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# NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
**DEPARTMENT OF EARLY LEARNING AND CARE**

**FILED**
03/05/2026 9:57 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Suspension and Expulsion Prevention Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/15/2026 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:
Kathy Wai
Rules Coordinator

HEARING(S)

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

DATE: 04/29/2026
TIME: 5:00 PM - 6:00 PM
OFFICER: Kathy Wai

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 1-669-254-5252
CONFERENCE ID: 1606607046
SPECIAL INSTRUCTIONS:
Passcode: 417515

NEED FOR THE RULE(S)

Proposed rules add requirements for child care programs to develop and implement suspension and expulsion prevention policies, strategies, and family communication and collaboration. Included with these rules are definitions of key terms related to suspension and expulsion prevention, as well as requirements for child care programs to contact Every Child Belongs (DELC's suspension and expulsion prevention program) when a young child is at risk of expulsion.

In 2021, the Oregon Legislature passed bills that sought to address the suspension and expulsion of young children from early childhood and education programs. HB2166 (2021) established the suspension and expulsion prevention program (Every Child Belongs). In addition, the bill requires DELC establish requirements that early childhood care and education programs certified or registered under ORS 329A.280 or 329A.330, or receiving public funding for early childhood care and education services, to request services from the Early Childhood Suspension and Expulsion Prevention Program (Every Child Belongs) when a young child in an early childhood care or education program is facing potential expulsion. The proposed rules implement this requirement. Additionally, proposed rules support Oregon's efforts to prohibit suspension and expulsion (SB 236, 2021) by establishing child care facility rules related to prevention policies, behavior strategies, and family collaboration.

Amendments are proposed to the following Divisions within Chapter 414:
Certified Family Child Care Homes (Division 360)
Registered Family Child Care Homes (Division 210)
Certified Child Care Center (Division 305)
Certified Outdoor Nature-Based (Division 320)
Early Childhood Suspension and Expulsion Prevention Program (Division 580)

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Arkansas Early Childhood Behavior Help Program: https://dese.ade.arkansas.gov/Offices/office-of-early-childhood/behavior-help

Burton, M., Green, B.L., Miao, A.J., Pears, K.C., Scheidt, D., & Tremaine, E. (2020). Oregon Preschool Development Grant Birth to Age 5 Strengths and Needs Assessment: Statewide Household Survey Results. Report submitted to the Oregon Early Learning Division and Early Learning Council, February 2020. (https://www.oregon.gov/delc/Documents/delc-pdg-hh-survey-report-final.pdf)

Illinois Child Care Licensing Standards: https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/about-us/policy-rules-and-forms/documents/rules/rules-407.pdf

Head Start Performance Standards: https://headstart.gov/policy/45-cfr-chap-xiii/1302-17-suspension-expulsion

Oregon Early Childhood Suspension and Expulsion Prevention Research Study
https://www.oregon.gov/delc/Documents/SEPP-Report-Final.pdf

Caring for our Children: https://nrckids.org/CFOC

SRI Preventing Suspension and Expulsion in Early Childhood Settings: A Program Leaders Guide:
https://preventexpulsion.org/guide/

Pears, K.C., Bruce, J., and Scheidt, D. (2023). Oregon Preschool Development Grant Birth to Age 5 Strengths and Needs Assessment: 2022 Statewide Household Survey Results. Report submitted to the Oregon Early Learning Division and Early Learning Council, May 2023 (https://www.oregon.gov/delc/Documents/pdg-household-survey-2022-full%20report-FINAL.pdf)

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

National and state-level data indicate that exclusionary practices do occur in early childhood programs. Research demonstrates that suspension and expulsion are associated with adverse educational and social-emotional outcomes, and these practices reflect systemic inequities rooted in bias and discrimination. According to the Oregon Early Childhood Suspension and Expulsion Prevention Research Study (2025), children of color, those whose primary language is not English, and those with disabilities disproportionately experience suspension and expulsion in early childhood care and education settings across the state.

The following data comes from the 2020 and 2022 Household Surveys: Oregon families reported that in 2020, 6.3% of all children were suspended or expelled and in 2022, it increased to 9.1% of all children (2016 national survey reported 2.2%)

Rates of suspension and expulsion in 2022 by race/ethnicity:

17.2% Native Hawaiian/Pacific Islander

16.1% African American/Black

10.6% American Indian/Alaskan Native

10.3% Latine

7.7% White

Rates of suspension and Expulsion in 2022 by language:

20% Mandarin,

15% Vietnamese,

12% Spanish,

8% English

Rates of suspension and expulsion in 2022 by disability:

22.1% with individualized family service plan (IFSP), disability, medical need;

7.1% without IFSP (2016 national survey reported 5.4%)

Adopting rules that support inclusive environments and work to prevent the use of suspension and expulsion, counter the use of those practices and minimize the impacts to those disproportionately affected.

The following race and ethnicity information was acquired from the Early Learning Map of Oregon (ELMO)*. ELMO does not capture specific information on children in child care, but does capture statewide demographic information listed below. In addition, ELMO indicates that 19.6% of children ages 5-17 years speak a primary language other than English. ELMO includes almost 50 different data indicators that describe Oregon's children and families, early learning programs, and other factors.

Percentage of Children (Under 17 years)

American Indian/Alaska Native: 1.1%

Asian: 3.8%

Black/African American: 2.4%

Hispanic: 23.5%

Native Hawaiian/Pacific Islander: 0.5%

Other Race: 6.8%

Two or more races: 17.7%

White/No Hispanic: 60.2%

Language other than English: 18.5% (children 5-17)

Child Care Workforce:
Race and ethnicity information on the child care workforce is collected through DELC's partnership with Portland State University, Oregon Center for Career Development in Childhood Care and Education (PSU OCCD). Individuals provide this information on a voluntary basis. As of the last report received by DELC (February 2026), 77% of those in the child care workforce responded to requests for demographic information, of those about 23% did not give race and/or ethnicity information. 

Race and Ethnicity Group, Num. of workforce, % of  workforce

Asian, 503, 3%

Black and/or African American, 477, 3%

Hispanic/Latino/Spanish, 3868, 23%

Multiracial, 149, 1%

Native American and/or Alaskan Native, 132, 1%

Native Hawaiian and/or Pacific Islander,121, 1%

Other : 175, 1%

White, 7515, 45%

None Given. 3868. 23%

DELC has invited the 9 federally recognized tribes to engage in formal consultation on these rules. A letter initiating consultation was sent in January 2026. The letter included an overview of the policy concepts, an invitation to consult on policies, and an invitation to join the RAC.

FISCAL AND ECONOMIC IMPACT:

For Families: According to the 2022 Oregon Preschool Development Grant (PDG) Statewide Household Survey, 9.1% of families reported that their child had been asked to leave or take a break from their child care setting. There is limited data and research on the economic impact experienced by families when their children are suspended or expelled from early learning programs.

Supporting child care providers in preventing suspension and expulsion of children may have a positive financial impact on families. When children remain in care, parents do not have to take unexpected time off work or search for alternative arrangements, which reduces the risk of lost wages or job loss. Consistent child care allows families to maintain stable employment and income, while also minimizing stress and disruption caused by gaps in care.

DELC does not anticipate economic impacts on small or large businesses with the adoption of these rules.

DELC does not anticipate significant fiscal impacts on child care businesses.

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) DELC does not anticipate that state agencies will be economically affected by these rule changes. DELC will coordinate staff training and implementation of these rules within the agency's existing resources. DELC does not anticipate that local government units will be economically affected by these rule changes.

2) Proposed rules will impact certified child care centers, certified outdoor-nature based programs, and certified and registered family child care programs. More often than not, child care programs are operated as small businesses. Family child care providers (certified and registered family) are often the sole caregiver or have very few employees and would be considered small businesses. Many certified centers and outdoor nature-based programs would also be considered small businesses as independently owned and operating with under 100 employees, though the exact number of facilities with over 100 employees is unknown. The numbers below represent the number of total child care facilities across the state of Oregon as of January 2026:

Registered Family: 1265

Certified Family: 1273

Certified Center: 1424

Outdoor Nature-Based:2

DELC anticipates that there will be minimal costs to compliance to child care programs. No additional equipment or supplies are required with the implementation of these rules. There will be minimal costs associated with staff time in the development and subsequent need to train staff in newly required policies.

The fiscal impact is not significantly adverse.

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

DELC regularly engages with child care providers, many of whom are small businesses.

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

DELC will be hosting two RAC meetings in April 2026 with members of impacted communities including: child care providers, families of young children, community partners and advocates. One meeting will review proposed rules for certified child care centers and outdoor nature-based facilities and one meeting will review proposed rules for registered and certified family child care homes. The proposed rules for Early Childhood Suspension and Expulsion Prevention Program will be reviewed at both meetings. The meetings will be held virtually. Other groups will have the opportunity to select the meeting they are interested in participating in.

Certified Center and Outdoor Nature-Based: April 14, 2026 3:00pm-5:00pm
Registered and Certified Family Child Care: April 21, 2026 6:00pm-8:00pm

Early engagement on policy concepts, which were used as a basis for rule development, occurred with: Every Child Belongs Advisory Committee, Children's Institute, Oregon Partners for Education Justice, Child Care Provider Union (AFSCME).

RULES PROPOSED:
414-210-0100, 414-210-0200, 414-210-0260, 414-210-0270, 414-210-0720, 414-210-0750, 414-210-0840, 414-210-1030, 414-210-1050, 414-210-1500, 414-210-1620, 414-305-0100, 414-305-0200, 414-305-0260, 414-305-0270, 414-305-0720, 414-305-0750, 414-305-0840, 414-305-1050, 414-305-1500, 414-305-1620, 414-320-0100, 414-320-0200, 414-320-0260, 414-320-0270, 414-320-0720, 414-320-0750, 414-320-0840, 414-320-1020, 414-320-1030, 414-320-1050, 414-320-1620, 414-360-0100, 414-360-0200, 414-360-0260, 414-360-0270, 414-360-0400, 414-360-0720, 414-360-0750, 414-360-0840, 414-360-1030, 414-360-1050, 414-360-1500, 414-360-1620, 414-580-0000, 414-580-0005, 414-580-0010, 414-580-0030

AMEND: 414-210-0100

RULE SUMMARY: 414-210-0100 is being amended to include definitions related to suspension and expulsion prevention.

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'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 enrolled 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. ¶
(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)-"DELC" 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 initiative. Every Child Belongs helps early childhood care and education programs keep children in care by offering timely, responsive support when challenges arise. ¶
(16) "Expulsion" or "Expel" means to permanently end a child's enrollment in a registered family child care due to child's ability, specialized needs, or behavior. ¶
(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. ¶
(1~~6)~~ 8) "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. ¶
(1~~7)~~ 9) "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. ¶
(~~18)~~ 20) "Hazard" means anything that may inflict injury or cause harm. ¶
(~~19)~~ 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. ¶
(2~~0)~~ 2) "Infant" means a child who is 6 weeks to 12 months of age. ¶
(2~~1)~~ 3) "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. ¶
(2~~2)~~ 4) "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. ¶
(2~~3)~~ 5) "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. ¶
(24~~)~~ 6) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat. ¶
(25~~)~~ 7) "New Application" means a registration application that has been filed by an applicant who has never had an active registration. ¶
(26~~)~~ 8) "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. ¶
(27~~)~~ 9) "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. ¶
(~~28)~~ 30) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD. ¶
(~~29)~~ 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. ¶
(30~~)~~ 2) "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. ¶
(31~~)~~ 3) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶
(32~~)~~ 4) "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. ¶
(35) "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. ¶
(33~~)~~ 6) "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. ¶
(34~~)~~ 7) "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. ¶
(35~~)~~ 8) "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. ¶
(36~~)~~ 9) "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. ¶
(~~37)~~ 40) "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. ¶
(~~38)~~ 41) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration. ¶
(~~39)~~ 42) "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. ¶
(40~~)~~ 3) "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. ¶

(~~41)~~ 4) "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." ¶
(4~~2~~5)-"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. ¶
(4~~3)~~ 6) "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. ¶
(4~~4)~~ 7) "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. ¶
(4~~5~~8) "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). ¶
(49) "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. ¶
(~~46)~~ 50) "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. ¶
(~~47)~~ 51) "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. ¶
(~~48)~~ 52) "Suspension" means reductions in the amount of time a young child may be in attendance of a registered family child care, such as requiring the child to cease attendance for a temporary period of time (except if in connection with temporary safety-based interventions, as defined in these rules) or reducing the number days or hours that the child may attend due to the child's ability, specialized need, or behavior. ¶
(53) "Technical Assistance" means consultation and advice given to providers to assist them in maintaining compliance. ¶
(~~49)~~ 54) "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. ¶
(55) "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. ¶
(5~~0)~~ 6) "Unsupervised Access to Children" means contact with children that provides the person opportunity for

personal communication or touch when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority. ¶
(5~~1)~~ 7) "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. ¶
(5~~2~~8)-"Volunteer" includes any person who provides labor or services to a child care home but is not compensated with employment pay or benefits. ¶
(59) "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

AMEND: 414-210-0200

RULE SUMMARY: 414-210-0200 is being amended to add suspension and expulsion prevention policy. Includes amendments to individual child assessment.

CHANGES TO RULE:

414-210-0200
Policies
(1)-A provider must have written information and policies identified in OAR 414-210-0200(1)(a) though (~~g~~h) and provide them to substitute providers, parents, and volunteers. Information must be provided at the time of enrollment and when information changes. ¶
(a)-Name, business address, and business telephone number of the person(s) who has immediate responsibility for the daily operation of the home; ¶
(b)-Parent responsibilities for providing current required information and what parents are expected to provide; ¶
(c)-Emergency preparedness and response plan (also see OAR 414-210-0210, Emergency Preparedness and Response); ¶
(d)-Information on transportation, when provided by the provider or other caregiver; ¶
(e)-Behavior and guidance policy; ¶
(f)-Prevention of and duty to report suspected child abuse and neglect; ~~and~~ ¶
(g)-Night care, if provided~~.~~; and ¶
(~~2~~h) Suspension and expulsion prevention policy (OAR 414-210-0750). ¶
(2) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), a provider cannot discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care. ¶
(a)-Suspected violations will be reported to the overseeing agency, with whom CCLD may share any information available to it. ¶
(b)-CCLD may deny an initial or renewal application or revoke a registration if a provider is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination. ¶
(3)-A provider~~'s decision whether to provide or continue care for~~ must complete an individual assessment of a child known to have specific needs ~~must be made after an individualized assess~~before determining whether the registered family child care can me~~n~~et ~~is completed~~the child's needs in its program. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and the provider. The assessment must be documented for each child and must include: ¶
(a)-Reasonable accommodations the provider made to support the individual child's participation in the program, or an explanation of why the provider could not make reasonable accommodations; ¶
(b)-Reasonable modifications the provider made to their policies and practices to fully integrate the child into the program or an explanation of why the provider could not make reasonable modifications; ~~and~~ ¶
(c)-If applicable, any direct threats to the health and safety of others posed by the child's presence at the home; and ¶
(d) If a child enrolled in care at the registered family child care is a young child, as defined in these rules, documentation that the provider has complied with OAR 414-210-0750.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-0260

RULE SUMMARY: 414-210-0260 is amended to add suspension and expulsion prevention policy to items available for review.

CHANGES TO RULE:

414-210-0260
Items Available for Review
(1)-A provider must display the following near the entrance, or in some other area of the home where they may be clearly viewed by parent(s) and caregivers of children in care: ¶
(a)-The most current registration issued by CCLD; ¶
(b)-All serious valid complaints and serious non-compliance letters for 12 calendar months from the date of the letter; ¶
(c)-A notice of any current or pending legal sanctions posted immediately and while in effect, including throughout any appeal period; ¶
(d)-The DELC website [www.oregon.gov/DELC] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal; and ¶
(e) A notice that the items listed in (3) of this rule are available. ¶
(2)-A provider shall display a floor plan identifying the locations of the following near the entrance, or in some other area of the home where they may be clearly viewed by all individuals responsible for evacuation procedures: ¶
(a)-Exits; ¶
(b)-Primary evacuation routes; ¶
(c)-Secondary evacuation routes; and ¶
(d)-Fire extinguishers. ¶
(3)-A provider must have the following items available in a prominent and frequently visited location for the parents and public to view: ¶
(a)-The most recent CCLD inspection and rules for registration of child care homes are available upon request; ¶
(b)-The most recent water test results summary provided by CCLD (also see OAR 414-210-0820, Water Supply and Plumbing); ¶
(c)-Information on how to report a complaint to CCLD regarding registration requirements; ¶
(d)-The Oregon Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect; ¶
(e)-A notice that parents must be permitted access to their child and all child care areas while their child is in care. Advance notice is not required. ¶
(f)-The provider's behavior and guidance policy; ¶
(g)-Emergency numbers to include 9-1-1, where available, or local law enforcement, local mental health crisis line, fire department, and ambulance service; ~~and~~¶
(h)-A plan to ensure that any visitor or other adult not enrolled or conditionally enrolled in the CBR does not have unsupervised access to children; and ¶
(i) The provider's suspension and expulsion prevention policy.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-0270

RULE SUMMARY: 414-210-0270 is amended to add notification requirements when implementing a temporary safety-based intervention.

