, but not limited to ADUs or other Alternative Housing units, tiny homes, RVs, trailers, garage apartments, etc.).¶¶
- (10)-If additional information is needed to assess a person's ability to care for children or to have access to children, CCLD may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

Statutory/Other Authority: ORS 329A.260, ORS 329A.030

Statutes/Other Implemented: ORS 329A.330, ORS 329A.030

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-305-0100

Definitions

The following words and terms within these rules have the following meanings:¶¶

(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes but is not limited to kitchens, hallways, toilet rooms, lockers, offices, storage areas, staff room, furnace room, and the part of rooms occupied by stationary equipment and fixtures not used by children. ¶¶

(2) "Applicant" means a person, business entity, or governing body who submits the child care license application and in whose name the certificate will be issued. ¶¶

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

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

(5) "Business Day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the central office of CCLD is closed. ¶¶

(6) "Capacity" means the total number of children in care at the certified child care center or in care away from the center at any one time. ¶¶

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

(8) "CBR" (Central Background Registry) means ~~CCLD~~ DELC'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 defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and.~~ ¶¶

(c) "CBR Limited Enrollment" ~~is defined in OAR 414-061-0020 and allows an individual to work in a child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check.~~ care facility under specific conditions or restrictions. ¶¶

(9) "CCLD" means the Child Care Licensing Division, Department of Early Learning and Care. ¶¶

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

(11) "Child Care Center" or "Center" means a child care facility that is certified to provide care and education of children, generally in a commercial or nonresidential setting, that is not a certified family child care home. ¶¶

(12) "Child with Specific Needs" means a child who requires specialized supports or other accommodations including some adaptation of the center's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary. ¶¶

(13) "Children Related within the Fourth Degree" includes the child's grandparent, great-grandparent, sibling, aunt, uncle, brothers, sisters, nephews, nieces, great-nephews, great-nieces, and first cousins. ¶¶

(14) "Civil Penalty" means a fine imposed by CCLD on a facility for violation of these rules. ¶¶

(15) "Comparable Group Care Program" means a program which has the following elements: ¶¶

(a) Staff are supervised by knowledgeable professionals; ¶¶

(b) Training of staff is provided or required annually; ¶¶

(c) Group size is similar to a certified child care facility; and ¶¶

(d) Curriculum is developmentally appropriate. ¶¶

(16) "Contracted Services" means activities (e.g., tumbling, music, soccer classes) provided on the premises by an organization or program other than the center. ¶¶

(17) "Developmentally Appropriate" means: ¶¶

(a) Caregivers interact with each child in a way that respects the child's unique abilities; ¶¶

(b) Caregivers have knowledge about how children grow and learn; ¶¶

(c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children

being served; and ¶

(d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶

(18) "Director" means the individual serving as the on-site manager with the primary responsibility for the day-to-day operation, supervision, and administration of a child care center as identified pursuant to OAR 414-305-0260(2)(g) and who meets the qualifications of director as provided in OAR 414-305-0320. ¶

(19) "Disinfect" means to eliminate virtually all germs from an inanimate surface by the process of cleaning and rinsing, followed by: ¶

(a) A chlorine bleach and water solution following the manufacturer's instructions; or ¶

(b) Other disinfectant products registered with the EPA, if used strictly according to the manufacturer's label instructions including, but not limited to, quantity, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled "safe for food." ¶

(20) "Drop-in Care" means care provided only on an irregular basis, any time of the day or night for no more than 25 hours per week per child. ¶

(21) "Every Child Belongs (ECB)" is Oregon's early childhood suspension and expulsion prevention program. The goal of Every Child Belongs is to help early childhood care and education programs keep children in care by offering responsive support when challenges arise. ¶

(22) "Facing Potential Expulsion" refers to the risk of a child being expelled permanently from the certified child care center. Indicators of potential expulsion include, but are not limited to: ¶

(a) The use of strategies identified in the program's behavior and guidance policy (OAR 414-305-0700) without reducing or eliminating the challenging behavior; ¶

(b) The use of temporary safety-based intervention; or ¶

(c) The use of physical restraint with the child on more than one occasion. ¶

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

(24) "Field Trip" means an excursion or program activity with a specific destination away from the center that begins when staff and children leave the center's property, whether by vehicle or by walking. It does not include neighborhood walks, routine school or home pick-up and drop-offs provided by the center. ¶

(25) "Fire Code Official" means a Fire Inspector II, Fire Marshal, Deputy State Fire Marshal or designated person defined by ORS 476.030, ORS 476.060 and OAR 837-039-0016. ¶

(26) "Hazard" means anything that may inflict injury or cause harm. ¶

(27) "Inaccessible to children" means out of reach of children by meeting one of the following requirements: ¶

(a) Secured with a child safety device, such as a child safety cupboard lock or doorknob device: ¶

(A) A device specifically manufactured as a child safety product; or ¶

(B) For a product not manufactured as a child safety product, the device must have a multi-step opening process, or require two hands to open. ¶

(b) Locked, such as in a locked room, cupboard, or drawer; or locks that do not use a key or combination, such as a deadbolt or hook-and-eye latch, only if they are installed at least 60 inches high; ¶

(c) Behind a properly secured child safety gate; or ¶

(d) In a cupboard or on a shelf that is not within reach of any surface from where a child could stand or climb. ¶

(28) "Infant" means a child who is 6 weeks to 12 months of age. ¶

(29) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths. ¶

(30) "License" means the document that is issued by CCLD to a certified child care center. A license may also be referred to as a certificate. ¶

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

(32) "Multi-site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program. ¶

(33) "Multi-site Program" means a single organization oversees or administers multiple single classroom sites, in which no individual site has a licensed capacity of more than 20. In this program, director duties are shared between on-site personnel and a multi-site coordinator. ¶

(34) "Night Care" means care given between 9:00 p.m. and 5:00 a.m. or when any enrolled child sleeps for more than 3 hours at the center. ¶

(35) "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. ¶

(36) "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. ¶

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

(38) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. ¶

(39) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent. ¶

(40) "Physical Restraint" means purposely limiting or obstructing the freedom of a person's bodily movement. Physical restraint does not include: ¶

(a) Holding a child to comfort the child when in distress; ¶

(b) Holding a child to move them safely from one area to another without the use of force (e.g. redirecting a toddler to another activity); ¶

(c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe or hold a pencil or tool, bottle feeding, etc.); or ¶

(d) Any prohibited discipline or action listed in OAR 414-305-0710. ¶

(41) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶

(42) "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. ¶

(43) "Premises" means the physical space and building, or portions of a physical space or building, used by a center, including all areas indoor or outdoor, directly accessible to the child care children and center staff, and all areas not generally accessible if used for any purpose related to child care. This includes but is not limited to laundry rooms, kitchens, offices, staff break rooms, or storage rooms. ¶

(44) "Preschool-Age Child" means a child who is at least 36 months of age but not yet eligible to be enrolled in kindergarten or above, before the first day of the current school year. ¶

(45) "Regular Teaching Duties" means routinely scheduled, ongoing teaching responsibilities either on a part or full-time basis. Serving as a substitute teacher on an infrequent basis does not count as regular teaching duties. ¶

