



Rules for

CERTIFIED CHILD CARE CENTERS

and

General Rules for

ALL CHILD CARE FACILITIES

Department of Early Learning and Care
Child Care Licensing Division
www.oregon.gov/DELIC
1-800-556-6616
Jan. 2024

**Oregon Administrative Rules (OAR) Chapter 414
Department of Early Learning and Care
Child Care Licensing Division**

**Rules for Certified Child Care Centers, Division 305
Effective 01/01/2024**

And

**General Rules for Child Care Facilities, Division 075
Effective 12/7/2023**

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DEPARTMENT OF EARLY LEARNING AND CARE
Chapter 414, Division 305

Rules for Certified Child Care Centers

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 in the Department of Early Learning and Care.
- (10) "**Child Care**" means the care, supervision, and guidance on a regular basis of a child,

unaccompanied by a parent, guardian, or custodial parent, during a part of the 24 hours of the day, with or without compensation.

- (11) "**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) "**Family**" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are like those found in such associations.
- (22) "**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.
- (23) "**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.
- (24) "**Hazard**" means anything that may inflict injury or cause harm.
- (25) "**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.
- (26) "**Infant**" means a child who is 6 weeks to 12 months of age.
- (27) "**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) "**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) "**Lockdown**" means restricted to an interior room with few or no windows while the facility or building is secured from a threat.
- (30) "**Multi-site Coordinator**" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.

- (31) "**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.
- (32) "**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.
- (33) "**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) "**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.
- (35) "**Oregon Registry Online**" (ORO) means the statewide database that stores all submitted training and education to be verified for use by CCLD.
- (36) "**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.
- (37) "**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) "**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) "**Play yard**" means a framed enclosure with mesh or fabric sides. A play yard is intended for sleeping and playing accommodations.
- (40) "**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) "**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.

- (42) "**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) "**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) "**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) "**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) "**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) "**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) "**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) "**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.
- (50) "**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.
- (51) "**Staff**" means an individual who is an employee, or a volunteer who is in the center for more than a single activity.
- (52) "**Substitute Director**" means the person in charge of the center during the hours of operation when the director is not on site.
- (53) "**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.
- (54) "**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) "**Technical Assistance**" means consultation and advice given to providers to assist them in maintaining compliance.
- (56) "**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) "**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) "**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) "**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.

414-305-0110 Purpose

- (1) A child care center is defined as a child care facility that is certified to provide child care for a number of children up to the maximum capacity in a setting other than a family child care home.
- (2) The purpose of OAR 414-305-0000 through 414-305-1620 is to protect the health, safety, and wellbeing of children when cared for outside their own homes by providing requirements for inspecting, certifying, monitoring and otherwise regulating care in a child care center.
- (3) A person or entity may not operate a child care center without a valid certificate issued by CCLD, unless exempt from registration or certification as provided in ORS 329A.250(5)(a) to (i) and OAR 414-305-0120.

414-305-0120 Exemptions for Licensing

A child care facility is exempt from certification if the child care facility:

- (1) Provides care in the home of the child;
- (2) Is the child's parent, a guardian or person acting in place of a parent;
- (3) Is related to the child by blood, marriage or adoption within the fourth degree;
- (4) Is a member of the child's extended family unit, as determined by CCLD on a case-by-case basis;
- (5) Provides care infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, for fewer than 70 days in a calendar year;
- (6) Is a provider of medical services;
- (7) Provides care for children from only one family, not including the provider's children;
- (8) Provides care for three or fewer children, not including the provider's children;
- (9) Provides care for preschool-age children that is primarily educational for 4 hours or less per day and where no preschool-age child is present at the center for more than 4 hours per day;

- (10) Provides care for school-age children that is not intended for child care purposes and is primarily a single enrichment activity, such as swimming lessons, dance lessons, tutoring, music lessons, sports practice, or any single class in any subject, where no child attends for more than 8 hours per week;
- (11) Provides group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. This exclusion applies only to the time engaged in the group athletic or social activities;
- (12) Is operated by a school district, charter school, political subdivision of this state, or a government agency;
- (13) Operates as a parent cooperative for no more than 4 hours a day and:
 - (a) Care is provided on a rotating basis by parents that are members of the cooperative; and
 - (b) Are overseen by a board of directors responsible for developing written program policies and procedures that are shared with all members.
- (14) Provides care while the child's parent or person responsible for the child remains on the premises and is engaged in an activity on site, and:
 - (a) A center informs parents that the center's program is not licensed by the state;
 - (b) Activities do not include work or attending school; and
 - (c) Caregivers are always able to contact the parent(s).
- (15) Provide youth development activities, as defined in ORS 329A.250(14), to school-age children during hours that school is not in session and which does not take the place of a parent's care.

414-305-0130 Application Process

- (1) An applicant must submit an original and complete application for a certificate on the forms provided by CCLD:
 - (a) For the initial certificate;
 - (b) For the annual renewal of the certificate;
 - (c) Whenever there is a change of owner;
 - (d) Whenever the center moves to a new location; or
 - (e) For increase of capacity.
- (2) If an applicant is a corporation, association, or other public or private organization or agency, the application must be signed by the chief executive officer or a person designated in writing to have the authority to sign the application. If an applicant is a partnership, the application must be signed by each partner.
- (3) An applicant that is not the owner of the center must identify the owner on the application.
- (4) A certified child care center must submit a non-refundable filing fee with the application.

- (a) For the initial application, a change of owner, the reopening of a center after a lapse in certification, or a change of location, the fee is \$100 plus \$2 for each certified space. For example, the fee for a child care center certified to care for 30 children is \$100 + \$60 = \$160.
 - (b) For a renewal application, the fee is \$2 for each licensed capacity space.
 - (c) For an increase in capacity, the fee is \$2 for each additional capacity space.
- (5) A certified child care center must complete and submit an application to CCLD at least:
- (a) 45 days before the planned opening date of a new center or change of owner or location; and
 - (b) 30 days prior to the expiration of the certificate for a renewal.
 - (A) If an application for renewal and payment of the required fee is received at least 30 days prior to the expiration date of the current certificate, the current certificate, unless officially revoked, remains in force until CCLD has acted on the application for renewal and has given notice of the action taken.
 - (B) If an application for renewal and payment of the required fee is not received at least 30 days prior to the expiration date of the current certificate, the certificate will expire and the certified child care center must cease operations unless the renewal is completed prior to the expiration date.
- (6) An applicant must provide the following items with the application for an initial certificate, change of owner, change of address and when the center indoor floor plan or outdoor areas change:
- (a) Evidence that the certified child care center meets all applicable building codes and zoning requirements;
 - (b) Approval by an environmental health specialist registered under ORS chapter 700 or an authorized representative of the Oregon Health Authority;
 - (c) Approval by a state or local fire code official prior to the initial certification date. If the certified child care center is housed in a public school, CCLD will accept the most recent fire code official inspection conducted at the school, if conducted within the last 2 years;
 - (d) A floor plan. If the certified child care center is located within or attached to a building used for purposes other than child care, the floor plan must also show that space and how it is used; and
 - (e) Initial or current lead testing results for each source of drinking water, as required in OAR 414-305-0820.
- (7) An application for renewal of a certified child care center certificate may be approved by CCLD upon CCLD's receipt of the following:
- (a) Written approval by an environmental health specialist registered under ORS chapter 700 or an authorized representative of the Oregon Health Authority;
 - (b) Written approval by a state or local fire code official within the last 2 years of the renewal date; and

- (c) CCLD's Health and Safety inspection completed successfully with the center's CCLD licensor.
- (8) The applicant must submit a floor plan to CCLD, the environmental health specialist, the fire code official, and the local building department prior to initial construction, remodel, or change in location. An applicant is responsible for payment of any applicable fees for fire safety and sanitation inspections.
- (9) An applicant must pay in full all civil penalties established by final order against the applicant or be compliant with an CCLD approved payment plan before CCLD will process an initial or renewal application.
- (10) If CCLD has not approved, issued a notice of intent to deny, or issued a final order by default or after a contested case hearing denying an application within 12 months of the date the application was submitted to CCLD, the application may be closed, subject to the applicant's right to submit a new application at any time. This rule does not apply if:
 - (a) The application is a timely renewal application; or
 - (b) CCLD has issued a notice of intent to deny the application that has not resulted in a final order or withdrawal.

414-305-0140 Issuance of Certification

- (1) Upon receipt of a completed application, a certified child care center will be evaluated by a representative of CCLD to determine if it meets all certification requirements.
- (2) CCLD will issue a regular certified child care center certification when the center is determined to be in compliance with all of these rules. A regular certified child care center certification is valid for no more than 1 year.
- (3) CCLD will issue a temporary certified child care center certificate when the center is determined to be in compliance with most of these rules, CCLD has not identified deficiencies that are hazardous to children, and the operator demonstrates an effort to be in full compliance.
 - (a) CCLD may issue a temporary certified child care center certification when a renewal application is submitted less than 30 days prior to the certification expiration date or in response to an initial application.
 - (b) A certified child care center may not operate under a temporary certification for more than 180 days in any 12-month period.
 - (c) CCLD may deny an initial or renewal application or revoke a temporary certificate if deficiencies continue while the temporary certification is in effect.
- (4) A certified child care center may not operate after expiration or revocation of a temporary certificate unless a prior regular certification is active due to a renewal application submitted more than 30 days before the regular certification expiration date.
- (5) A certified child care center certificate cannot be transferred to any other location or to another organization or individual.

- (6) A certified child care center must request in writing to CCLD any changes in the conditions of the certificate such as center capacity, age range of children, changes in room use, or hours of operation. A certified child care center must receive approval from CCLD before making such changes.

414-305-0150 Certification Process

- (1) A certified child care center must comply with the conditions of the certificate when admitting children, including, but not limited to, capacity, hours of operation, age range, and special conditions.
- (2) A certified child care center must allow representatives of all agencies involved in certification to have immediate access to all areas of the center and premises when child care children are present, including:
 - (a) Areas deemed inaccessible to children, including rooms not typically used for child care, second floors and other structures on the property;
 - (b) Records of children enrolled in the center, and all records and reports related to the child care operation regarding compliance with these rules; and
 - (c) All staff.
- (3) A certified child care center certification may be denied, suspended or revoked if the owner has been removed, denied or suspended from the CBR.
- (4) If a complaint alleges that a certified child care center is not in compliance with these rules, an assessment is made which may include a visit, interviews with the center staff, records review, and program observation to determine whether a complaint allegation is valid, unable to substantiate, or invalid.
- (5) Information that a certified child care center provides to CCLD on applications, in records or reports, or any other written or verbal communication must be current, complete, and accurate.
- (6) Parental request or permission to waive any of the rules for the certification of child care centers does not give a certified child care center permission to do so.
- (7) CCLD certification records are open to the public on request, including findings of complaint investigations. However, information protected by state or federal law and the names of children and adults will not be disclosed.

414-305-0160 Exceptions to Rules

- (1) A certified child care center may request an exception to a rule on a form provided by CCLD for a specified period of time when:
 - (a) A requirement does not apply to the center; or
 - (b) The intent of the requirement can be met by a method not specified in the applicable rule.
- (2) An exception request must include:

- (a) A justification for the requested exception; and
 - (b) An explanation of how the center will meet the intent of the rule.
- (3) An exception request will not be granted:
- (a) If the requirement is established by state statute or federal law; or
 - (b) If the health, safety, and well-being of the children cannot be ensured.
- (4) A certified child care center must remain in compliance with the rule as written until CCLD approves the exception request.
- (5) In certain circumstances, a certified child care center may be granted an ongoing exception that will be reviewed annually to confirm the center is in compliance with all exception requirements.
- (6) Each exception request is unique to the applicable center and is evaluated on its own merits. The granting of an exception to a rule does not set a precedent.
- (7) CCLD may withdraw approval of an exception at any time, to ensure the health, safety and well-being of the children.

414-305-0200 Policies

- (1) A certified child care center must have written policies identified in 414-305-0200(2)(a-t) 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.
- (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 a child known to have specific needs must be made after an individualized assessment is completed. 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.

414-305-0210 Emergency Preparedness and Response

- (1) A certified child care center must have a written plan for emergency preparedness that addresses evacuation, relocation, shelter-in-place and lockdown procedures, and responding to medical emergencies and other incidents that center staff will follow, unless otherwise instructed by emergency personnel. The plan must identify a licensed physician, hospital, or clinic to be used for emergency medical care.
- (2) A certified child care center's written plan must clearly define roles and responsibilities for all staff in an emergency and identify the center's procedures for:
 - (a) Responding to a lost or missing child;
 - (b) Ensuring that all children in attendance are supervised and accounted for during and after an emergency;
 - (c) Sounding an alarm and alerting staff of the emergency;
 - (d) Responding to health and safety emergencies or suspected abuse of children, staff, volunteers, or family members occurring while they are on the premises of the center;
 - (e) Notifying emergency authorities, including the poison control center, when necessary;
 - (f) Evacuating children to a designated safe area or relocating children to alternate shelter. Designated safe areas and alternate shelters must be a minimum of 50 feet from the building being evacuated;
 - (g) Moving children to a designated location in the center for sheltering-in-place and lockdown emergencies;
 - (h) Responding to natural and man-made disasters including power outages;
 - (i) Responding to serious illness, serious injury or death of a child or staff;

- (j) Responding to incidents involving a hostile intruder;
 - (k) Addressing the needs of individual children, including children with disabilities or other specific needs, and children with chronic medical conditions;
 - (l) Ensuring children's emergency contact information and medical authorization and staff emergency contact information is accessible during and after an emergency;
 - (m) Notifying parents after the emergency ends and how children will be reunited with their families as the evacuation, relocation, or sheltering/lockdown is lifted;
 - (n) Maintaining continuity of care after a natural or man-made disaster, including access to copies of records, documents, and computer files necessary for continued operation stored in either a portable file or at an off-site location; and
 - (o) Ensuring pool and swimming safety if applicable (also see OAR 414-305-1300, Swimming).
- (3) A certified child care center must observe weather conditions and other possible hazards to take appropriate action for child health and safety. Conditions that pose a health or safety risk may include, but are not limited to:
- (a) Heat in excess of 100°F, or pursuant to advice of the local authority;
 - (b) Cold less than 20°F, or pursuant to advice of the local authority;
 - (c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger;
 - (d) Earthquake;
 - (e) Air quality emergency ordered by a local, state, or federal authority on air quality or public health;
 - (f) Lockdown notification ordered by a public safety authority; and
 - (g) Other similar incidents.
- (4) A certified child care center must review the written plan and all emergency procedures at least once per licensing year and update the procedures as needed.
- (5) A certified child care center must review the written plan with center staff once annually and whenever the plan is updated.
- (6) A certified child care center must practice evacuation drills monthly and one other aspect of the emergency plan every other month that:
- (a) Vary in days and times when drills are conducted;
 - (b) Are documented including the type of drill, date, time of day, name of the person supervising the drill, number of children and staff in attendance, and length of time taken for all individuals to complete the drill;
 - (c) Include another method, in addition to working smoke detectors, to alert all staff and enrolled children of a fire, emergency situation or drill; and
 - (d) Include staff taking emergency contact information, medical authorization, and current attendance records with them if leaving the child care area during a drill.
 - (e) An emergency evacuation drill must be conducted within the first 10 operating days after initial licensure.
- (7) A certified child care center must post on each floor and in each classroom in use, a diagram of the building showing:

- (a) Room numbers or names of rooms;
 - (b) Emergency exits. Exits must not be through a swimming pool area;
 - (c) Room location and exit pathways from the room and building; and
 - (d) The predetermined safe location where everyone will gather after evacuation, unless emergency personnel provide alternative instructions.
- (8) A certified child care center must have an emergency light source, such as a flashlight, in working condition, available in:
- (a) Each classroom used by children;
 - (b) The center's kitchen; and
 - (c) The center's office, if applicable.
- (9) A certified child care center must have an emergency supply kit available in a location known to all staff. Supplies must include at a minimum:
- (a) First aid supplies, hand sanitizer, wet wipes, and tissue;
 - (b) A whistle or air horn;
 - (c) A working flashlight and spare batteries; and
 - (d) A battery or solar powered radio.