CHANGES TO RULE:

414-210-0270
Notifications
(1)-A provider must notify CCLD by 5:00pm the next business day of the following items: ¶
(a)-A change in mailing address, when different from the physical address; ¶
(b)-A change in phone number; ¶
(c)-A known legal action or child abuse or neglect investigation, such as an arrest, criminal investigation or charge, or Victim Protection Order, involving any person for which a registered family child care is required to request a background check; ¶
(d)-A permanent closure; ¶
(e)-Any damage to the building that affects the provider's ability to comply with the rules for Registered Family Child Care Homes; ¶
(f)-An incident that exposes children to an imminent risk of harm, such as a child leaving the home without the provider's knowledge or being left alone on or off site or in a vehicle; ¶
(g)-An animal bite to an adult or child that occurs on the premises or that occurs away from the home when participating in child care activities; ¶
(h)-An accident involving transportation, unless there were no injuries and only minor damage to the vehicles; ¶
(i)-Any serious injury or incident involving a child; ¶
(j)-A child who is given the incorrect dosage of any medication; ¶
(k)-A child who took or received another person's medication; ¶
(l)-The death of a child while in care or death of a caregiver; ¶
(m)-Other dangers or incidents requiring emergency response such as a fire or temporarily relocating children; ~~and~~ ¶
(n) Any time prohibited discipline or prohibited actions occur (also see OAR 414-210-0710, Prohibited Discipline and Actions)~~.~~; ¶
(o) Any incident where physical restraint is used (also see OAR 414-~~36~~210-0720, Physical Restraint)~~.~~; and ¶
(~~2~~p) The implementation of a temporary safety-based intervention. ¶
(2) Any caregiver who has reason to believe a child has been abused or neglected is required to report the matter immediately to the Oregon Child Abuse Hotline (1-855-503-7233), Department of Human Services Child Welfare, or a law enforcement agency. This requirement applies 24 hours a day. This requirement applies to any suspected physical, sexual or emotional abuse; child neglect, child endangerment, or child exploitation; inappropriate sexual contact between two or more children; or attempted suicide or threats of suicide by a child. ¶
(3)-A provider must immediately notify the Oregon Health Authority of a known case, in individuals associated with the home, of a child care-restrictable disease, as defined in Oregon Administrative Rule, OAR 333-019-0010. ¶
(4)-A provider must immediately notify parents or an emergency contact if the parent cannot be reached and document if their child: ¶
(a)-Does not arrive on their own at the home as scheduled, such as when a school-age child is walking to the home or when a child is transported from another program; ¶
(b)-Is not present at the pick-up location as scheduled; ¶
(c)-Is involved in an incident that placed the child at risk such as being lost, missing or left alone on a playground~~,~~ a field trip, or in a vehicle; ¶
(d)-Has experienced any suspected allergic reactions, or has ingested or had contact with the allergen even if a reaction did not occur; ¶
(e)-Was not administered medication in accordance with directions; ¶
(f)-Received emergency medication for a life-threatening condition such as epinephrine; ¶
(g)-Sustains an injury that may need evaluation by a medical professional or any impact to a child's head; ¶
(h)-Has been exposed to poison; ¶
(i)-Has been fed human milk or formula intended for another child (see OAR 414-210-0610, Feeding Infants and Toddlers); ¶
(j)-Is bitten by an animal or another child, when the skin is broken or when an evaluation by a physician may be needed; ¶
(k)-Is separated from the group due to an illness; ¶
(l)-Dies while in care; ~~or~~ ¶

(m)-Is involved in any incident where physical restraint is used (also see OAR 414-360-0720, Physical Restraint)~~.~~; or¶
(~~5~~n) Exhibits behavior that requires the use of a temporary safety-based intervention. ¶
(5) A provider must immediately notify parents in writing if a condition or restriction is placed on the license. ¶
(6)-A provider must notify parents upon child pick-up of: ¶
(a)-Significant changes in their child's physical or emotional state; ¶
(b)-Known injuries such as cuts, scratches, and bites from other children requiring first aid treatment; ¶
(c)-A child care restrictable disease or infestation exposure from a caregiver or another child; ¶
(d)-Any medication administered to their child; ¶
(e)-An animal bite to a child, when the skin is not broken; and ¶
(f)-Implemented emergency plans and procedures, except for drills. ¶
(7)-A provider must notify parents if there will be a substitute provider and the substitute's name. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children. ¶
(8)-Prior to the occurrence, a provider must notify families of any planned field trips including estimated departure and return times and the destination. ¶
(9)-A provider must have a method for notifying families when any child or caregiver has a child care restrictable disease, as defined in Oregon Administrative Rule, or food poisoning (also see OAR 414-210-1010, Illness); ¶
(10)-CCLD will notify parent(s) or guardian(s) of children under 12 months of age enrolled in the home of any valid non-compliance with OAR 414-210-0620(1)(a)(A) through (C), OAR 414-210-0620(1)(b) and (c), and OAR 414-210-0630(1)(a) through (l).
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-0720

RULE SUMMARY: 414-210-0720 is being amended to require certified family child cares contact Every Child Belongs when physical restraint is used more than once with a child.

CHANGES TO RULE:

414-210-0720
Physical Restraint
(1)-A provider may only use physical restraint if: ¶
(a)-A child's safety or the safety of others is threatened; and ¶
(b)-The provider has complied with all elements of Behavior and Guidance listed in OAR 414-210-0700(2)(a) through (g). ¶
(2)-Physical restraint must be: ¶
(a)-Limited to holding a child as gently as possible to accomplish restraint; ¶
(b)-Limited to the minimum amount of time necessary to control the situation; and ¶
(c)-Developmentally appropriate. ¶
(3)-A provider must not use bonds, ties, blankets, straps, or weights (including an adult sitting on a child) to physically restrain children. ¶
(4)-A provider must discontinue the use of physical restraint if they sense a loss of their own self-control or concern for the child when using physical restraint. ¶
(5)-If physical restraint is used, a provider must: ¶
(a)-Report the use of physical restraint pursuant to OAR 414-210-0270, Notifications; ¶
(b)-Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and ¶
(c)-Document the incident in the child's file, including the date, time, duration, caregivers involved, and what happened before, during, and after the child was restrained. ¶
(6)-If physical restraint is used more than once on a specific child, the provider must develop a written plan with input from individuals who have knowledge of the child's behaviors, including, but not limited to: the child's primary care provider, mental health provider, school counselor, and the parents or guardians, to address underlying issues and reduce the need for further physical restraint. A provider must notify CCLD when a written plan has been developed. ¶
(7) If not done previously, a provider must contact Every Child Belongs if physical restraint is used more than once on a specific young child.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

ADOPT: 414-210-0750

RULE SUMMARY: 414-210-0750 is being adopted to address suspension and expulsion prevention requirements.

CHANGES TO RULE:

414-210-0750
Suspension and Expulsion Prevention
(1) A provider must develop and implement a suspension and expulsion prevention policy. ¶
(2) The suspension and expulsion prevention policy must: ¶
(a) Be consistent with the provider's Behavior and Guidance policy (OAR 414-210-0700); ¶
(b) Identify existing supports or tools that may be accessed; ¶
(c) Identify how the provider will determine if additional supports are needed for a child; ¶
(d) Identify when the provider will request services from Every Child Belongs (ECB); and ¶
(e) Include the method that the provider will use to notify a family of concerns related to a child's ability, behavior, or development, such as written notification or an in-person conference. ¶
(3) When a young child is facing potential expulsion, as defined in these rules, a provider must: ¶
(a) Document the challenging behaviors and any known triggers (for example: specific activities, times of day, transitions); ¶
(b) Document what strategies the provider has used to support the child and their effectiveness; ¶
(c) Request services from Every Child Belongs (ECB); and ¶
(d) Concurrently with the request for services from ECB, notify the child's family regarding the behavior concerns to: ¶
(A) Begin to collaboratively problem-solve to identify potential strategies and supports for the child; and ¶
(B) Establish frequency and method of ongoing communication with the family. ¶
(4) If the provider is unable to connect with the child's family, as outlined in OAR 414-210-0750(3)(d), the provider must attempt alternative methods of communication and document those attempts. ¶
(5) A provider may implement a temporary safety-based intervention if a child's behavior creates a serious safety threat, as defined by these rules. ¶
(6) A provider may only use a temporary safety-based intervention if: ¶
(a) There is behavior that meets the definition of serious safety threat. The provider must document the behavior; and ¶
(b) The provider has attempted to address the behavior through strategies outlined in their Behavior and Guidance Policy (OAR 414-210-0700), strategies suggested by the family, and any recommendations from professionals previously consulted about the child. ¶
(7) If a provider initiates a temporary safety-based intervention, the provider must: ¶
(a) Contact ECB immediately to request services, if not already done; and ¶
(b) Notify CCLD of the temporary safety-based intervention and expected duration by 5:00 pm the next business day. ¶
(8) The length of a temporary safety-based intervention may only be for the time necessary to incorporate supports to reduce the occurrence of the behavior. The temporary safety-based intervention must end as soon as safety can be maintained with supports in place. ¶
(9) The provider must document the basis for the duration of the temporary safety-based intervention. ¶
(10) During the temporary safety-based intervention, the provider must communicate with the family regarding: ¶
(a) Updates on access to supports; ¶
(b) Any changes to the child's behaviors while not in care; and ¶
(c) Timeline to return to care. ¶
(11) If requested by CCLD, a provider must update CCLD if the expected duration of the temporary safety-based intervention changes. ¶
(12) If applicable, prior to renewing a registered family child care license, the provider must have complied with OAR 414-210-0750(3)(c).
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330, ORS 329A.600

AMEND: 414-210-0840

RULE SUMMARY: 414-210-0840(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-210-0840
Prevention and Management of Hazards
(1)-A provider must ensure that the following items are inaccessible to children as defined in OAR 414-210-0100(21~~9~~):¶
(a)-All toxic or potentially dangerous items;¶
(b)-Cleaning, sanitizing and disinfecting supplies and equipment;¶
(c)-Poisonous plants;¶
(d)-Tobacco products, smokeless or vaping devices; ¶
(e)-Alcohol;¶
(f)-Flammable materials, including matches and lighters, and corrosive materials;¶
(g)-Knives and other sharp objects; and¶
(h)-Motorized yard or power tools.¶
(2)-Toxic substances must be stored separately from medication, food service equipment, and food supplies.¶
(3)-Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by caregivers must be labeled with the contents of the container.¶
(4)-A provider must take steps to prevent children's exposure to the following, if they exist on the premises:¶
(a)-Any sources of lead and lead based paint. Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead-based paint;¶
(b)-Asbestos;¶
(c)-Toxic mold; and¶
(d)-Other identified toxins and hazards.¶
(5)-A provider must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. Caregivers must:¶
(a)-Regularly inspect the indoor and outdoor play areas and equipment for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash; ¶
(b)-Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use; ¶
(c)-Ensure sand boxes are free of animal waste and trash; and¶
(d)-Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.¶
(6)-A provider must not permit the use of any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, drug paraphernalia, hemp, marijuana and marijuana infused products on the premises during operating hours or when child care children are present. This includes:¶
(a)-In the child care home;¶
(b)-In the outdoor play area;¶
(c)-Within 10 feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area; or¶
(d)-In any vehicles where child care children are present or on any field trip.¶
(7)-All marijuana, marijuana derivatives and associated paraphernalia must be stored through one of the following methods:¶
(a)-Under a child safety device or child safety lock; or¶
(b)-In a locked room.¶
(8)-No one shall grow or distribute marijuana on the registered family child care premises.-¶
(9) No one shall consume alcohol on the registered family child care premises during operating hours or when child care children are present. ¶
(10)-No one shall possess, use or store illegal controlled substances on the registered family child care premises. ¶
(11)-Firearms, BB guns, pellet guns and arrows must be kept under lock, such as a key, combination, or biometric lock. A child safety lock or trigger lock does not meet this requirement.¶
(a)-Ammunition must be stored and locked separately.¶
(b)-Firearms, BB guns, and pellet guns must be kept unloaded.¶
(12)-A provider must prevent access to all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, rain barrels.¶
(a)-Pools and hot tubs must be made inaccessible through one of the following methods:¶
(A)-A locking, rigid cover;¶
(B)-A minimum four foot high fence that begins at ground level, and all gates and doors that allow access are locked; ¶

(C)-Four foot non-climbable sides with pool ladder removed or inaccessible; or¶
(D)-In a locked room or all doors that access the area are locked. ¶
(b)-For registered family child cares with licensure prior to July 1, 2025, ornamental and natural ponds within the child care outdoor play area must be made inaccessible through one of the following methods:¶
(A)-Enclosed by a secure barrier and locked with either a key or a combination lock;¶
(B)-A grate on top of a small pond of sufficient strength and rigidity to prevent children from falling into the water. The grate must be locked or secured to prevent removal; or¶
(C)-A locked door to the outside area where the pond is located as long as the door is always locked during operating hours and children are not using the outside area where the pond is located.¶
(c)-For registered family child cares with licensure on or after July 1, 2025, ornamental or natural ponds are prohibited in the child care outdoor play area. Registered family child cares licensed prior to July 1, 2025 are prohibited from adding a new ornamental pond or natural pond to the child care outdoor activity area.¶
(d)-If the premises has an unfenced bay, creek or other body of water that is accessible to the child care children, the provider must be physically present with children of all ages while outdoors, or the children must play in a specified area from which the body of water is not accessible. ¶
(13)-A registered family child care must keep the home free of insects, rodents, and other pests.¶
(a)-Automatic insecticides dispensers, vaporizers, or fumigants must not be used. ¶
(b)-Pest control products must not be applied or used when child care children are present. After their application, child care children must not enter the area until indicated by the manufacturer's instructions.¶
(14)-A provider must take precautions to protect children from vehicular traffic:¶
(a)-Require drop off and pick up only at the curb or at an off-street location protected from traffic; and¶
(b)-Assure that any caregiver who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-1030

RULE SUMMARY: 414-210-1030(6) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-210-1030
Medications
(1)-Before a provider gives a child any prescription or non-prescription medication, including, but not limited to, pain relievers, cough syrup, and nose drops, the provider must:¶
(a)-Have a signed, dated, written authorization by the parent(s) on file (also see OAR 414-210-0230, Parental Permissions);¶
(A)-For chronic medical conditions, a registered family child care may obtain permission for 12 months or less with specific instructions including when administration is needed, such as inhalers.¶
(B)-Parental authorization over the phone is permitted for single dose administration of non-prescription medication. The date and time of the consent must be documented and signed by the parent upon picking up their child.¶
(b)-Ensure that the original container is labeled with the name of the medication, dosage, and directions for administration and storage.¶
(A)-For prescription medication, the label must include the child's name, the date the prescription was filled, the prescribing physician's name, and length of time to give the medication.¶
(B)-If parent instructions differ from the container instructions, a registered family child care must have a licensed physician's written instructions for that medication.¶
(C)-Medication must not be administered after the expiration date.¶
(D)-Any medication provided by the parents must be labeled with the child's name.¶
(c)-Ensure that cleaned and sanitized medication measuring devices are used when providing medication to a child care child, if applicable.¶
(2)-A provider must immediately document any medication administered, listing the name of the child, type of medication, date, time, and dosage given, any side effects exhibited by the child, and the signature of the person administering the medication.¶
(3)-A provider must inform parent(s) daily of all medications administered to their child.¶
(4)-If medication is provided by the parent, a provider must administer medication only to the child for whom it is intended, and follow the directions on the label.¶
(5)-A provider must ensure that medication is stored through one of the following methods:¶
(a)-Under a child safety device or child safety lock; or¶
(b)-In a locked room.¶
(6)-Emergency medication may either be inaccessible to children as defined in OAR 414-210-0100(21~~9~~) or kept with a caregiver.¶
(7)-A provider must keep medications requiring refrigeration in a separate tightly-covered, leakproof container clearly marked "medication" and inaccessible to children.¶
(8) The application of sunscreen and diaper cream does not need to be documented, but a provider must:¶
(a)-Have annual written parental authorization;¶
(b)-Use only as needed and according to manufacturer's instructions;¶
(c)-Inform parents of the type of sunscreen used if provided by the registered family child care;¶
(d)-Label the item with the child's name if provided by the parent, and use only for that child; and¶
(e)-Allow children to apply sunscreen to themselves with direct caregiver supervision and written parental approval.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-1050

RULE SUMMARY: 414-305-1050 is being amended to specify when a written care plan is needed and that facility staff must follow the plan.

CHANGES TO RULE:

414-210-1050
Care of Children with Specific Needs
(1) When ~~caring for a child who has or is at increased risk for a chronic~~a qualified professional develops a written care plan for a child with a documented physical, developmental, behavioral, ~~or~~ emotional ~~condition and who requires health and related services of a type or amount beyond that required by children generally, a provider must have a written care plan. The written care plan must include the following, when applicable:¶~~
~~(1) A list of the child's diagnosis/diagnoses; ¶~~
~~(2) Contact information for the primary care provider and any relevant sub-specialists (i.e., endocrinologists, oncologists, etc.); ¶~~
~~(3) Medications to be administered on a scheduled basis;~~, or medical condition requiring services beyond those typically needed by children of the same age, and the plan is provided to the provider with parental consent, the provider must implement the written care plan. ¶
(~~4~~2) ~~Medications to be administered on an emergency basis with clearly stated parameters, signs, and symptoms that warrant giving the medication written in language that is easy to understand; ¶~~
~~(5) Procedu~~A provider must implement a written care plan, unless the plan requires t~~o be performed and person responsible for training staff members; ¶~~
~~(6) Allergies; ¶~~
~~(7) Dietary modifications required for the health of the child; ¶~~
~~(8) Activity modifications; ¶~~
~~(9) Environmental modifications; ¶~~
~~(10) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid; ¶~~
~~(11) Symptoms for caregivers to observe;¶~~
~~(12) Behavioral modifications; ¶~~
~~(13) Emergency response plans, both if the child has a medical emergency, and special factors to consider in a programmatic emergency, like a fire; ¶~~
~~(14) Any necessary special skills training and education for caregivers and the person responsible for training staff members; and ¶~~
~~(15) Any individualized services (e.g. occupational therapy, speech services) that will be provided at the home. If the individualized service required the child be out of direct supervision of caregivers, parental permission is required~~he provider to be out of compliance with the rules for registered family child care homes (Chapter 414, Division 210). A provider may apply for an exception to accommodate the needs of a specific child as outlined in OAR 414-210-0160. ¶
(3) The/provider must ensure that all caregivers that/come in contact with/the child are aware of and follow the written care plan.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-1500

RULE SUMMARY: 414-210-1500(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-210-1500
Night Care
(1)-A provider is subject to these rules when providing night care as defined in OAR 414-210-0100(2~~6~~8).¶
(2)-A provider must:¶
(a)-Be awake for the arrival and departure of each child in night care; and¶
(b)-Be present on the same floor level as the child care children who are sleeping.¶
(3)-All individuals 18 years of age and older, inclusive of guests sleeping in the home during night care hours, must comply with OAR 414-210-0310, Central Background Registry Enrollment.¶
(4)-Night care must not be provided on the second floor or above.¶
(5)-During night care, a provider must have a method for illuminating evacuation routes.¶
(6)-The following accommodations must be provided to sleeping children:¶
(a)-Each child who spends the majority of their sleeping hours per night in night care must have an individual bed and mattress, or another sleeping arrangement that provides adequate support to a child's body and of a size appropriate to the age of the child. The mattress must be fitted with a waterproof cover.¶
(b)-Each child who does not spend the majority of their sleeping hours in night care must have an individual crib, portable crib, play yard, cot, mat, or bed with bedding as specified in OAR 414-210-0620 Furniture and Equipment for Infants and Toddlers and OAR 414-210-0900 Furniture, Equipment, and Play Materials.¶
(c)-The upper level of bunk beds must be used only for children 10 years or older when a bed rail and safety ladder are in place.¶
(d)-Other than infants, children must be provided with sheets, pillows, pillowcases, and blankets.¶
(e)-Sheets, pillowcases, and blankets must be laundered at least weekly, when soiled, and before use by another child.¶
(7)-When bathing is provided: ¶
(a)-There must be at least one bathtub or shower available to children. ¶
(A)-The bathtub or shower must have appropriate equipment to prevent slipping. ¶
(B)-Glass shower doors or glass tub enclosure must be constructed with safety glass.¶
(b)-There must be individual washcloths and towels for each child.¶
(c)-Privacy must be maintained for school-age children when bathing and changing clothes.¶
(d)-Children must not bathe with other children unless a parent(s) has given written permission for siblings to bathe together.¶
(8)-Each child must have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with their name.¶
(9)-A provider must meet the nutritional needs of children in evening and night care as specified in OAR 414-210-1100, Food and Food Service.¶
(a)-Dinner must be provided to children in night care if a child is at the child care home after their dinner time or has not had dinner before entering night care.¶
(b)-A nutritious snack must be offered to all children after dinner service and before bed.¶
(c)-Each child present at the time breakfast is scheduled must be served breakfast, unless the parent(s) specifies otherwise.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.330

AMEND: 414-210-1620

RULE SUMMARY: 414-210-1620(3) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-210-1620
Civil Penalty
(1)-CCLD may assess a civil penalty of up to $750 per violation of these rules or terms and conditions of registration. ¶
(2)-CCLD may assess a civil penalty in addition to any other appropriate legal action, considering: ¶
(a)-Numbers of previous violations of the same rule; ¶
(b)-Circumstances surrounding the rule violations; and ¶
(c)-Prior warnings, technical assistance, or legal actions regarding the certified child care center's compliance with the rule. ¶
(3)-For a serious violation, as defined in OAR 414-210-0100(447), a provider may be subject to a civil penalty not to exceed $750 for each violation. ¶
(4)-For a non-serious violation, a provider may be subject to a civil penalty of $250 for each violation. ¶
(5)-CCLD may assess a separate civil penalty for each day for which CCLD has made a valid finding that a provider is in violation of ORS 329A.250 to ORS 329A.450, these rules, or the terms and conditions of certification. CCLD may assess civil penalties for multiple days in a single action. ¶
(6)-An individual or entity that provides child care subject to registration or certification in a home or facility that is not registered or certified with CCLD may be subject to a civil penalty not to exceed $1,500 per day of operation of the uncertified or unregistered facility. ¶
(7)-Notwithstanding CCLD's decision to impose a civil penalty for one or more rule violations, CCLD may also take action to deny, suspend or revoke a certification for the same rule violation or violations. ¶
(8)-A provider may appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes. ¶
(9)-Failure to pay a civil penalty in which CCLD has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of a provider's registration.
Statutory/Other Authority: ORS 329A.260, ORS 329A.992
Statutes/Other Implemented: ORS 329A.330, ORS 329A.992

AMEND: 414-305-0100

RULE SUMMARY: 414-305-0100 is being amended to include definitions related to suspension and expulsion prevention.