(46) "Restrictable Disease" means an illness or infection as identified by the Public Health Division in OAR 333-019-0010 that would prohibit the child from attending child care. ¶

(47) "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. ¶

(48) "School-Age Center" means a child care center that provides care only for school-age children eligible to be enrolled in kindergarten or above in the next school year, and which does not include night care as defined by these rules, in a nonresidential setting. ¶

(49) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year. ¶

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

(a) Injury requiring surgery; ¶

(b) Injury requiring admission to a hospital; ¶

(c) Injury requiring emergency medical attention; ¶

(d) Choking and unexpected breathing problems; ¶

(e) Unconsciousness; ¶

(f) Concussion; ¶

(g) Poisoning; ¶

(h) Medication overdose; ¶

(i) Broken or dislocated bone; ¶

(j) Severe head or neck injury; ¶

(k) Chemical contact in eyes, mouth, skin, inhalation or ingestion; ¶

(l) All burns; ¶

(m) Allergic reaction requiring administration of Epi-Pen; ¶

(n) Severe bleeding or stitches; ¶

(o) Shock or confused state; or ¶

(p) Near-drowning. ¶

(51) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which: ¶

(a) Children are in imminent danger; ¶

- (b) There are more children in care than allowed by licensed capacity; ¶
- (c) Disciplinary methods prohibited under OAR 414-305-0710 are being used; ¶
- (d) Children are not being supervised; ¶
- (e) Multiple or serious fire, health or safety hazards are present in the center; ¶
- (f) Extreme unsanitary conditions are present in the center; ¶
- (g) Adults are in the center who are not enrolled in the CBR; or ¶
- (h) A center is providing child care without the appropriate certification. ¶
- (52) "Serious safety threat" refers to a child's behavior that presents a danger to the physical safety of themselves or others, which cannot be reduced or eliminated by the program's existing guidance and behavior strategies (OAR 414-305-0700). ¶
- (53) "Shelter-in-Place" means staff and children staying at the center due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building. ¶
- (54) "Staff" means an individual who is an employee, or a volunteer who is in the center for more than a single activity. ¶
- (55) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site. ¶
- (56) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed. ¶
- (57) "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 414-305-0340. ¶
- (58) "Technical Assistance" means consultation and advice given to providers to assist them in maintaining compliance. ¶
- (59) "Temporary Safety-Based Intervention" means temporarily removing a young child from a certified child care center when the child's behavior poses a serious safety threat, as defined in these rules, for such time period and for no longer than necessary to incorporate supports to reduce the occurrence of the behavior, ensure child safety, and have the child return to the program as quickly as possible. ¶
- (60) "Toddler" means a child who is 12 months of age to 36 months of age. ¶
- (a) "Younger Toddler" means a child who is 12 months of age to 24 months of age. ¶
- (b) "Older Toddler" means a child who is 24 months of age to 36 months of age. ¶
- (61) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or ~~staff caregiver~~ with supervisory authority: who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020. ¶
- (62) "Visitor" means someone who is at the program for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio. ¶
- (63) "Volunteer" includes any person who provides labor or services to a child care center but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the child's parent or if the volunteer is enrolled in the Central Background Registry. ¶
- (64) "Young Child" means any child who is six weeks of age until eligible to be enrolled in kindergarten on or before the first day of the current school year.

Statutory/Other Authority: 329A.260

Statutes/Other Implemented: 329A.250

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-305-0310

Central Background Registry Enrollment

(1)-The operator, all child care center staff, and any person 18 years of age or older who may have unsupervised access to children, shall be enrolled in CCLD's Central Background Registry (CBR) prior to the issuance of an initial or renewal certification.¶

(2)-An individual who is the owner or the principal of an entity that is the owner of a certified child care center must be enrolled in the CBR to be on the center premises or present with children off-site during child care hours.¶

(3)-A certified child care center must have written confirmation from CCLD that staff 18 years of age or older are enrolled or conditionally enrolled in the CBR before the staff may be on the child care premises or present with children off-site during child care hours.¶

(4)-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.¶

(5)-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 CCLD the individual is enrolled on a non-conditional basis. A staff member with conditional enrollment must be supervised by a staff member with supervisory authority who is enrolled in the CBR and whose enrollment is not conditional or limited.¶

(6)-Any visitor to the certified child care center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶

(7)-A certified child care center must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶

(a)-The individual's name and relationship to the center (e.g. volunteer, vendor, guest, etc.);¶

(b)-Arrival and departure times; and¶

(c)-Name of qualified staff responsible for monitoring the individual's presence and accompanying the individual while on the premises.¶

(8)-A certified child care center must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended are not on the premises during child care hours or have contact with children in care.¶

(9)-If additional information is needed to assess a person's ability to care for children or to have access to children, CCLD may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.260

RULE SUMMARY: This rule is being amended to ensure compliance with current federal standards.

CHANGES TO RULE:

414-310-0100

Definitions

The following words and terms within these rules have the following meanings:¶

(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes but is not limited to kitchens, hallways, toilet rooms, lockers, offices, storage areas, staff room, furnace room, and the part of rooms occupied by stationary equipment and fixtures not used by children.¶

(2) "Applicant" means a person, business entity, or governing body who submits the child care license application and in whose name the certificate will be issued.¶

(3) "Assistant Program Leader" means staff who support Program Leaders in caring for children but who must be directly supervised.¶

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

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

(6) "Business Day" means Monday through Friday, but does not include any holidays as defined by ORS 187.010 and ORS 189.020, or any day that the central office of CCLD is closed.¶

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

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

(9) "CBR" (Central Background Registry) means CCLD'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~~ is defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and.¶

(c) "CBR Limited Enrollment" ~~is defined in OAR 414-061-0020 and allows an individual to work in a child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check~~ care facility under specific conditions or restrictions.¶

(10) "CCLD" means Child Care Licensing Division in the Department of Early Learning and Care (DELIC)./¶

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

(12) "Child with Specific Needs" means a child who requires specialized supports or other accommodations including some adaptation of the center's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary.¶

(13) "Children Related within the Fourth Degree" includes the child's grandparent, great-grandparent, sibling, aunt, uncle, brothers, sisters, nephews, nieces, great-nephews, great-nieces, and first cousins.¶

(14) "Civil Penalty" means a fine imposed by CCLD on a facility for violation of these rules.¶

(15) "Comparable Group Care Program" means a program which has the following elements:¶

(a) Staff are supervised by knowledgeable professionals;¶

(b) Training of staff is provided or required annually;¶

(c) Group size is similar to a certified child care facility; and¶

(d) Curriculum is developmentally appropriate.¶

(16) "Contracted Services" means activities (e.g., tumbling, music, soccer classes) provided on the premises by an organization or program other than the center.¶

(17) "Developmentally Appropriate" means:¶

(a) Caregivers interact with each child in a way that respects the child's unique abilities;¶

(b) Caregivers have knowledge about how children grow and learn;¶

(c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children;

and¶¶

(d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶¶

(18) "Disinfect" means to eliminate virtually all germs from an inanimate surface by the process of cleaning and rinsing, followed by:¶¶

(a) A chlorine bleach and water solution following the manufacturer's instructions; or¶¶