414-305-0220 Children's Records

- (1) A certified child care center must obtain the following information for each child, in paper or electronic format, prior to the first day of attendance that includes the parent's signature:
- (a) The child's name, date of birth, and home address;
 - (b) Date the child entered care;
 - (c) Name(s), home and business address(es) and telephone number(s) of the custodial parent(s) or legal guardian(s);
 - (d) Name and contact information of the person to be called in an emergency if the parent(s) cannot be reached;
 - (e) Name and telephone number of person(s) to whom the child may be released;
 - (f) The name and telephone number of the school that the child attends, if applicable;
 - (g) Name and telephone number of child's medical provider(s) or emergency care facility, if applicable;
 - (h) Immunization record or exemption that is updated when the child receives additional vaccines (also see OAR 414-305-0225 Immunizations);
 - (i) Authorization to obtain emergency medical care and to transport the child for emergency medical treatment;
 - (j) Developmental and health history of any problems that could affect the child's participation in child care;

- (k) A written care plan for any child must be readily accessible to those caring for children with chronic health issues or specific care needs such as allergies, previous serious illnesses or injuries, and medications prescribed for continuous, long-term use (also see OAR 414-305-1050, Care of Children with Specific Needs); and
- (l) Verification that parents have received a copy of the center policies.
- (2) A certified child care center must ensure that all children's records are immediately accessible to caregivers during hours of operation for use in an emergency or for children with chronic health issues or specific care needs.
- (3) A certified child care center must permit parents, upon request, to review records and reports, except for child abuse reports, on their own children.
- (4) A certified child care center must have the parent or guardian review, update, and sign or initial the enrollment form at least annually.

414-305-0225 Immunizations

- (1) A certified child care center must comply with Oregon Health Authority's administrative rules (see OAR 333-050-0040) relating to the immunization of children. If a child is enrolled in a public or private elementary school, immunizations are not required to be documented by the child care facility.
- (2) A certified child care center may provide care for children who are in foster care or experiencing homelessness while parents/guardians are taking necessary actions to comply with immunization requirements of the center.

414-305-0230 Parental Permissions

- (1) A certified child care center must have the following current permissions from parent(s) when applicable:
 - (a) Documentation of permission for a person not listed in the child's records to pick up the child that includes:
 - (A) Date and time of the permission;
 - (B) Period of time the permission is valid;
 - (C) Name of the individual providing permission;
 - (D) Name of the individual permitted to pick up the child; and
 - (E) Name of the center staff receiving the permission.
 - (b) Signed and dated parent permission for each medication, prior to administration, that includes:
 - (A) The child's name;
 - (B) The name of and reason for the medication;
 - (C) The dosage, dates, and times to administer the medication, and how the medication will be given; and
 - (D) Whether the medication needs to be refrigerated.

- (c) For chronic medical conditions, a certified child care center may obtain permission for 12 months or less with specific instructions including when administration is needed, such as diaper cream and inhalers (also see OAR 414-305-1030, Medications).
 - (d) Parental permission for participation in any center-sponsored religious or cultural event. Parental permission is also required for any special occasions where food is served;
 - (e) A certified child care center must have signed parent permission prior to transporting a child that includes:
 - (A) The child's name;
 - (B) The purpose of transportation;
 - (C) Whether a center or personal vehicle is used and whether the driver is staff or a volunteer; and
 - (D) A specific pick-up and drop-off plan that addresses the location, times, and transfer of supervision.
 - (f) Parental permission for a school-age child to leave the facility on their own.
 - (g) Permission to bathe a child, if necessary.
- (2) A certified child care center must have parent permission prior to a field trip or other activity away from the immediate neighborhood. Field trip permission must be specific with dates, times, and locations for each field trip.
 - (3) A certified child care center must inform and obtain written permission from parents for children to participate in contracted (e.g., gymnastics, music) or individualized services (e.g., therapeutic or medical services) not directly operated by the center. The permission form must state that the services are not licensed by CCLD.
 - (4) A certified child care center must have parental permission prior to a high risk activity, such as swimming, on or off the premises, and share the safety plan with parents that includes:
 - (a) Minimum ratios for the activity;
 - (b) Conditions for the child's participation, such as their age and skill levels;
 - (c) Special equipment necessary, such as safety helmets or specific clothing; and
 - (d) Safety practices followed.
 - (5) A certified child care center must obtain parental permission prior to using photographs or recordings of a child publicly (e.g. social media, advertisements).
 - (6) If a family served by a certified child care center is experiencing homelessness, the center must make efforts to follow OAR 414-305-0230 (1) through(5). If a certified child care center is unable to acquire written parental permissions, permissions may be received verbally, when documented by the certified child care center, or electronically, such as through a text message or e-mail.

414-305-0235 Arrival and Departure

- (1) A certified child care center shall require that any person bringing a child to the center remain with the child until the child is accepted by staff.
- (2) A certified child care center may only release a child to a parent or another person named and identified by the parent(s). A person picking up the child must show identification if not known to staff.
- (3) A certified child care center must also be in compliance with OAR 414-305-0270 Notifications, OAR 414-305-0230 Parental Permissions, and OAR 414-305-0200 Policies.
- (4) If a school-age child has parental permission to arrive or depart on their own (also see OAR 414-305-0230(1)(f), Parental Permissions), a staff member must sign the child in or out, as appropriate.

414-305-0240 Staff Records

A certified child care center must maintain current personnel records for each staff, in paper or electronic format, which include:

- (1) Name, address and telephone number of staff;
- (2) Job title and duties;
- (3) Dates of first and last days on the job;
- (4) Emergency contact information;
- (5) Completed employment application or resume;
- (6) Evidence of education and qualifying work experience showing that the person meets the qualifications for the position;
- (7) The CBR confirmation letter sent from CCLD to a certified child care center. If a certified child care center does not yet have a CBR confirmation letter for staff, a certified child care center must have written documentation that the certified child care center has verified with CCLD that the staff is enrolled in the CBR and linked to the center. Documentation must include the date, time, and name of the CCLD staff member the certified child care center spoke with;
- (8) Current first aid and CPR training certificate;
- (9) Current food handler certification, if applicable;
- (10) Driving record, driver's license number and expiration date if the person is to transport children;
- (11) Evidence of participation in an orientation; and
- (12) A statement signed and dated by the employee showing they have access to the center's policies and the rules for the Certification of Child Care Centers.

414-305-0250 Program Records

- (1) A certified child care center must maintain records that demonstrate compliance with all rules for 2 years following the record's creation, such as parent permissions, attendance records, emergency preparedness drills, and pet vaccinations. A certified child care center must maintain staff and children's records for 2 years after termination of employment or care.
 - (a) A certified child care center may store records off site that are older than 1 year but they must be made available within 48 hours, upon request. A center must make all other records available to CCLD at all times.
 - (b) A certified child care center must have at least one staff member on site who can access any records that are stored in paper or electronic formats.
 - (c) Electronic records must be portable for use during an emergency evacuation.
 - (d) If using electronic records, the center must have procedures in place to ensure prompt access, including an on- or off-site electronic back-up method to ensure access in the event of data loss.
 - (e) A certified child care center must keep child and personnel records confidential and only available to personnel as necessary, the individual child's parents, and CCLD staff.
- (2) A certified child care center must maintain the current day's attendance record in paper or electronic format with each group of children. All caregivers must have access to the attendance records to determine which children are in care during their work shift, changes in caregivers, and emergency evacuations. A center's daily attendance records must include:
 - (a) The child's full name; and
 - (b) Times recorded as children arrive and depart so that the record shows the children in attendance at any given time.
- (3) If a group of children separates from the larger group to move to another activity, such as going outside, the responsible staff member must have a method to account for the children in the separate group, such as a written list of the children's names.
- (4) A certified child care center must maintain staff attendance records to include:
 - (a) The staff's full name;
 - (b) Times of arrival and departure; and
 - (c) Group or room assignment.
- (5) A certified child care center must have a visitor log to document all adults, excluding persons authorized to drop off and pick up a child, that includes name, relationship to center (e.g., volunteer, vendor, guest, etc.), and recorded time in and out of the center.
- (6) A certified child care center must immediately document the administration of any medication that includes:
 - (a) The child's name;
 - (b) Medication administered;
 - (c) The date and time when medication was administered;
 - (d) The dosage or amount of medication administered;

- (e) Any side effects exhibited by the child; and
 - (f) The signature of the person who administered the medication (also see OAR 414-305-1030, Medications).
- (7) A certified child care center must maintain a written record of suspected child abuse and neglect reports made to the Department of Human Services Child Welfare or law enforcement.
- (8) A certified child care center must maintain records regarding emergency preparedness and fire prevention such as dates of drills for at least 2 years (also see OAR 414-305-0210, Emergency Preparedness and Response, and OAR 414-305-0860, Fire Protection).
- (9) A certified child care center must have parents or guardians of each child enrolled in the center sign a declaration form, approved by CCLD, verifying they have reviewed a copy of the current license certificate. The declaration shall be updated any time an exception or condition is added to or removed from the license.

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.
- (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.

414-305-0270 Notifications

- (l) 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).
- (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.
- (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 Child Care Licensing Division 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).

414-305-0300 General Staffing Requirements

- (1) A certified child care center must ensure that all staff, including persons not counted in the staff-to-child ratio and volunteers:
 - (a) Know and comply with certification rules;
 - (b) Recognize and act to correct hazards to physical safety, both indoors and outdoors;
 - (c) Demonstrate good judgment as evidenced by responsible behavior that reasonably ensures the health and safety of children;
 - (d) Have not consumed nor are under the influence of any substance that impairs their ability to care for children. "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others;
 - (e) Relate to children with courtesy, respect, acceptance, and patience;
 - (f) Demonstrate realistic expectations for behavior based on the age, abilities, and needs of children;
 - (g) Recognize and respect the uniqueness and potential of all children, their families, and their cultures;
 - (h) Report suspected abuse, neglect, and exploitation in accordance with Oregon law (also see OAR 414-305-0270, Notifications); and
 - (i) Have the required training and experience for the position they are filling.
- (2) A certified child care center must ensure that employees counted in the staff-to-child ratios:
 - (a) Individualize the care and learning opportunities to meet each child's needs based upon the child's age and abilities, including reviewing the information provided by parents while respecting confidentiality;
 - (b) Have a method to identify each child for whom they are responsible; and
 - (c) Are physically capable of performing duties related to child care.
- (3) A certified child care center must ensure that at least one person who has current certification in first aid and Pediatric Cardiopulmonary Resuscitation (CPR) is present in the center at all times, during transportation, and on field trips.
- (4) A certified child care center must ensure that any person who has demonstrated behavior that could endanger the health, safety or wellbeing of a child is not on the premises during child care hours nor has access to children in care.
- (5) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, a symptom of physical illness as described in OAR 414-305-1010(2)(b)(A) through (K), or mental incapacity that poses a threat to the health or safety of children shall be relieved of their duties.

414-305-0310 Central Background Registry Enrollment

- (1) The operator, all child care center staff, and any person 18 years of age or older who may have unsupervised access to children, shall be enrolled in CCLD's Central Background Registry (CBR) prior to the issuance of an initial or renewal certification.
- (2) An individual who is the owner or the principal of an entity that is the owner of a certified child care center must be enrolled in the CBR to be on the center premises or present with children off-site during child care hours.
- (3) A certified child care center must have written confirmation from CCLD that staff 18 years of age or older are enrolled or conditionally enrolled in the CBR before the staff may be on the child care premises or present with children off-site during child care hours.
- (4) All caregivers and other individuals that are required to be enrolled in the CBR and are on site must maintain current enrollment in the CBR at all times while the center license is active.
- (5) Staff conditionally enrolled in the CBR may function in their staff position but shall not have unsupervised access to children until the center has confirmed with CCLD the individual is enrolled.
- (6) Any visitor to the certified child care center or other adult who is not enrolled in the CBR shall not have unsupervised access to children.
- (7) A certified child care center must have safeguards in place to prevent a visitor's unsupervised access to children, including a sign-in and sign-out process that captures:
 - (a) The individual's name and relationship to the center (e.g. volunteer, vendor, guest, etc.);
 - (b) Arrival and departure times; and
 - (c) Name of qualified staff responsible for monitoring the individual's presence and accompanying the individual while on the premises.
- (8) A certified child care center must ensure that individuals whose CBR enrollment has been revoked, denied, or suspended are not on the premises during child care hours or have contact with children in care.
- (9) If additional information is needed to assess a person's ability to care for children or to have access to children, CCLD may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

414-305-0320 Duties and Qualifications of the Director

- (1) A certified child care center must employ at least one individual who meets the qualifications of director as outlined in (6) below. The director is responsible for:
 - (a) Maintaining compliance with all certified child care center rules and all conditions placed on the certification;
 - (b) Developing and implementing the center's operational and personnel policies;
 - (c) Supervising the personnel, volunteers, and other individuals providing services in the center;

- (d) Overseeing the training and professional development of staff including setting educational goals, observation and mentoring;
 - (e) Implementing program development;
 - (f) Overseeing parent communication and family engagement and sharing community resources with families including resources for children with specific needs; and
 - (g) Managing administrative functions, including, but not limited to: maintaining records; financial management; budgeting; maintenance of buildings and grounds; meal planning and preparation; and transportation, if provided.
- (2) If a center's licensed capacity is less than 100 children, the director must be on site a minimum of one-third the weekly operating hours or 40 hours per week, whichever is less, as documented by the center. The director may be responsible for multiple centers.
- (3) If a center's licensed capacity is more than 100 children, the director must be on site at least half of the weekly operating hours or 40 hours per week, whichever is less, as documented by the center. The director may only be responsible for one center.
- (4) A director may serve as a teacher, if qualified, and have regular teaching duties when 40 or fewer children are on site.
- (5) A certified child care center must have the director or a substitute director on the premises during all hours of operation.
- (6) A certified child care center director must:
- (a) Be at least 21 years of age;
 - (b) Meet the initial (see OAR 414-305-0370) and annual training (see OAR 414-305-0380) requirements; and
 - (c) Have attained one of the options in Table 1 below; OR
 - (d) Participate in a plan, approved by CCLD, to substitute for a missing component (either management and supervision of adults OR knowledge of child development) in Option C in the table below. The plan must address how the director will attain the required training, education, or experience in the missing component and how the program will operate until the director has met the missing component.

TABLE 1: Director Qualifications

Director Qualifications		
Have at least the qualifications in A, B, or C:		
A. At least Step 9 in the Oregon Registry		
B. For a single certified child care center that has a licensed capacity of 20 or fewer, 1 year as a provider at a Certified Family Child Care		
OR		
C. Have verifiable knowledge of management and supervision of adults , evidenced by a combination of professional references, education, experience or training as follows:		
(1) 7 credit hours in business administration or management at a college or university, OR	(2) 70 training hours in program management with an emphasis on the following subjects: financial management and budgeting; policy development; staff management, evaluation and training; record keeping, OR	(3) 600 hours of documented experience where there was an opportunity to participate in the following activities: financial management and budgeting; policy development; record keeping; staff management, evaluation and training
AND		
Have verifiable knowledge of child development for the primary ages served in the center, evidenced by a combination of professional references, education, experience or training as follows:		
(1) 7 quarter credit hours at a college or university in two of the following Core Knowledge Categories (CKC): Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN) or Observation and Assessment (OA), OR	(2) 70 community based training clock hours in two of the following: Core Knowledge Categories (CKC): Human Growth and Development (HGD), Learning Environments and Curriculum (LEC), Understanding and Guiding Behavior (UGB), Special Needs (SN), Observation and Assessment (OA), relevant to ages of the children served in the center, OR	(3) 600 additional hours of qualifying teaching experience with children the same age as those in the center

- (7) A certified child care center's substitute director must meet teacher qualifications, understand the director's responsibilities, be familiar with the certification requirements, have access to all records, and be authorized and able to correct deficiencies.