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's Registry of individuals who have been approved to be associated with a child care facility in Oregon pursuant to ORS 329A.030 and OAR 414-061-0000 through 414-061-0120. ¶
(a)-"CBR Enrollment" means approval for a 5 year period to be enrolled in the CBR following an Oregon State Police criminal records check, child abuse and neglect records check, checks of adult protective services and foster care certification, and an FBI records check. ¶
(b)-"CBR Conditional Enrollment" means temporary approval to be enrolled in the CBR following 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. ¶
(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 initiative. Every Child Belongs helps early childhood care and education programs keep children in care by offering timely, responsive support when challenges arise. ¶
(22) "Expulsion" or "Expel" means to permanently end a child's enrollment in a certified child care center due to a child's ability, specialized needs, or behavior. ¶
(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. ¶
(2~~2~~4)-"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. ¶
(2~~3)~~ 5) "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. ¶
(2~~4)~~ 6) "Hazard" means anything that may inflict injury or cause harm. ¶
(2~~5)~~ 7) "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. ¶
(2~~6)~~ 8) "Infant" means a child who is 6 weeks to 12 months of age. ¶
(2~~7)~~ 9) "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. ¶
(~~28)~~ 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. ¶
(~~29)~~ 31) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat. ¶
(3~~0)~~ 2) "Multi-site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program. ¶
(3~~1~~3)-"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. ¶
(3~~2)~~ 4) "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. ¶
(3~~3)~~ 5) "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. ¶
(34~~6~~)-"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. ¶
(3~~5)~~ 7) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD. ¶
(3~~6~~8)-"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. ¶

(3~~7)~~ 9) "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. ¶
(~~38)~~ 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. ¶
(~~39)~~ 41) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶
(~~40)~~ 2) "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. ¶
(43) "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. ¶
(~~41)~~ 4) "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. ¶
(4~~2~~5) "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. ¶
(~~43)~~ 6) "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. ¶
(44~~7~~) "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. ¶
(~~45)~~ 8) "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. ¶
(~~46)~~ 9) "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. ¶
(~~47)~~ 50) "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. ¶
(~~48)~~ 51) "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. ¶
(~~49)~~ 52) "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. ¶
(5~~0~~3) "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). ¶
(54) "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. ¶
(5~~1)~~ 5) "Staff" means an individual who is an employee, or a volunteer who is in the center for more than a single activity. ¶
(5~~2~~6)-"Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site. ¶
(5~~3)~~ 7) "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. ¶
(5~~4)~~ 8) "Suspension" means reductions in the amount of time a young child may be in attendance of a certified child care center, such as requiring the child to cease attendance for a temporary period of time (except if in connection with temporary safety-based interventions, as defined in these rules) or reducing the number days or hours that the child may attend due to the child's ability, specialized need, or behavior. ¶
(59) "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. ¶
(~~55)~~ 60) "Technical Assistance" means consultation and advice given to providers to assist them in maintaining compliance. ¶
(~~56)~~ 61) "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. ¶
(62) "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. ¶
(~~57)~~ 63) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a qualified child care provider or staff with supervisory authority. ¶
(~~58)~~ 64) "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. ¶
(~~59)~~ 65) "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. ¶
(66) "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

AMEND: 414-305-0200

RULE SUMMARY: 414-305-0200 is being amended to add suspension and expulsion prevention policy. Includes amendments to individual child assessment.

CHANGES TO RULE:

414-305-0200
Policies
(1)-A certified child care center must have written policies identified in 414-305-0200(2)(a-~~t~~u) and provide them to: ¶
(a)-Staff and volunteers at the time of hire and when policies change; and ¶
(b)-Parents at the time of a child's enrollment and when policies change. ¶
(2)-A certified child care center must provide the following written information to parents, staff, and volunteers: ¶
(a)-Name, business address, and business telephone number of the person(s) who has immediate responsibility for the daily operation of the center; ¶
(b)-A center description including the licensed capacity, ages and number of children in care, hours, days and months of operation, closure dates and observed holidays, and staff-to-child ratios; ¶
(c)-Arrival and departure procedures, including sign in and out requirements and individuals authorized for pick-up; ¶
(d)-Parent responsibilities for providing current required information and what parents are expected to provide; ¶
(e)-Health policies and procedures to include toileting, diaper changing and handwashing methods, support for parents feeding their infants, storage and handling of bottles and pacifiers, immunization tracking, medication administration, use of insect repellent and sunscreen, care of bed linen, care of children who are ill and exclusion criteria, and response to injuries (also see OAR 414-305-1020), Injuries); ¶
(f)-Safety measures including safe sleep practices, monitoring of sleeping infants, injury prevention, use of pesticides and other potentially toxic substances, animals, water activities, and prohibited substances; ¶
(g)-A plan to ensure that any visitor or other adult not enrolled or conditionally enrolled in the CBR does not have unsupervised access to children; ¶
(h)-Emergency preparedness plan (also see OAR 414-305-0210, Emergency Preparedness and Response); ¶
(i)-Center philosophy on how children learn and develop, and how this philosophy is implemented; ¶
(j)-Daily schedules that include planned activities, rest time, physical activity, and screen time; ¶
(k)-Center-sponsored religious and cultural activities, if any, including how holidays will be recognized; ¶
(l)-Meals, snacks, and food service practices including food storage and handling, children's dietary needs and allergies, infant feeding, and food brought from the child's home; ¶
(m)-Transportation and field trips including driver and vehicle requirements and supervision;¶
(n)-Behavior and guidance policies; ¶
(o)-How staff must proceed if a child is displaying inappropriate behaviors that could endanger themselves or the safety of others; ¶
(p)-Communication methods and notifications, including how parent grievances, questions, or concerns are handled by the center; ¶
(q)-Prevention of and duty to report suspected child abuse and neglect;¶
(r)-Evening and night care, if provided; ¶
(s)-How to view inspection reports, access the Department of Early Learning and Care website and center certification rules, and contact CCLD and child abuse and neglect hotline; ~~and~~ ¶
(t)-A statement advising parents that they can access information about child care providers on the child care safety portal~~.~~; and ¶
(~~3~~u) Suspension and expulsion prevention policy (OAR 414-305-0750). ¶
(3) A certified child care center must have written personnel policies for staff and volunteers that include at a minimum: ¶
(a)-Position descriptions, job duties assigned, and supervision of each position; and ¶
(b)-Initial and ongoing training requirements. ¶
(4)-If a certified child care center uses volunteers, the center must provide a copy of volunteer policies to any volunteers that includes procedures for ensuring training if the volunteer counts in the staff-to-child ratio, compliance with certification rules and center procedures, and an understanding of emergency preparedness plans. ¶
(5)-As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), a certified child care center cannot discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care. ¶
(a)-Suspected violations will be reported to the overseeing agency, with whom CCLD may share any information

available to it. ¶
(b) CCLD may deny an initial or renewal application or revoke a regular or temporary certification if a certified child care center is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination. ¶
(6) A certified child care center~~'s decision whether to provide or continue care for~~ must complete an individualized assessment of a child known to have specific needs ~~must be made af~~before determining whether the center can ~~individualized assessment~~meet the child's care needs in its ~~completed~~program. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and certified center personnel. The assessment must be documented for each child and must include: ¶
(a) Reasonable accommodations the center made to support the individual child's participation in the program, or an explanation of why the center could not make reasonable accommodations; ¶
(b) Reasonable modifications the center made to their policies and practices to fully integrate the child into the program or an explanation of why the center could not make reasonable modifications; ~~and~~¶
(c) If applicable, any direct threats to the health and safety of others posed by the child's presence at the facility; and ¶
(d) If a child enrolled in care at the center is a young child, as defined in these rules, documentation that the center has complied with OAR 414-305-0750.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-0260

RULE SUMMARY: 414-305-0260 is amended to add suspension and expulsion prevention policy to items available for review.

CHANGES TO RULE:

414-305-0260
Items Available to View
(1)-A certified child care center must post the following items in a prominent and frequently visited location for the parents and public to view: ¶
(a)-All serious valid complaints and serious non-compliance letters for 12 calendar¶
months from the date of the letter; and ¶
(b)-A notice of any current or pending legal sanctions posted immediately and while in effect, including throughout any appeal period. ¶
(2)-A certified child care center must have the following items available in a prominent and frequently visited location for the parents and public to view: ¶
(a)-The most current certificate issued by CCLD; ¶
(b)-A notice that the most recent CCLD inspection and rules for Certification of Child Care Centers are available upon request; ¶
(c)-The Department of Early Learning and Care Website [www.oregonearlylearning.com] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal; ¶
(d)-The most recent water test results summary provided by CCLD (also see OAR 414-305-0820, Water Supply and Plumbing); ¶
(e)-Information on how to report a complaint to CCLD regarding certification requirements; ¶
(f)-The Oregon Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect; ¶
(g)-The director's full name and at least one additional personnel who is responsible for the center if the director is not present at the center. When the individuals listed are not present, the appointed personnel in charge is identified in writing; ¶
(h)-A notice that custodial parents have access to all child care areas upon notifying any staff member of their presence during the hours of operation and without advance notice; ¶
(i)-Center closures (vacation days, holidays, etc.); ¶
(j)-The dated current week's menu of all snacks and meals served by the center with any substitutions recorded; ¶
(k)-A notice of planned field trips showing the date, times, and place of each excursion and posted at least 48 hours in advance of the trip; ¶
(l)-When on a neighborhood walk and all staff and children have left the premises, a notice with staff contact information and approximate return time; ¶
(m)-A notice when any child or staff member has a child care restrictable disease, as defined in Oregon Health Authority rule, or food poisoning (also see OAR 414-305-1010, Illness); and¶
(n)-The center's behavior and guidance policy.; and ¶
(3o) The center's suspension and expulsion prevention policy. ¶
(3) A certified child care center must post the following items in classrooms where they are easily visible to personnel and parents unless the rule specifically states otherwise: ¶
(a)-Emergency numbers to include 9-1-1, where available, or local law enforcement, local mental health crisis line, fire department, and ambulance service; the center name and address, with main cross streets or directions to the center; child abuse reporting hotline and poison control (1-800-222-1222); ¶
(b)-Emergency evacuation and relocation diagram, including primary and secondary routes, near the entrance or exit of the room; ¶
(c)-Daily classroom schedule and dated weekly lesson plan; ¶
(d)-The menu and children's dietary restrictions, known allergies, and nutrition requirements in a location easily accessible for staff but not available to those who are not parents or guardians of the enrolled child. Rather than posting in a classroom, a certified center may post this information in areas where food is served; ¶
(e)-Visual and written handwashing procedures at sinks; ¶
(f)-Diaper changing procedures where staff can view it while changing diapers; and ¶
(g)-The applicable ratios and group sizes.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-0270

RULE SUMMARY: 414-305-0270 is amended to add notification requirements when implementing a temporary safety-based intervention.

CHANGES TO RULE:

414-305-0270
Notifications
(1)-A certified child care center must notify CCLD by 5:00pm the next business day of the following items: ¶
(a)-A change of director; ¶
(b)-A change in mailing address, when different from the physical address; ¶
(c)-A change in phone number; ¶
(d)-A known legal action or child abuse or neglect investigation, such as an arrest, criminal investigation or charge, or Victim Protection Order, involving any person for which a certified child care center is required to request a background check; ¶
(e)-An unscheduled temporary or permanent center closure; ¶
(f)-Any occurrence, including a natural disaster, that renders all or part of the certified child care center unsafe or unsanitary for a child including disruption of utilities or contaminated water; ¶
(g)-An incident that exposes children to an imminent risk of harm, such as a child leaving the center without the center's knowledge or being left alone on or off site or in a vehicle; ¶
(h)-An animal bite to an individual that occurs on site at any time or off site when participating in center activities; ¶
(i)-An accident involving transportation, unless there were no injuries and only minor damage to the vehicles; ¶
(j)-Any serious injury or incident involving a child; ¶
(k)-A child who is given the incorrect dosage of any medication; ¶
(l)-A child who took or received another person's medication; ¶
(m)-The death of a child or staff member that occurred on the premises of the center; ¶
(n)-Other dangers or incidents requiring emergency response such as a fire or temporarily relocating children; ¶
(o)-Any time prohibited discipline or prohibited actions occur (also see OAR 414-305-0710, Prohibited Discipline and Actions); ~~and~~ ¶
(p)-Any incident where physical restraint is used (also see OAR 414-305-0720, Physical Restraint)~~.~~; and ¶
(~~2~~q) The implementation of a temporary safety-based intervention. ¶
(2) A certified child care center must notify CCLD of the following: ¶
(a)-An anticipated temporary or permanent center closing, other than a scheduled closing identified in center policy; ¶
(b)-An anticipated temporary or permanent change in location; ¶
(c)-An anticipated center change or alteration that impacts the amount of usable square footage or compliance with the requirements; and ¶
(d)-A change in center name. ¶
(3)-Any staff member who has reason to believe a child has been abused or neglected is required to report the matter immediately to the Oregon Child Abuse Hotline (1-855-503-7233), Department of Human Services Child Welfare, or a law enforcement agency. This requirement applies 24 hours a day. This requirement applies to any suspected physical, sexual or emotional abuse; child neglect, child endangerment, or child exploitation; inappropriate sexual contact between two or more children; or attempted suicide or threats of suicide by a child. ¶
(4)-A certified child care center must immediately notify the Oregon Health Authority of a known case, in individuals associated with the center, of a child care-restrictable disease, as defined in Oregon Health Authority administrative rules, OAR 333-019-0010. ¶
(5)-A certified child care center must immediately notify parents or an emergency contact if the parent cannot be reached and document if their child: ¶
(a)-Does not arrive on their own at the center as scheduled, such as when a school-age child is walking to the center or when a child is transported from another program; ¶
(b)-Is not present at the pick-up location as scheduled; ¶
(c)-Is involved in an incident that placed the child at risk such as being lost, missing or left alone on a playground, a field trip, or in a vehicle; ¶
(d)-Has experienced any suspected allergic reactions, as well as the ingestion of or contact with the allergen even if a reaction did not occur; ¶
(e)-Was not administered medication in accordance with directions; ¶
(f)-Received emergency medication for a life-threatening condition such as epinephrine; ¶
(g)-Sustains an injury that may need evaluation by a physician or any impact to a child's head; ¶

(h)-Has been exposed to poison; ¶
(i)-Has been fed human milk or formula intended for another child (see OAR 414-305-0610, Feeding Infants); ¶
(j)-Is bitten by an animal, when the skin is broken or when an evaluation by a physician may be needed; ¶
(k)-Is separated from the group due to an illness; ¶
(l)-Dies while in care; ~~or~~¶
(m)-Is involved in any incident where physical restraint is used~~.~~; or ¶
(~~6~~n) Exhibits behaviors that require the use of a temporary safety-based intervention. ¶
(6) A certified child care center must notify parents upon child pick-up of: ¶
(a)-Daily happenings, including the infant and toddler daily records (also see OAR 414-305-0600, General Requirements for the Care of Infants and Toddlers and OAR 414-305-0220, Children's Records); ¶
(b)-Significant changes in their child's physical or emotional state; ¶
(c)-Known minor injuries such as minor cuts, scratches, and bites from other children requiring first aid treatment by employees; ¶
(d)-Their child being unsupervised at school or another location when not picked up on time; ¶
(e)-Illness or infestation symptoms that developed or changed; ¶
(f)-A child care restrictable disease or infestation exposure from staff or another child; ¶
(g)-Administration of a medication for a non-life-threatening condition that is only administered as needed; ¶
(h)-An animal bite to a child, when the skin is not broken; ¶
(i)-Implemented emergency plans and procedures, except for drills; and ¶
(j)-Anticipated closure of the center. ¶
(7)-The Department will notify parent(s) or guardian(s) of children under 12 months of age enrolled in the center of any valid non-compliance with OAR 414-305-0620(1)(a)(A) through (C), OAR 414-305-0620(1)(b) and (c), and OAR 414-305-0630(1)(a) through (l).
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-0720

RULE SUMMARY: 414-305-0720 is being amended to require ONB programs contact Every Child Belongs when physical restraint is used more than once with a child.

CHANGES TO RULE:

414-305-0720
Physical Restraint
(1)-A certified child care center may only use physical restraint after complying with all requirements of OAR 414-305-0700, Behavior and Guidance and OAR 414-305-0710, Prohibited Discipline and Actions, and in accordance with OAR 414-305-0200(2)(o). ¶
(2)-Physical restraint must only be used if a child's safety or the safety of others is threatened and must be: ¶
(a)-Limited to holding a child as gently as possible to accomplish restraint; ¶
(b)-Limited to the minimum amount of time necessary to control the situation; and ¶
(c)-Developmentally appropriate. ¶
(3)-A staff member must not use bonds, ties, blankets, straps, or weights (including an adult sitting on a child) to physically restrain children. ¶
(4)-Certified child care center staff must discontinue the use of physical restraint if they sense a loss of their own self-control or concern for the child when using physical restraint. ¶
(5)-If physical restraint is used, a certified child care center must: ¶
(a)-Report the use of physical restraint, pursuant to OAR 414-305-0270, Notifications; ¶
(b)-Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and ¶
(c)-Document the incident in the child's file, including the date, time, duration, certified child care center staff involved, and what happened before, during, and after the child was restrained. ¶
(6)-If physical restraint is used more than once on a specific child, the center must develop a written plan with input from individuals who have knowledge of the child's behaviors, including, but not limited to: the child's primary care provider, mental health provider, school counselor, and the parents or guardians, to address underlying issues and reduce the need for further physical restraint. A center must notify CCLD when a written plan has been developed. ¶
(7) If not done previously, a certified child care center must contact Every Child Belongs if physical restraint is used more than once on a specific young child.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

ADOPT: 414-305-0750

RULE SUMMARY: 414-305-0750 is being adopted to address suspension and expulsion prevention requirements.