(b) Other disinfectant products registered with the EPA, if used strictly according to the manufacturer's label instructions including, but not limited to, quantity, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled "safe for food."¶¶

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

(20) "Field Trip" means an excursion or program activity with a specific destination away from the center that begins when staff and children leave the center's property, whether by vehicle or by walking. It does not include neighborhood walks, routine school or home pick-up and drop-offs provided by the center. ¶¶

(21) "Fire Code Official" means a Fire Inspector II, Fire Marshal, Deputy State Fire Marshal or designated person defined by ORS 476.030, ORS 476.060 and OAR 837-039-0016. ¶¶

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

(23) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths.¶¶

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

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

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

(27) "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.¶¶

(28) "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.¶¶

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

(30) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements.¶¶

(31) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent.¶¶

(32) "Physical Restraint" means purposely limiting or obstructing the freedom of a person's bodily movement. Physical restraint does not include:/ ¶¶

(a) Holding a child to comfort the child when in distress;/ ¶¶

(b) Guiding a child to move them safely from one area to another without the use of force (e.g. redirecting a child to another activity);/ ¶¶

(c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe, or hold a pencil or tool);/or ¶¶

(d) Any prohibited discipline or action listed in OAR 414-310-0420./ ¶¶

(33) "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.¶¶

(34) "Premises" means the physical space and building, or portions of a physical space or building, used by a center, including all areas indoor or outdoor, directly accessible to the child care children and center staff, and all areas not generally accessible if used for any purpose related to child care. This includes but is not limited to laundry rooms, kitchens, offices, staff break rooms, or storage rooms./ ¶¶

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

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

(37) "Restrictable Disease" means an illness or infection as identified by the Health Division that would prohibit the

child from attending child care.¶¶

(38) "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.¶¶

(39) "School-Age Center" means a child care center that provides care only for school-age children eligible to be enrolled in kindergarten or above in the next school year, and which does not include night care as defined by these rules, in a nonresidential setting.¶¶

(40) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year.¶¶

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

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

(42) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which:¶¶

- (a) Children are in imminent danger;¶¶
- (b) There are more children in care than allowed by licensed capacity;¶¶
- (c) Disciplinary methods prohibited under OAR 414-310-0420 are being used;¶¶
- (d) Children are not being supervised;¶¶
- (e) Multiple or serious fire, health or safety hazards are present in the center;¶¶
- (f) Extreme unsanitary conditions are present in the center;¶¶
- (g) Adults are in the center who are not enrolled in the CBR; or¶¶
- (h) center is providing child care without the appropriate certification.¶¶

(43) "Shelter-in-Place" means staff and children staying at the center due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building.¶¶

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

(45) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed.¶¶

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

(47) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or staff caregiver with supervisory authority who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020.¶¶

(48) "Visitor" means someone who is at the program for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio.¶¶

(49) "Volunteer" includes any person who provides labor or services to a child care center but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the child's parent or if the volunteer is enrolled in the Central Background Registry.

Statutory/Other Authority: ORS 329A.280

Statutes/Other Implemented: ORS 329A.280

AMEND: 414-310-0280

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-310-0280

Central Background Registry Enrollment

(1) The operator, all school-age center staff and any person 18 years of age or older, who may have unsupervised access to children shall be enrolled in CCLD's Central Background Registry prior to the issuance of an initial or renewal certification. An individual who is the owner or the principal of an entity that is the owner of a school-age center must be enrolled in the CBR to be on the center premises or present with children off-site during child care hours.¶¶

(2) A school-age center must have written confirmation from CCLD that staff 18 years of age or older are enrolled or conditionally enrolled in the CBR before the staff may be on the child care premises or present with children off-site during child care hours.¶¶

(3) All caregivers and other individuals that are required to be enrolled in the CBR and are on-site must maintain current enrollment in the CBR at all times while the center license is active.¶¶

(4) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with CCLD the individual is enrolled on a non-conditional basis. A staff member with conditional enrollment must be supervised by a staff member with supervisory authority who is enrolled in the CBR and whose enrollment is not conditional or limited.¶¶

(5) Any visitor to the school-age center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶¶

(6) A school-age center must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶¶

(a) The individual's name and relationship to the center (e.g. volunteer, vendor, guest, etc.);¶¶

(b) Arrival and departure times; and¶¶

(c) Name of qualified staff responsible for monitoring the individual's presence and accompanying the individual while on the premises.¶¶

(7) A school-age center must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended are not on the premises during child care hours or have contact with children in care.¶¶