414-305-0340 Duties and Qualifications of Teachers

- (1) A certified child care center's teachers are responsible for:
 - (a) The supervision of their assigned group of children at all times; and
 - (b) The supervision of any aides or volunteers assigned to their group.
- (2) A certified child care center's teachers must:
 - (a) Be at least 18 years of age;
 - (b) Meet the initial (see OAR 414-305-0370) and annual training (see OAR 414-305-0380) requirements; and
 - (c) Meet the experience and training qualification requirements for their assigned age group in one of the options listed in Table 2 of this section; OR
 - (d) For school-age only classrooms, meet the experience and/or training qualification requirements in Table 3 of this section.

TABLE 2: Qualifications for Teachers

Teacher Qualifications			
Have attained 1 of the following options (A, B, C, D or E):		Infant and/or Toddler Age	Preschool-Age
A	At least 750 hours of qualifying teaching experience* in a Certified Child Care Center, or comparable group care program** in the appropriate age level.	Infants and/or toddlers;	Older toddlers OR preschool-age OR school-age children;
B	One year or 1,500 hours of qualifying teaching experience in Registered Family or Certified Family child care.		
C	Documentation of attaining at least step 6 in the Oregon Registry; OR 9 quarter credits in two CKCs (3 must be in HGD or UGB)		
D	A minimum of an Associate's Degree from a college or university with a major in:	<ul style="list-style-type: none"> • Early childhood education • Child development • Special education • Human development • Child and family studies 	<ul style="list-style-type: none"> • Early childhood education • Child development • Special education • Elementary education • Human development • Child and family studies
E	A state or nationally recognized credential, e.g. Child Development Associate (CDA).	Related to infant and toddler care	Related to preschool-age care

<p>* Qualifying Teaching Experience means: For infant/toddler and preschool age groups, gained with a group of the same age children in at least 3-hour blocks, within a 36-month period; Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.</p>
<p>** Comparable group care program means a program which has the following elements:</p> <ul style="list-style-type: none"> (a) Individuals are supervised by knowledgeable professionals; (b) Training of individuals is provided or required annually; (c) Group size is similar to a certified child care facility; (d) Curriculum is age appropriate; and (e) The program is not providing uncertified drop-in care;

TABLE 3: Qualifications for School-age Classroom Teachers

School-age only Classroom Teacher Qualifications	
Have attained 1 of the following options (A, B, C, or D):	
A	60 hours of experience working in the classroom; AND Completion of 20 clock hours of training, completed within the last 5 years, focused on school-age child care that meets the following core knowledge criteria: <ul style="list-style-type: none"> • 5 clock hours in understanding and guiding behavior (UGB). • 5 clock hours in learning environments and curriculum (LEC). • 5 clock hours in human growth and development (HGD) • 5 clock hours in program management (PM).
B	At least 240 hours of qualifying experience working with school-age children in the last 5 years in a Certified Child Care Center, Certified Family, Registered Family or comparable group care program.
C	At least an Associate's Degree in: <ul style="list-style-type: none"> • Early childhood education • Child development • Elementary education • Special education • Physical education • Recreation • Human development • Child and family studies • Home economics
D	At least a Step 6 in the Oregon Registry

414-305-0350 Duties and Qualifications of Aides

- (1) A certified center's aides support teachers in caring for a group of children under the supervision of the teacher.
- (2) An aide I must:
 - (a) Be at least 14 years old;
 - (b) Meet the initial training requirements (also see 414-305-0370, Orientation and Initial Training);
 - (c) If under 18 years of age, be within sight AND sound of a staff person who meets the qualifications of a teacher or aide II, as specified in 414-305-0350(4)(a), at all times with children. If under 18 years old, an aide I may never be left alone with a child or group of children;
 - (d) If 18 years of age or older, be within sight OR sound of a staff member who meets the qualifications of a teacher or aide II, as specified in 414-305-0350(4)(a), at all times while with children, except when:
 - (A) Accompanying a child or a group of children to the bathroom;
 - (B) Providing minor medical attention to a child;
 - (C) A child is ill and has been separated from the other children until the child leaves the center; or
 - (D) Rest time staff-to-child ratios apply, per OAR 414-305-0400(7).
- (3) An aide II must:
 - (a) Be at least 18 years of age;
 - (b) Meet initial (see OAR 414-305-0370, Orientation and Initial Training) and annual training requirements (see OAR 414-305-0380); and
 - (c) Have at least 240 documented hours of experience as an aide I or aide II, of which at least 80 hours must be at the center where the individual is currently employed.
 - (A) If working in a classroom with toddler or older age children, experience can be with any age group.
 - (B) If working with infants, an aide II must have 240 hours of experience working with infants.
- (4) An aide II may not be alone with a group of children except when:
 - (a) Supervising a group of children and aide I to cover for staff breaks, provided staff-to-child ratios are maintained, and there is another staff who is teacher or director qualified present at the facility;
 - (b) Times identified in 414-305-0350(2)(d)(A) through (D);
 - (c) Transporting children;
 - (d) Substituting for the teacher in the primary group of children the aide II works with. Substituting for the teacher is limited to up to two consecutive weeks. If longer than two weeks, the director must notify CCLD with a plan to manage the classroom. While substituting, staff-to-child ratios must be maintained, and there must be another staff who is teacher or director qualified present at the facility; and
 - (e) Participating in a teacher training program, as described in 414-305-0350(5).

- (5) At the discretion of the director, an aide II can function as teacher while participating in a teacher training program. There must be another staff who is teacher or director qualified present at the facility. Prior to an aide II functioning as a teacher, a plan to complete the requirements in OAR 414-305-0350(6) must be submitted to and approved by CCLD.
- (6) A staff member in a teacher training program must complete:
 - (a) A minimum of 50 clock hours in the following Core Knowledge Categories (CKCs), with a minimum of 12 hours completed per month. Training completed within the last 5 years may be applied to this requirement.
 - (A) 10 hours in Human Growth and Development;
 - (B) 10 hours in Understanding and Guiding Behavior;
 - (C) 10 hours in Learning Environments & Curriculum; and
 - (D) 20 hours, that includes at least two additional CKCs.
 - (E) If working with infants, 25 hours of the 50 training hours must be specific to infant/toddler care.
 - (b) At a minimum, twice a month feedback sessions for four months with the director, a teacher assigned to provide mentorship, or consultant. Feedback sessions must include, at a minimum:
 - (A) Direct feedback on their performance in regards to:
 - (i) Creating a Healthy Climate for Child Development (OAR 414-305-0510);
 - (ii) Behavior and Guidance (OAR 414-305-0700);
 - (iii) Compliance with other rules related to certified child care centers (OAR 414-305-0000 through 414-305-1620);
 - (iv) Other areas identified by the director, assigned teacher, consultant, or the individual; and
 - (v) If applicable, infant and toddler care.
 - (B) Setting of professional goals related to the feedback given; and
 - (C) Each feedback session must be a minimum of 30 minutes in length.
 - (c) Documentation of training hours and feedback sessions. Documentation must include:
 - (A) Dates and times of feedback sessions;
 - (B) Description of feedback given and progress on goals; and
 - (C) Expected completion date of the teacher training program.

414-305-0355 Multi-Site Programs

- (1) In a multi-site program, the center shall develop a written plan which shows how the duties of the director in OAR 414-305-0320(1) will be met at each site and must employ a multi-site coordinator.
- (2) Multi-site coordinators must:
 - (a) Meet director qualifications identified in OAR 414-305-0320(6);
 - (b) Meet the initial (see OAR 414-305-0370) and annual training (see OAR 414-305-0380) requirements;

- (c) Designate one teacher at each site who is responsible for maintaining compliance with CCLD rules. There must be one designated teacher on site at all times; and
 - (d) To allow for adequate oversight of each site, the Multi-site Coordinator:
 - (A) Must be at each site at least once a month for a minimum of one hour while children are in care;
 - (B) May serve as a teacher, if qualified; and
 - (C) Must be available by phone to parents, staff and CCLD at all times during child care hours.
- (3) A multi-site program can operate using either Table 3A (see OAR 414-305-0400(6)) or when 16 or fewer children are on site, can operate using the Mixed-Age Ratio Table (see OAR 414-305-0400(12)).

414-305-0360 Other Staff and Volunteers

- (1) A certified child care center must verify that all substitutes, prior to being left alone (if qualified to be unsupervised) with children:
 - (a) Are enrolled in the CBR as required under OAR 414-305-0310, Central Background Registry Enrollment;
 - (b) Complete the CCLD Introduction to Child Care Health and Safety training as required under OAR 414-305-0370(2), Orientation and Initial Training; and
 - (c) Have completed a minimum of 2 hours of training on recognizing and reporting child abuse and neglect that is specific to Oregon law, within 30 days of employment.
- (2) A certified child care center must ensure that substitutes counted in the staff-to-child ratio meet qualifications for the position they hold.
- (3) If a certified child care center uses a volunteer to meet staff-to-child ratios, the center must document how the volunteer meets the qualifications of the position they are filling, including CBR enrollment.
- (4) A certified child care center must ensure that all center staff and volunteers are aware of the policy that volunteers who do not meet staff requirements must be at least 13 years of age and not have unsupervised access to children.
- (5) Volunteers under the age of 14 must have written permission from their parent or guardian.
- (6) Unless participating in a structured volunteer program, volunteers under the age of 14 may be on the premises of the certified child care center for no more than 4 hours per day.
- (7) A certified child care center must identify the duties for each volunteer and share them with the volunteer and center staff in writing prior to the volunteer beginning work at the center.

414-305-0370 Orientation and Initial Training

- (1) A certified child care center must ensure that all staff, including substitutes, receive an orientation within the first 10 days of hire and before staff have unsupervised access to children. An orientation must include, but is not limited to:
 - (a) A review of the rules for certified child care centers;
 - (b) The written plan for emergency preparedness that addresses evacuation, relocation, shelter-in-place and lockdown procedures and responding to medical emergencies, illness and injuries, allergic reactions, and other incidents;
 - (c) The prevention and control of infectious diseases;
 - (d) Building and premises safety including identification and protection from hazards such as electrical hazards, bodies of water, and vehicular traffic;
 - (e) The handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
 - (f) Methods used to inform personnel of children's specific health, nutritional, and developmental needs;
 - (g) Safe sleep practices and prevention of shaken baby syndrome and abusive head trauma;
 - (h) The administration of medication;
 - (i) The center policies, as required under OAR 414-305-0200, Policies; and
 - (j) Procedures for reporting suspected child abuse or neglect.
- (2) A certified child care center must ensure staff, including substitutes, complete the following within 30 days of hire and prior to having unsupervised access to children:
 - (a) Introduction to Child Care Health and Safety; and
 - (b) A minimum of 2 hours of CCLD approved training on recognizing and reporting child abuse and neglect that is specific to Oregon law.
- (3) A certified child care center's staff and substitutes, with the exception of cooks, must:
 - (a) Have current certification in first aid and pediatric CPR within the first 90 days of hire. On-line CPR training is only acceptable if it includes hands-on instruction. First aid and pediatric CPR must be kept current during employment at the center.
 - (b) If the center is certified to care for infants, complete the Safe Sleep for Oregon Infants training within the first 30 days of hire and prior to having unsupervised access to infants; and
 - (c) Complete the CCLD approved Child Development Training within 90 days of hire.
- (4) A certified child care center must ensure the following staff, including substitutes, obtain an Oregon food handler's certification within 30 days of hire. Food handler's certification must be kept current during employment at the center.
 - (a) Cooks and kitchen staff who handle food;
 - (b) Staff who serve meals from a communal source or put away leftovers; and
 - (c) Staff in infant rooms who prepare bottles or serve food.

- (5) A certified child care center director must provide verification to Oregon Registry Online (ORO) that they have obtained 10 hours of training in the core knowledge category of Program Management; or they must obtain 10 hours within the first year of hire.

414-305-0380 Annual Training

- (1) A certified child care center must ensure the following training requirements are met for each staff:
 - (a) Each certified child care center director, multi-site coordinator, teacher, and aide II must have at least 15 clock hours of formal training or education annually related to child care, of which at least 8 clock hours is in child development and 1 hour is in health, safety, and nutrition (HSN).
 - (b) Substitute teachers and substitute aide IIs who provide care for 240 hours or more per licensing year at one or more sites operated by the same organization complete at least 15 clock hours of annual training or education related to child care, of which at least 8 clock hours is in child development or early childhood education, and 1 hour is in health, safety, and nutrition (HSN).
 - (c) Certified child care center staff employed less than a year must complete training requirements prorated at 1.25 clock hours for each month worked in the current license period. If the 15 hours of training are pro-rated, the requirement to have 8 hours of training in child development or early childhood education does not apply.
- (2) Any staff member who works at multiple locations, operated by the same organization/company must designate one certified child care center to track the staff member's training requirements.

414-305-0385 Training Criteria

- (1) All staff employed by a certified child care center must have an active account with ORO. Staff training must meet the following requirements:
 - (a) Be approved by ORO; and
 - (b) Be at least 1 hour in duration.
- (2) Staff training that is a component of a staff meeting may be counted toward the required training hours.
- (3) The following core knowledge categories (CKCs) are accepted for the child development and early childhood education requirement: Diversity, Family and Community Systems, Human Growth and Development, Health Safety and Nutrition, Learning Environments and Curriculum, Observation and Assessment, Special Needs, and Understanding and Guiding Behavior.

- (4) A certified child care center may count the following initial required staff training toward the 15 clock hours of annual training during the first year of employment. These hours, with the exception of (g) cannot be applied toward the requirement of 8 hours in child development or early childhood education:
 - (a) Up to 2 hours of orientation at the first renewal period after the staff person's hire date;
 - (b) First aid and pediatric CPR training;
 - (c) Food handler's training;
 - (d) CCLD approved training on recognizing and reporting child abuse and neglect;
 - (e) CCLD Introduction to Child Care Health and Safety training;
 - (f) 1 hour of training in the category of Health, Safety and Nutrition; and
 - (g) CCLD approved Child Development training.
- (5) During subsequent years of employment, a certified child care center may count the following repeated training as part of the 15 clock hours of training:
 - (a) 5 hours of first aid and pediatric CPR training;
 - (b) Food handler's training;
 - (c) Recognizing and reporting child abuse and neglect, but only repeated every 3 years; and
 - (d) A Set 2 (intermediate) or Set 3 (advanced) training as described by ORO can be repeated once, provided it was not taken within the previous 2 years.

414-305-0400 Staff-to-Child Ratio and Group Size

- (1) "Ratios" mean the number of staff required to be physically present with a child or group of children.
- (2) "Group size" is the number of children assigned to staff occupying an individual classroom or well-defined space within a larger room.
- (3) When more than one group of children utilize a room at the same time, excluding rooms used only for large group activities (e.g., eating, napping, large muscle activities), the following apply:
 - (a) The area occupied by each group must be defined by use of portable or permanent room dividers, furniture or equipment;
 - (b) Each space is considered separate and operates as an independent classroom. The space must have its own staff, program materials, attendance records and adequate square footage;
 - (c) Children may not move freely between the two spaces; and
 - (d) The entire group can come together briefly for a specific activity, but in general, the groups should remain separate throughout the day.
- (4) A certified child care center must have at least one caregiver who meets the qualifications of a teacher, as defined under OAR 414-305-0340(2), with each group of children.

- (5) A certified child care center must count all children in ratios, group size and capacity with the following exceptions:
 - (a) Children visiting with a non-staff parent or a staff parent not being counted to meet staff-to-child ratios as long as the parent is directly supervising their child; and
 - (b) Minors who qualify as volunteers.
- (6) The number of teachers and aides and group size is determined by the number and ages of the children in attendance, per Table 3A or 3B, as applicable.
 - (a) All certified child care centers with initial certification after July 15, 2001, must comply with staff-to-child ratios and group size in Table 3A.