CHANGES TO RULE:

414-305-0750
Suspension and Expulsion Prevention
(1) A certified child care center must develop and implement a suspension and expulsion prevention policy. ¶
(2) The suspension and expulsion prevention policy must: ¶
(a) Be consistent with the center's Behavior and Guidance policy (OAR 414-305-0700); ¶
(b) Identify existing center supports or tools that may be accessed; ¶
(c) Identify when and how classroom staff must seek support when challenges related to the care of children arise, including: ¶
(A) When and in what circumstances classroom staff must seek support; ¶
(B) How the director or designated center personnel will respond to requests for support from classroom staff; and ¶
(C) What internal center supports will be made available to the classroom staff. ¶
(d) Identify how the certified center will determine if additional supports are needed for a child; ¶
(e) Identify when the certified center will request services from Every Child Belongs (ECB); and ¶
(f) Include the method that the certified center will use to notify a family of concerns related to a child's ability, behavior, or development, such as written notification or an in-person conference. ¶
(3) When a young child is facing potential expulsion, as defined in these rules, a certified center must: ¶
(a) Document the challenging behaviors and any known triggers (for example: specific activities, times of day, transitions); ¶
(b) Document what strategies the certified center has used to support the child and their effectiveness; ¶
(c) Request services from Every Child Belongs (ECB); and ¶
(d) Simultaneously with the request for services from ECB, notify the child's family regarding the behavior concerns to: ¶
(A) Begin to collaboratively problem-solve to identify potential strategies and supports for the child; and ¶
(B) Establish frequency and method of ongoing communication with the family. ¶
(4) If the certified center is unable to connect with the child's family, as outlined in OAR 414-305-0750(3)(d), the center must attempt alternative methods of communication and document those attempts. ¶
(5) A certified child care center may implement a temporary safety-based intervention if a child's behavior creates a serious safety threat, as defined by these rules. ¶
(6) A certified child care center may only use a temporary safety-based intervention if: ¶
(a) There is behavior that meets the definition of serious safety threat. The center must document the behavior; and ¶
(b) The certified child care center has attempted to address the behavior through strategies outlined in their Behavior and Guidance policy (OAR 414-305-0700), strategies suggested by the family, and any recommendations from professionals previously consulted about the child. ¶
(7) If a certified child care center initiates a temporary safety-based intervention, the center must: ¶
(a) Contact ECB immediately to request services, if not already done; and ¶
(b) Notify CCLD of the temporary safety-based intervention and its expected duration by 5:00 pm the next business day. ¶
(8) The length of a temporary safety-based intervention may only be for the time necessary to incorporate supports to reduce the occurrence of the behavior. The temporary safety-based intervention must end as soon as safety can be maintained with supports in place. ¶
(9) The certified child care center must document the basis for the duration of the temporary safety-based intervention. ¶
(10) During the temporary safety-based intervention, the certified child care center must communicate with the family regarding: ¶
(a) Updates on access to supports; ¶
(b) Any changes to the child's behaviors while not in care; and ¶
(c) Timeline to return to care. ¶
(11) If requested by CCLD, a certified child care center must update CCLD if the expected duration of the temporary safety-based intervention changes.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-305-0840

RULE SUMMARY: 414-305-0840(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-305-0840
Prevention and Management of Hazards
(1)-A certified child care center must ensure that all toxic or potentially dangerous items, such as cleaning supplies and equipment, poisonous and toxic materials, and flammable and corrosive materials, are inaccessible to children, as defined in OAR 414-305-0100(2~~5~~7).¶
(a)-Toxic substances must be stored separately from medication, food service equipment, and food supplies.¶
(b)-Sanitizing and disinfecting solutions must be inaccessible to children.¶
(c)-Products including toxic substances must be stored and used according to the manufacturer's instructions, including not storing products near heat sources.¶
(d)-Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by staff must be labeled with the contents of the container.¶
(2)-When an environmental concern or potentially harmful environmental pollutants are identified, a certified child care center must evaluate and work collaboratively with appropriate agencies to mitigate the concern. ¶
(3)-A certified child care center must take steps to prevent children's exposure to the following, if they exist on the premises:¶
(a)-Lead based paint. Any building or play structure constructed before 1978 that has peeling, flaking, chalking, or failing paint must be tested for lead. If lead-based paint is found, the center must contact the Oregon Health Authority within five working days and follow their required procedures for remediation of the lead hazard. ¶
(b)-Plumbing and fixtures containing lead or lead solders;¶
(c)-Asbestos;¶
(d)-Toxic mold; and¶
(e)-Other identified toxins or hazards.¶
(4)-A certified child care center and staff must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. A certified child care center must:¶
(a)-Inspect the indoor and outdoor play areas and equipment daily for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash;¶
(b)-Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use.¶
(c)-Store personal items belonging to staff members according to applicable rules;¶
(d)-Store diaper bags out of children's reach;¶
(e)-Securely anchor large, heavy, or unstable objects such as furniture, televisions, bookcases, and wall cabinets into a wall stud with braces, brackets, anchors or wall straps to prevent tipping over;¶
(f)-Ensure children under the age of 3 years do not have access to items that have a diameter or overall dimension of one and three quarter (1 ⅞) inches or less, such as disc batteries, coins, magnets, toys or parts that may become detached from other equipment or objects;¶
(g)-Ensure children under the age of 3 years do not have access to ties, long scarves, necklaces, and boas unless used during a structured learning activity where a staff member is within arm's reach;¶
(h)-Ensure sand boxes are free of animal waste and trash; and¶
(i)-Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.¶
(5)-A certified child care center must not permit any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, illegal drugs, drug paraphernalia, hemp, marijuana and marijuana infused products, or alcohol on the premises during operating hours or when children are present. This includes:¶
(a)-The playground;¶
(b)-Within 10 feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area; or ¶
(c)-In any center vehicles or on any field trip.¶
(6)-A certified child care center must not permit the possession or storage of guns, firearms, weapons, or ammunition on the center premises at any time. ¶
(7)-A certified child care center must prevent access to all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, and rain barrels. ¶
(a)-Pools and hot tubs must be made inaccessible through one of the following methods:¶
(A)-A locking, rigid cover; ¶
(B)-A minimum four foot high fence that begins at ground level, and all gates and doors that allow access are locked; ¶
(C)-Four foot non-climbable sides with pool ladder removed or inaccessible; or¶

(D)-In a locked room or all doors that access the area are locked.¶
(b)-If a body of water is in close proximity but not located on the premises, the center must provide a physical barrier on the property to prevent unsupervised access by children.¶
(8)-A certified child care center must keep the center free of insects, rodents and other pests. ¶
(a)-Automatic insecticide dispensers, vaporizers, or fumigants must not be used.¶
(b)-Pest control products must not be applied or used when children are present. After their application, children must not enter the area until indicated by the manufacturer's instructions.¶
(9)-A certified child care center must take precautions to protect children from vehicular traffic including but not limited to:¶
(a)-Require drop off and pick up only at the curb or at an off-street location protected from traffic; and¶
(b)-Assure that any adult who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-1050

RULE SUMMARY: 414-305-1050 is being amended to specify when a written care plan is needed and that facility staff must follow the plan.

CHANGES TO RULE:

414-305-1050
Care of Children with Speci~~al~~fic Needs
(1) When ~~caring for a child who has or is at increased risk for a chronic~~a qualified professional develops a written care plan for a child with a documented physical, developmental, behavioral, ~~or~~ emotional ~~condition and who requires health and related services of a type or amount beyond that required by children generally, a certified~~, or medical condition requiring services beyond those typically needed by child ~~care center must have a written care pl~~ren of the same age, and th~~at includes:¶~~
~~(1) A list of the child's diagnosis/diagnoses;¶~~
~~(2) Contact information for the primary care provider and any relevant sub-specialists (i.e., endocrinologists, oncologists, etc.);¶~~
~~(3) Medications to be administered on a scheduled basis;¶~~
~~(4) Medications to be administered on an emergency basis wi~~e plan is provided to the certified child care center with parental consent, the c~~learly stated parameters, signs, and symptoms that warrant giving the medication written in language that is easy to understand;~~enter must implement the written care plan. ¶
(~~5~~2) ~~Procedures to be performed and person responsible for training staff members;¶~~
~~(6) Allergies;¶~~
~~(7) Dietary modifications required for the health of the child;¶~~
~~(8) Activity modifications;¶~~
~~(9) Environmental modifications;¶~~
~~(10) Placement~~A certified child care center must implement a written care plan, unless the plan requires center to be out of compliance with ~~another age group, if recommended by the child's healthcare professional or other qualified professional;¶~~
~~(11) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid;¶~~
~~(12) Symptoms for staff to observe;¶~~
~~(13) Behavioral modifications;¶~~
~~(14) Emergency response plans, both if the child has a medical emergency, and special factors to consider in a programmatic emergency, like a fire;¶~~
~~(15) Any necessary special skills training and education for staff and the person responsible for training staff members; and¶~~
~~(16) Any individualized services (e.g. occupational therapy, speech services) that will be provided at the center. If the individualized service required the child be out of direct supervision of child care staff, parental permission is required.~~the rules for certified child care centers (Chapter 414, Division 305). A certified center may apply for an exception to accommodate the needs of a specific child as outlined in OAR 414-305-0160. ¶
(3) The/certified/child care/center must ensure that all facility staff that/come in contact with/the child are aware of and follow the written care plan.//
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-1500

RULE SUMMARY: 414-305-1500(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-305-1500
Night Care
(1)-A certified child care center must be approved by CCLD to provide night care, as defined in 414-305-0100(3~~2~~4).¶
(2)-A certified child care center must meet the staff-to-child ratio specified in OAR 414-305-0400 during night hours. In addition:¶
(a)-There must be at least two staff present and awake at all times;¶
(b)-All sleeping and awake children must be within sight and sound of staff at all times;¶
(c)-A certified child care center must not allow anyone on site other than center staff, parents, and individuals authorized to pick-up children in care; and¶
(d)-A certified child care center must provide staff training on evacuating sleeping children in an emergency (also see OAR 414-305-0370, Orientation and Initial Training).¶
(3)-A certified child care center must maintain an activity plan for children according to their ages, interests, and abilities and provide:¶
(a)-Quiet time activities, such as story-time, games, arts and crafts, homework and reading, for each child arriving before bedtime;¶
(b)-Toys and equipment available to meet the needs of children in night care;¶
(c)-An activity area away from sleeping children where the awake children may engage in activities; and¶
(d)-An opportunity for children to sleep at various times, based on their age and need for rest.¶
(4)-A certified child care center must ensure:¶
(a)-All sleeping rooms used by children have two usable exits approved by the fire code official;¶
(b)-All exits are visible using lighted exit signs or by lighted exits, such as a hall light or lamp, which lights the exit path and door; and¶
(c)-Each room is equipped with a battery powered light source.¶
(5)-Sleeping Equipment. A certified child care center must provide the following accommodations for sleeping children:¶
(a)-Each child who spends the majority of their sleeping hours per night in night care must have an individual bed and mattress, or another sleeping arrangement that provides adequate support to a child's body and of a size appropriate to the age of the child. The mattress must be fitted with a waterproof cover.¶
(b)-Each child who does not spend the majority of their sleeping hours in night care must have an individual crib, portable crib, play yard, cot, or mat with bedding as specified in OAR 414-305-0620 Furniture and Equipment for Infants and Toddlers and OAR 414-305-0900 Furniture.¶
(c)-Children under the age of 18 months must be provided with a crib, portable crib, or play yard for night care sleeping.¶
(d)-The upper level of bunk beds must be used only for children 10 years or older when a bed rail and safety ladder are in place.¶
(e)-Other than infants, children must be provided with sheets, pillows, pillowcases, and blankets.¶
(f)-Sheets, pillowcases, and blankets must be laundered at least weekly, when soiled, and before use by another child.¶
(6)-A certified child care center must make provisions for children to maintain personal hygiene. ¶
(a)-Each child must have access to the following: ¶
(A)-An individual washcloth, towel, toothbrush, comb or brush, and sleepwear;¶
(B)-The opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with their name; and¶
(C)-The opportunity to take a bath or shower, if needed.¶
(b)-There must be at least one bathtub or shower for every 15 children that is:¶
(A)-Equipped to prevent slipping; and¶
(B)-Cleaned and sanitized after each use.¶
(c)-Glass shower doors or glass tub enclosures must be constructed of safety glass.¶
(d)-Privacy must be maintained for school-age children when bathing and changing clothes.¶
(e)-Children must not bathe with other children unless a parent(s) has given written permission for siblings to bathe together.¶
(7)-A certified child care center must meet the nutritional needs of children in evening and night care as specified in OAR 414-305-1110, Food Service.¶

(a)-Dinner must be provided to children in night care if a child is at the child care center after their dinner time or has not had dinner before entering night care.¶
(b)-A nutritious snack must be offered to all children after dinner service and before bed.¶
(c)-Each child present at the time breakfast is scheduled must be served breakfast, unless the parent(s) specifies otherwise.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.260

AMEND: 414-305-1620

RULE SUMMARY: 414-305-1620(3) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-305-1620
Civil Penalty
(1)-CCLD may assess a civil penalty of up to $2500 per violation of these rules or terms and conditions of certification.¶
(2)-CCLD may assess a civil penalty in addition to any other appropriate legal action, considering:¶
(a)-Numbers of previous violations of the same rule; ¶
(b)-Circumstances surrounding the rule violations; and¶
(c)-Prior warnings, technical assistance, or legal actions regarding the certified child care center's compliance with the rule. ¶
(3)-For a serious violation, as defined in OAR 414-305-0100(~~49~~52), a certified child care center may be subject to a civil penalty not to exceed $2500 for each violation.¶
(4)-For a non-serious violation, a certified child care center may be subject to a civil penalty of $800 for each violation.¶
(5)-CCLD may assess a separate civil penalty for each day for which CCLD has made a valid finding that a certified child care center is in violation of ORS 329A.250 to ORS 329A.450, these rules, or the terms and conditions of certification. CCLD may assess civil penalties for multiple days in a single action.¶
(6)-An individual or entity that provides child care subject to registration or certification in a home or facility that is not registered or certified with CCLD may be subject to a civil penalty not to exceed $1,500 per day of operation of the uncertified facility.¶
(7)-Notwithstanding CCLD's decision to impose a civil penalty for one or more rule violations, CCLD may also take action to deny, suspend or revoke a certification for the same rule violation or violations.¶
(8)-A certified child care center may appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.¶
(9)-Failure to pay a civil penalty in which CCLD has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of a certified child care center certification.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.346, ORS 329A.992, ORS 329A.994, ORS 329A.250, ORS 329A.450

AMEND: 414-320-0100

RULE SUMMARY: 414-320-0100 is being amended to include definitions related to suspension and expulsion prevention.

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 enrolled 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. ¶
(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 initiative. Every Child Belongs helps early childhood care and education programs keep children in care by offering timely, responsive support when challenges arise. ¶
(23) "Expulsion" or "Expel" means to permanently end a child's enrollment in a certified ONB program due to child's ability, specialized needs, or behavior. ¶
(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. ¶
(2~~3~~5) "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. ¶
(24~~6~~) "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. ¶
(2~~5~~7) "Hazard" means anything that may inflict injury or cause harm. ¶
(2~~6~~8) "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. ¶
(2~~7~~9) "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. ¶
(~~28~~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." ¶
(~~29~~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. ¶
(3~~0~~2) "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. ¶
(3~~1~~3) "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. ¶

(3~~2~~4) "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. ¶
(3~~3~~5) "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. ¶
(34~~6~~) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD ¶
(3~~5~~7) "Outdoor classroom" means a central location on the ONB program's licensed premises that serves as the primary place for children's daily activities. ¶
(3~~6~~8) "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). ¶
(3~~7~~9) "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. ¶
(~~38~~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. ¶
(~~39~~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. ¶
(4~~0~~2) "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 ¶
(4~~1~~3) "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. ¶
(4~~2~~4) "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. ¶
(4~~3~~5) "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. ¶
(46) "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. ¶
(44~~7~~) "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. ¶
(4~~5~~8) "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. ¶
(4~~6~~9) "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. ¶
(4~~7~~50) "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. ¶
(4~~8~~51) "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. ¶
(~~49)~~ 52) "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. ¶
(5~~0~~3) "Risk management policy" means a written policy or plan to mitigate children's risk of injury associated with risky play or learning activities. ¶
(5~~1~~4) "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. ¶
(5~~2~~5) "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." ¶
(5~~3~~6) "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. ¶
(5~~4~~7) "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. ¶
(5~~5~~8) "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. ¶
(5~~6~~9) "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). ¶
(60) "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. ¶
(~~57~~61) "Staff" means an individual who is an employee, or a volunteer who is in the ONB program for more than a single activity. ¶
(~~58~~62) "Substitute Director" means the person in charge of the ONB program during the hours of operation when the director is not on site. ¶
(~~59~~63) "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. ¶
(6~~0~~4) "Suspension" means reductions in the amount of time a young child may be in attendance of a certified ONB program, such as requiring the child to cease attendance for a temporary period of time (except if in connection with temporary safety-based interventions, as defined in these rules) or reducing the number days or hours that the child may attend due to the child's ability, specialized need, or behavior. ¶
(65) "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. ¶
(61~~1~~6) "Technical Assistance" means consultation and advice given to program staff to assist them in maintaining compliance. ¶
(62~~7~~) "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. ¶
(68) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a qualified child care provider or staff with supervisory authority. ¶
(63~~9~~) "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. ¶
(~~64~~70) "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. ¶
(~~65~~71) "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. ¶
(72) "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

AMEND: 414-320-0200

RULE SUMMARY: 414-320-0200 is being amended to add suspension and expulsion prevention policy. Includes amendments to individual child assessment.