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

Statutory/Other Authority: ORS 329A.280

Statutes/Other Implemented: ORS 329A.280

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-320-0100

Definitions

- (1) "Applicant" means a person, business entity, or governing body who submits the child care license application and in whose name the certificate will be issued. ¶
- (2) "Behavior and Guidance" means the on-going process of helping children develop self-regulation and assume responsibility for their own behaviors and actions. ¶
- (3) "Benefit-risk assessment" means, for purposes of outdoor nature-based programs, a process used to identify and document hazards and risky play elements associated with childhood outdoor play and making plans to mitigate the risk of injury to children while maintaining developmental benefits for children. This process includes identifying the types of risk present in a location or activity, the likelihood and severity of potential injury, the potential benefits to children, methods of mitigating hazards, e.g., elimination, substitution, isolation, safeguards, and managing risk, e.g., heightened supervision, scaffolding, intervention, and identifying who is responsible for implementing the appropriate methods and when. ¶
- (4) "Biological needs" means, for purposes of outdoor nature-based programming, DELC approved toileting and handwashing activities for children and program staff. ¶
- (5) "Body of water" or "bodies of water" is a natural area or human-made area or device that contains or holds a depth of more than four inches of water. Examples include swimming pools, ditches, canals, ponds, water retentions, excavations, quarries, streams, rivers, lakes, and ocean waters. ¶
- (6) "Business Day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the central office of DELC is closed. ¶
- (7) "Campfire" means an outdoor recreational fire that is used for cooking, personal warmth, lighting, or ceremonial or esthetic purposes. For the purposes of this chapter, "campfire" does not include a fire within any building, mobile home, motor vehicle, or recreational vehicle. ¶
- (8) "Campfire activities" means ONB program activities in which enrolled children have access to a campfire that may pose a risk of burns to children. ¶
- (9) "Capacity" means the total number of children in care at the certified ONB program or in care away from the ONB program at any one time. ¶
- (10) "Caregiver" means any person in an ONB program, who works directly with the children, providing care, supervision, and guidance. ¶
- (11) "CBR" (Central Background Registry) means DELC'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 hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and.~~ means temporary approval to be defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and. ¶
- (c) "CBR Limited Enrollment" ~~is defined in OAR 414-061-0020 and allows an individual to work in a child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check. care facility under specific conditions or restrictions.~~ is defined in OAR 414-061-0020 and allows an individual to work in a child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check. care facility under specific conditions or restrictions. ¶
- (12) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodial parent, during a part of the 24 hours of the day, with or without compensation. ¶
- (13) "Child Care Child," for the purpose of certified ONB programs, means any child 36 months of age or older and under 13 years of age, or a child who is under the age of 18 with special needs or disabilities and who requires a level of care that is above normal for the child's age, for whom the certified ONB program has supervisory responsibility in the temporary absence of the parent. ¶
- (14) "Child with Specific Needs" means a child who requires specialized supports or other accommodations including some adaptation of the certified ONB program's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary. ¶
- (15) "Civil Penalty" means a fine imposed by DELC on a facility for violation of these rules. ¶
- (16) "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 ONB program; and ¶
- (d) Curriculum is developmentally appropriate. ¶
- (17) "Curriculum philosophy" means a written statement of principles developed by an ONB program to form the basis of the learning ONB program activities, including age appropriate developmental learning objectives for children. ¶
- (18) "DELC" means the Department of Early Learning and Care. ¶
- (19) "Developmentally Appropriate" means: ¶
 - (a) Caregivers interact with each child in a way that respects the child's unique abilities; ¶
 - (b) Caregivers have knowledge about how children grow and learn; ¶
 - (c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children being served; and ¶
 - (d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶
- (20) "Director" means the individual serving as the on-site manager with the primary responsibility for the day-to-day operation, supervision, and administration of a child care ONB program as identified pursuant to OAR 414-320-0260(2)(e) and who meets the qualifications of director as provided in OAR 414-320-0320. ¶
- (21) "Disinfect" means to destroy or inactivate all germs from an inanimate surface. Disinfecting involves cleaning and rinsing followed by applying a disinfectant, such as: ¶
 - (a) A chlorine and water solution following the manufacturer's instructions; or ¶
 - (b) An EPA-registered disinfectant, used according to the manufacturer's instructions including correct concentrations, contact time, drying or rinsing requirements, and suitability for the surface. ¶
- (22) "Every Child Belongs (ECB)" is Oregon's early childhood suspension and expulsion prevention program. The goal of Every Child Belongs is to help early childhood care and education programs keep children in care by offering responsive support when challenges arise. ¶
- (23) "Facing Potential Expulsion" refers to the risk of a child being expelled permanently from the certified ONB program. Indicators of potential expulsion include, but are not limited to: ¶
 - (a) The use of strategies identified in the certified ONB program's behavior and guidance policy (OAR 414-320-0700) without reducing or eliminating the challenging behavior; ¶
 - (b) The use of temporary safety-based intervention; or ¶
 - (c) The use of physical restraint with the child on more than one occasion. ¶
- (24) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are like those found in such associations. ¶
- (25) "Field Trip" means an excursion or program activity with a specific destination away from the ONB program premises that begins when staff and children leave the ONB program's licensed premises, whether by vehicle or by walking. It does not include routine school or home pick-up and drop-offs provided by the ONB program. ¶
- (26) "Fire Code Official" means a Fire Inspector II, Fire Marshal, Deputy State Fire Marshal or designated person defined by ORS 476.030, ORS 476.060 and OAR 837-039-0016. ¶
- (27) "Hazard" means anything that may inflict injury or cause harm. ¶
- (28) "Inaccessible to children" means a method to prevent a child from reaching, entering, using, or getting to items, areas, or materials of an ONB program by one or more of the following means: ¶
 - (a) Secured with a child safety device, such as a child safety cupboard lock or doorknob device: ¶
 - (A) A device specifically manufactured as a child safety product; or ¶
 - (B) For a product not manufactured as a child safety product, the device must have a multi-step opening process, or require two hands to open. ¶
 - (b) Locked, such as in a locked room, cupboard, or drawer; or locks that do not use a key or combination, such as a deadbolt or hook-and-eye latch, only if they are installed at least 60 inches high; ¶
 - (c) Behind a properly secured child safety gate; ¶
 - (d) In a cupboard or on a shelf that is not within reach of any surface from where a child could stand or climb; or ¶
 - (e) An alternate method approved by DELC. ¶
- (29) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths. ¶
- (30) "License" means the document that is issued by DELC to a certified ONB program. A license may also be referred to as a certificate. The holder of a license is a "licensee." ¶
- (31) "Licensing period" means the 12 months for which a certified ONB child care license is issued. ¶
 - (a) For an initial license, the licensing period begins the day the temporary or regular license is issued and ends the same day the following year. For example, if a certified ONB program child care is issued a license on July 6, 2024, the licensing period is July 6, 2024 through July 6, 2025. ¶
 - (b) For a renewal license for which the provider submitted a timely renewal application, the licensing period begins

the day the prior licensing period ended and ends the same day the following year, regardless of the date the renewal license is issued, unless the provider and DELC agree to change the licensing period to begin on a different date. ¶

(32) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat or other DELC approved lockdown plan. ¶

(33) "Natural Space" means an outdoor area that is natural, semi-natural, or planted and includes plants, animals, and other features and products of the earth. ¶

(34) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the ONB program 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. ¶

(35) "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. ¶

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

(37) "Outdoor classroom" means a central location on the ONB program's licensed premises that serves as the primary place for children's daily activities. ¶

(38) "Outdoor nature-based (ONB) child care," "outdoor nature-based (ONB) program," "certified ONB program," or "ONB program" means a child care program certified under and subject to these rules that: ¶

(a) Enrolls preschool through school-age children; ¶

(b) Provides child care to children in a primarily outdoor natural space approved by the DELC. The program may have non-regular or emergency use of indoor space approved by the DELC; and ¶

(c) Utilizes a philosophy where nature is central to children's learning and development, as demonstrated by curriculum requirements outlined in OAR 414-320-0525(4). ¶

(39) "Outdoor nature-based tools" include, but are not limited to, peelers, whittling knives, small hammers, hand drills, pliers, child-sized saws, wrenches, screwdrivers, rope, or other sharp objects. ¶

(40) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the ONB program and who has the authority to perform the duties necessary to meet certification requirements. ¶

(41) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent. ¶

(42) "Physical barrier" or "barrier" means a non-climbable fence or wall that has no openings greater than two inches. Any gate or opening must have a locking mechanism, a self-closing or self-latching device, and a device used to open the locks which is inaccessible to children but readily available to staff ¶

(43) "Physical boundary" or "boundary" means a way of marking the limits of an area consisting of, but not limited to, fences, barriers, ropes, large boulders or logs, or visual aids such as cones, tape, or ribbons. ¶

(44) "Physical Restraint" means purposely limiting or obstructing the freedom of a person's bodily movement. Physical restraint does not include: ¶

(a) Holding a child to comfort the child when in distress; ¶

(b) Holding a child to move them safely from one area to another without the use of force (e.g. redirecting a preschool-age child to another activity); ¶

(c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe or hold a pencil or tool, etc.); or ¶

(d) Any prohibited discipline or action listed in OAR 414-320-0710, Prohibited Discipline and Actions. ¶

(45) "Potentially Dangerous Wildlife" means any animal that could cause injury or death to people or other animals. This could include animals that are part of a species or breed that is known to be dangerous, or animals that have exhibited dangerous behavior. ¶

(46) "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. ¶

(47) "Premises" means the physical space and building, or portions of a physical space or building, used by an ONB program, including all areas indoor or outdoor, directly accessible to the child care children and ONB program staff, and all areas not generally accessible if used for any purpose related to child care. ¶