TABLE 3A
(For centers initially licensed after July 15, 2001)

Age of Children	Minimum Number of Staff to Children	Maximum Number of Children in a Group
6 weeks to 24 months of age	1:4	8
24 months to 36 months of age	1:5	10
36 months to School-Age	1:10	20
School-Age	1:15	30

- (b) Certified child care centers with initial certification on or before July 15, 2001, must comply with staff-to-child ratios and group size in either Table 3A or Table 3B. Centers eligible to utilize Table 3B may continue to be eligible under the following conditions:
 - (A) The center must choose to operate under Table 3A or Table 3B; centers shall not operate under a combination of both.
 - (B) If a center changes ownership, but continues to operate, the center may continue to utilize Table 3B.
 - (C) If a center wishes to change from operating under one ratio table to another ratio table, the center must notify CCLD in writing and receive approval prior to utilizing a different table.
 - (D) A certified child care center may change ratio tables only twice.

TABLE 3B
(For centers with initial certification on or before July 15, 2001)

Age of Children	Minimum Number of Staff to Children	Maximum Number of Children in a Group
6 weeks to 30 months of age	1:4	8
30 months to School-Age	1:10	20
School-Age	1:15	30

- (7) A certified child care center must meet the staff-to-child ratio and the maximum number of children in a group at all times, except during times identified in (a) and (c) of this rule:
- (a) One teacher, aide II, or aide I, with CBR enrollment, may supervise the area where children are resting if:
 - (A) There are no infants in the group;
 - (B) All children are in the process of going to sleep, asleep, or in the process of waking up;
 - (C) The room is arranged so all children are supervised, as defined in OAR 414-305-0500, Supervision of Children; and
 - (D) The center has sufficient staff on site that can be summoned to meet the required ratio in case of an emergency or as children wake.
 - (b) If two or more children are restless, vocal, off their cot or mat, sitting up, or interacting with other children, a certified child care center must meet the staff-to-child ratio.
 - (c) A certified child care center may exceed maximum group size on field trips, outdoor play, planned large group activities, napping and eating.
- (8) A certified child care center may count staff in ratio under the following situations:
- (a) Drivers, when transporting children;
 - (b) While staff are performing minimal cleaning and food service duties, provided supervision is maintained;
 - (c) When they are assisting a child in a restroom that opens directly into the classroom, provided children can be seen or heard and supervision is maintained; and
 - (d) When any children are participating in a contracted service in the center, the room is arranged so all children are supervised and the situation permits, there may be one staff that meets at least the qualifications of an aide I, with CBR enrollment, supervising the group along with the contracted services instructor. As children finish the activity offered by the contracted service, additional caregivers shall be added to return to required ratios. Sufficient caregivers to meet the required ratio shall be in the facility and able to be summoned by the caregiver without leaving the room.

- (9) A certified child care center may combine older toddlers through school-age children in one group. If children are in adjacent age ranges (e.g. younger toddlers with older toddlers, or older toddlers with preschool age children), they may be combined in one group.
- (10) If combining infants, younger toddlers and older toddlers, the certified child care center must ensure:
 - (a) There is separation of non-mobile infants from mobile children; and
 - (b) Activities and materials are safe and developmentally appropriate for all children in the group.
- (11) In a mixed age group, a certified child care center must meet the ratio and group size for the youngest child in the group, excluding when the center is operating under the Mixed-Age Ratio Table (see OAR 414-305-0400(12)).
- (12) A certified child care center may operate within the ratio and group size in the Mixed-Age Ratio Table when:
 - (a) There are 16 or fewer children on site; or
 - (b) The certified child care center's licensed capacity is 16 or fewer children.

Mixed-Age Ratio Table

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

- (13) When utilizing the Mixed-Age Ratio Table, a certified child care center must:
 - (a) Meet all requirements for the age groups that are in care;

- (b) Ensure that at least one staff member is teacher-qualified in one of the represented age groups;
- (c) If infants and toddlers are part of the mixed-age group, a center must:
 - (A) Have separation for non-mobile children from mobile children;
 - (B) Have a diaper changing station and handwashing sink located in the room being utilized for care; and
 - (C) Have one staff member that meets teacher qualifications for infants or toddlers.
- (14) A certified child care center must group children with specific care needs by chronological age, except when recommended otherwise by the child's healthcare professional or other qualified professional as provided in OAR 414-305-1050(10).
- (15) When only one center staff is required to care for the only group of children on site, a certified child care center must ensure:
 - (a) The ratio and group size for the youngest child in the group is met; and
 - (b) A second individual is readily available to respond if needed, or CCLD approves an alternate plan.

414-305-0500 Supervision of Children

- (1) A certified child care center must ensure that children have the full attention of the required number of staff at all times who must:
 - (a) Be aware of what each child is doing;
 - (b) Know and take into account the age of each child, the child's individual behaviors, interests, and abilities, the layout of indoor and outdoor space, and any potential hazards or risks from activities children are engaged in;
 - (c) Be near enough to children to assist and respond when needed;
 - (d) Be within sight and sound, without relying on audio or video monitoring devices, except as specified in OAR 414-305-0500(4).
 - (e) Not participate in personal activities that could interfere with supervision, such as visitors, phone calls, or electronic device use; and
 - (f) Provide supervision when contracted non-staff persons are with children (also see OAR 414-305-0400, Staff-to-Child Ratios and Group Size).
- (2) A certified child care center's staff must position themselves or arrange indoor and outdoor equipment to allow supervision of children while playing on all equipment.
- (3) A certified child care center must provide sufficient light in any room where children are napping or resting so that staff can clearly see each child's face from any point in the room.
- (4) School-age children must be within sight or sound of staff at all times.
 - (a) School-age children out of direct visual contact must be monitored regularly and frequently and must be in approved activity areas; and
 - (b) With staff knowledge or permission, one child at a time may be out of sight and sound supervision, while on the premises of the child care program, when using the restroom or completing a task separate from the larger group, for a maximum of 5 minutes.

414-305-0510 Creating a Healthy Climate for Child Development

- (1) When communicating or interacting with children, a certified child care center must ensure staff maintain a climate for healthy, culturally responsive child development such as:
 - (a) Using a calm and encouraging tone of voice;
 - (b) Using positive language to explain what children can do and give descriptive feedback;
 - (c) Having relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;
 - (d) Greeting children upon arrival and acknowledging their departure;
 - (e) Using facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;
 - (f) Using physical proximity in a culturally responsive way to speak to children at their eye level;
 - (g) Validating children's feelings and showing tolerance for mistakes;
 - (h) Being responsive, listening to children's requests and questions, and encouraging children to share experiences, ideas, and feelings;
 - (i) Observing children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;
 - (j) Modeling and teaching emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;
 - (k) Being respectful of cultural traditions, values, religion and beliefs of enrolled families; and
 - (l) Interacting with staff and other adults in a positive, respectful manner.
- (2) A certified child care center must ensure staff encourage positive interactions between and among children with techniques such as:
 - (a) Giving children several chances a day to interact with each other while playing or completing routine tasks;
 - (b) Modeling social skills;
 - (c) Encouraging socially isolated children to find friends;
 - (d) Helping children understand feelings of others; and
 - (e) Encouraging interactions between children of all abilities.

414-305-0520 Program Schedule

- (1) A certified child care center must develop, post, and follow a written daily schedule for each group of children, according to their ages, interests, and abilities.
 - (a) The written schedule must include a consistent routine that allows for flexibility to respond to the needs of the individual children and group of children.
 - (b) The schedule must:
 - (A) Cover all hours of operation;
 - (B) Provide a balance of active and quiet opportunities;

- (C) Include activities such as small and large group activities, free play, daily outdoor experiences and snacks and meals; and
- (D) Meet the following daily morning or afternoon active outdoor play time requirements:
 - (i) 20 minutes for every 3 hours of programming for infants (as tolerated) and toddlers;
 - (ii) 30 minutes for every 3 hours of programming for children preschool age and older; and
 - (iii) Programs that operate more than 6 hours a day must provide 90 minutes of active play for children preschool age and older or 60 minutes of active play for infants and toddlers (30 minutes of which may be moderate to vigorous indoor activities).
- (2) A certified child care center must ensure daily outdoor play for each child regardless of age, provided weather and environmental conditions do not pose a significant health or safety risk.
- (3) For preschool age and younger children, a certified child care center must include one or more regularly scheduled rest periods.
 - (a) Rest periods must include the opportunity for each child to lay down on a cot or mat. Rest periods may take the form of children sleeping, being awake but inactive, or participating in alternative quiet activities.
 - (b) If children are unable to sleep after 30 minutes, the center must provide alternative quiet activities. Activities may be in the same room where children are sleeping if it is not distracting to sleeping children.
 - (c) A preschool-age classroom that operates up to 6 hours a day is not required to schedule nap or rest times.

414-305-0525 Activity Plan for All Children

- (1) A certified child care center must make the emotional and physical needs of children the first priority of the center, ensuring that children get adequate care and prompt attention.
- (2) A certified child care center must develop, post and follow written weekly activity plans for each classroom that:
 - (a) Indicate indoor and outdoor plans for each day;
 - (b) Are designed to meet the children's developmental abilities, interests, cultural and individual needs; and
 - (c) Are inclusive for all children in the group regardless of disabling or limiting conditions.
- (3) A certified child care center must ensure the activity plan and available materials allow for a range of learning experiences to support each child's development of:
 - (a) Self-esteem, self-awareness, self-control, cooperation, problem-solving, and decision-making abilities;
 - (b) Social, emotional, cognitive, language, literacy, and physical growth; and

- (c) Creativity, experimentation, and exploration.
- (4) A certified child care center must provide children with opportunities to choose from a variety of developmentally appropriate activities and experiences which include:
 - (a) Reading books;
 - (b) Creative expression through the arts;
 - (c) Dramatic play;
 - (d) Gross motor development;
 - (e) Fine motor development;
 - (f) Music and movement;
 - (g) Opportunities to listen and speak;
 - (h) Concept development; and
 - (i) Sensory play.
- (5) A certified child care center must not provide or allow a child to have more than 2.5 hours of screen time per week.
 - (a) When the internet is accessible for children's use, the center must ensure that children do not have access to inappropriate websites, email, instant messaging, and similar technology.
 - (b) Screen time is defined as time spent using electronic devices, including, but not limited to computers, television, tablets, phones and game consoles but does not include assistive or adaptive technology for children with disabilities.
 - (c) Usage times may be extended for physical activity guidance, special events, projects (i.e., coding lessons) and homework.
 - (d) All media exposure must be developmentally and age appropriate, non-violent, and culturally sensitive.
 - (e) When screen time is a group activity, at least one alternative activity must be available for children who do not want to participate.
- (6) A certified child care center must take precautions to protect children from excessive sun exposure, including but not limited to:
 - (a) Keeping infants younger than six months out of direct sunlight;
 - (b) Applying sunscreen to children. Centers must comply with requirements regarding sunscreen in OAR 414-305-1030(7), including parent permission;
 - (c) Ensuring access to shaded areas or having children wear protective clothing and hats; and
 - (d) Limiting direct sun exposure when children do not have sunscreen applied.

414-305-0530 School-Age Activity Plan

- (1) A certified child care center must provide an environment for children where adults' actions demonstrate respect for children's changing physical, emotional and intellectual needs.
- (2) A certified child care center must provide school-age children with the opportunity to take part, on a daily basis, in activities which support their need to practice and build skills in problem-solving, making responsible choices, cooperation, creativity, and appropriate social interactions.
- (3) In addition to those activities specified in OAR 414-305-0520, a certified child care center must provide school-age children with opportunities to choose from a variety of activities, including:
 - (a) Individual projects, which may include homework;
 - (b) Exposure to individual and team physical activities;
 - (c) Opportunities to rest if tired. The center must provide a space that encourages rest for children who wish to rest.

414-305-0600 General Requirements for the Care of Infants and Toddlers

- (1) A certified child care center must not provide care for a child under six weeks of age.
- (2) For infants and younger toddlers, a certified child care center must obtain the following information (also see OAR 414-305-0220, Children's Records):
 - (a) Schedule of feeding;
 - (b) Types of food introduced and timetable for new foods;
 - (c) Sleep schedule; and
 - (d) Child's way of communicating and being comforted.
- (3) A certified child care center must provide the following information to each parent of an infant and toddler on a daily basis (also see OAR 414-305-0270, Notifications):
 - (a) Times and amount of food consumed;
 - (b) Their child's toilet and diapering activities;
 - (c) Their child's sleep schedule;
 - (d) Their child's general mood for the day; and
 - (e) A brief summary of the activities in which the child participated.
- (4) A certified child care center must be responsive to each infant and toddler's individual, physical, and developmental needs.
 - (a) Infants and younger toddlers must be allowed to form and follow their own pattern of sleeping and waking periods.
 - (b) Each child must be given opportunities throughout the day to move freely in a safe, clean, open, and uncluttered area.

- (c) Infants and younger toddlers must be given opportunities to interact and be near one another.
- (5) A certified child care center must not leave an awake child in a play yard, for the purposes of playing, for more than 15 minutes in any 2 hour period.
- (6) Restrictive infant equipment, including, but not limited to, bouncers, exersaucers, swings, infant seats, high and low chairs or structured infant carriers may be used for no more than 15 minutes in any 2 hour period.
 - (a) Children must not be left in high chairs or other types of feeding chairs other than feeding times.
 - (b) Children who are actively engaged in eating, outdoor walks, or car rides can exceed the 15 minute limit for restrictive infant equipment used in these activities.
 - (c) Car seats may not be used except for transportation purposes.
- (7) Throughout the day, a certified child care center must engage each child in frequent, multiple, and social interactions by:
 - (a) Talking and listening to children, encouraging infants to respond, naming objects, feelings, and desires, and describing actions;
 - (b) Giving individual attention to children when needed;
 - (c) Playing and reading with children; and
 - (d) Mirroring similar infant sounds and sharing a focus of the child's attention.
- (8) A certified child care center must use routines relating to activities such as naptime, feeding, diapering, and toileting as opportunities for language development (e.g., naming objects, singing, saying rhymes), building the child's self-esteem, and other learning experiences.
- (9) A certified child care center must not use electronic media, including, but not limited to televisions, laptops, tablets, and cell phone screens with children under the age of 2 years, unless used to supplement an activity for brief periods of time.
- (10) A certified child care center must encourage the development of self-help skills (dressing, toileting, washing, eating) as children show interest.
- (11) If infants and young toddlers are sharing an activity area used by older children, a certified child care center must:
 - (a) Ensure there is separation of non-mobile infants from mobile children; and
 - (b) Ensure activities and materials are safe and developmentally appropriate to children in the group.

414-305-0610 Feeding Infants and Toddlers

- (1) If serving children under 12 months of age, a certified child care center must comply with the following requirements for each child under 12 months of age:
 - (a) The center must have and follow a written feeding plan and schedule that includes the types and amounts of formula, human milk, and food that is obtained from the child's parent(s) and updated regularly.

- (b) The center must feed the child on their own feeding schedule and fed when hungry.
- (c) The center must clearly mark formula, human milk, bottles, and food provided by the parent(s) with the child's full name and date and refrigerated if required.
- (d) The center may not give infant formula to an infant who consumes human milk, without parental consent.
- (e) The center must give human milk only to the child specified to receive it by the parent(s).
- (f) Human milk must:
 - (A) Be labeled with the child's full name and the date expressed;
 - (B) Be stored for no more than:
 - (i) 24 hours in the refrigerator when thawed or defrosting; or
 - (ii) Six months from the expression date in the freezer.
 - (C) Be refrigerated or frozen until immediately before warming;
 - (D) Not be warmed in a microwave;
 - (E) Not reused after 2 hours from serving;
 - (F) Not be returned to the refrigerator, freezer, or re-warmed once warmed.
- (g) If human milk or formula is given to the wrong child, parents of both children must be immediately notified and the incident documented as an accident/incident.
- (h) Human milk that has not been served, must be returned to the parent in the bottle or container that it was provided in.
- (i) Prepared formula not used may be returned to the parent or discarded daily, based on the preference of the parent.
- (j) When formula is provided by the center, it must be either:
 - (A) Commercially prepared, iron-enriched, ready-to-feed type; or
 - (B) Prepared from powder or concentrate and diluted according to manufacturers' instructions.
- (k) When formula is prepared on site, it must be mixed in a kitchen or classroom food preparation area approved by the environmental health specialist.
- (l) When formula is provided by parents:
 - (A) It must come in sealed containers; and
 - (B) The caregiver must follow the manufacturer's instructions for mixing and storing of any formula preparation, unless requested by the child's parent(s) and with a medical practitioner's written permission.
- (m) Whole milk, skim milk, 1 percent milk, and 2 percent milk must not be served unless requested by the child's parent(s) and with a medical practitioner's written permission.
- (n) The center must not serve juice, of any kind, to infants.
- (o) Infant formula cannot be mixed with cereal, fruit juice, or other foods without a medical practitioner's written permission.
- (p) The center must not give infants, under six months of age, water to drink, without written approval by a medical professional.