CHANGES TO RULE:

414-320-0200
Policies
(1) A certified ONB program must have written policies identified in 414-320-0200(2)(a)--(~~y~~z) and provide them to: ¶
(a) Staff and volunteers at the time of hire and when policies change; and ¶
(b) Parents at the time of a child's enrollment and when policies change. ¶
(2) A certified ONB program must provide the following written information to parents, staff, and volunteers: ¶
(a) Name, business address, physical location, and business telephone number of the person(s) who has immediate responsibility for the daily operation of the certified ONB program; ¶
(b) A program description including the licensed capacity, ages and number of children in care, hours, days and months of operation, closure dates and observed holidays, and staff-to-child ratios; ¶
(c) Arrival and departure procedures, including sign in and out requirements and individuals authorized for pick-up; ¶
(d) Parent responsibilities for providing current required information and what parents are expected to provide; ¶
(e) Health policies and procedures to include diaper changing and handwashing methods, immunization tracking, medication administration, use of insect repellent and sunscreen, care of bed linen, care of children who are ill and exclusion criteria, and response to injuries (also see OAR 414-320-1020), Injuries); ¶
(f) Safety measures including injury prevention, use of pesticides and other potentially toxic substances, animals, water activities, and prohibited substances; ¶
(g) A plan to ensure that any visitor or other adult not enrolled or conditionally enrolled in the CBR does not have unsupervised access to children; ¶
(h) Emergency preparedness plan (also see OAR 414-320-0210, Emergency Preparedness and Response); ¶
(i) ONB program curriculum philosophy on how children learn and develop in nature and how this philosophy is implemented; ¶
(j) Daily schedules that include planned activities, rest time, physical activity, and screen time; ¶
(k) Certified ONB program-sponsored religious and cultural activities, if any, including how holidays will be recognized; ¶
(l) Meals, snacks, and food service practices including food storage and handling, children's dietary needs and allergies, and food brought from the child's home; ¶
(m) Transportation and field trips including driver and vehicle requirements and supervision; ¶
(n) Behavior and guidance policies; ¶
(o) How staff must proceed if a child is displaying inappropriate behaviors that could endanger themselves or the safety of others; ¶
(p) Communication methods and notifications, including how parent grievances, questions, or concerns are handled by the certified ONB program; ¶
(q) Prevention of and duty to report suspected child abuse and neglect; ¶
(r) How to view inspection reports, access the Department of Early Learning and Care website and ONB program certification rules, and contact DELC and child abuse and neglect hotline; ¶
(s) A statement advising parents that they can access information about child care programs on the child care safety portal; ¶
(t) How the certified ONB program will ensure that children in care stay within the licensed premises; ¶
(u) The certified ONB program's benefit risk assessment policies and applicable procedures, per OAR 414-320-0215; ¶
(v) What clothing and additional equipment families must provide to ensure that children are appropriately attired for various weather conditions; ¶
(w) Policies and procedures for certified ONB program operations in weather conditions that may pose a health or safety risk for children and staff; ¶
(x) Toileting policies and applicable procedures for staff and children; ~~and~~¶
(y) How the certified ONB program will determine whether to cancel or alter the scheduled daily ONB program based on weather conditions and how staff will communicate any scheduling changes to families; and ¶
(z) Suspension and expulsion prevention policy (OAR 414-320-0750). ¶
(3) A certified ONB program must have written personnel policies for staff and volunteers that include at a minimum: ¶

(a) Position descriptions, job duties assigned, and supervision of each position; and ¶
(b) Initial and ongoing training requirements. ¶
(4) If a certified ONB program uses volunteers, the program must provide a copy of volunteer policies to any volunteers that includes procedures for ensuring training if the volunteer counts in the staff-to-child ratio, compliance with certification rules and ONB program procedures, and an understanding of emergency preparedness plans. ¶
(5) A certified ONB program must have and follow risk management policies and procedures to address potential hazards and risks of the ONB program. These must include, but are not limited to, policies or procedures related to the following: ¶
(a) Encountering non-ONB program pets and wildlife pursuant to OAR 414-320-1400, Domestic Animals and Pets, and 414-320-1350, Encountering Wildlife Supervision and Safety; ¶
(b) Interacting with strangers, preventing unsupervised access to any child in care, pursuant to OAR 414-320-0500, Supervision of Children; ¶
(c) The shared use of public space or any outdoor space not under the exclusive control of the certified ONB program; ¶
(d) Weather requiring the use of an emergency shelter; ¶
(e) Required clothing and keeping children dressed for the weather pursuant to OAR 414-320-0940, Weather Conditions and Outdoor Hazards; ¶
(f) Using public facilities or buildings; ¶
(g) Encountering poisonous species; and ¶
(h) All other potentially hazardous situations and natural features. ¶
(6) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), a certified ONB program cannot discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care. ¶
(a) Suspected violations will be reported to the overseeing agency, with whom DELC may share any information available to it. ¶
(b) DELC may deny an initial or renewal application or revoke a regular or temporary certification if a certified ONB program is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination. ¶
(7) A certified ONB program~~'s decision whether to provide or continue care for~~ must complete an individualized assessment of a child known to have specific needs ~~must be made after an individualized assessment~~before determining whether the certified ONB program can meet the child's care needs in its ~~completed~~program. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and certified ONB program personnel. The assessment must be documented for each child and must include: ¶
(a) Reasonable accommodations the certified ONB program made to support the individual child's participation in the program, or an explanation of why the certified ONB program could not make reasonable accommodations; ¶
(b) Reasonable modifications the certified ONB program made to their policies and practices to fully integrate the child into the program or an explanation of why the certified ONB program could not make reasonable modifications; ~~and~~¶
(c) If applicable, any direct threats to the health and safety of others posed by the child's presence at the facility; and ¶
(d) If a child enrolled in care at the certified ONB program is a young child, as defined in these rules, documentation that the certified ONB program has complied with OAR 414-305-0750.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-0260

RULE SUMMARY: 414-320-0260 is amended to add suspension and expulsion prevention policy to items available for review.

CHANGES TO RULE:

414-320-0260
Items Available to View
(1) A certified ONB program must post the following items in a prominent and frequently visited location for the parents and public to view: ¶
(a) The most current certification issued by DELC; ¶
(b) All serious valid complaints and serious non-compliance letters for 12 calendar months from the date of the letter; ¶
(c) Notices of proposed legal actions, emergency orders of suspension or imposing conditions, and final orders, immediately upon receipt by the certified ONB program and while pending or in effect, including throughout any appeal period; and ¶
(d) The Department of Early Learning and Care Website [https://www.oregon.gov/delc] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal. ¶
(2) A certified ONB program must have the following items available in a prominent and frequently visited location for the parents and public to view: ¶
(a) A notice that the most recent DELC inspection report and the current rules for certification of ONB programs are available upon request; ¶
(b) The most recent water test results summary provided by DELC; ¶
(c) Information on how to report a complaint to DELC regarding certification requirements; ¶
(d) The Oregon Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect; ¶
(e) The certified ONB program director's full name and at least one additional personnel who is responsible for the program if the director is not present at the ONB program. When the individuals listed are not present, the appointed personnel in charge is identified in writing; ¶
(f) A notice that parents must be permitted access to their child and all child care areas while their child is in care. Advance notice is not required; ¶
(g) Certified ONB program closures (vacation days, holidays, etc.); ¶
(h) The dated current week's menu of all snacks and meals served by the certified ONB program with any substitutions recorded; ¶
(i) A notice of planned field trips showing the date, times, and place of each field trip and posted at least 48 hours in advance of the field trip; ¶
(j) When all staff and children have left the outdoor classroom but are on the ONB program premises, a notice with staff contact information and approximate return time; ¶
(k) A notice when any child or staff member has a child care restrictable disease, as defined in Oregon Health Authority administrative rule OAR 333-019-0010, or food poisoning (also see OAR 414-320-1010, Illness); ¶
(l) The ONB program's behavior and guidance policy; ¶
(m) Emergency numbers to include 9-1-1, where available, or local law enforcement, local mental health crisis line, fire department, and ambulance service; the certified ONB program name and address, with main cross streets or directions to the certified ONB program; child abuse reporting hotline and poison control (1-800-222-1222); ¶
(n) Emergency evacuation and relocation diagram, including primary and secondary routes; ¶
(o) Daily schedule and dated weekly lesson plan; ~~and~~ ¶
(p) The applicable ratios and group sizes; and ¶
(q) The certified ONB program's suspension and expulsion prevention policy.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-0270

RULE SUMMARY: 414-320-0270 is amended to correct cross-refence with updated numbering in Definitions. Includes notification requirements when implementing a temporary safety-based intervention.

CHANGES TO RULE:

414-320-0270
Notifications
(1) A certified ONB program must notify DELC by 5:00pm the next business day of the following items: ¶
(a) A change of director; ¶
(b) A change in mailing address, when different from the physical address; ¶
(c) A change in phone number; ¶
(d) A known legal action or child abuse or neglect investigation, such as an arrest, criminal investigation or charge, or Victim Protection Order, involving any person for which a certified ONB program is required to request confirmation of Central Background Registry enrollment; ¶
(e) Any occurrence, including a natural disaster or contaminated water, that renders all or part of the licensed premises unsafe for a child; ¶
(f) An incident that exposes children to an imminent risk of harm, such as a child leaving the ONB program without the ONB program's knowledge or being left alone on or off site or in a vehicle; ¶
(g) An animal bite to an adult or child that occurs on site at any time or off site when participating in ONB program activities; ¶
(h) An accident involving transportation, unless there were no injuries and only minor damage to the vehicles; ¶
(i) Any serious injury or incident, as defined in OAR 414-320-0100 (5~~5~~8), involving a child; ¶
(j) A child who is given the incorrect dosage of any medication;¶
(k) A child who took or received another person's medication; ¶
(l) The death of a child or staff member that occurred on the premises of the ONB program; ¶
(m) Other dangers or incidents requiring emergency response such as a fire or temporarily relocating children; ¶
(n) Any time prohibited discipline or prohibited actions occur (also see OAR 414-320 -0710, Prohibited Discipline and Actions); ~~and~~¶
(o) Any incident where physical restraint is used (also see OAR 414-320 -0720, Physical Restraint)~~.~~; and ¶
(p) The implementation of a temporary safety-based intervention. ¶
(2) A certified ONB program must notify DELC prior to any of the following: ¶
(a) An anticipated temporary or permanent certified ONB program closing, other than a scheduled closing identified in ONB program policy; ¶
(b) An anticipated temporary or permanent change in location of outdoor classroom or certified ONB program premises; ¶
(c) An anticipated certified ONB program change or alteration that impacts the amount of usable square footage or compliance with the requirements; ¶
(d) A change in licensed space; and ¶
(e) A change in ONB program name. ¶
(3) Any staff member who has reason to believe a child has been abused or neglected is required to report the matter immediately to the Oregon Child Abuse Hotline (1-855-503-7233), Department of Human Services Child Welfare, or a law enforcement agency. This requirement applies 24 hours a day. This requirement applies to any suspected physical, sexual or emotional abuse; child neglect, child endangerment, or child exploitation; inappropriate sexual contact between two or more children; or attempted suicide or threats of suicide by a child. ¶
(4) A certified ONB program must immediately notify the Oregon Health Authority of a known case, in individuals associated with the ONB program, of a child care-restrictable disease, as defined in Oregon Health Authority administrative rules, OAR 333-019-0010. ¶
(5) A certified ONB program must immediately notify parents or an emergency contact if the parent cannot be reached and document if their child: ¶
(a) Does not arrive on their own at the certified ONB program as scheduled, such as when a school-age child is walking to the program or when a child is transported from another program; ¶
(b) Is not present at the pick-up location as scheduled; ¶
(c) Is involved in an incident that placed the child at risk such as being lost, missing or left alone on the certified ONB program premises, a field trip, or in a vehicle; ¶
(d) Has experienced any suspected allergic reactions, as well as the ingestion of or contact with the allergen even if a reaction did not occur; ¶
(e) Was not administered medication in accordance with directions; ¶
(f) Received emergency medication such as epinephrine for a life-threatening condition; ¶

(g) Sustains an injury that may need evaluation by a physician or any impact to a child's head; ¶
(h) Has been exposed to poison; ¶
(i) Has been exposed to poison oak, poison ivy, or other poisonous plant; ¶
(j) Is bitten by an animal, when the skin is broken or when an evaluation by a physician may be needed; ¶
(k) Is separated from the group due to an illness; ¶
(l) Dies while in care; ~~or~~ ¶
(m) Is involved in any incident where physical restraint is used~~.~~; or ¶
(n) Exhibits behaviors that require the use of a temporary safety-based intervention.. ¶
(6) A certified ONB program must immediately notify parents in writing if a condition or restriction is placed on the license. ¶
(7) A certified ONB program must notify parents upon child pick-up of: ¶
(a) Daily happenings; ¶
(b) Significant changes in their child's physical or emotional state; ¶
(c) Known minor injuries such as minor cuts, scratches, and bites from other children requiring first aid treatment by employees; ¶
(d) Their child being unsupervised at school or another location when not picked up on time; ¶
(e) Illness or infestation symptoms that developed or changed; ¶
(f) A child care restrictable disease or infestation exposure from staff or another child; ¶
(g) Administration of a medication for a non-life-threatening condition that is only administered as needed; ¶
(h) An animal bite to a child, when the skin is not broken; ¶
(i) Implemented emergency plans and procedures, except for drills; and ¶
(j) Anticipated closure of the certified ONB program.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-0720

RULE SUMMARY: 414-320-0720 is being amended to require ONB programs contact Every Child Belongs when physical restraint is used more than once with a child.

CHANGES TO RULE:

414-320-0720
Physical Restraint
(1) A certified ONB program may only use physical restraint after complying with all requirements of OAR 414-320-0700, Behavior and Guidance and OAR 414-320-0710, Prohibited Discipline and Actions, and in accordance with OAR 414-320-0200(2)(o). ¶
(2) Physical restraint must only be used if a child's safety or the safety of others is threatened and must be: ¶
(a) Limited to holding a child as gently as possible to accomplish restraint; ¶
(b) Limited to the minimum amount of time necessary to control the situation; and ¶
(c) Developmentally appropriate. ¶
(3) A staff member must not use bonds, ties, blankets, straps, or weights (including an adult sitting on a child) to physically restrain children. ¶
(4) Certified ONB program staff must discontinue the use of physical restraint if they sense a loss of their own self-control or concern for the child when using physical restraint. ¶
(5) If physical restraint is used, a certified ONB program must: ¶
(a) Report the use of physical restraint, pursuant to OAR 414-320-0270, Notifications; ¶
(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and ¶
(c) Document the incident in the child's file, including the date, time, duration, certified ONB program staff involved, and what happened before, during, and after the child was restrained. ¶
(6) If physical restraint is used more than once on a specific child, the certified ONB program must develop a written plan with input from individuals who have knowledge of the child's behaviors, including, but not limited to: the child's primary care provider, mental health provider, school counselor, and the parents or guardians, to address underlying issues and reduce the need for further physical restraint. A certified ONB program must notify DELC when a written plan has been developed. ¶
(7) In not done previously, a certified ONB program must contact Every Child Belongs if physical restraint is used more than once on a specific young child.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

ADOPT: 414-320-0750

RULE SUMMARY: 414-320-0750 is being adopted to address suspension and expulsion prevention requirements.

CHANGES TO RULE:

414-320-0750
Suspension and Expulsion Prevention
(1) A certified ONB program must develop and implement a suspension and expulsion prevention policy. ¶
(2) The suspension and expulsion prevention policy must: ¶
(a) Be consistent with the certified ONB program's Behavior and Guidance policy (OAR 414-320-0700); ¶
(b) Identify existing certified ONB program supports or tools that may be accessed; ¶
(c) Identify when and how classroom staff must seek support when challenges related to the care of children arise, including: ¶
(A) When and in what circumstances classroom staff must seek support; ¶
(B) How the director or designated certified ONB program personnel will respond to requests for support from classroom staff; and ¶
(C) What internal certified ONB program supports will be made available to the classroom staff. ¶
(d) Identify how the certified ONB program will determine if additional supports are needed for a child; ¶
(e) Identify when the certified ONB program will request services from Every Child Belongs (ECB); and ¶
(f) Include the method that the certified ONB program will use to notify a family of concerns related to a child's ability, behavior, or development, such as written notification or an in-person conference.¶
(3) When a young child is facing potential expulsion, as defined in these rules, a certified ONB program must: ¶
(a) Document the challenging behaviors and any known triggers (for example: specific activities, times of day, transitions); ¶
(b) Document what strategies the certified ONB program has used to support the child and their effectiveness; ¶
(c) Request services from Every Child Belongs (ECB); and ¶
(d) Simultaneously with the request for services from ECB, notify the child's family regarding the behavior concerns to: ¶
(A) Begin to collaboratively problem-solve to identify potential strategies and supports for the child; and ¶
(B) Establish frequency and method of ongoing communication with the family. ¶
(4) If the certified ONB program is unable to connect with the child's family, as outlined in OAR 414-305-0750(3)(d), the center must attempt alternative methods of communication and document those attempts. ¶
(5) A certified ONB program may implement a temporary safety-based intervention if a child's behavior creates a serious safety threat, as defined by these rules. ¶
(6) A certified ONB program may only use a temporary safety-based intervention if: ¶
(a) There is behavior that meets the definition of serious safety threat. The certified ONB program must document the behavior; and ¶
(b) The certified ONB program has attempted to address the behavior through strategies outlined in their behavior and guidance policy (OAR 414-320-0700), strategies suggested by the family, and any recommendations from professionals previously consulted about the child. ¶
(7) If a certified ONB program initiates a temporary safety-based intervention, the ONB program must: ¶
(a) Contact ECB immediately to request services, if not already done; and ¶
(b) Notify CCLD of the temporary safety-based intervention and its expected duration by 5:00pm the next business day. ¶
(8) The length of a temporary safety-based intervention may only be for the time necessary to incorporate supports to reduce the occurrence of the behavior. The temporary safety-based intervention must end as soon as safety can be maintained with supports in place. ¶
(9) The certified ONB program must document the basis for the duration of the temporary safety-based intervention. ¶
(10) During the temporary safety-based intervention, the certified ONB program must communicate with the family regarding: ¶
(a) Updates on access to supports; ¶
(b) Any changes to the child's behaviors while not in care; and ¶
(c) Timeline to return to care. ¶
(11) If requested by CCLD, a certified ONB program must update CCLD if the expected duration of the temporary safety-based intervention changes.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-320-0840