(48) "Preschool-Age Child" means a child who is at least 36 months of age but not yet eligible to be enrolled in kindergarten or above, before the first day of the current school year. ¶

(49) "Regular Teaching Duties" means routinely scheduled, ongoing teaching responsibilities either on a part or full-time basis. Serving as a substitute teacher on an infrequent basis does not count as regular teaching duties. ¶

(50) "Restrictable Disease" means an illness or infection as identified by the Oregon Health Authority Public Health Division in OAR 333-019-0010 that would prohibit the child from attending child care. ¶

- (51) "Risk," with regard to "risky play", means a situation that a child can recognize and evaluate challenges to decide on a course of action, although there may be a potential for injury. ¶¶
- (52) "Risk management policy" means a written policy or plan to mitigate children's risk of injury associated with risky play or learning activities. ¶
- (53) "Risky play" means physical activity and play that is challenging and involves a risk of physical injury. Risky play for ONB programs includes, but is not limited to, play involving heights, speed, tools, close proximity to dangerous elements, such as falling into something potentially hazardous, and risk of getting lost. ¶
- (54) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce germs, to a safe level on utensils, equipment, toys, and other non-porous surfaces. An appropriate test kit or strips are required to measure the concentration of sanitizing solutions. Any sanitizer used on food contact surfaces or toys must be labeled as "safe for food contact surfaces." ¶
- (55) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year. ¶
- (56) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which: ¶
- (a) Children are in imminent danger; ¶
 - (b) There are more children in care than allowed by licensed capacity; ¶
 - (c) Disciplinary methods prohibited under OAR 414-320-0710, Prohibited Discipline and Actions, are being used; ¶
 - (d) Children are not being supervised; ¶
 - (e) Multiple or serious fire, health or safety hazards are present in the ONB program; ¶
 - (f) Extreme unsanitary conditions are present in the ONB program; ¶
 - (g) Adults are in the ONB program who are not enrolled in the CBR; or ¶
 - (h) An ONB program is providing child care without the appropriate certification. ¶
- (57) "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 or joint dislocation; ¶
 - (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; or ¶
 - (p) Near-drowning. ¶
- (58) "Serious safety threat" refers to a child's behavior that presents a danger to the physical safety of themselves or others, which cannot be reduced or eliminated by the certified ONB program's existing guidance and behavior strategies (OAR 414-320-0700). ¶
- (59) "Shelter-in-Place" means staff and children staying at the ONB program due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building. ¶
- (60) "Staff" means an individual who is an employee, or a volunteer who is in the ONB program for more than a single activity. ¶
- (61) "Substitute Director" means the person in charge of the ONB program during the hours of operation when the director is not on site. ¶
- (62) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed. ¶
- (63) "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 414-320-0340. ¶
- (64) "Technical Assistance" means consultation and advice given to program staff to assist them in maintaining compliance. ¶
- (65) "Temporary Safety-Based Intervention" means temporarily removing a young child from a certified ONB

program when the child's behavior poses a serious safety threat, as defined in these rules, for such time period and for no longer than necessary to incorporate supports to reduce the occurrence of the behavior, ensure child safety, and have the child return to the program as quickly as possible. ¶

(66) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or ~~staff caregiver~~ with supervisory authority: who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020.¶

(67) "Visitor" means someone who is at the program for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio. ¶

(68) "Volunteer" includes any person who provides labor or services to a certified ONB program but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the child's parent or if the volunteer is enrolled in the Central Background Registry. ¶

(69) "Water activities" means ONB program activities in which child care children swim or play in a body of water that poses a risk of drowning for children. Water activities do not include using sensory tables, or playing in temporary puddles, standing near, but not entering water, or laying on the stomach where hands are the only body part accessing water. ¶

(70) "Young Child" means any child who is six weeks of age until eligible to be enrolled in kindergarten on or before the first day of the current school year.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.280

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-320-0310

Central Background Registry Enrollment

A certified ONB program must ensure that:¶

- (1) The operator, all ONB program staff, and any person 18 years of age or older who may have unsupervised access to children, are enrolled in DELC's Central Background Registry (CBR) prior to the issuance of an initial or renewal certification.¶
- (2) An individual who is the owner or the principal of an entity that is the owner of a certified ONB program is enrolled in the CBR if on the ONB program premises or present with children off-site during child care hours.¶
- (3) The program has obtained written confirmation from DELC that staff 18 years of age or older are enrolled or conditionally enrolled in the CBR before the staff are on the child care premises or present with children off-site during child care hours.¶
- (4) All caregivers and other individuals that are required to be enrolled in the CBR and are on the premises maintain current enrollment in the CBR at all times while the certified ONB program license is active.¶
- (5) Individuals who are conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the certified ONB program has confirmed with DELC the individual is enrolled on a non-conditional basis. A staff member with conditional enrollment must be supervised by a staff member with supervisory authority who is enrolled in the CBR and whose enrollment is not conditional or limited.¶
- (6) Any visitor to the certified ONB program or other adult who is not enrolled in the CBR ~~does~~shall not have unsupervised access to children.¶
- (7) Safeguards are in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶
 - (a) The individual's name and relationship to the ONB program (e.g. volunteer, vendor, guest, etc.);¶
 - (b) Arrival and departure times, recorded at the times of arrival and departure; and¶
 - (c) Name of qualified staff responsible for monitoring the individual's presence and accompanying the individual while on the premises.¶
- (8) Individuals whose CBR enrollment has been revoked, denied, or suspended are not on the premises during child care hours or have contact with children in care.¶
- (9) Additional information needed to assess an individual's ability to care for children or to have access to children, such as references, an evaluation by a physician, counselor, or other qualified person, or other information, is provided to DELC upon DELC's request.¶
- (10) Individuals 18 years of age and older that reside on the certified ONB program premises in living spaces, including but not limited to, homes, Accessory Dwelling Units (ADUs) or other alternative housing units, tiny homes, recreational vehicles (RVs), trailers, garage apartments, etc., are not required to enroll in the CBR if all of the following conditions are met:¶
 - (a) Those residing in or visiting the living space are not known by the certified ONB program to be suspended or to have been denied or removed for cause from the CBR;¶
 - (b) Those residing in or visiting the living space have no opportunity for access to child care children without the permission of the certified ONB program and presence of a caregiver employed in the certified ONB program. For the purposes of this rule, an individual has opportunity for access to child care children if they are able to be close enough to touch or have a conversation with a child care child inside or outside the home;¶
 - (c) Child care is never conducted in the living space and child care children do not have access to the living space; and¶
 - (d) The home or living space's indoor bathrooms are not used to meet the biological needs of child care children and the home or living space is not used for the certified ONB program's emergency shelter.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.280