- (q) The center must warm bottles only in one of the following ways: under running, warm tap water; using a commercial bottle warmer; stove top warming methods, or slow-cooking device; or by placing them in a container of warm water.
 - (A) Bottles must not be warmed in microwave ovens.
 - (B) Once warmed, a bottle must not be returned to the refrigerator or re-warmed.
 - (C) Warming devices must remain inaccessible to children.
 - (r) Bottles, bottle caps, nipples and other equipment used for bottle feeding that a certified child care center provides must be cleaned and sanitized by washing in a dishwasher or by washing, rinsing and boiling for 1 minute. Nipples must be stored in a closed container after sanitizing.
 - (s) Solid foods fed to infants must be selected from the Child and Adult Care Food Program Meal Pattern (CACFP):
 - (A) Solid foods must not be fed to infants less than four months of age;
 - (B) Commercially packaged baby food must be served from a dish and not directly from the factory-sealed container;
 - (C) Leftovers in the serving container must be discarded;
 - (D) Solid foods, with the exception of finger foods, must be fed with a spoon; and
 - (E) Food must be cut into small pieces no larger than 1/4 inch cubes for infants and 1/2 inch cubes for 1-year-olds.
 - (t) Partially served containers of baby food must be either sent home with parents or the contents discarded daily.
- (2) When bottle feeding, a certified child care center must:
- (a) Hold infants up to 6 months of age and older children who cannot hold their own bottles or sit alone;
 - (b) Ensure the infant's head is elevated while being fed; and
 - (c) Not allow infants to walk around with or sleep with a bottle or training cup.
- (3) A certified child care center must not lay a child of any age down with a bottle or training cup.
- (4) A certified child care center must not prop a bottle by any means at any time.
- (5) When feeding solid foods, a certified child care center must ensure that infants are fed in an upright position.
- (6) As soon as the child exhibits a desire to feed their self, the child must be assisted and encouraged to use their fingers for self-feeding, eat with a spoon, and to drink from individual cups.

414-305-0620 Furniture and Equipment for Infants and Toddlers

- (1) A certified child care center must provide an individual crib, portable crib, or play yard for each infant.
 - (a) Each crib, portable crib, or play yard must:
 - (A) Comply with Consumer Product Safety Commission (CPSC) standards for use by infants and have documentation from the manufacturer or retailer stating that either the crib was manufactured after June 28, 2011 or the play yard was manufactured after February 28, 2013;
 - (B) Have a firm, flat, non-inclined sleep surface;
 - (C) Have a clean, firm, tight-fitting mattress. The mattress must:
 - (i) Be designed to fit the specific equipment used, with no gap between the mattress and sides of the product;
 - (ii) Be covered in a durable, washable, waterproof, form-fitting material;
 - (iii) Be firm enough that it maintains its shape and does not indent or conform to the shape of the infant's head; and
 - (iv) Be covered in a tight-fitting sheet that remains tightly-fitted with normal use and does not have any slack or bunching.
 - (D) Be placed at least 2 feet from other cribs, portable cribs or play yards when in use that allows for a direct, unobstructed passage to each child;
 - (E) Be assigned and labeled by name or number for a specific child;
 - (F) Be thoroughly cleaned and sanitized before use by another child and when soiled; and
 - (G) Be placed away from window blinds or draperies.
 - (b) Bassinets are prohibited.
 - (c) Stacking, wall, or modular cribs are prohibited.
 - (d) Sheets must be changed when soiled, before use by another child, and at a minimum of once a week.
- (2) Crib bumper pads must not be on the premises of a certified child care center.
- (3) To support traditional indigenous practices, the center may allow cradleboards or other traditional indigenous sleep equipment to be used as a sleep surface for infants. Caregivers must be careful to not over-bundle or overheat an infant while using the equipment.
- (4) If a certified child care center uses high chairs, the chairs must comply with current Consumer Product Safety Commission (CPSC) standards and have:
 - (a) A broad base to prevent tipping;
 - (b) A latch to keep a child from raising the tray; and
 - (c) T-shaped straps or a guard to prevent a child from becoming entrapped or sliding out.
- (5) If a certified child care center uses clip-on chairs, the chairs must have straps to prevent a child from sliding out.
- (6) A certified child care center must provide at least one adult-sized chair for each group of infants and toddlers.

- (7) A certified child care center must provide a variety and adequate supply of developmentally appropriate materials that are stimulating to a child's senses and that are:
 - (a) Clean and washable or disposable;
 - (b) Not a choking hazard including toys and removable parts with a diameter less than 1-¼ inches, plastic bags, Styrofoam, and rubber or latex balloons;
 - (c) Safe and in good working condition; and
 - (d) Removed from the certified child care center as soon as a program becomes aware an item has been recalled by CPSC.
- (8) A certified child care center must provide materials and equipment that promote social and emotional activities such as:
 - (a) Pictures of children and adults exhibiting different emotions;
 - (b) Pictures of infants and family members;
 - (c) Dolls and soft toy rattles; and
 - (d) Music.
- (9) A certified child care center may not use the following equipment for infants, which have been identified as unsafe for infants by the Consumer Product Safety Commission (CPSC) and the American Academy of Pediatrics:
 - (a) Baby walkers, which are devices that allow an infant to sit inside and are equipped with rollers or wheels and move across the floor;
 - (b) Baby doorway jumpers, which are devices that allow an infant to bounce while supported in a seat by an elastic "bungee cord" suspended from a doorway;
 - (c) Accordion safety gates;
 - (d) Bean bags, waterbeds, and foam pads for use as sleeping equipment; and
 - (e) Unstructured infant slings or wraps.

414-305-0630 Safe Sleep

- (1) In addition to safe equipment (OAR 414-305-0620), a certified child care center must follow safe sleep practices for infants to reduce the risk of sudden unexpected infant death (SUID) as follows:
 - (a) While sleeping, infants must be monitored frequently to ensure they are breathing, not overheated, not in distress, and do not need assistance.
 - (b) Infants must be placed on their backs on a flat, firm, non-inclined surface for sleeping.
 - (c) Infants who can roll from back-to-front or back-to-side may remain in the sleep position they assume.
 - (d) Except for a plain pacifier, there must not be any items (e.g., pacifier clips, bottles, toys, pillows, stuffed animals, blankets, bumpers) in or attached to the crib, portable crib or play yard.
 - (e) Infants must not have their heads or faces covered by items such as blankets or linens at any time.

- (f) There must not be any items (e.g. blankets, tents, sheets) placed over the top or on the sides of a crib, portable crib or play yard.
 - (g) Items that may cause suffocation or strangulation such as headwear (e.g. hoods, hats, headbands), bibs, necklaces, and garments with ties or drawstrings must be removed from the infant and sleep equipment prior to laying an infant down to rest.
 - (h) Swaddling or other clothing or covering that restricts the infant's arm or leg movement is prohibited at all times, even if the child is not sleeping.
 - (i) Weighted blankets, weighted clothing, or other weighted objects must not be placed on or near the sleeping infant.
 - (j) If the caregiver is engaged in an activity with child care children and is carrying a sleeping infant in a structured infant carrier, the caregiver must move the infant to a safe sleep surface as soon as the activity is finished.
 - (k) A caregiver may hold a sleeping infant provided the caregiver can immediately observe, see, or feel any signs of distress. The caregiver must be awake, alert, and focused on the infant; and
 - (l) If an infant arrives asleep in a car seat or falls asleep in a place other than their crib, portable crib or play yard, the caregiver must immediately move the infant to an appropriate sleep surface.
- (2) Alternative sleep positions may only be used with an CCLD approved exception request, which must include a medical reason and instructions from a physician.

414-305-0650 Diaper Changing and Toileting

- (1) A certified child care center must change wet or soiled diapers promptly, checking children's diapers at a minimum of every 2 hours, or more frequently to meet the individual child's needs. Diapers must be changed when a child exhibits behavior that suggests a wet or soiled diaper.
- (2) A certified child care center must provide at least one diaper-changing area in or adjacent to each room where children in diapers are part of the group.
 - (a) If infants or toddlers are part of a multi-age group, a diaper changing area must be located in the room being utilized for care.
 - (b) For preschool-age children who are toilet learning, the diaper changing area is not required to be in or adjacent to the classroom.
 - (c) There must be a handwashing sink with running, heated water in each diaper changing area, except that centers with certification initially issued on or before July 15, 2001 must comply with this requirement when the diaper changing area is remodeled.
 - (d) Liquid soap and single-use hand towels must be provided at each handwashing sink located in a changing area.
 - (e) The diaper changing surface must be sturdy, non-absorbent, and washable with no tears or repairs.

- (f) A table or counter must be large enough to accommodate the length of a child, with protective edges or barriers that prevent a child from rolling or falling from the surface.
 - (g) A safety strap or harness must not be used on the diaper changing surface.
 - (h) Each surface used for diaper changing must be kept free of all objects except for diapering items and not used for other purposes.
 - (i) Children must never be left unattended on a changing surface.
 - (j) A disinfecting solution must be kept in each diaper-changing area ready for immediate use and stored out of children's reach.
- (3) A certified child care center must post and follow the diaper-changing procedure, including stand-up diapering, that has been approved by the environmental health specialist.
 - (4) A certified child care center must discuss the toilet learning plan and progress with parents and ensure that the plan is relaxed and pressure free.
 - (5) A certified child care center must place wet or soiled clothing or personal items in a sealed, labeled, moisture-proof bag to send home with the child.
 - (6) If a certified child care center uses cloth or reusable diapers, the soiled diapers must:
 - (a) Not be rinsed;
 - (b) Be placed in a securely sealed, moisture-proof bag;
 - (c) Be stored in a separate disposal container; and
 - (d) Be cleaned by a commercial laundry service or given daily to the child's parent or guardian.
 - (7) A certified child care center must provide a container designated for disposing of soiled diapers and diapering supplies only. The diaper disposal container must be:
 - (a) Approved by the environmental health specialist;
 - (b) Lined with a disposable plastic trash bag;
 - (c) Within arm's reach of the diaper changing area; and
 - (d) Emptied, cleaned and disinfected daily or more often as needed.

414-305-0660 Cleaning and Sanitizing Infant and Toddler Areas

- (1) A certified child care center must clean and sanitize infant and toddler toys at least daily or more often as needed.
- (2) A certified child care center must wash, rinse, and sanitize the following after each use:
 - (a) Bottles and training cups, if used; and
 - (b) High chairs, tables and chairs.
- (3) A certified child care center must wash, rinse, and disinfect the following immediately after each use:
 - (a) A diaper-changing surface;
 - (b) Toilet training seat inserts; and
 - (c) Bathtub or other receptacle used for bathing a child.

- (4) A certified child care center must label, store individually, and sanitize pacifiers. Pacifiers must:
 - (a) Be cleaned and sanitized after each use by washing and boiling the pacifier or washing the pacifier in the dishwasher; or
 - (b) May be reused by an individual child if they have been rinsed after each use and stored in a device or container that prevents contamination. Both the pacifier and the storage device or container must be cleaned and sanitized daily.

414-305-0700 Behavior and Guidance

- (1) A certified child care center must have a written policy on behavior and guidance of children that is simple and understandable to the child, the parent(s), and all staff (also see OAR 414-305-0200, Policies).
- (2) A certified child care center must have the behavior and guidance policy available in a prominent and frequently visited location for the parents and public to view.
- (3) A certified child care center's behavior and guidance policy must include the use of positive guidance to help children develop self-control, self-direction, and respect for others through these approaches:
 - (a) Setting and teaching simple, consistent, clear and positive rules and limits that children can understand;
 - (b) Setting up the environment for success with engaging activities that encourage positive behavior and self-regulation;
 - (c) Following a predictable daily routine and schedule with planned transitions;
 - (d) Reinforcing positive behaviors with encouragement and descriptive praise;
 - (e) Supervising actively, taking steps to prevent problems before they occur and explaining safe, natural and logical consequences related to a child's behavior;
 - (f) Helping children recognize and appropriately express their feelings and understand the feelings of others;
 - (g) Modeling and teaching social skills such as taking turns, cooperation, waiting, treating others kindly, and problem solving; and
 - (h) Redirecting or helping a child change their focus to something appropriate when their behavior is unacceptable.
- (4) A certified child care center must ensure that only staff shall provide guidance to a child.
- (5) A certified child care center must provide guidance that is fair, consistently applied, timely, and appropriate to the behavior, age, and development of the child.
- (6) When other methods have not been effective, a certified child care center may remove a preschool or school-age child from an activity or group for the time necessary to regain self-control. Staff must be actively responsive to the child's needs. When the child has regained self-control, the child may rejoin a group or ongoing activity.

- (7) A certified child care center must have a policy that addresses how staff must proceed if a child is displaying inappropriate behaviors that could endanger themselves or the safety of others (see OAR 414-305-0200, Policies).
- (8) A certified child care center must intervene appropriately to stop biased behavior displayed by children or adults, including but not limited to:
 - (a) Redirecting an inappropriate conversation or behavior;
 - (b) Being aware of situations that may involve bias, responding appropriately, taking actions to prevent future occurrences; and
 - (c) Refusing to ignore bias.

414-305-0710 Prohibited Discipline and Actions

A certified child care center must not use or threaten to use any of the following prohibited actions even if requested or agreed to by parents:

- (1) Rough or harsh handling of children or use of corporal punishment in any form, including, but not limited to hitting, spanking, slapping, shaking, swatting, throwing, jerking, pinching, biting, or other measures that produce physical pain;
- (2) Bind or restrict a child's movement unless permitted under OAR 414-305-0720, Physical Restraint;
- (3) Using unauthorized prescription or non-prescription drugs or chemicals for discipline or to control behavior;
- (4) Confining or isolating a child in an enclosed or darkened area (e.g., a locked or closed room, bathroom, closet, or box for punishment);
- (5) Withdrawing, denying or forcing food, rest, or toileting;
- (6) Forcing or compelling a child to eat or placing soap, food, spices, or foreign substances in the child's mouth;
- (7) Exposing a child to extremes of temperature;
- (8) Yelling harshly or using profane or abusive language;
- (9) Punishing or demeaning a child for toileting accidents or refusing to eat food;
- (10) Allowing any form of mental or emotional punishment or verbal abuse, including but not limited to public or private humiliation, name calling, teasing, ridicule, intimidation, making derogatory or sarcastic remarks about a child's family, race, gender, religion, or cultural background, rejecting, frightening, neglecting, or corrupting a child;
- (11) Demanding excessive physical exercise, excessive rest, or strenuous postures; or
- (12) Requiring a child to remain silent or inactive or removing a child from all activities or the group for excessive periods of time.

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.

414-305-0800 Center Capacity

- (1) A certified child care center's licensed capacity is based on a combination of the center's indoor space, outdoor space, and the number of toilets and sinks.
- (2) A certified child care center may only care for children in activity areas approved by CCLD.
- (3) A certified child care center must have CCLD approval prior to using a new room, activity area, or outdoor space to care for children.
- (4) A certified child care center must not exceed its licensed capacity at any time, including the total number of children in care both at and away from the center.
- (5) A certified child care center must have a minimum of 35 square feet of activity space per child.
 - (a) Activity space must be available for use by children and used exclusively for child care during the hours of operation.