RULE SUMMARY: 414-320-0840(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-320-0840
Prevention and Management of Hazards
(1) A certified ONB program must ensure that all toxic or potentially dangerous items, such as cleaning supplies and equipment, poisonous and toxic materials, and flammable and corrosive materials, are inaccessible to children, as defined in OAR 414-320-0100(2~~6~~8).¶
(a) Toxic substances must be stored separately from medication, food service equipment, and food supplies.¶
(b) Sanitizing and disinfecting solutions must be inaccessible to children.¶
(c) Products including toxic substances must be stored and used according to the manufacturer's instructions, including not storing products near heat sources.¶
(d) Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by staff must be labeled with the contents of the container.¶
(2) When an environmental concern, including potentially harmful environmental pollutants, is identified, a certified ONB program must evaluate and work collaboratively with appropriate agencies to mitigate the concern. ¶
(3) If the certified ONB program operates on a site undergoing remedial work by the Oregon Department of Environmental Quality (DEQ), the certified ONB program must take additional steps to ensure children do not ingest contaminated soil.¶
(4) A certified ONB program must take steps to prevent children's exposure to the following, if they exist on the premises:¶
(a) Lead based paint. Any building or play structure constructed before 1978 that has peeling, flaking, chalking, or failing paint must be tested for lead. If lead-based paint is found, the certified ONB program must contact the Oregon Health Authority within five working days and follow their required procedures for remediation of the lead hazard. ¶
(b) Plumbing and fixtures containing lead or lead solders;¶
(c) Asbestos;¶
(d) Toxic mold; and¶
(e) Other identified toxins or hazards.¶
(5) A certified ONB program and staff must recognize, address, or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if determined by DELC to be necessary. A certified ONB program must:¶
(a) Inspect the outdoor play areas and equipment daily for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash. All equipment with broken parts or damage must be repaired as soon as possible and must be inaccessible to children until repairs are made according to the manufacturer's instructions, if available;¶
(b) Inspect and mitigate any hazards related to natural materials of a certified ONB program, such as removing broken limbs from climbing trees;¶
(c) Visually inspect meeting spaces and outdoor classrooms or other commonly used spaces prior to children arriving. A certified ONB program must have a method of removing or mitigating any hazard on ONB licensed space such as, but not limited to, loose overhead branches, hazardous materials or devices left in public spaces, wildlife, or wildlife droppings;¶
(d) Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use;¶
(e) Store personal items belonging to staff members according to applicable rules; and¶
(f) Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.¶
(6) A certified ONB program must not permit any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, illegal drugs, drug paraphernalia, hemp, marijuana and marijuana infused products, or alcohol on the premises during operating hours or when children are present. This includes in any certified ONB program vehicles or on any field trips. If the certified ONB program is operated on public land and the law allows members of the public to smoke in the area, the certified ONB program must reasonably protect children from second-hand smoke.¶
(7) A certified ONB program must not permit the possession or storage of guns, firearms, weapons, or ammunition on the certified ONB program premises at any time, unless the certified ONB program operates on property containing a residential home and the residential home is under the control of the certified ONB program. In this case, firearms, ammunition, and other potentially hazardous equipment within the home shall be kept under lock, such as a key, combination, or biometric lock. A child safety lock or trigger lock does not meet this requirement. In

addition: ¶
(a) Firearms, pellet or BB guns must be unloaded and kept in areas not used by child care children; and¶
(b) Ammunition shall be stored separately from firearms.¶
(8) A certified ONB program operating in natural environments must prevent and manage the children's exposure to toxic or infectious agents, such as potentially toxic animal waste, bee stings, and potentially toxic plants or fungi. When appropriate, certified ONB program staff must check children for ticks.¶
(9) A certified ONB program must notify staff, parents, and guardians if pesticides or herbicides are applied on or near the ONB program space. ¶
(10) A certified ONB program operating on private or public land must work with the owners or park directors or their designees to comply with the following:¶
(a) The certified ONB program must take steps to prevent attracting pests including, but not limited to, identifying and removing food and water sources that attract pests.¶
(b) Indoor and outdoor areas in and around the licensed space must be inspected for evidence of potentially hazardous pests. The certified ONB program must document the date and location if evidence is found and take appropriate pest mitigation measures.¶
(c) If pesticides or herbicides are used, except in the case of an emergency such as the discovery of a wasp nest, the certified ONB program must notify the parents or guardians of enrolled children at least 48 hours before application what pesticide or herbicide will be applied and where it will be applied.¶
(d) Pesticides or herbicides must not be applied to certified ONB program space when children are present. Children must be excluded from areas where pesticides or herbicides are applied per the pesticide or herbicide manufacturer's instructions.¶
(11) A certified ONB program must take precautions to protect children from vehicular traffic including but not limited to:¶
(a) Requiring drop off and pick up only at the curb or at an off-street location protected from traffic; and¶
(b) Ensuring that any adult who supervises drop-off and loading can see and ensure that children are clear of the perimeter of all vehicles before any vehicle moves.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-1020

RULE SUMMARY: 414-320-1020(2) is amended to correct cross-refence with updated numbering in Definitions

CHANGES TO RULE:

414-320-1020
Injuries
(1) A certified ONB program must have and follow written procedures for handling injuries that are made known to all staff, including:¶
(a) Procedure for requesting or taking a child to emergency medical care;¶
(b) First aid measures for serious accidents;¶
(c) Routine care for treatment of minor injuries; ¶
(d) Standard precautions to handle potential exposure to blood and other potentially infectious fluids (also see OAR 414-320-0850(4), Maintenance and Sanitation);¶
(e) Notification of parents:¶
(A) Any injury that may need evaluation by a physician or impact to a child's head must be reported to the child's parent(s) immediately and documented. ¶
(B) Any injury requiring first aid or requiring observation must be reported to the child's parent(s) on the day of occurrence.¶
(f) Ensuring supervision of other children in the group.¶
(2) A certified ONB program must complete a report of any serious injury or incident, as defined in OAR 414-320-0100(5~~5~~8) and include:¶
(a) The child's full name and age;¶
(b) The date of occurrence, time, type, circumstances, witnesses, and location at the ONB program or off-site;¶
(c) Time and date of notification of parents; ¶
(d) The signatures of the reporting staff and director; ¶
(e) Action taken to prevent reoccurrence; and¶
(f) The signature of the parent indicating that they reviewed it or received a copy of the report within 48 hours of when the incident occurred. An email or text with confirmation of receipt will count as a parent signature.¶
(3) A certified ONB program must maintain, at a minimum, the following first aid supplies at the program, in any vehicle used to transport children in care, and for group activities away from the ONB program:¶
(a) Non-medicated adhesive bandages (assorted sizes);¶
(b) Adhesive tape; ¶
(c) Sterile gauze pads (various sizes);¶
(d) A sling, or a large triangular bandage;¶
(e) Bottled water (for cleaning wounds or eyes); ¶
(f) Liquid handwashing soap or handwashing gel;¶
(g) Sealed antiseptic towelettes or solution to be used as a wound cleaning agent;¶
(h) Scissors;¶
(i) Tweezers;¶
(j) Disposable latex-free, powder-free gloves;¶
(k) Plastic bags (for disposing of blood and other body fluids);¶
(l) Mercury-free and glass-free thermometer;¶
(m) Cold pack; ¶
(n) Chlorine bleach or other disinfectant for cleaning of blood and other bodily fluids;¶
(o) Flexible rolled gauze; ¶
(p) A fire suppression blanket for ONB programs that engage in campfire activities;¶
(q) Hand-warmers and a method to prevent direct skin contact for hand-warmers that reach temperatures above 120 degrees Fahrenheit; ¶
(r) Emergency thermal blanket; and¶
(s) A chart or handbook of first aid instructions. ¶
(4) A certified ONB program must ensure that the first aid supplies are readily available to staff and kept inaccessible to children.¶
(5) A certified ONB program must maintain the first aid supplies in a clean and sanitary manner and replace them as needed, including expired items.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-1030

RULE SUMMARY: 414-320-1030(5) is amended to correct cross-refence with updated numbering in Definitions

CHANGES TO RULE:

414-320-1030
Medications
(1) Before a certified ONB program gives a child any prescription or non-prescription medication, including, but not limited to, pain relievers, cough syrup, and nose drops, the certified ONB program must: ¶
(a) Have a signed, dated, written authorization by the parent(s) on file (also see OAR 414-320-0230, Parental Permissions);¶
(b) For chronic medical conditions, a certified ONB program may obtain permission for 12 months or less with specific instructions including when administration is needed, such as inhalers.¶
(c) Parental authorization over the phone is permitted for single dose administration of non-prescription medication. The date and time of the consent must be documented and signed by the parent upon picking up their child.¶
(d) Ensure that the original container is labeled with the name of the medication, dosage, and directions for administration and storage.¶
(e) For prescription medication, the label must include the child's name, the date the prescription was filled, the prescribing physician's name, and length of time to give the medication. ¶
(f) If parent instructions differ from the container instructions, a certified ONB program must have a licensed physician's written instructions for that medication.¶
(g) Medication must not be administered after the expiration date.¶
(h) Any medication provided by the parents must be labeled with the child's name.¶
(i) Ensure that cleaned and sanitized medication measuring devices are used when providing medication to a child care child, if applicable.¶
(2) A certified ONB program must immediately document any medication administered, listing the name of the child, type of medication, date, time, and dosage given, any side effects exhibited by the child, and the signature of the person administering the medication.¶
(3) A certified ONB program must inform parent(s) daily of all medications administered to their child.¶
(4) If medication is provided by the parent, a certified ONB program must administer medication only to the child for whom it is intended, and follow the directions on the label.¶
(5) A certified ONB program must ensure that all medications are inaccessible to children, with child-resistant caps when available, and stored away from food.¶
(a) If only stored per OAR 414-320-0100-(2~~6~~8)(d), the medication bottle or package must be stored in a container with a tight-fitting lid.¶
(b) Emergency medication may be kept with a staff member. Emergency medication may not be left unattended at any time.¶
(6) A certified ONB program must keep medications requiring refrigeration in a separate tightly-covered, leakproof container clearly marked "medication" and inaccessible to children. A certified ONB programs may use coolers and reusable water-activated cooling packs for medication storage if the medication's manufacturer directions require the medication to be stored at a temperature below the indoor or outdoor temperature. Coolers must contain an accurate thermometer, as outlined in OAR 414-320-1100 (8).¶
(7) The application of sunscreen and diaper cream does not need to be documented, but a certified ONB program must: ¶
(a) Have annual written parental authorization;¶
(b) Use only as needed and according to manufacturer's instructions;¶
(c) Inform parents of the type of sunscreen used if provided by the program;¶
(d) Label the item with the child's name if provided by the parent, and use only for that child; and¶
(e) Allow children to apply sunscreen to themselves with direct staff supervision and written parental approval.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-1050

RULE SUMMARY: 414-320-1050 is being amended to specify when a written care plan is needed and that facility staff must follow the plan.

CHANGES TO RULE:

414-320-1050
Care of Children with Specific Needs
(1) When ~~caring for a child who has, or is at increased risk for a chronic~~a qualified professional develops a written care plan for a child with a documented physical, developmental, behavioral, ~~or~~ emotional ~~condition, and who requires health and related services of a type or amount beyond that required by children generally, a certified ONB program must have a written care plan. The written care plan must inclu~~, or medical condition requiring services beyond those typically needed by children of the same age, and the plan is provided ~~the following, when applicable:¶~~
~~(1) A list of the child's diagnosis/diagnoses;¶~~
~~(2) Contact information for the primary care provider and any relevant sub-specialists (i.e., endocrinologists, oncologists, etc.);¶~~
~~(3) Medications to be administered on a scheduled basis;~~o the certified ONB program with parental consent, the ONB program must implement the written care plan. ¶
(4~~2~~) ~~Medications to be administered on an emergency basis with clearly stated parameters, signs, and symptoms that warrant giving the medication written in language that is easy to understand;¶~~
~~(5) Procedures to be performed and person responsible for training staff members;¶~~
~~(6) Allergies;¶~~
~~(7) Dietary modifications required for the health of the child;¶~~
~~(8) Activity modifications;¶~~
~~(9) Environmental modifications;¶~~
~~(10) Placement~~A certified ONB program must implement a written care plan, unless the plan requires ONB program to be out of compliance with ~~another age group, if recommended by the child's healthcare professional or other qualified professional;¶~~
~~(11) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid;¶~~
~~(12) Symptoms for staff to observe;¶~~
~~(13) Behavioral modifications;¶~~
~~(14) Emergency response plans, both if the child has a medical emergency, and special factors to consider in a programmatic emergency, like a fire.¶~~
~~(15) Any necessary special skills training and education for staff and the person responsible for training staff members; and¶~~
~~(16) Any individualized services (e.g. occupational therapy, speech services) that will be provided at the ONB program. If the individualized service required the child be out of direct supervision of child care staff, parental permission is required~~the rules for certified outdoor nature-based programs (Chapter 414, Division 320). A certified ONB program may apply for an exception to accommodate the needs of a specific child as outlined in OAR 414-320-0160. ¶
(3) The/certified/ONB program must ensure that all facility staff that/come in contact with/the child are aware of and follow the written care plan.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-320-1620

RULE SUMMARY: 414-320-1620(3) is amended to correct cross-refence with updated numbering in Definitions

CHANGES TO RULE:

414-320-1620
Civil Penalty
(1) DELC may assess a civil penalty of up to $2500 per violation of these rules or terms and conditions of the ONB program certification.¶
(2) DELC may assess a civil penalty in addition to any other appropriate legal action, considering:¶
(a) Numbers of previous violations of the same rule; ¶
(b) Circumstances surrounding the rule violations; and¶
(c) Prior warnings, technical assistance, or legal actions regarding the certified ONB program's compliance with the rule. ¶
(3) For a serious violation, as defined in OAR 414-320-0100(547), a certified ONB program may be subject to a civil penalty not to exceed $2500 for each violation.¶
(4) For a non-serious violation, a certified ONB program may be subject to a civil penalty of $800 for each violation.¶
(5) DELC may assess a separate civil penalty for each day for which DELC has made a valid finding that a certified ONB program is in violation of ORS 329A.250 to ORS 329A.450, these rules, or the terms and conditions of certification. DELC may assess civil penalties for multiple days in a single action.¶
(6) An individual or entity that provides child care subject to registration or certification in a home or facility that is not registered or certified with DELC may be subject to a civil penalty not to exceed $1,500 per day of operation of the uncertified facility, as provided in OAR 414-075-0230.¶
(7) Notwithstanding DELC's decision to impose or not to impose a civil penalty for one or more rule violations, DELC may take action at any time to deny, suspend or revoke a certification for the same rule violation or violations.¶
(8) A certified ONB program may appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes.¶
(9) Failure to pay a civil penalty in which DELC has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of a certified ONB program certification.
Statutory/Other Authority: ORS329A.260, ORS 329A.346, ORS 329A.992, ORS 329A.994
Statutes/Other Implemented: ORS 329A.346, ORS 329A.992, ORS 329A.994

AMEND: 414-360-0100

RULE SUMMARY: 414-360-0100 is being amended to include definitions related to suspension and expulsion prevention.

CHANGES TO RULE:

414-360-0100
Definitions
(1) The following words and terms within these rules have the following meanings: ¶
(~~1~~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. ¶
(~~2~~3) "Applicant" means an individual who submits the child care license application and in whose name the certificate will be issued. ¶
(~~3~~4) "Behavior and Guidance" means the on-going process of helping children develop self-regulation and assume responsibility for their own behaviors and actions. ¶
(~~4~~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. ¶
(~~5~~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. ¶
(~~6~~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. ¶
(~~7~~8) "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 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 enrolled 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. ¶
(~~8~~9) "CCLD" means the Child Care Licensing Division in the Department of Early Learning and Care. ¶
(~~9~~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. ¶
(1~~0~~1) "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. ¶
(1~~1~~2) "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. ¶
(1~~2~~3) "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. ¶
(1~~3~~4) "Civil Penalty" means a fine imposed by CCLD on a provider for violation of these rules. ¶
(14~~5~~) "DELC" means the Department of Early Learning and Care. ¶
(1~~5~~6) "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. ¶
(1~~6~~7) "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. ¶
(1~~7~~8) "Every Child Belongs (ECB)" is Oregon's early childhood suspension and expulsion prevention initiative.

Every Child Belongs helps early childhood care and education programs keep children in care by offering timely, responsive support when challenges arise. ¶
(19) "Expulsion" or "Expel" means to permanently end a child's enrollment in a certified family child care due to child's ability, specialized needs, or behavior. ¶
(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. ¶
(2~~1~~8) "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. ¶
(~~19~~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. ¶
(2~~0~~3) "Hazard" means anything that may inflict injury or cause harm. ¶
(2~~1~~4) "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. ¶
(2~~2~~5) "Infant" means a child who is 6 weeks to 12 months of age. ¶
(2~~3~~6) "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~~7~~) "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. ¶
(2~~5~~8) "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. ¶
(2~~6~~9) "Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat. ¶
(~~27~~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. ¶
(~~28~~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. ¶
(3~~2~~9) "Oregon Registry Online" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD. ¶
(3~~0~~3) "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. ¶
(3~~1~~4) "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. ¶
(3~~2)~~ 5) "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. ¶
(3~~3~~6) "Play yard" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations. ¶
(34~~7~~) "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. ¶
(38) "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~~9~~) "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. ¶
(~~36~~40) "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~~41) "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. ¶
(~~38~~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~~9~~) "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." ¶
(40~~4~~) "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~~5~~) "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. ¶
(42~~6~~) "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. ¶
(43~~7~~) "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). ¶
(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. ¶
(44~~9~~) "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. ¶

(45~~0~~) "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. ¶
(4~~6~~51) "Suspension" means reductions in the amount of time a young child may be in attendance of a certified family child care, such as requiring the child to cease attendance for a temporary period of time (except if in connection with temporary safety-based interventions, as defined in these rules) or reducing the number days or hours that the child may attend due to the child's ability, specialized need, or behavior. ¶
(52) "Technical Assistance" means consultation and advice given to providers to assist them in maintaining compliance. ¶
(~~47)~~ 53) "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. ¶
(54) "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. ¶
(4~~8~~55) "Unsupervised Access to Children" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a qualified child care provider or caregiver with supervisory authority. ¶
(4~~9~~56) "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. ¶
(5~~0~~7) "Volunteer" includes any person who provides labor or services to a certified family child care but is not compensated with employment pay or benefits. ¶
(58) "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

AMEND: 414-360-0200

RULE SUMMARY: 414-360-0200 is being amended to add suspension and expulsion prevention policy. Includes amendments to individual child assessment.

CHANGES TO RULE:

414-360-0200
Policies
(1)-A provider must have written information and policies identified in OAR 414-360-0200(2)(a) through (~~i~~j) and provide them to: ¶
(a)-Caregivers and volunteers at the time of hire and when policies change; and ¶
(b)-Parents at the time of a child's enrollment and when policies change. ¶
(2)-A provider must provide the following written information to parents, caregivers, and volunteers: ¶
(a)-Name, business address, and business telephone number of the person(s) who has immediate responsibility for the daily operation of the home; ¶
(b)-Arrival and departure procedures, including sign-in and out requirements and individuals authorized for pick-up; ¶
(c)-Parent responsibilities for providing current required information and what parents are expected to provide; ¶
(d)-Emergency preparedness and response plan (also see OAR 414-360-0210, Emergency Preparedness and Response); ¶
(e)-Standard precautions to handle potential exposure to blood and other potentially infectious fluids (see OAR 414-360-0850(7)); ¶
(f)-Information on transportation, when provided by the certified family child care; ¶
(g)-Behavior and guidance policy; ¶
(h)-Prevention of and duty to report suspected child abuse and neglect; ~~and~~¶
(i)-Night care, if provided~~.~~; and ¶
(~~3~~j) Suspension and expulsion prevention policy (OAR 414-360-0750). ¶
(3) As required by state and federal civil rights laws and the Americans with Disabilities Act (ADA), a provider cannot discriminate against any child on the basis of race, religion, color, national origin, gender, marital status of parent, or because of a need for special care. ¶
(a)-Suspected violations will be reported to the overseeing agency, with whom CCLD may share any information available to it. ¶
(b)-CCLD may deny an initial or renewal application or revoke a certification if a provider is determined to have discriminated in violation of this requirement by any authority with jurisdiction to make the determination. ¶
(4)-A provider~~'s decision whether to provide or continue care for~~ must complete an individual assessment of a child known to have specific needs ~~must be made after an individualized assessment is completed~~before determining whether the certified family child care can meet the child's needs in its program. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and certified family child care caregivers. The assessment must be documented for each child and must include: ¶
(a)-Reasonable accommodations the provider made to support the individual child's participation in the program, or an explanation of why the provider could not make reasonable accommodations; ¶
(b)-Reasonable modifications the provider made to their policies and practices to fully integrate the child into the program or an explanation of why the provider could not make reasonable modifications; ~~and~~ ¶
(c)-If applicable, any direct threats to the health and safety of others posed by the child's presence at the home; and ¶
(d) If a child enrolled in care at the certified family child care is a young child, as defined in these rules, documentation that the provider has complied with OAR 414-360-0750.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-0260

RULE SUMMARY: 414-360-0260 is amended to add suspension and expulsion prevention policy to items available for review.