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-360-0100

Definitions

- (1) The following words and terms within these rules have the following meanings: ¶
- (2) "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 but is not limited to food preparation areas of the kitchen, bathrooms, heating units, storage areas, furniture and stationary equipment not used by children. ¶
- (3) "Applicant" means an individual who submits the child care license application and in whose name the certificate will be issued. ¶
- (4) "Behavior and Guidance" means the on-going process of helping children develop self-regulation and assume responsibility for their own behaviors and actions. ¶
- (5) "Business Day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the central office of CCLD is closed. ¶
- (6) "Capacity" means the total number of children allowed in care at the certified family child care or in care away from the home at any one time. ¶
- (7) "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. ¶
- (8) "CBR" (Central Background Registry) means ~~CCLD~~DELC's R~~egistry~~ 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 five 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 defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR following an Oregon State Police records check and.~~¶
- (c) "CBR Limited Enrollment" is defined in OAR 414-061-0020 and allows an individual to work in a child abuse and neglect records check but prior to receipt by CCLD of the results of the required FBI records check. care facility under specific conditions or restrictions.¶
- (9) "CCLD" means the Child Care Licensing Division in the Department of Early Learning and Care. ¶
- (10) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodial parent, during a part of the 24 hours of the day, with or without compensation. ¶
- (11) "Certified Family Child Care" or "Home" means a child care facility located in a building constructed as a single family dwelling or other dwelling that has a certificate to care for a maximum of 16 children at any one time. References in these rules to "certified family child care home" or "home" refer to the provider or any agent, including a substitute provider, operating under the certificate. ¶
- (12) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child who is under the age of 18 with special needs or disabilities and who requires a level of care that is above normal for the child's age, for whom the provider has supervisory responsibility in the temporary absence of the parent. ¶
- (13) "Child with Specific Needs" means a child who requires specialized supports or other accommodations including some adaptation of the certified family child care's standard program of care, activities or equipment to accommodate a physical, developmental, behavioral, mental or medical condition or disability which is either permanent or temporary. ¶
- (14) "Civil Penalty" means a fine imposed by CCLD on a provider for violation of these rules. ¶
- (15) "DEL" means the Department of Early Learning and Care. ¶
- (16) "Developmentally Appropriate" means: ¶
- (a) Caregivers interact with each child in a way that respects the child's unique abilities; ¶
- (b) Caregivers have knowledge about how children grow and learn; ¶
- (c) Activities, materials, and curriculum reflect the interests and abilities of a specific child or group of children being served; and ¶
- (d) Equipment is appropriately sized or adapted so that each child can participate fully and safely. ¶
- (17) "Disinfect" means to destroy or inactivate all germs from an inanimate surface. Disinfecting involves cleaning and rinsing followed by applying a disinfectant, such as: ¶
- (a) A chlorine and water solution following the manufacturer's instructions; or ¶

- (b) An EPA-registered disinfectant, used according to the manufacturer's instructions including correct concentrations, contact time, drying or rinsing requirements, and suitability for the surface. ¶
- (18) "Every Child Belongs (ECB)" is Oregon's early childhood suspension and expulsion prevention program. The goal of Every Child Belongs is to help early childhood care and education programs keep children in care by offering responsive support when challenges arise. ¶
- (19) "Facing Potential Expulsion" refers to the risk of a child being expelled permanently from the certified family child care. Indicators of potential expulsion include, but are not limited to: ¶
- (a) The use of strategies identified in the program's behavior and guidance policy (OAR 414-360-0700) without reducing or eliminating the challenging behavior; ¶
 - (b) The use of temporary safety-based intervention; or ¶
 - (c) The use of physical restraint with the child on more than one occasion. ¶
- (20) "Family" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are like those found in such associations. ¶
- (21) "Field Trip" means an excursion or program activity with a specific destination away from the home that begins when caregivers and children leave the premises, whether by vehicle or by walking. It does not include neighborhood walks, routine school or home pick-up and drop-offs provided by the certified family child care. ¶
- (22) "Fire Code Official" means a Fire Inspector II, Fire Marshal, Deputy State Fire Marshal or designated person defined by ORS 476.030, ORS 476.060 and OAR 837-039-0016. ¶
- (23) "Hazard" means anything that may inflict injury or cause harm. ¶
- (24) "Inaccessible to children" means a method to prevent a child from reaching, entering, using, or getting to items, areas, or materials of a certified family child care by one or more of the following means: ¶
- (a) Secured with a child safety device, such as a child safety cupboard lock or doorknob device: ¶
 - (A) A device specifically manufactured as a child safety product; or ¶
 - (B) For a product not manufactured as a child safety product, the device must have a multi-step opening process, or require two hands to open. ¶
 - (b) Locked, such as in a locked room, cupboard, or drawer; or locks that do not use a key or combination, such as a deadbolt or hook-and-eye latch, only if they are installed at least 60 inches high; ¶
 - (c) Behind a properly secured child safety gate; or ¶
 - (d) In a cupboard or on a shelf that is not within reach of any surface from where a child could stand or climb. ¶
- (25) "Infant" means a child who is 6 weeks to 12 months of age. ¶
- (26) "Infestation" means the invasion of insects and worms that causes a disease to the host. These insects can be mites, ticks, fleas or lice. Worms can be roundworms, pinworms, flatworms or other helminths. ¶
- (27) "License" means the document that is issued by CCLD to a certified family child care. A license may also be referred to as a certificate. ¶
- (28) "Licensing period" means the 12 months for which a certified family child care license is issued. ¶
- (a) For an initial license, the licensing period begins the day the temporary or regular license is issued and ends the same day the following year. For example, if a certified family child care is issued a license on July 6, 2024, the licensing period is July 6, 2024 through July 6, 2025. ¶
 - (b) For a renewal license for which the provider submitted a timely renewal application, the licensing period begins the day the prior licensing period ended and ends the same day the following year, regardless of the date the renewal license is issued, unless the provider and CCLD agree to change the licensing period to begin on a different date. ¶
- (29) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat. ¶
- (30) "Night Care" means care given between 9:00 p.m. and 5:00 a.m. or when any enrolled child sleeps for more than 3 hours at the certified family child care. ¶
- (31) "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. ¶
- (32) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD. ¶
- (33) "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. ¶
- (34) "Parent" means a child's parent, a guardian, or a person 18 years of age or older with supervisory responsibility of the child in the absence of the child's parent. ¶
- (35) "Physical Restraint" means purposely limiting or obstructing the freedom of a person's bodily movement. Physical restraint does not include: ¶
- (a) Holding a child to comfort the child when in distress; ¶
 - (b) Holding a child to move them safely from one area to another without the use of force (e.g. redirecting a toddler

to another activity); ¶

(c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe or hold a pencil or tool, bottle feeding, etc.); or ¶

(d) Any prohibited discipline or action listed in OAR 414-360-0710. ¶

(36) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶

(37) "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. ¶

(38) "Premises" means the physical location used by a certified family child care to provide care subject to regulation or investigation by CCLD, including all indoor and outdoor areas not directly used for child care if the provider, child care staff, or child care children have actual or potential access to the areas. ¶

(39) "Preschool-Age Child" means a child who is at least 36 months of age but not yet eligible to be enrolled in kindergarten or above, before the first day of the current school year. ¶

(40) "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. The provider is the person responsible for the overall operation of the home and who has the authority to perform the duties necessary to meet certification requirements. ¶

(41) "Restrictable Disease" means an illness or infection as identified by the Public Health Division in OAR 333-019-0010 that would prohibit the child from attending child care. ¶

(42) "Sanitizing" means using a treatment that provides enough heat or concentration of chemicals for enough time to reduce germs to a safe level on utensils, equipment, toys, and other non-porous surfaces. ¶