- (b) Shelves or storage for children's materials that are accessible to children may be counted as part of the indoor space.
 - (c) Single use areas such as kitchens, hallways, restrooms, storage areas and closets, rooms designated for staff use such as offices and break rooms, and space occupied by furniture not designed for children's use such as work space and cabinets must be excluded when determining activity space.
 - (d) Cribs may be considered activity space if the space underneath the crib is accessible to children.
- (6) A certified child care center must provide an outdoor activity space of no less than 75 square feet for each child using the space at one time, unless a certified child care center only provides drop-in care, as defined in 414-305-0100(20).
- (7) A certified child care center must provide indoor toilets and sinks that children can safely and easily access. Toilets and sinks must be on the same floor of the building where care is provided.
- (a) For children ages 24 to 35 months, a certified child care center must provide one child-size toilet or toilet with training seat for every 10 children, located in or adjacent to the classroom.
 - (A) If the toilet is not located in or adjacent to the classroom, the center must develop a written plan, approved by CCLD, to utilize the toilet.
 - (B) Potty chairs are prohibited.
 - (b) For children ages 36 months and older, a certified child care center must provide one toilet for every 15 children.
 - (c) Urinals may be substituted for one-half the required number of toilets, if there are at least two toilets in the center and a toilet in each bathroom with a urinal. Facilities built specifically as child care centers after July 15, 2001 cannot substitute urinals for the required number of toilets.
 - (d) A certified child care center must provide at least one handwashing sink for every two toilets.
 - (e) Sinks must be located in the same room or adjacent to the room where toilets are located.
 - (f) Handwashing sinks in the food service area cannot be counted in the required number of sinks.
 - (g) If toilets or handwashing sinks are of adult size, a certified child care center must provide easily-cleanable steps or a broad-based platform with a non-slip surface so that children can use the toilets and sinks comfortably and without adult assistance.

414-305-0810 Facility Structure

- (1) A certified child care center must ensure that children do not have access to heating equipment such as furnaces, fireplaces, stoves, floor and wall furnace grates, steam and hot water pipes, and electric space heaters, or to cooling equipment such as, air conditioner compressors, and fans.
 - (a) A certified child care center must have adequate heating and ventilation to maintain the indoor temperature no lower than 68°F and no higher than 85°F when children are present. If the center is unable to maintain an internal temperature between 68°F and 85°F, a center must utilize strategies to help children stay warm or cool.
 - (b) A certified child care center must ensure that all rooms including the kitchen and bathrooms have enough ventilation to keep them free from excessive heat, condensation, smoke, fumes, and unpleasant odors.
 - (c) After painting or laying carpet, the building must be aired out completely for at least 24 hours with good ventilation before children can return.
- (2) A certified child care center's heating equipment must be safe to operate.
 - (a) Flammable materials including papers, curtains, and furniture must be at least 3 feet from furnaces, fireplaces, or other heating devices.
 - (b) Open flame, unvented and vent-free gas or oil heaters, generators, and portable fuel-burning space heaters are prohibited while children are in care.
 - (c) Heating units that involve flame must be vented properly to the outside and supplied with a source of combustion air that meets the manufacturer's installation requirements.
 - (d) Electric baseboard heaters may be used when wired directly into the electrical system and no objects are in contact with the heating elements.
 - (e) Portable electric space heaters must:
 - (A) Be attended while in use and be off when unattended;
 - (B) Have an automatic shut off feature for tipping over and overheating;
 - (C) Have protective covering to keep hands and objects away from the electric heating element;
 - (D) Bear the safety certification mark of a nationally recognized testing laboratory;
 - (E) Be placed only on the floor;
 - (F) Be properly vented, as required for proper functioning; and
 - (G) Be used according to the manufacturer's instructions.
 - (f) Fireplaces, fireplace inserts, and wood/corn pellet stoves, if used, must:
 - (A) Have a secure, stable protective safety screen;
 - (B) Be installed in accordance with the local or regional building code and the manufacturer's installation instructions; and
 - (C) Be inspected and cleaned annually.
- (3) A certified child care center's electrical system must not pose a risk to children.
 - (a) Unused electrical outlets accessible to children preschool-age and younger must be tamper-resistant or have outlet covers that are not easily removed by children.

- (b) Electrical wiring and power strips with surge protectors must be inaccessible to children.
 - (c) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires.
 - (d) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring.
 - (e) Electrical products plugged into an outlet near a water source such as a sink, water table, or swimming pool, must use a special outlet called a ground fault circuit interrupter (GFCI).
- (4) All septic systems must meet the requirements of the Department of Environmental Quality. A private septic system must be inspected by a septic system maintenance service provider, monitored on a routine basis, and any deficiencies corrected.
- (5) Lighting levels must be bright enough for comfort, safety, and adequate supervision.
- (6) Light fixtures must be equipped with covers, shields, or shatter resistant bulbs.
- (7) A certified child care center's floor surfaces must be easily cleanable and free of broken or loose tile, large or unsealed cracks, splinters, torn carpet or vinyl, and holes.
- (8) Carpet must not be used in food preparation areas and restrooms.
- (9) A certified child care center must provide protective barriers on indoor platforms and lofts more than 30 inches in height.
- (a) Barriers or guard rails must be at least 36 inches in height and prevent children from crawling over or falling through the barrier or becoming entrapped.
 - (b) Stairs and steps leading to a platform, regardless of height, must have handrails the children can reach or use rung ladders.
- (10) Stairs with more than three steps, ramps, and other elevated walking surfaces (e.g., landings, balconies, porches) accessible to children must have handrails securely attached on both sides of stairs at a maximum height of 38 inches.
- (11) A certified child care center must have a movable barrier, e.g. a baby gate, placed at the top and/or bottom of all stairways accessible to infants and toddlers.
- (12) Doors and windows used for ventilation must be equipped with fine-meshed screens.
- (a) Exterior screens or storm doors must have a self-closing apparatus.
 - (b) Windows above the ground floor that are accessible to children preschool-age and younger must be equipped with a lock to prevent opening more than 4 inches.
 - (c) Vertical blinds, continuous looped blinds, and drapery cords must have tension or tie-down devices to hold the cords tight.
 - (d) A certified child care center must plainly mark at children's eye level any clear glass surfaces subject to impact by children or have a protective barrier in place to avoid accidental impact.

414-305-0820 Water Supply and Plumbing

- (1) A certified child care center's water supply must be from a public water supply or well, and must be tested for lead, unless the certified child care center uses an CCLD approved alternative water source.
 - (a) A certified child care center must notify CCLD and all families when the water supply is interrupted for more than 1 hour or the water source becomes contaminated.
 - (b) If the water supply does not meet applicable levels established in (3) and (4), the center must obtain a sufficient supply of potable water, such as bottled water, to ensure compliance with rules for drinking and cooking until treatment or an alternate source is obtained. The faucet must not be used for consumption or food preparation until the lead levels have been mitigated.
- (2) If applying for certification, including, but not limited to, initial applications, renewal applications and reopen applications, a center must test each faucet used for drinking or food preparation for lead in the water, unless the center uses an CCLD approved alternative water source.
- (3) After initial testing, a center must test all drinking water faucets or fixtures for lead at least once every 6 years from the date of the last test. There must be no more than 15 parts per billion (ppb) of lead.
- (4) All testing must be performed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to standards set under OAR chapter 333, division 64 in effect as of September 30, 2018. All sample collection and testing must be in accordance with the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference.
- (5) If using a private well, a certified child care center must have the water tested at least once every 6 years for coliform bacteria and nitrates. Test results must show:
 - (a) No presence of E.coli bacteria; and
 - (b) Less than ten parts per million (ppm) for nitrates. If test results for nitrates are greater than five but less than ten ppm, the water must be retested within six months.
- (6) A certified child care center must submit all test results to CCLD within 10 calendar days of receiving the results from the laboratory. The test results must be accompanied by a floor plan or map of the facility that identifies the location of each drinking water faucet or fixture tested.
- (7) If test results show that water from any drinking water faucet or fixture has unsafe levels of lead, coliform bacteria or nitrates, the certified child care center:
 - (a) Must prevent access to that drinking water faucet or fixture immediately after receiving the test results and until mitigation is complete;
 - (b) Must use only bottled or packaged water to meet the requirements of this section;

- (c) Must submit a corrective action plan to CCLD for approval within 60 days of receiving the test results. The corrective action plan must identify an appropriate mitigation strategy in accordance with Module 6 of the EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities, Revised Manual from October 2018, adopted by reference;
 - (d) Must implement the mitigation method within 30 days of approval by CCLD; and
 - (e) May consult with the Oregon Health Authority for technical assistance.
- (8) A certified child care center must keep a copy of the most recent test results on site at all times.
 - (9) A certified child care center must have the most recent water test results summary provided by CCLD immediately upon receipt available in a prominent and frequently visited location for the parents and public to view (also see OAR 414-305-0260, Items Available to View).
 - (10) If a certified child care center does not use any of the on-site plumbing fixtures to obtain water for drinking, cooking, preparing infant formula, or preparing food, the center must:
 - (a) Submit a written statement annually at the time of renewal to CCLD identifying the alternative source of water and confirming that the center does not use any on-site plumbing fixtures for drinking, cooking, or preparing food; and
 - (b) Notify CCLD in writing if the alternative source of water changes.
 - (11) If a faucet has not been tested within 6 years, a certified child care center must discontinue using that faucet until testing is completed and the results are below 15 parts per billion (ppb) of lead.
 - (12) A certified child care center must not attach drinking fountains to sinks or locate them in bathrooms, and the water from drinking fountains must:
 - (a) Clear the mouth guard by at least one inch;
 - (b) Not be a "bubble type" fountain (the water flow must form an arc); and
 - (c) Be cleaned and sanitized daily, or more often as needed.

414-305-0830 Toilets, Sinks, and Bathing

- (1) A certified child care center must provide smooth, washable, easily cleanable walls and floors in the toileting and handwashing areas.
- (2) A certified child care center must provide toilets that:
 - (a) Are supplied with toilet paper;
 - (b) Have doors that can be unlocked from the outside with an opening device readily accessible to staff, if equipped with doors; and
 - (c) Provide privacy for school-age children, such as being screened, equipped with doors, or having children take turns while supervision is maintained.
- (3) A certified child care center must have handwashing sinks that:
 - (a) Have hot and cold running water;

- (b) Have mixing faucets if the center's certification was in effect on July 15, 2001 and when toilet facilities are remodeled;
 - (c) If self-closing metered faucets are used, provide water flow for at least 15 seconds without the need to reactivate the faucet. Centers with certification in effect on July 15, 2001, must comply with the water flow requirement for self-closing metered faucets and when toilet facilities are remodeled;
 - (d) Have water that does not exceed 120°F;
 - (e) Have liquid soap and paper towels within easy reach of children and dispensed in a sanitary manner with a trash container. Other hand drying options must be approved by the environmental health specialist; and
 - (f) Are not used for preparation of food or drinks, dish washing, rinsing soiled clothing, cleaning equipment that is used for toileting, or for the disposal of any wastewater used in cleaning the center.
- (4) When plumbing is unavailable to provide a handwashing sink, a certified child care center may provide a handwashing sink using a portable water supply and a sanitary catch system, with a written plan approved by a local public health department. A mechanism must be in place to prevent children from gaining access to soiled water or more than one child from washing in the same water.
- (5) A certified child care center must have a bathtub, bathinette, plastic basin, or similar size shallow sink available for bathing children.
- (a) If a certified child care center has a bathtub or shower, the area in and around a bathtub or shower must be resistant to slipping or equipped with a grab bar.
 - (b) The bathtub or shower must be inaccessible to children when not in use.

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(25).
- (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 ¾) 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.

414-305-0850 Maintenance and Sanitation

(Also see OAR 414-305-0660 Cleaning and Sanitizing Infant and Toddler Area and OAR 414-305-1110, Food Service for additional sanitation rules).

- (1) A certified child care center must routinely clean, sanitize and disinfect surfaces and objects that are frequently touched as follows:
 - (a) Clean surfaces with a soap and water solution or spray cleaner and rinse before sanitizing or disinfecting;
 - (b) Mix, use and store cleaners, sanitizers and disinfectants according to label directions;
 - (c) Prevent the contamination of food, food-contact items and surfaces when using cleaners, sanitizers or disinfectants;
 - (d) Ensure sanitizers or disinfectants have an Environmental Protection Agency registration number on the label; and
 - (e) Follow label directions or ensure sanitizers and disinfectants remain on the surface for 5 minutes.
- (2) A certified child care center must maintain the building, equipment, and vehicles in good repair, in a clean and sanitary condition, and free of clutter and litter.

- (a) Walls and ceilings must be free from water damage, holes, and peeling paper and paint.
 - (b) Floors must be cleaned by either sweeping or vacuuming at least once per day or more often as needed.
 - (c) Windows and doors must be free of damage such as broken glass and other hazards.
 - (d) The kitchen, toilet rooms, toilets, and sinks must be cleaned and sanitized or disinfected as needed and at least daily.
 - (e) Door knobs and cabinet pulls in toilet rooms must be sanitized when soiled and at least daily.
 - (f) Water tables, similar containers, and water toys must be emptied and sanitized daily or more often if necessary.
- (3) Toys that children put in their mouth must be cleaned and sanitized as follows:
- (a) When a toy comes into contact with a child's mouth or bodily fluids, it must be removed from use until it can be cleaned and sanitized prior to use by another child;
 - (b) All other toys must be cleaned and sanitized weekly or more often as needed; and
 - (c) Cloth toys, if used, must be machine washed at least weekly and when soiled.
- (4) A certified child care center must immediately clean up any spills of biocontaminants, such as urine, feces, blood, saliva, nasal discharge, eye discharge, and other bodily fluids as follows:
- (a) Staff must use disposable, nonporous gloves when handling biocontaminants;
 - (b) Surfaces must be cleaned and disinfected;
 - (c) Blood-contaminated material must be disposed of in a plastic bag with a secure tie or container with a disposable liner;
 - (d) Gloves must be removed immediately after use, placed in a tied, sealed, or otherwise closed plastic bag and discarded immediately; and
 - (e) Hands must be washed after using and disposing of the gloves.
- (5) A certified child care center must keep all garbage and biocontaminant waste in non-absorbent, easily washable containers with tight-fitting lids.
- (6) Garbage cans and receptacles must be emptied on a daily basis and cleaned and disinfected as needed.
- (a) Garbage and waste must be removed from the premises at least once a week.
 - (b) Garbage and waste containers and storage areas must be kept clean and minimize the presence of rodents, flies, roaches and other vermin.
 - (c) Non-food, non-hazardous items and items that do not cause offensive odors, such as paper towels, may be disposed of separately from garbage and waste inside the classroom, in an uncovered container.
- (7) A certified child care center must clean or sanitize bedding, sleeping equipment, and other soiled items as follows:
- (a) Bedding must be cleaned at least weekly, or more often if soiled and before use by another child;

- (b) Mats and cots must be cleaned and sanitized at least once a week, or more often when soiled and before use by another child;
- (c) All clean linen and clothing must be stored in a sanitary manner and separate from dirty laundry;
- (d) Children's wet or soiled clothing to be sent home, must be stored in individual plastic or non-absorbent bags immediately after being removed from the child;
- (e) Containers for storing soiled non-disposable items, such as cloth diapers, washcloths, children's clothing, and bed linens must have a leakproof, disposable liner and a tight-fitting lid, and must:
 - (A) Be inaccessible to children; and
 - (B) Not be stored in food preparation or food storage areas.
- (f) A certified child care center must keep cloths, both single use and multiple use, used for wiping food spills on utensils and food-contact surfaces clean and use them for no other purpose; and
- (g) Cloths that are reused must be stored in a sanitizing solution between uses and disposed of or laundered daily.