CHANGES TO RULE:

414-360-0260
Items Available for Review
(1)-A provider must display the following near the entrance, or in some other area of the home where they may be clearly viewed by parent(s) and caregivers of children in care: ¶
(a)-The most current certification issued by CCLD; ¶
(b)-All serious valid complaints and serious non-compliance letters for 12 calendar months from the date of the letter; ¶
(c)-A notice of any current or pending legal sanctions posted immediately and while in effect, including throughout any appeal period; ¶
(d)-The DELC website [www.oregon.gov/DELC] and phone number [1-800-556-6616], and a statement advising parents that they can access information about their child care provider on the child care safety portal; and ¶
(e)-A notice that the items listed in (3) of this rule are available. ¶
(2)-A provider shall display a floor plan identifying the locations of the following near the entrance, or in some other area of the home where they may be clearly viewed by all individuals responsible for evacuation procedures: ¶
(a)-Exits; ¶
(b)-Primary evacuation routes; ¶
(c)-Secondary evacuation routes; and ¶
(d)-Fire extinguishers. ¶
(3)-A provider must have the following items available in a prominent and frequently visited location for the parents and public to view: ¶
(a)-The most recent CCLD inspection and rules for certification of child care homes are available upon request; ¶
(b)-The most recent water test results summary provided by CCLD (also see OAR 414-360-0820, Water Supply and Plumbing); ¶
(c)-Information on how to report a complaint to CCLD regarding certification requirements; ¶
(d)-The Oregon Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect; ¶
(e)-A notice that parents must be permitted access to their child and all child care areas while their child is in care. Advance notice is not required. ¶
(f)-The provider's behavior and guidance policy; ¶
(g)-Emergency numbers to include 9-1-1, where available, or local law enforcement, local mental health crisis line, fire department, and ambulance service; ¶
(h)-A daily schedule, as identified in OAR 414-360-0520; ¶
(i)-The current week's menu with substitutions recorded; ~~and~~ ¶
(j)-A plan to ensure that any visitor or other adult not enrolled or conditionally enrolled in the CBR does not have unsupervised access to children; and ¶
(k) The provider's suspension and expulsion prevention policy.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-0270

RULE SUMMARY: 414-360-0270 is amended to add notification requirements when implementing a temporary safety-based intervention.

CHANGES TO RULE:

414-360-0270
Notifications
(1)-A provider must notify CCLD by 5:00pm the next business day of the following items: ¶
(a)-A change in mailing address, when different from the physical address; ¶
(b)-A change in phone number; ¶
(c)-A known legal action or child abuse or neglect investigation, such as an arrest, criminal investigation or charge, or Victim Protection Order, involving any person for which a Certified family child care is required to request a background check; ¶
(d)-A permanent closure; ¶
(e)-Any damage to the building that affects the provider's ability to comply with the rules for Certified family Child Care Homes; ¶
(f)-An incident that exposes children to an imminent risk of harm, such as a child leaving the home without the provider's knowledge or being left alone on or off site or in a vehicle; ¶
(g)-An animal bite to an adult or child that occurs on the premises or that occurs away from the home when participating in child care activities; ¶
(h)-An accident involving transportation, unless there were no injuries and only minor damage to the vehicles; ¶
(i)-Any serious injury or incident involving a child; ¶
(j)-A child who is given the incorrect dosage of any medication; ¶
(k)-A child who took or received another person's medication; ¶
(l)-The death of a child while in care or death of a caregiver; ¶
(m)-Other dangers or incidents requiring emergency response such as a fire or temporarily relocating children; ¶
(n)-Any time prohibited discipline or prohibited actions occur (also see OAR 414-360-0710, Prohibited Discipline and Actions); ~~and~~ ¶
(o)-Any incident where physical restraint is used (also see OAR 414-360-0720, Physical Restraint)~~.~~; and ¶
(~~2~~p) The implementation of a temporary safety-based intervention. ¶
(2) Any caregiver who has reason to believe a child has been abused or neglected is required to report the matter immediately to the Oregon Child Abuse Hotline (1-855-503-7233), Department of Human Services Child Welfare, or a law enforcement agency. This requirement applies 24 hours a day. This requirement applies to any suspected physical, sexual or emotional abuse; child neglect, child endangerment, or child exploitation; inappropriate sexual contact between two or more children; or attempted suicide or threats of suicide by a child. ¶
(3)-A provider must immediately notify the Oregon Health Authority of a known case, in individuals associated with the certified family child care, of a child care-restrictable disease, as defined in Oregon Administrative Rule, OAR 333-019-0010. ¶
(4)-A provider must immediately notify parents or an emergency contact if the parent cannot be reached and document if their child: ¶
(a)-Does not arrive on their own at the home as scheduled, such as when a school-age child is walking to the home or when a child is transported from another program; ¶
(b)-Is not present at the pick-up location as scheduled; ¶
(c)-Is involved in an incident that placed the child at risk such as being lost, missing or left alone on a playground, a field trip, or in a vehicle; ¶
(d)-Has experienced any suspected allergic reactions, as well as the ingestion of or contact with the allergen even if a reaction did not occur; ¶
(e)-Was not administered medication in accordance with directions; ¶
(f)-Received emergency medication for a life-threatening condition such as epinephrine; ¶
(g)-Sustains an injury that may need evaluation by a medical professional or any impact to a child's head; ¶
(h)-Has been exposed to poison; ¶
(i)-Has been fed human milk or formula intended for another child (see OAR 414-360-0610, Feeding Infants); ¶
(j)-Is bitten by an animal or another child, when the skin is broken or when an evaluation by a physician may be needed; ¶
(k)-Is separated from the group due to an illness; ¶
(l)-Dies while in care; ~~or~~ ¶
(m)-Is involved in any incident where physical restraint is used (also see OAR 414-360-0720, Physical Restraint)~~.~~; or ¶

(~~5~~n) Exhibits behavior that requires the use of a temporary safety-based intervention.¶
(5) A provider must immediately notify parents in writing if a condition or restriction is placed on the license. ¶
(6)-A provider must notify parents upon child pick-up of: ¶
(a)-Significant changes in their child's physical or emotional state; ¶
(b)-Known injuries such as cuts, scratches, and bites from other children requiring first aid treatment; ¶
(c)-A child care restrictable disease or infestation exposure from a caregiver or another child; ¶
(d)-Any medication administered to their child; ¶
(e)-An animal bite to a child, when the skin is not broken; and ¶
(f)-Implemented emergency plans and procedures, except for drills. ¶
(7)-A provider must notify parents if there will be a substitute provider and the substitute's name. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children. ¶
(8)-Prior to the occurrence, the provider must notify families of any planned field trips including estimated departure and return times and the destination. ¶
(9)-A provider must have a method for notifying families when any child or caregiver has a child care restrictable disease, as defined in Oregon Administrative Rule or food poisoning (also see OAR 414-360-1010, Illness); ¶
(10)-CCLD will notify parent(s) or guardian(s) of children under 12 months of age enrolled in the home of any valid non-compliance with OAR 414-360-0620(1)(a)(A) through (C), OAR 414-360-0620(1)(b) and (c), and OAR 414-360-0630(1)(a) through (l).
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-0400

RULE SUMMARY: 414-360-0400(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-360-0400
Children in Care & Caregiver to Child Ratios
(1)-The number of caregivers shall be determined by the number and ages of the children in attendance. The required caregiver-to-child ratios shall be met at all times. This includes:¶
(a)-All child care children, as defined in OAR 414-360-0100(1~~1~~2);¶
(b)-The provider's own child(ren), including foster child(ren), 9 years of age or younger;¶
(c)-All other caregivers' own children age 12 years or younger;¶
(d)-Any other children age 12 years or younger for whom the provider is responsible; and¶
(e)-Any child(ren) age 17 years or younger, including the provider's own children, foster children, child care children, or other children for whom the provider is responsible, with special needs or disabilities who require a level of care that is above normal for the child's age.¶
(2)-Other children, including but not limited to relatives, neighborhood children or friends of the provider's children, are included in the maximum number of children allowed in care if present in the child care home during operating hours on a regular basis or if present on an occasional basis without being directly supervised by the child's parent or other adult who is not also caring for child care children.¶
(3)-No child younger than 6 weeks of age can be in care in a certified family child care home. This does not include the provider's child(ren).¶
(4)-The number of caregivers is determined by the age and number of the youngest child(ren) in the group. The caregiver to child ratio requirements identified in Table A of this rule must be met at all times.¶
(5)-If all children in care are school-age, the caregiver-to-child ratio is 1:15. ¶
(6)-Even though caregiver-to-child ratios are specified in Table A above, a certified family child care may care for 10 children ages 6 weeks to school-age if:¶
(a)-No more than 6 children are preschool age or younger, including the provider's own children and any caregivers' children;¶
(b)-Of the 6, only 2 children are under 24 months of age; and¶
(c)-Four of the children are school-age.¶
(7)-If infants are in care and sharing the same activity area as older children, a provider must have a written plan that addresses how caregivers will ensure safety of infants who are not yet crawling. The plan must be implemented when infants that are not yet crawling share the same activity area as older children.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

OAR 414-360-0400(4) The number of caregivers is determined by the age and number of the youngest child(ren) in the group. The caregiver to child ratio requirements identified in Table A of this rule must be met at all times.

**TABLE A**

| Number of Children Present Under the Age of Two | Total Number of Children Present | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 |
| 0 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 |
| 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 |
| 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 |
| 4 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 |
| 5 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| 6 | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | | |
| 7 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | 2 | | | |
| 8 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | | | | |
| 9 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| 10 | 4 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | | |
| 11 | 4 | 4 | 3 | 3 | 3 | 3 | | | | | | | |
| 12 | 4 | 4 | 4 | 4 | 3 | | | | | | | | |
| 13 | 4 | 4 | 4 | 4 | | | | | | | | | |
| 14 | 4 | 4 | 4 | | | | | | | | | | |
| 15 | 4 | 4 | | | | | | | | | | | |
| 16 | 4 | | | | | | | | | | | | |

Number of Caregivers Required

AMEND: 414-360-0720

RULE SUMMARY: 414-360-0720 is being amended to require certified family child cares contact Every Child Belongs when physical restraint is used more than once with a child.

CHANGES TO RULE:

414-360-0720
Physical Restraint
(1)-A provider may only use physical restraint if: ¶
(a)-A child's safety or the safety of others is threatened; and ¶
(b)-The provider has complied with all elements of Behavior and Guidance listed in OAR 414-360-0700(2)(a) through (g). ¶
(2)-Physical restraint must be: ¶
(a)-Limited to holding a child as gently as possible to accomplish restraint; ¶
(b)-Limited to the minimum amount of time necessary to control the situation; and ¶
(c)-Developmentally appropriate. ¶
(3)-A provider must not use bonds, ties, blankets, straps, or weights (including an adult sitting on a child) to physically restrain children. ¶
(4)-Caregivers must discontinue the use of physical restraint if they sense a loss of their own self-control or concern for the child when using physical restraint. ¶
(5)-If physical restraint is used, a provider must: ¶
(a)-Report the use of physical restraint pursuant to OAR 414-360-0270, Notifications; ¶
(b)-Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and ¶
(c)-Document the incident in the child's file, including the date, time, duration, caregivers involved, and what happened before, during, and after the child was restrained. ¶
(6)-If physical restraint is used more than once on a specific child, the provider must develop a written plan with input from individuals who have knowledge of the child's behaviors, including, but not limited to: the child's primary care provider, mental health provider, school counselor, and the parents or guardians, to address underlying issues and reduce the need for further physical restraint. The provider must notify CCLD when a written plan has been developed. ¶
(7) If not done previously, a provider must contact Every Child Belongs if physical restraint is used more than once on a specific young child.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

ADOPT: 414-360-0750

RULE SUMMARY: 414-360-0750 is being adopted to address suspension and expulsion prevention requirements.

CHANGES TO RULE:

414-360-0750
Suspension and Expulsion Prevention
(1) A provider must develop and implement a suspension and expulsion prevention policy. ¶
(2) The suspension and expulsion prevention policy must: ¶
(a) Be consistent with the provider's Behavior and Guidance policy (OAR 414-360-0700); ¶
(b) Identify existing supports or tools that may be accessed; ¶
(c) If there are additional caregivers, identify when and how caregivers must seek support when challenges related to the care of children arise, including: ¶
(A) When and in what circumstances caregivers must seek support; ¶
(B) How the provider will respond to requests for support from other caregivers, and ¶
(C) What program level supports may be made available to the caregivers. ¶
(d) Identify how the provider will determine if additional supports are needed for a child; ¶
(e) Identify when the provider will request services from Every Child Belongs (ECB); and ¶
(f) Include the method that the provider will use to notify a family of concerns related to a child's ability, behavior, or development, such as written notification or an in-person conference. ¶
(3) When a young child is facing potential expulsion, as defined in these rules, a provider must: ¶
(a) Document the challenging behaviors and any known triggers (for example: specific activities, times of day, transitions); ¶
(b) Document what strategies the provider has used to support the child and their effectiveness; ¶
(c) Request services from Every Child Belongs (ECB); and ¶
(d) Simultaneously with the request for services from ECB, notify the child's family regarding the behavior concerns to: ¶
(A) Begin to collaboratively problem-solve to identify potential strategies and supports for the child; and ¶
(B) Establish frequency and method of ongoing communication with the family. ¶
(4) If the provider is unable to connect with the child's family, as outlined in OAR 414-360-0750(3)(d), the provider must attempt alternative methods of communication and document those attempts. ¶
(5) A provider may implement a temporary safety-based intervention if a child's behavior creates a serious safety threat, as defined by these rules. ¶
(6) A provider may only use a temporary safety-based intervention if: ¶
(a) There is behavior that meets the definition of serious safety threat. The provider must document the behavior; and ¶
(b) The provider has attempted to address the behavior through strategies outlined in their Behavior and Guidance Policy (OAR 414-360-0700), strategies suggested by the family, and any recommendations from professionals previously consulted about the child. ¶
(7) If a provider initiates a temporary safety-based intervention, the provider must: ¶
(a) Contact ECB immediately to request services, if not already done; and ¶
(b) Notify CCLD of the temporary safety-based intervention and expected duration by 5:00pm the next business day. ¶
(8) The length of a temporary safety-based intervention may only be for the time necessary to incorporate supports to reduce the occurrence of the behavior. The temporary safety-based intervention must end as soon as safety can be maintained with supports in place. ¶
(9) The provider must document the basis for the duration of the temporary safety-based intervention. ¶
(10) During the temporary safety-based intervention, the provider must communicate with the family regarding: ¶
(a) Updates on access to supports; ¶
(b) Any changes to the child's behaviors while not in care; and ¶
(c) Timeline to return to care. ¶
(11) If requested by CCLD, a provider must update CCLD if the expected duration of the temporary safety-based intervention changes.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-360-0840

RULE SUMMARY: 414-360-0840(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-360-0840
Prevention and Management of Hazards
(1) A provider must ensure that the following items are inaccessible to children as defined in OAR 414-360-0100(2~~1~~4):¶
(a) All toxic or potentially dangerous items;¶
(b) Cleaning, sanitizing and disinfecting supplies and equipment;¶
(c) Poisonous plants;¶
(d) Tobacco products, smokeless or vaping devices;¶
(e) Alcohol;¶
(f) Flammable materials, including matches and lighters, and corrosive materials;¶
(g) Knives and other sharp objects; and¶
(h) Motorized yard or power tools.¶
(2) Toxic substances must be stored separately from medication, food service equipment, and food supplies.¶
(3) Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by caregivers must be labeled with the contents of the container.¶
(4) A provider must take steps to prevent children's exposure to the following, if they exist on the premises:¶
(a) Any sources of lead and lead based paint. Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead-based paint;¶
(b) Asbestos;¶
(c) Toxic mold; and¶
(d) Other identified toxins and hazards.¶
(5) A provider must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. Caregivers must:¶
(a) Regularly inspect the indoor and outdoor play areas and equipment for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash;¶
(b) Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use;¶
(c) Ensure sand boxes are free of animal waste and trash; and¶
(d) Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.¶
(6) A provider must not permit the use of any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, drug paraphernalia, hemp, marijuana and marijuana infused products on the premises during operating hours or when child care children are present. This includes:¶
(a) In the child care home;¶
(b) In the outdoor play area;¶
(c) Within 10 feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area; or¶
(d) In any vehicles where child care children are present or on any field trip.¶
(7) All marijuana, marijuana derivatives and associated paraphernalia must be stored through one of the following methods:¶
(a) Under a child safety device or child safety lock; or¶
(b) In a locked room.¶
(8) No one shall grow or distribute marijuana on the certified family child care premises.¶
(9) No one shall consume alcohol on the certified family child care premises during operating hours or when child care children are present.¶
(10) No one shall possess, use, or store illegal controlled substances on the certified family child care premises.¶
(11) Firearms, BB guns, pellet guns and arrows must be kept under lock, such as a key, combination, or biometric lock and stored in an area not used by child care children. A child safety lock or trigger lock does not meet this requirement.¶
(a) Ammunition must be stored and locked separately.¶
(b) Firearms, BB guns, and pellet guns must be kept unloaded.¶
(12) A provider must prevent access to all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, and rain barrels.¶
(a) Pools and hot tubs must be made inaccessible through one of the following methods:¶
(A) A locking, rigid cover;¶
(B) A minimum four foot high fence that begins at ground level, and all gates and doors that allow access are

locked;¶
(C) Four foot non-climbable sides with pool ladder removed or inaccessible; or¶
(D) In a locked room or all doors that access the area are locked.¶
(b) For certified family child cares with licensure prior to July 1, 2025, ornamental and natural ponds within the child care outdoor play area must be made inaccessible through one of the following methods:¶
(A) Enclosed by a secure barrier and locked with either a key or a combination lock;¶
(B) A grate on top of a small pond of sufficient strength and rigidity to prevent children from falling into the water. The grate must be locked or secured to prevent removal; or¶
(C) A locked door to the outside area where the pond is located as long as the door is always locked during operating hours and children are not using the outside area where the pond is located.¶
(c) For certified family child cares with licensure on or after July 1, 2025, ornamental or natural ponds are prohibited in the child care outdoor play area. Certified family child cares licensed prior to July 1, 2025 are prohibited from adding a new ornamental pond or natural pond to the child care outdoor activity area.¶
(13) A provider must keep the home free of insects, rodents, and other pests.¶
(a) Automatic insecticides dispensers, vaporizers, or fumigants must not be used.¶
(b) Pest control products must not be applied or used when child care children are present. After their application, child care children must not enter the area until indicated by the manufacturer's instructions.¶
(14) A provider must take precautions to protect children from vehicular traffic:¶
(a) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and¶
(b) Assure that any caregiver who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-1030

RULE SUMMARY: 414-360-1030(6) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-360-1030
Medications
(1) Before a provider gives a child any prescription or non-prescription medication, including, but not limited to, pain relievers, cough syrup, and nose drops, the provider must:¶
(a) Have a signed, dated, written authorization by the parent(s) on file (also see OAR 414-360-0230, Parental Permissions);¶
(A) For chronic medical conditions, a certified family child care may obtain permission for 12 months or less with specific instructions including when administration is needed, such as inhalers.¶
(B) Parental authorization over the phone is permitted for single dose administration of non-prescription medication. The date and time of the consent must be documented and signed by the parent upon picking up their child.¶
(b) Ensure that the original container is labeled with the name of the medication, dosage, and directions for administration and storage.¶
(A) For prescription medication, the label must include the child's name, the date the prescription was filled, the prescribing physician's name, and length of time to give the medication.¶
(B) If parent instructions differ from the container instructions, a certified family child care must have a licensed physician's written instructions for that medication.¶
(C) Medication must not be administered after the expiration date.¶
(D) Any medication provided by the parents must be labeled with the child's name.¶
(c) Ensure that cleaned and sanitized medication measuring devices are used when providing medication to a child care child, if applicable.¶
(2) A provider must immediately document any medication administered, listing the name of the child, type of medication, date, time, and dosage given, any side effects exhibited by the child, and the signature of the person administering the medication.¶
(3) A provider must inform parent(s) daily of all medications administered to their child.¶
(4) If medication is provided by the parent, a certified family child care must administer medication only to the child for whom it is intended, and follow the directions on the label.¶
(5) A provider must ensure that medication is stored through one of the following methods:¶
(a) Under a child safety device or child safety lock; or¶
(b) In a locked room.¶
(c) Emergency medicine may be placed in an unlocked container that is kept out of reach of children while inside the home.¶
(6) Emergency medication may either be inaccessible to children as defined in OAR 414-360-0100(2~~1~~4) or kept with a caregiver.¶
(7) A provider must keep medications requiring refrigeration in a separate tightly-covered, leakproof container clearly marked "medication" and inaccessible to children.¶
(8) The application of sunscreen and diaper cream does not need to be documented, but a provider must:¶
(a) Have annual written parental authorization;¶
(b) Use only as needed and according to manufacturer's instructions;¶
(c) Inform parents of the type of sunscreen used if provided by the certified family child care;¶
(d) Label the item with the child's name if provided by the parent, and use only for that child; and¶
(e) Allow children to apply sunscreen to themselves with direct caregiver supervision and written parental approval.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-1050

RULE SUMMARY: 414-305-1050 is being amended to specify when a written care plan is needed and that facility staff must follow the plan.