(a) An appropriate test kit or strips are required to measure the concentration of sanitizing solutions. ¶

(b) Any sanitizer used on food contact surfaces or toys must be labeled as "safe for food contact surfaces." ¶

(43) "School-Age Child" means a child eligible to be enrolled in kindergarten or above on or before the first day of the current school year (also see ORS 329A.250(12)). This includes the months from the end of the prior school year to the start of the kindergarten school year. ¶

(44) "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 or joint dislocation; ¶

(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; or ¶

(p) Near drowning. ¶

(45) "Serious Complaint" and "Serious Violation" means an allegation or finding of noncompliance in which: ¶

(a) Children are in imminent danger; ¶

(b) There are more children in care than allowed by licensed capacity; ¶

(c) Disciplinary methods prohibited under OAR 414-360-0710 are being used; ¶

(d) Children are not being supervised; ¶

(e) Multiple or serious fire, health or safety hazards are present in the certified family child care; ¶

(f) Extreme unsanitary conditions are present in the certified family child care; ¶

(g) Adults are in the home who are not enrolled in the CBR; or ¶

(h) A home is providing child care without the appropriate certification. ¶

(46) "Serious safety threat" refers to a child's behavior that presents a danger to the physical safety of themselves or others, which cannot be reduced or eliminated by the program's existing guidance and behavior strategies (OAR 414-360-0700). ¶

(47) "Shelter-in-Place" means caregivers and children staying at the home due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the building. ¶

(48) "Substitute Provider" means a person who acts as the children's primary caregiver in the certified family child

care in the temporary absence of the provider. ¶

(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 children's needs, and accountability for their care and well-being. Supervision also requires that caregivers be near and have ready access to children in order to intervene when needed. ¶

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

(51) "Temporary Safety-Based Intervention" means temporarily removing a young child from a certified family child care when the child's behavior poses a serious safety threat, as defined in these rules, for such time period and for no longer than necessary to incorporate supports to reduce the occurrence of the behavior, ensure child safety, and have the child return to the program as quickly as possible. ¶

(52) "Toddler" means a child who is 12 months of age to 36 months of age. ¶

(a) "Younger Toddler" means a child who is 12 months of age to 24 months of age. ¶

(b) "Older Toddler" means a child who is 24 months of age to 36 months of age. ¶

(53) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined in OAR 414-061-0020. ¶

(54) "Visitor" means someone who is at the home for a single event, including but not limited to: a repair person, privately contracted professional working with an individual child, or librarian visiting the program. Visitors are not potential employees and are not counted in ratio. ¶

(55) "Volunteer" includes any person who provides labor or services to a certified family child care but is not compensated with employment pay or benefits. ¶

(56) "Young Child" means any child who is six weeks of age until eligible to be enrolled in kindergarten on or before the first day of the current school year.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.280

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-360-0310

Central Background Registry Enrollment

(1)-The provider must be enrolled in CCLD's CBR prior to the issuance of a certification.-All caregivers and other residents of the child care home 18 years of age and older must be enrolled or conditionally enrolled in CCLD's CBR prior to the issuance of an initial or renewal certificate.¶¶

(2)-Residents of the child care home who are under 18 years of age must be enrolled or conditionally enrolled in the CBR by their 18th birthday. ¶¶

(3)-If the owner is not the provider, the owner must be enrolled in the CBR to be on the premises or present with children off-site during child care hours.-¶¶

(4)-The provider must receive confirmation from CCLD that an individual 18 years of age or over, is enrolled or conditionally enrolled in the CBR before the individual can:¶¶

(a)-Reside in the child care home;¶¶

(b)-Stay overnight on the premises for longer than 14 consecutive days, not to exceed a total of 30 days in a calendar year, unless not required to enroll in the CBR as provided in subsection (5) of this rule;¶¶

(c)-Work in the home; or¶¶

(d)-Volunteer in the home, as required in OAR 414-360-0360.¶¶

(5)-Individuals 18 years of age and older that reside on the premises in living spaces other than the child care home (including, but not limited to, Accessory Dwelling Units (ADUs) or other Alternative Housing units, tiny homes, recreational vehicles (RVs), trailers, garage apartments, etc.) are not required to enroll in the CBR if all of the following conditions are met:-¶¶

(a)-Those residing in or visiting the living space are not known by the provider to be suspended or to have been denied or removed for cause from the CBR;¶¶

(b)-The living space can be accessed without entering the child care home;-¶¶

(c)-Those residing in or visiting the living space have no opportunity for access to child care children without the permission of the provider and presence of a caregiver employed in the child care home. For the purposes of this rule, an individual has opportunity for access to child care children if they are able to be close enough to touch or have a conversation with a child care child inside or outside the home.-¶¶

(d)-Child care is never conducted in the living space and child care children do not have access to the living space; and-¶¶

(e)-The living space offers basic necessities such as running water, a bathroom, and cooking appliances, without having to enter the child care home during operating hours or when child care children are present.-¶¶

(6)-The provider, caregivers, and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the certified family child care license is active.¶¶

(7)-Individuals with conditional enrollment in the CBR shall not have unsupervised access to children. Individuals with conditional enrollment must be supervised by a qualified child care provider or caregiver with supervisory authority who is enrolled in the CBR and whose enrollment is not conditional or limited.¶¶

(8)-Any visitor to the child care home or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶¶

(9)-A provider must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:¶¶

(a)-The individual's name and relationship to the certified family child care (e.g. volunteer, vendor, guest, etc.); and¶¶

(b)-Arrival and departure times.¶¶

(10)-A provider must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended, are not on the premises during operating hours or when child care children are present; have contact with children in care; or live on the premises of the child care home (including, but not limited to ADUs or other Alternative Housing units, tiny homes, RVs, trailers, garage apartments, etc.).¶¶

(11)-If additional information is needed to assess a person's ability to care for children or to have access to children, CCLD may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

Statutory/Other Authority: ORS 329A.260

Statutes/Other Implemented: ORS 329A.280, ORS 329A.030

AMEND: 414-425-0010

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-425-0010

Definitions ¶¶

(1) "Central Background Registry" or "CBR" means ~~CCLD~~ DELC'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 five 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" is defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR.¶¶

(c) "CBR Limited Enrollment" is defined in OAR 414-061-0020 and allows an individual to work in a child care facility under specific conditions or restrictions.¶¶

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

(3) "CCLD" means the Child Care Licensing Division in the Department of Early Learning and Care.¶¶

(4) "Program Record" means the document a school age recorded program is issued by CCLD to operate a school age recorded program pursuant to ORS 329A.257 and OAR 414-425-0000 through 414-425-0030.¶¶

(5) "School Age Child" means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school age child.¶¶

(6) "School Age Recorded Program" means a program for school age children that does not take the place of a parent's care, in which youth development activities are provided to children during hours that school is not in session. For purposes of these rules it does not include programs that are operated by a school district as defined in ORS 332.002.¶¶

(7) "Staff" means any individual 18 years and older who works in, and has contact with children in the program¶¶

(8) "Youth development activities" means care, supervision or guidance that is intended for enrichment, including but not limited to teaching skills or proficiency in physical, social or educational activities such as tutoring, social activities, and recreational activities.¶¶

(9) "Volunteer" means any individual 18 years or older who intends to perform uncompensated duties for the program and who may have unsupervised contact with the children in the program or who is in the facility more than four hours per year and has contact with children in the program.¶¶

(10) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020.