414-305-0860 Fire Protection

- (1) A certified child care center must ensure that the building, occupant load, and means of egress, including the number of exits, exiting distances, doors, and exit illumination and signs are maintained in accordance with the requirements of the Oregon Structural Specialty Code.
- (2) Doorways, exit access paths, passageways, corridors and exits must be kept free of materials, furniture, equipment and debris to allow unobstructed egress travel to the outside.
- (3) A certified child care center must not use rooms for child care that are located above or below the ground floor, except as allowed by the Oregon Structural Specialty Code, and approved by the local or state fire code official.
- (4) A certified child care center must have the size, type and number of fire extinguishers installed, maintained and tested as required by the fire code official.
- (5) A certified child care center must have smoke detectors that are installed, maintained, and tested as required by the fire code official.
- (6) A carbon monoxide alarm or detector must be installed and tested in accordance with the manufacturer's recommended instructions and located in accordance with the applicable building and/or fire code.
- (7) A certified child care center must ensure that all areas and equipment of the center are free from fire hazards including combustible materials such as lint build-up in heating and air vents, filters, and dryer vents, gasoline, chemicals, and solvents.
- (8) A certified child care center must not use items with open flames, except for the brief supervised use of candles.

414-305-0900 Furniture

- (1) A certified child care center must ensure that furniture is:
 - (a) Installed, maintained, and used according to the manufacturer's instructions;
 - (b) Cleanable;
 - (c) Safely constructed and lead free, with no rough or sharp edges or loose parts;
 - (d) In good working condition and repair with no holes or tears; and
 - (e) Stable or anchored.
- (2) A certified child care center must provide developmentally appropriate table space and seating for all children.
- (3) A certified child care center must provide a safe, washable cot or rest mat for each toddler and preschool-age child at nap time, for each school-age child who wants to rest, and for a child that needs to be isolated due to illness.
 - (a) Cots or mats must be assigned to individual children and used by one child at a time.
 - (b) Cots and mats must be cleaned and sanitized when soiled and before use by another child.
 - (c) Each mat used for napping must be:
 - (A) Covered with a durable, washable, waterproof, form-fitting material;
 - (B) At least 1 inch thick; and
 - (C) Free of rips, tears or tap.
 - (d) Mats or cots must be placed at least 2 feet apart if children are placed head to toe; or 3 feet apart otherwise and arranged in a manner that allows for a direct, unobstructed passage to each child.
 - (e) Mats, cots and bed linen must be properly stored so that sleeping surfaces are not touching each other unless cleaned and sanitized after each use.
- (4) A certified child care center must ensure that each child 12 months of age and older is provided with individual bedding consisting of at least a sheet or blanket.
 - (a) A sheet must cover the entire resting surface.
 - (b) Bedding must either be marked for use by the identified child or laundered daily.
 - (A) All bedding must be thoroughly cleaned and sanitized before use by another child.
 - (B) If marked for use by the individual child, the bedding must be laundered weekly or more frequently if needed.
- (5) A certified child care center must provide storage space for each child's clothing and personal possessions as well as space for teaching equipment, records and files, and cleaning equipment and supplies.
- (6) The storage space for children must be labeled with the child's name, a photograph of the child, or other symbol the child recognizes as referring to themselves.
- (7) A certified child care center must arrange play materials on labeled shelves or in containers to promote and encourage independent access by children.

414-305-0910 Play Materials

- (1) A certified child care center must provide play equipment and materials that are:
 - (a) Appropriate to the developmental needs, interests and abilities of the children;
 - (b) Sturdy and free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, or paint that contains lead or other toxic materials;
 - (c) Have smooth, nonporous surfaces or washable fabric surfaces that are easy to clean and sanitize, or be disposable;
 - (d) In good condition; and
 - (e) Easily accessible to the children.
- (2) A certified child care center must provide a shock-absorbing floor surface under and around indoor-climbing equipment and platforms over 18 inches in height that will effectively cushion the fall of a child. The surface must be installed in the use zone and maintained according to the manufacturer's directions.
- (3) A certified child care center must offer a quantity and variety of play materials (i.e., toys, books, and games) for each age group that is sufficient to:
 - (a) Avoid competition for popular items;
 - (b) Provide a variety of choices to each child;
 - (c) Provide a balance of:
 - (A) Active and quiet activities; and
 - (B) Individual and group activities;
 - (d) Meet the developmental needs of each group of children; and
 - (e) Provide the variety of activities required in OAR 414-305-0520, Activity Plan for All Children, as appropriate.
- (4) A certified child care center must provide a variety of developmentally appropriate toys, materials and equipment which give children choices such as:
 - (a) Blocks;
 - (b) Fine motor activities;
 - (c) Writing utensils and materials;
 - (d) Books;
 - (e) Sensory experiences;
 - (f) Gross motor activities;
 - (g) Music;
 - (h) Art;
 - (i) Dramatic play;
 - (j) Science and/or exploration; and
 - (k) Discovery of nature.
- (5) Activities that include a tool that could pose a safety risk (e.g., iron, glue gun, woodworking tool) are limited to preschool and school-age children.
 - (a) Staff must first instruct children in the tool's proper use and safety measures.
 - (b) Staff must be within arm's reach of the children participating in the activity to reduce the risk of injury.

- (6) A certified child care center must provide culturally and racially diverse learning opportunities within the center's curriculum, activities, and materials that represent all children, families, and staff.
 - (a) Equipment and materials that support diversity include, but are not limited to:
 - (A) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;
 - (B) Diverse music from many cultures in children's primary languages; and
 - (C) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.
 - (b) A certified child care center must actively reflect on the learning opportunities provided in the program to broaden cultural understanding and representation of the cultural backgrounds of the children in the program.

414-305-0920 Outdoor Play Areas

- (1) A certified child care center must provide an outdoor play area that children can reach safely.
- (2) If an outdoor play area is not connected to or in direct control of the certified child care center, such as a public park or school, the center must have a written plan, approved by CCLD, that describes how the center will maintain the safety of the children in care. The written plan must include the following:
 - (a) Distance the alternate outdoor play area is located from the center;
 - (b) Detailed description of how the children, including infants and toddlers, will reach the alternate area;
 - (c) Neighborhood and outdoor play area circumstances, hazards, and risks;
 - (d) Availability of appropriate equipment with fall zones and protective surfacing;
 - (e) Verification that parents have been made aware that their children will be using an alternate outside play area and its location;
 - (f) Safeguards the center will be taking in order to ensure children are properly supervised while traveling to and from and while using the space;
 - (g) Nature of other activities and persons who may be sharing the space;
 - (h) Availability of restroom facilities; and
 - (i) Ability to obtain assistance if needed when injury or illness occurs.
- (3) A certified child care center must keep outdoor play areas free of litter, animal waste, solid waste and refuse, ditches, or other conditions presenting a potential hazard.
- (4) The outdoor play areas used by children not yet attending kindergarten must be enclosed by a building, wall or fence that is intended to prevent children from exiting and discourages climbing.

- (a) The wall or fence must begin at ground level, be at least 4 feet high, and maintained in a stable, secure, and upright condition. Centers with certification in effect on July 15, 2001, must comply with a barrier at least 3 feet high until such time as the existing barrier is replaced.
 - (b) The openings in the fence and gates must be no larger than 3½ inches. Centers with certification in effect on January 1, 2024, must comply with no more than 4 inches of open spacing in fences until the existing fence is replaced.
 - (c) Barriers such as plastic contractor's fencing may be used on a temporary basis to prevent children from accessing an immediate hazard. If this type of fencing is used, it must be supported with wood or metal fence posts.
- (5) A certified child care center must ensure that use zones in which a child falling or exiting from play equipment are:
- (a) A minimum of 6 feet of clearance from walkways, buildings and the external perimeter of equipment;
 - (b) Free of obstacles, other than the equipment itself, that a child could run into or fall on;
 - (c) Arranged to prevent hazards from conflicting activities;
 - (d) Extended at least 6 feet in all directions from the equipment perimeter unless the fall potential in that direction is minimal, such as play equipment with guardrails or barriers or the sides of swings;
 - (e) Allowing for single-axis swings that move forward and backward, to extend a minimum distance of twice the vertical distance from the pivot point to the protective surface to the front and rear of the swing midpoint;
 - (f) Allowing for bucket swings and swings secured by a bar or strap and used by 2-year-olds or younger, with the use zone extending at least 6 feet forward and backward from the swing midpoint;
 - (g) Allowing for multi-axis swings, such as tire swings that move in a circle, to extend 6 feet plus the distance of the height of the top of the swing set to the bottom on the swing's seat in every direction from the midpoint. At least a 30-inch clearance between a fully extended tire swing seat and the support structure is required.
- (6) A certified child care center must always maintain protective surfacing in use zones under and around all outdoor equipment of 18 inches or higher. Acceptable materials include wood mulch, double shredded bark mulch, shredded or recycled rubber, uniform wood chips, sand, pea gravel, rubber mats or poured in place rubber manufactured for such use. Hog fuel is not permitted.
- (a) Rubber mats and poured in place rubber must:
 - (A) Be tested to ASTM F1292;
 - (B) Be installed and maintained according to manufacturer's specifications; and
 - (C) Not have rips, tears, loose seams, or other conditions that may pose a hazard.
 - (b) Loose-fill materials must:
 - (A) Have a minimum depth of 9 inches if using loose-fill material other than shredded/recycled rubber or 6 inches if using shredded/recycled rubber;

- (B) Remain loose at the required depth by replacing, leveling, or raking the material;
and
 - (C) Not be installed over concrete or asphalt.
- (7) A certified child care center must securely anchor any non-portable piece of climbing or swinging equipment according to manufacturer's instructions.
 - (8) A certified child care center must provide a shaded area accessible to children in the outdoor play areas. Shade may be provided by trees, buildings, or shade structures.
 - (9) The play equipment is arranged to allow for an open, continuous, uninterrupted, and unobstructed area.
 - (10) Trampolines, other than rebounders, are prohibited. Rebounders are permitted only when used according to manufacturer's instructions.
 - (11) Inflatable equipment such as: bounce houses, moon walkers, and giant slides, etc., are permitted when used according to manufacturer's instructions. Staff must be physically positioned to respond if needed.
 - (12) A certified child care center must provide outdoor gross motor equipment that addresses a variety of skills (for example, climbing, balancing, throwing, catching, pedaling, and steering).
 - (13) A certified child care center must ensure each child, while on the premises, using a bicycle, tricycle, balance bike, scooter, skateboard, roller or in-line skates, wears a well-fitting helmet, whether indoors or outdoors.

414-305-1000 Handwashing

- (1) Staff and children shall wash their hands with soap and warm running water:
 - (a) After using the toilet;
 - (b) After diaper changing;
 - (c) After assisting someone with toileting;
 - (d) Before handling food;
 - (e) Before and after eating; and
 - (f) Before assisting with feeding.
- (2) Staff and children must either wash their hands with soap and warm running water or use hand sanitizer with alcohol content between 60-95%:
 - (a) After wiping the nose;
 - (b) After coughing or sneezing;
 - (c) After outside activities; and
 - (d) After handling pet toys or touching animals, other than dogs and cats.
- (3) Hand sanitizer must be stored out of reach of children.
- (4) Hand sanitizer shall not be used on children under 24 months of age.
- (5) Application of hand sanitizer on older toddlers and preschool-age children must be supervised by an adult.

- (6) When handwashing is not possible, but required by OAR 414-305-1000(1)(a) through (f), e.g. on field trips and on the playground, moist towelettes and hand sanitizer with alcohol content between 60-95% shall be used together.
- (7) For children who are not able to wash their own hands, staff may wash children's hands with a single-use cloth rather than under running water.

414-305-1010 Illness

- (1) A certified child care center must observe and monitor each child upon their arrival at the center and throughout the hours of care for symptoms of an illness and obvious signs of infestation or physical injuries.
 - (a) A child's temperature is taken when there is a concern.
 - (b) A child's temperature is not taken rectally at any age.
 - (c) Mercury and glass thermometers are not used.
- (2) A certified child care center must not accept a child into care who:
 - (a) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rules, except with the written approval of the public health administrator or licensed health care provider; or
 - (b) Has one or more of the following symptoms of illness, except with the written approval of the public health administrator or licensed health care provider:
 - (A) Fever over 100.4°F. A child with a fever over 100.4°F may return if fever free for 24 hours without the aid of medication.
 - (B) "Diarrhea", which means three or more watery, bloody, or loose stools in 24 hours, the sudden onset of loose stools, or a child is unable to control bowel function when previously able. A child with diarrhea may return 48 hours after diarrhea resolves or with written clearance from a licensed healthcare provider.
 - (C) Vomiting at least one time, where there is no explanation for the vomiting. A child who vomits without explanation may return 48 hours after the last episode of vomiting or with written clearance from a licensed healthcare provider.
 - (D) Severe or persistent coughing. A child with severe or persistent coughing may return after symptoms are improving for 24 hours or with written clearance from a licensed healthcare provider.
 - (E) Unusual yellow color to skin or eyes. A child with unusual yellow color to skin or eyes may return to care with written clearance from a licensed healthcare provider.
 - (F) Open sores or wounds discharging bodily fluids. A child with open sores or wounds discharging bodily fluids may return to care after rash is resolved, when sores and wounds are dry or can be completely covered with a bandage, or with written clearance from a licensed health care provider.
 - (G) Stiff neck and headache with one or more of the symptoms listed above;

- (H) Uncharacteristic lethargy, decreased alertness, increased irritability, increased confusion, or a behavior change that prevents active participation in usual school activities. A child with any of the above symptoms may return to care when symptoms resolve, return to normal behavior, or with written clearance from a licensed health care provider.
 - (I) Difficulty breathing or abnormal wheezing. A child with difficulty breathing or abnormal wheezing may return to care after symptoms are improving for 24 hours.
 - (J) Complaints of severe pain. A child with complaints of severe pain may return to care after symptoms are improving.
 - (K) Eye lesions that are severe, weeping, or pus filled. A child with eye lesions that are severe, weeping, or pus filled may return to care after symptoms resolve or with written clearance from a licensed healthcare provider.
- (3) If a child who has been admitted into care shows signs of illness, as described in this rule, a certified child care center must:
- (a) Separate the child from the other children in a location where the child can be seen and heard by staff and carefully observed at all times.
 - (b) Notify the parent to remove the child from the center as soon as possible.
 - (c) Until the parent arrives, provide the child with an individual cot, mat, or bed that can be easily cleaned and disinfected after use.
 - (d) Give extra attention to handwashing and sanitation including cleaning and disinfecting toys, equipment, and surfaces used by the ill child immediately after the child leaves.
 - (e) Keep disposable items and used linens in a closed container in the isolation area until cleaned or thrown away.
- (4) If any child, staff member or volunteer has a restrictable disease, as defined in Oregon Health Authority, Public Health Division Chapter 333, Division 19 Investigation and Control of Diseases: General Powers And Responsibilities, a certified child care center must:
- (a) Immediately report the incident or illness to the local health department;
 - (b) Follow the health department's recommendations on exclusion and readmission of children and staff; and
 - (c) Post a notice for the parents of all children who attend the center.
- (5) A certified child care center must develop a written care plan at the time of enrollment, or when an allergy is identified, for each enrolled child who has an allergy that poses a threat to the child's health, safety and wellbeing. The plan must include instructions regarding the allergen and steps to be taken to avoid the allergen; signs and symptoms of an allergic reaction; and a detailed treatment plan including the names, doses, and methods of prompt administration of any medication in response to allergic reactions. In addition:
- (a) The parent must be notified immediately of any suspected allergic reactions or if the child consumed or came in contact with the allergen, even if a reaction did not occur;

- (b) If epinephrine is administered, emergency medical services must be contacted immediately, and, Child Care Licensing Division must be notified within 24 hours;
- (c) All staff involved in care of the child must be trained on the written care plan;
- (d) Specific food allergies must be shared with all staff that prepare and serve food; and
- (e) A list of each child's allergies should be easily accessible for staff but not visible to those who are not parents or guardians of the enrolled child.