CHANGES TO RULE:

414-360-1050
Care of Children with Specific Needs
(1) When ~~caring for a child who has or is at increased risk for a chronic~~a qualified professional develops a written care plan for a child with a documented physical, developmental, behavioral,~~ or~~ emotional~~ condition and who requires health and related services of a type or amount beyond that required by children generally, a provider must have a written care plan. The written care plan must inclu~~, or medical condition requiring services beyond those typically needed by children of the same age, and the plan is provided ~~the following, when applicable:¶
~~(1) A list of the child's diagnosis/diagnoses; ¶
~~(2) Contact information for the primary care provider and any relevant sub-specialists (i.e., endocrinologists, oncologists, etc.); ¶
~~(3) Medications to be administered on a scheduled basis;~~o the provider with parental consent, the provider must implement the written care plan. ¶
(4~~2~~) ~~Medications to be administered on an emergency basis with clearly stated parameters, signs, and symptoms that warrant giving the medication written in language that is easy to understand; ¶
~~(5) Procedu~~A provider must implement a written care plan, unless the plan requires t~~o be performed and person responsible for training caregivers; ¶
~~(6) Allergies; ¶
~~(7) Dietary modifications required for the health of the child; ¶
~~(8) Activity modifications; ¶
~~(9) Environmental modifications; ¶
~~(10) Stimulus that initiates or precipitates a reaction or series of reactions (triggers) to avoid; ¶
~~(11) Symptoms for caregivers to observe;¶
~~(12) Behavioral modifications; ¶
~~(13) Emergency response plans, both if the child has a medical emergency, and special factors to consider in a programmatic emergency, like a fire; ¶
~~(14) Any necessary special skills training and education for caregivers and the person responsible for training caregivers; and ¶
~~(15) Any individualized services (e.g. occupational therapy, speech services) that will be provided at the home. If the individualized service required the child be out of direct supervision of caregivers, parental permission is required~~he provider to be out of compliance with the rules for certified family child care homes (Chapter 414, Division 360). A provider may apply for an exception to accommodate the needs of a specific child as outlined in OAR 414-360-0160. ¶
(3) The/provider must ensure that all caregivers that/come in contact with/the child are aware of and follow the written care plan.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-1500

RULE SUMMARY: 414-360-1500(1) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-360-1500
Night Care
(1)-A provider is subject to these rules when providing night care as defined in OAR 414-360-0100(~~27~~30).¶
(2)-A provider must:¶
(a)-Be awake for the arrival and departure of each child in night care; and¶
(b)-Be present on the same floor level as the child care children who are sleeping.¶
(3)-All individuals 18 years of age and older, inclusive of guests sleeping in the home during night care hours, must comply with OAR 414-360-0310, Central Background Registry Enrollment.¶
(4)-Night care must not be provided on the second floor or above.¶
(5)-During night care, the provider must have a method for illuminating evacuation routes.¶
(6)-The following accommodations must be provided to sleeping children:¶
(a)-Each child who spends the majority of their sleeping hours per night in night care must have an individual bed and mattress, or another sleeping arrangement that provides adequate support to a child's body and of a size appropriate to the age of the child. The mattress must be fitted with a waterproof cover.¶
(b)-Each child who does not spend the majority of their sleeping hours in night care must have an individual crib, portable crib, play yard, cot, mat, or bed with bedding as specified in OAR 414-360-0620, Furniture and Equipment for Infants and Toddlers and OAR 414-360-0900, Furniture, Equipment and Play Materials.¶
(c)-The upper level of bunk beds must be used only for children 10 years or older when a bed rail and safety ladder are in place.¶
(d)-Other than infants, children must be provided with sheets, pillows, pillowcases, and blankets.¶
(e)-Sheets, pillowcases, and blankets must be laundered at least weekly, when soiled, and before use by another child.¶
(7)-When bathing is provided: ¶
(a)-There must be at least one bathtub or shower available to children. ¶
(A)-The bathtub or shower must have appropriate equipment to prevent slipping. ¶
(B)-Glass shower doors or glass tub enclosure must be constructed with safety glass.¶
(b)-There must be individual washcloths and towels for each child.¶
(c)-Privacy must be maintained for school-age children when bathing and changing clothes.¶
(d)-Children must not bathe with other children unless a parent(s) has given written permission for siblings to bathe together.¶
(8)-Each child must have the opportunity to brush their teeth with an individual toothbrush and toothpaste labeled with their name.¶
(9)-A provider must meet the nutritional needs of children in evening and night care as specified in OAR 414-360-1100, Food and Food Service.¶
(a)-Dinner must be provided to children in night care if a child is at the child care home after their dinner time or has not had dinner before entering night care.¶
(b)-A nutritious snack must be offered to all children after dinner service and before bed.¶
(c)-Each child present at the time breakfast is scheduled must be served breakfast, unless the parent(s) specifies otherwise.
Statutory/Other Authority: ORS 329A.260
Statutes/Other Implemented: ORS 329A.280

AMEND: 414-360-1620

RULE SUMMARY: 414-360-1620(3) is amended to correct cross-refence with updated numbering in Definitions.

CHANGES TO RULE:

414-360-1620
Civil Penalty
(1)-CCLD may assess a civil penalty of up to $1200 per violation of these rules or terms and conditions of certification. ¶
(2)-CCLD may assess a civil penalty in addition to any other appropriate legal action, considering: ¶
(a)-Numbers of previous violations of the same rule; ¶
(b)-Circumstances surrounding the rule violations; and ¶
(c)-Prior warnings, technical assistance, or legal actions regarding the certified family child care's compliance with the rule. ¶
(3)-For a serious violation, as defined in OAR 414-360-0100(4~~2~~6), a provider may be subject to a civil penalty not to exceed $1200 for each violation. ¶
(4)-For a non-serious violation, a provider may be subject to a civil penalty of $400 for each violation. ¶
(5)-CCLD may assess a separate civil penalty for each day for which CCLD has made a valid finding that a certified family child care is in violation of ORS 329A.250 to ORS 329A.450, these rules, or the terms and conditions of certification. CCLD may assess civil penalties for multiple days in a single action. ¶
(6)-An individual or entity that provides child care subject to registration or certification in a home or facility that is not registered or certified with CCLD may be subject to a civil penalty not to exceed $1,500 per day of operation of the uncertified or unregistered facility. ¶
(7)-Notwithstanding CCLD's decision to impose a civil penalty for one or more rule violations, CCLD may also take action to deny, suspend or revoke a certification for the same rule violation or violations. ¶
(8)-A provider may appeal any decision to impose a civil penalty, subject to the provisions of chapter 183, Oregon Revised Statutes. ¶
(9)-Failure to pay a civil penalty in which CCLD has issued a final order by default or a final order after a contested case hearing shall be grounds for denial or revocation of a provider's certification.
Statutory/Other Authority: ORS 329A.260, ORS 329A.992
Statutes/Other Implemented: ORS 329A.280, ORS 329A.992

AMEND: 414-580-0000

RULE SUMMARY: 414-580-0000 to 414-580-0030 are being amended to update and add new definitions.

CHANGES TO RULE:

414-580-0000
Definitions
The following definitions apply to Division 580 of Chapter 414: ¶
(1) "Department" means the Department of Early Learning and Care. ¶
(2) "Early Childhood Care and Education Pro~~vider~~gram" or "Early Learning and Care Program" means any of the following entities and their staff: ¶
(a) A child care facility that is required to be certified under ORS 329A.280 or a provider that is required to be registered under ORS 329A.330; ¶
(b) Any program receiving state public funding for early ~~childhood care and education services~~learning and care services; where such funds are for the purposes of funding a Young Child's enrollment in a classroom or child care setting;¶
(c) Providers of the Preschool Promise program described in ORS 329.172; ¶
(d) Providers of the Oregon Prenatal to Kindergarten program described in ORS 329.175 ; ¶
(e) Providers of the infant and toddler care program described in ORS 417.784; and ¶
(f) Providers of the Relief Nursery program described in ORS 417.788. ¶
(3) Every Child Belongs is/Oregon's Early Childhood Suspension and Expulsion Prevention/Program, as established by ORS 329A.600./Every Child Belongs helps/Early/Learning and Care Programs/keep Young Children in care by offering/timely, responsive support when challenges arise. ¶
(4) "Every Child Belongs Connect"/or "ECB Connect,"/means an online access point for Early/Learning and Care Programs/to submit a request for support in maintaining a Young Child's enrollment in the/child care/program."// ¶
(5) "Exclusionary Practices" means any action taken by an Early ~~Care and Education Provider~~Learning and Care Program that limits the enrollment, participation, or attendance of a ~~c~~Young Child due to the ~~c~~Young Child's ability, specialized needs, or behavior. ¶
(~~4~~6) "Expulsion" or "Expel" means to permanently ~~dismissing~~end a Young ~~c~~Child ~~from the early care and education program.~~'s enrollment in an Early Learning and Care/program due to the Young Child's/ability, specialized needs, or behavior./ ¶
(~~5~~7) "Infant and Early Childhood Mental Health Consultation" or "IECMHC" means a prevention-based approach that pairs an infant and early childhood mental health consultant with adults who work with infants and Young Children in the different settings where they learn and grow, such as child care, preschool, home visiting, and early intervention. It employs a culturally responsive and Trauma-Informed lens and involves providing ~~training and coaching~~consultation to child care and Early ~~Care and Education Provider~~Learning and Care Programs that helps promote healthy social-emotional development, and which builds on child, family and provider strengths to ensure inclusive, supportive care for all ~~children.~~Young Children. ¶
(8) "Planned Transition" means the transition of a Young Child's enrollment from one Early Learning and Care Program to a different Early Learning and Care Program due to a Young Child's ability, specialized needs, or behavior. For a change of enrollment to be considered a Planned Transition, the plan must be developed collaboratively with the family, the staff of the Early Learning and Care Program, and a professional consultant or support specialist. ¶
(~~6~~9) "Regional Service Provider" means an entity that provides IECMHC services to Early ~~Care and Education Providers~~Learning and Care Programs and coordinates IECMHC services with other early childhood technical assistance providers, to promote Early ~~Care and Education Provider~~Learning and Care Program access to resources, training, and other technical assistance opportunities. ¶
(~~7~~10) "Soft Expulsion" means actions taken by an Early ~~Care and Education Provider~~Learning and Care Program that make the program an unviable arrangement for the family or Young Child and leaves the family with little choice but to withdraw the ~~c~~Young Child from the program. ¶
(~~8~~11) "Supported Break" means a brief, time-limited period that a ~~c~~Young Child spends apart from the early care and education environment, or from a specific activity within the environment, for the purpose of a supportive co-regulation or sensory break. A Supported Break occurs with the active engagement of an Early ~~Care and Education Provider.¶~~
~~(9) "Suspension" means temporarily dismiss~~Learning and Care Program. ¶
(12) "Suspension" means reductions in the amount of time a/Young/Child may be in attendance of an Early Learning and Care Program,/such as requiring ~~a~~the Young Child ~~from the early care and education environment, through~~to cease attendance for a/temporary/period of/or reducing the number days or hours that the Young

Child may attend due to the child's/ability,/specialized need, or/behavior. A suspension may occur either as In-Program Suspension or Out-of-Program Suspension. ¶
(a) "In-Program Suspension" means temporarily ~~prohibit~~removing the ~~c~~Young Child from ~~engaging in~~ the classroom or group setting due to the child's ability, specialized needs, or behavior by sending the ~~c~~Young Child to a different location within the program or building. A Supported Break is not an in-Program Suspension. ¶
(b) "Out-of-Program Suspension" means dismissing or sending the ~~c~~Young Child home early, prohibiting them from returning to the program for one or more days, or reducing the hours the ~~c~~Young Child spends per week in the program~~.~~ due to the child's ability, specialized needs, or behavior. ¶
(1~~0~~3) "Technical Assistance Provider" means a person or entity who provides training, consultation, coaching, or other professional development supports to Early ~~Care and Education programs and Providers.~~Learning and Care Programs. ¶
(1~~1~~4) "Young Child" means any child who is six weeks o~~ld through kindergarten entry~~f age until eligible to be enrolled in kindergarten on or before the first day of the current school year.
Statutory/Other Authority: ORS 329A.600
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-580-0005

RULE SUMMARY: 414-580-0000 to 414-580-0030 are being amended to update and add new definitions.

CHANGES TO RULE:

414-580-0005
Purpose
The purposes of ~~the Early Childhood Suspension and Expulsion Prevention Program~~Every Child Belongs are: ¶
(1) To promote inclusive values, policies, and practices that create opportunities for all Young Children and their families to participate in a broad range of activities and be supported to engage as full members of families, communities, and society. The desired result of inclusion is that children and their families of all race, ethnicity, age, appearance, language, socioeconomic status, ability, religion, immigration status, gender or gender identity, geographic location, and any other identity or intersectionality, feel a sense of belonging and membership, develop positive social relationships and friendships, and experience learning that engages the individual child's development. The defining features of inclusion that can be used to identify high quality early childhood programs and services are access, participation, and supports; and ¶
(2) To reduce the use of Suspension, Expulsion, and other forms of Exclusionary Practices in ~~e~~Early ~~childhood care and education p~~Learning and Care Programs and to eliminate disparities in the use of Suspension, Expulsion, and other forms of Exclusionary Practices in ~~e~~Early ~~childhood care and education p~~Learning and Care Programs based on race, ethnicity, age, appearance, language, socioeconomic status, ability, religion, immigration status, gender or gender identity, and any other identity or intersectionality, by: ¶
(a) Providing and enhancing professional development of the early ~~childhood education~~learning and care workforce with a focus on ensuring early childhood educators have the knowledge and skills to support ~~e~~Young Children's social, emotional, and positive racial identity development through the use of anti-bias, culturally-responsive, and inclusive practices in the early education environment. ¶
(b) Ensuring that all ~~Regional Service~~Infant and Early Childhood Mental Health Consultants and Technical Assistance Providers have the knowledge and skills to offer supports that include, but are not limited to, training, coaching, technical assistance, and consultation to Early ~~Care and Education Provider~~Learning and Care Programs and pro~~gram~~viders to implement foundational anti-bias, culturally responsive, and inclusive Practices to ensure the stability of ~~e~~Young Children's placements within the early education environment. ¶
(c) Developing and implementing culturally-responsive, Trauma-Informed Infant and Early Childhood Mental Health Consultation (IECMHC) services to support Early ~~Care and Education Provider~~Learning and Care Programs and pro~~gram~~viders to effectively meet the needs of all ~~e~~Young Children. To be genuinely trauma-informed, practices must also be culturally responsive and reflect the active process of anti-racism. ¶
(d) Providing a coordinated system for Early ~~Care and Education Provider~~Learning and Care Programs across the state to seek support, technical assistance and/or IECMHC services in maintaining the placement of specific ~~e~~Young Children who present with persistent challenging behaviors.
Statutory/Other Authority: ORS 329A.600
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-580-0010

RULE SUMMARY: 414-580-0000 to 414-580-0030 are being amended to update and add new definitions.

CHANGES TO RULE:

414-580-0010
Regional Service Provider Requirements
Regional Service ~~p~~Providers must: ¶
(1) Ensure that Infant and Early Childhood Mental Health Consultation services are accessible to all populations, especially those most disproportionately impacted by Suspension and Expulsion; and ¶
(2) Collaborate with and coordinate services with Technical Assistance Providers and other cross-system partners to determine which person or program is best suited to respond to the request for services from an Early ~~Care and Education Provider~~Learning and Care Program.
Statutory/Other Authority: ORS 329A.600
Statutes/Other Implemented: ORS 329A.600

AMEND: 414-580-0030

RULE SUMMARY: 414-580-0000 to 414-580-0030 are being amended to update and add new definitions.

CHANGES TO RULE:

414-580-0030
Reporting
(1) Upon request by the Department, any Early ~~Care and Education Provider~~Learning and Care Program receiving IECMHC or technical assistance from ~~the Regional Service Provider~~Every Child Belongs must make available to the Department~~-~~/any information and data that the Department~~-~~/determines is necessary to monitor and evaluate the E~~arl~~very Child~~hood Suspension and Expulsion Prevention~~ Belongs program. ¶
(2) Regional Service Providers must cooperate and participate in the Department's program monitoring, program evaluation, and reporting requirements.
Statutory/Other Authority: ORS 329A.600
Statutes/Other Implemented: ORS 329A.600