Statutory/Other Authority: ORS 329A.255, ORS 329A.020

Statutes/Other Implemented: ORS 329A.255, ORS 329A.010

AMEND: 414-425-0030

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-425-0030

General Requirements ¶

~~(1) Through December 31, 2022, the school age recorded program must assure that criminal background checks are done on all staff and volunteers prior to having contact with children in the program. Enrollment in the Central Background Registry as defined in OAR 414-061-0020(18) that is not a~~ obtain and have on file written verification from CCLD that all staff and volunteers 18 years of age or older are enrolled in the Central Background Registry prior to having contact with children and must maintain in the program's records written verification from CCLD of enrollment. All staff and volunteers 18 years of age or older must maintain enrollment in the CBR at all times.¶

~~(a) Limited enrollment as defined in OAR 414-061-0020(25)(b) shall~~ may meet this requirement if a criminal background check.¶

~~(2) Beginning January 1, 2023, the school age recorded program must obtain and have on file written verification of the person's position and duties align with the conditions or restriction from CCLD that all staff and volunteers are placed on their enrollment in the Central Background Registry prior to having contact with children, and must maintain in the program's records written verification from CCLD of enrollment. Enrollment, limited enrollment as defined in OAR 414-061-0020(25)(a) or~~ ¶

~~(b) Conditional enrollment as defined in OAR 414-061-0020 may meet this requirement if the person can function in their staff position but may not have unsupervised access to children until the recorded program has confirmed with CCLD that the individual is either fully or limited enrolled in the Central Background Registry. Individuals with conditional enrollment as defined in OAR 414-061-0020(9) meets this requirement. The school age recorded program may allow individuals for which must be supervised by a person with supervisory authority and who is actively enrolled in the CBR with an enrollment that is not conditional or limited.¶~~

~~(2) The school age recorded program completed a criminal background check before January 1, 2023 to continue be employed or allowed to volunteer after January 1, 2023 without enrollment in the Central Background Registry if they must keep a record of their staff and volunteer's CBR enrollment, including whether the staff is conditional or limited in their enrollment in the CBR, with those records accessible onsite and individual submits a completed application for enrollment in the Central Background Registry no later than June 30, 2023 for which CCLD has not issued a notice of intent to~~ be available for DELC staff conducting a visit to the program.¶

~~(3) Any visitor to the school age recorded program or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶~~

~~(34) The school age recorded program must post a notice where it is visible to parents that the program is recorded with CCLD and is legally exempt from licensure.~~

Statutory/Other Authority: ORS 329A.255, ORS 329A.020

Statutes/Other Implemented: ORS 329A.010

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-450-0010

Definitions ¶¶

(1) "Central Background Registry" or "CBR" means ~~CCLD~~DELC'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 five 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" is defined in OAR 414-061-0020 and allows an individual to be hired by a child care facility pending full enrollment in the CBR.¶¶

(c) "CBR Limited Enrollment" is defined in OAR 414-061-0020 and allows an individual to work in a child care facility under specific conditions or restrictions.¶¶

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

(3) "CCLD" means the Child Care Licensing Division in the Department of Early Learning and Care.¶¶

(4) "Preschool-Age Child" means a child who is 36 months of age up to the summer vacation months prior to being eligible to be enrolled in the first grade in public school.¶¶

(5) "Preschool Recorded Program" means a facility providing care for preschool age children that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.¶¶

(6) "Program Record" means the document a preschool recorded program is issued by CCLD to operate a preschool recorded program pursuant to ORS 329A.255 and OAR 414-450-0000 through 414-450-0030.¶¶

(7) "School-Age Child" means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school age child.¶¶

(8) "Staff" means any individual 18 years and older who works in, and has contact with children in the program.¶¶

(9) "Volunteer" means any individual 18 years or older who intends to perform uncompensated duties for the program and who may have unsupervised contact with the children in the program; or who is in the facility more than four hours per year and has contact with children in the program four hours per year and has contact with children in the program.¶¶

(10) "Unsupervised Access to Children" means contact with child care children that provides the person opportunity for personal communication with or touching of child care children when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority who is actively enrolled in the CBR with an enrollment that is not Limited or Conditional Enrollment as defined by OAR 414-061-0020.

Statutory/Other Authority: ORS 329A.255, ORS 329A.020

Statutes/Other Implemented: ORS 329A.255, ORS 329A.010, ORS 329A.020

AMEND: 414-450-0030

RULE SUMMARY: This rule is being amended to ensure compliance with current federal requirements.

CHANGES TO RULE:

414-450-0030

General Requirements ¶

~~(1) Through December 31, 2022, the preschool recorded program must assure that criminal background checks are obtained and have been done on all staff and volunteers file verification from CCLD that all staff and volunteers over 18 years of age are enrolled in the Central Background Registry prior to having contact with children in the program. Enrollment in the Central Background Registry as defined in OAR 414-061-0020(18) that is not a land must maintain in the program's records written verification from CCLD of enrollment. All staff and volunteers 18 years of age or older must maintain current enrollment in the CBR at all times.¶~~

~~(a) Limited enrollment as defined in OAR 414-061-0020(25)(b) may meet this requirement if a criminal background check.¶~~

~~(2) Beginning January 1, 2023, the preschool recorded program must obtain verification that the person's position and duties align with the conditions or restriction from CCLD that all staff and volunteers are placed on their enrollment in the Central Background Registry prior to having contact with children, and must maintain in the program's records.¶~~

~~(b) Conditional enrollment as defined in OAR 414-061-0020 may meet this requirement if the person can function in their staff position but may not have unsupervised access to children until the recorded program has confirmed written verification from CCLD of enrollment. Enrollment, limited enrollment as defined in OAR 414-061-0020(25)(a) or CCLD that the individual is either fully or limited enrolled in the Central Background Registry. Individuals with conditional enrollment as defined in 414-061-0020(9) shall meet this requirement. The preschool recorded program may allow individuals for which must be supervised by a person with supervisory authority and who is enrolled in the CBR and whose enrollment is not conditional or limited.¶~~

~~(2) The preschool recorded program completed a criminal background check before January 1, 2023 to continue be employed or allowed to volunteer after January 1, 2023 without enrollment in the Central Background Registry if they must keep a record of their staff and volunteer's CBR enrollment, including whether the staff is conditional or limited in their enrollment in the CBR, with those records accessible onsite and individual submits a completed application for enrollment in the Central Background Registry no later than June 30, 2023 for which the CCLD has not issued a notice of intent to deny and available for DELC staff conducting a visit to the program.¶~~

~~(3) Any visitor to the preschool recorded program or other adult who is not enrolled in the CBR shall not have unsupervised access to children.¶~~

~~(34) The preschool recorded program must post a notice where it is visible to parents that the program is recorded with CCLD and is legally exempt from licensure.~~

Statutory/Other Authority: ORS 329A.255, ORS 329A.020

Statutes/Other Implemented: ORS 329A.255, ORS 329A.010