414-305-1020 Injuries

- (1) A certified child care center 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 414-305-0850(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 child care center must complete a report of any serious injury or incident, and include:
 - (a) The child's full name and age;
 - (b) The date of occurrence, time, type, circumstances, witnesses, and location at the center 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 child care center must keep written reports of injuries on file in one location and for at least 2 years.
- (4) A certified child care center must maintain, at a minimum, the following first aid supplies at the center, in any vehicle used to transport children in care, and for group activities away from the center:
 - (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; and
 - (p) A chart or handbook of first aid instructions.
- (5) A certified child care center must ensure that the first aid supplies are readily available to staff and kept inaccessible to children.
- (6) A certified child care center must maintain the first aid supplies in a clean and sanitary manner and replace them as needed, including expired items.

414-305-1030 Medications

- (1) Before a certified child care center gives a child any prescription or non-prescription medication, including, but not limited to, pain relievers, cough syrup, and nose drops, the center must:
- (a) Have a signed, dated, written authorization by the parent(s) on file (also see OAR 414-305-0230, Parental Permissions);
 - (A) For chronic medical conditions, a certified child care center 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 child care center 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 certified child care center 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 child care center must inform parent(s) daily of all medications administered to their child.
- (4) If medication is provided by the parent, a certified child care center must administer medication only to the child for whom it is intended, and follow the directions on the label.
- (5) A certified child care center must ensure that all medications are inaccessible to children, with child-resistant caps when available, and stored away from food.
 - (a) If only stored out-of-reach of children, the medication bottle or package must be stored in a container with a tight-fitting lid.
 - (b) Emergency medicine may be placed in an unlocked container that is kept out of reach of children while inside the facility.
- (6) A certified child care center must keep medications requiring refrigeration in a separate tightly-covered, leakproof container clearly marked "medication" and inaccessible to children.
- (7) If using nonmedical items including, but not limited to sunscreen, a certified child care center does not need to document application but 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 center;
 - (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.

414-305-1050 Care of Children with Special Needs

When caring for a child who has or is at increased risk for a chronic 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 child care center must have a written care plan that 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 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 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.

414-305-1100 Kitchen and Food Service Areas

- (1) If there is no kitchen in the center and if meals or snacks are not catered, a certified child care center must observe the requirements under OAR 414-305-1110, Food Service.
- (2) A certified child care center's kitchen must be separate from any child care areas and not allow for unsupervised access by children and adults who are not qualified to follow sanitation and safety procedures.
 - (a) The food preparation area is not used as a passageway while food is being prepared.
 - (b) Children must not be allowed in the kitchen except for a supervised learning activity.
- (3) Walls, floors, and ceilings must be smooth, washable and easily cleanable in all rooms in which food or drink is prepared or stored, or utensils are washed or stored. A certified child care center must ensure that all equipment and utensils used for food service, including shelving and food-contact surfaces, are:
 - (a) Easily cleanable, including beneath, between and behind each piece of equipment;
 - (b) Durable and in good repair;
 - (c) Non-toxic;
 - (d) Smooth and nonabsorbent with no unsealed chips, cracks or seams; and
 - (e) Maintained in a clean and sanitary condition.
- (4) In areas where food is prepared or food contact items are washed, a certified child care center must provide:

- (a) Hot and cold running water under pressure; and
 - (b) Dishwashing equipment that meets the requirements in the Oregon Health Authority's administrative rules.
 - (A) Centers with a maximum capacity of 19 children may use a light commercial dishwasher approved by an environmental health specialist.
 - (B) A certified child care center must have a two-compartment sink and an automatic dishwasher that sanitizes with heat or chemicals; or
 - (C) Use a three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry).
 - (D) Separate sinks approved by the environmental health specialist for handwashing, for food preparation activities, and for dishwashing activities.
 - (c) The handwashing sinks must have a mixed-valve faucet and not be used for food preparation and dishwashing.
- (5) In centers without a sink for food preparation, a certified child care center may use a sink for dishwashing if it does not interfere with sanitary food preparation. The sink must be sanitized before being used for food preparation.
 - (6) A certified child care center must dispense soap and paper towels in a sanitary manner and post a sign demonstrating the proper handwashing technique at the sink designated for handwashing.
 - (7) A certified child care center must meet the requirements for handwashing sinks established by State Building Code, as defined in ORS chapter 455, if the center's physical building was newly constructed or remodeled after July 15, 2001.
 - (8) A certified child care center must provide accurate thermometers designed to measure cold storage temperature in refrigerators and freezers that are clearly visible and easy to read. Thermometers in refrigerators must show a reading of 41°F or below, and thermometers in freezers must show a reading of 0°F or below.
 - (9) A certified child care center must maintain all stove vents and filters free of grease build-up and food spatters and in good repair.
 - (a) In centers using commercial cooking equipment to prepare meals, ventilation must be equipped with an exhaust system in compliance with the applicable building, mechanical, and fire codes.
 - (b) All gas ranges in centers must be mechanically vented and fumes filtered prior to discharge to the outside.
 - (10) A certified child care center must store food waste in leak-proof, non-absorbent containers, covered with a tight-fitting lid, that are emptied, cleaned, and sanitized or disinfected daily.
 - (11) A certified child care center must provide adequate space for the storage of food and food-contact items that is dry, clean, above the floor, and protected from splash and other contamination.

- (a) Containers for food storage other than the original container or package in which the food was obtained, must be impervious and non-absorbent, have tight-fitting lids or covers, and labeled as to contents.
- (b) Poisonous or toxic materials and cleaning supplies must not be stored with food.

414-305-1110 Food Service

- (1) A certified child care center's food service must include the following:
 - (a) Children in care for more than 3 ½ consecutive hours must be served a meal or snack every 3 ½ hours;
 - (b) Children arriving after school are served a snack;
 - (c) Children scheduled to attend prior to 7:00 a.m. or after 6:30 p.m. are offered breakfast or dinner; and
 - (d) If applicable, children in night care are provided meals and snacks in accordance with OAR 414-305-1500, Night Care).
- (2) A certified child care center must make sure drinking water is always available to children in each classroom and after active play and served in a sanitary manner that prevents contamination.
- (3) A certified child care center must provide each child with individual dishes, cups, and utensils for eating and drinking.
- (4) Single service items such as paper plates, cups and napkins, and plastic utensils may be used only once and must be discarded after use.
- (5) A certified child care center must make additional servings available if a child remains hungry.
- (6) A certified child care center must maintain staff-to-child ratios during meal and snack service and while children are eating.
- (7) A certified child care center must provide an eating environment that is socially engaging, and provides opportunities for learning. Caregivers must:
 - (a) Sit with children during meals;
 - (b) Encourage children to try new foods but not force them to eat;
 - (c) Be respectful of each child's cultural food practices;
 - (d) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; and
 - (e) Not use food as a reward or punishment.
- (8) If a certified child care center serves family style meals, where food is brought to the table in larger quantities and served to the plates from the table, the center must have a written plan, approved by CCLD and available for review by the environmental health specialist, which includes at least the following elements:
 - (a) Separate serving portions for each table;
 - (b) Serving utensils distinct from eating utensils;

- (c) Staff oversight to ensure sanitary practices; and
 - (d) Provision for serving mildly ill children to prevent the spread of the illness.
- (9) A certified child care center may serve a child food provided by the parent of the child only when:
- (a) Food is brought on a daily basis and is ready to eat, requiring no preparation;
 - (b) All food and beverage containers are labeled with the child's name;
 - (c) Each child's food is monitored daily by a staff member to ensure that the food meets nutritional requirements as specified in OAR 414-305-1140, Meals and Snacks; and
 - (d) The center has sufficient food available to supplement any meal or snack that does not meet nutritional requirements as specified in OAR 414-305-1140, Meals and Snacks.
- (10) A certified child care center must ensure that any catered foods are:
- (a) Prepared in a kitchen approved by the Oregon Health Authority or a county health department;
 - (b) Transported and delivered in a safe, sanitary manner with hot food maintained at temperatures not lower than 135°F and cold foods maintained at 41°F or lower; and
 - (c) Received, held, and served through a process approved by the environmental health specialist.
- (11) If a certified child care center does not have a kitchen or catered meals, the center must:
- (a) Use only single service utensils;
 - (b) Serve either commercially-prepared, individually-packaged, single-serving foods, or the serving of bulk food complies with standards in Oregon's Food Handler certification;
 - (c) Not use or store utensils on site that require washing; and
 - (d) Store food in a space used only for food, beverages and single-service utensils.
- (12) On special occasions, such as birthdays, a certified child care center may allow parents or guardians to provide snacks that may not satisfy the nutritional requirements for all children. The certified child care center may serve the snacks:
- (a) To a child only if that child's parent has provided permission for the child to participate in special occasions where food is served (also see OAR 414-305-0230, Parental Permissions); and
 - (b) When the snacks consist of store purchased fruits and vegetables (uncut) or prepackaged foods in the original manufacturer containers.

414-305-1130 Food Storage and Preparation

- (1) A certified child care center must store, prepare, and serve all food and drink provided by the center in a sanitary manner and protected from contamination.
- (2) Water for preparing food, drinking or cooking shall not be obtained from handwashing sinks.

- (3) A certified child care center must ensure that food-contact surfaces and items, such as kitchenware, utensils, tableware, service items, and storage items that come into contact with food, are designed and constructed of safe, non-toxic materials and are smooth, nonabsorbent, easily cleanable, durable, and in good repair.
- (4) A certified child care center must refrigerate potentially hazardous foods and all foods requiring refrigeration including food that children bring from home, except during preparation and service.
 - (a) Milk and food must not sit out for longer than 15 minutes prior to the beginning of the meal or snack.
 - (b) All food stored in the refrigerator must be tightly covered, wrapped, or otherwise protected from direct contact with other food to prevent cross contamination.
- (5) A certified child care center must thaw frozen food by one of the following methods:
 - (a) In a refrigerator;
 - (b) Under cool running drinking water inside a pan placed in a sink with the drain plug removed;
 - (c) In a microwave if the food is to be cooked as part of the continuous cooking process; or
 - (d) As part of the cooking process.
- (6) A certified child care center must serve food promptly after preparation or cooking or maintain it at safe temperatures of 41°F or below for cold foods or 135°F or above for hot foods.
 - (a) A small diameter probe thermometer must be used to measure the temperature of food.
 - (b) Foods that have been cooked, and then refrigerated, must be reheated rapidly to at least 165°F before being served or placed in a hot food storage unit.
- (7) A certified child care center must ensure that foods heated in a microwave are not too hot before serving to children.
- (8) A certified child care center must prepare food according to the minimum standards identified in food handler certification including:
 - (a) Using gloves, utensils, or tongs to serve food;
 - (b) Washing raw fruits and vegetables in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form; and
 - (c) Preparing food on food-contact surfaces and with utensils that are cleaned and sanitized after each use and whenever there is a change in processing from raw to ready-to-eat foods.
- (9) A certified child care center must protect food from contamination by:
 - (a) Transferring prepared food to each child's plate or bowl using a suitable dispensing utensil that is not used for eating or any other purpose.
 - (b) Washing and sanitizing bowls, platters, pitchers, and utensils used for serving food or drink before reusing.

- (c) Dispensing milk from commercial one-gallon or smaller plastic containers, individual half-pint containers, or from a refrigerated bulk container equipped with an approved dispensing device, and:
 - (A) Opening milk containers immediately before pouring;
 - (B) Returning any unused portions left in the original container to refrigeration; and
 - (C) Discarding any unused portions of milk left in a serving pitcher or open individual serving containers.
- (d) Discarding all food removed from the kitchen after meal service.
- (e) Labeling, dating, and refrigerating any prepared food which has not been removed from the kitchen and used within 48 hours or immediately freeze for later use.
- (f) Washing, rinsing, and sanitizing multi-use dishes, cups, serving and eating utensils, tables, and high chair trays after each use according to the Oregon Health Authority's Chapter 33, Division 150 Food Sanitation rules.
- (g) Air drying all tableware, equipment, and utensils after being sanitized.

414-305-1140 Meals and Snacks

- (1) Meals and snacks for children must be:
 - (a) Prepared on site;
 - (b) Obtained from a source approved by the Oregon Health Authority; or
 - (c) Provided by parents.
- (2) A certified child care center must ensure that all meals, snacks and beverages follow the current USDA Child and Adult Care Food Program (USDA-CACFP) meal pattern requirements, including portion sizes.
- (3) A certified child care center must develop weekly or monthly written menus that show all foods to be served during that period and make the menus available to parents.
 - (a) Substitutions that meet nutritional requirements are permitted but must be recorded and made available to parents.
 - (b) Menus may be rotated if there is a record of which menu was used for each date.
- (4) A certified child care center must select and serve food that is safe and has nutritional value.
 - (a) Foods of minimal nutritional value, such as gelatin or desserts, may only be served occasionally and cannot replace nutritious foods.
 - (b) All food products served by the center or brought from individual homes for a group of children must have been inspected and come from commercial suppliers, except for:
 - (A) Fresh or frozen fruits and vegetables; and
 - (B) Foods brought by parents and only consumed by their child.
 - (c) The center must serve beverages consisting only of water, milk or nutritionally equivalent milk substitute, and fruit or vegetable juice.
 - (A) Fruit and vegetable juice must be pasteurized 100 percent juice.

- (B) Milk must be Grade A pasteurized and fortified milk.
 - (C) Pasteurized powdered milk and evaporated milk must only be used in cooking.
 - (D) A parent may request that their child not be served milk. A certified child care center must obtain written parental permission to not serve milk to a specific child. This must be at the parent's request, on a case-by-case basis, and not a center-wide policy.
- (d) The following foods must not be served or offered in uncooked food, or served or offered in a ready-to-eat form:
- (A) Raw animal foods such as raw fish, raw meat or raw eggs;
 - (B) Partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs and meringue;
 - (C) Raw seed sprouts;
 - (D) Home canned food;
 - (E) Food additives and preservatives that are not FDA approved.
- (e) The center must not serve foods that are associated with young children's choking incidents to children under 3 years of age including, but not limited to: hot dog slices, raw carrots, whole grapes, hard candy, gum, nuts, peanuts, popcorn, rice cakes, chips, gel candies, and marshmallows. Children older than 3 years of age may be served these food provided that the foods are cut in such a way as to minimize choking hazard.
- (f) Nutrient concentrates and supplements (protein powders, liquid proteins, vitamins, minerals, and other nonfood substances) must not be served to a child without a written statement of parental consent and written instructions from a medical practitioner.
- (g) Honey or foods containing honey must not be served to children under 12 months of age.
- (h) Special diets, not including vegetarian diets, may only be served to a child with written instructions from a registered dietician or medical practitioner and written parental consent.

414-305-1200 Transportation Overview

- (l) If a certified child care center transports children, the center must be in compliance with all applicable state laws, including current vehicle insurance that covers the driver, the vehicle, and all occupants.
- (a) If a certified child care center contracts for transportation for children while they are in care, the center is responsible for ensuring the contracted entity meets CCLD's transportation requirements including OAR 414-305-1200 through OAR 414-305-1240. The use of public school transportation on behalf of the certified child care center is exempt from OAR 414-305-1200 through OAR 414-305-1240.

- (b) Documentation must be maintained as specified in OAR 414-305-0250, Program Records.
- (c) A certified child care center must not transport children in vehicles or parts of vehicles not designed for transporting people, such as truck beds, campers, and trailers.
- (2) When children are taken on field trips, the center must ensure that:
 - (a) When children are transported for long distances, the center provides rest and stretch stops as needed;
 - (b) Staff check a written list of children on the field trip frequently to account for the presence of all children and:
 - (A) Prior to boarding and exiting the vehicle; and
 - (B) Any time the group changes locations on site (e.g. when moving from one exhibit to the next);
 - (c) Each child wears an easily identifiable item, such as a label, shirt or wristband, listing the name and telephone number of the child care center;
 - (d) Caregivers are easily identifiable; and
 - (e) A notice of field trips, including the date, destination, and estimated times of departure and return, is posted at least 48 hours in advance of a field trip in a prominent place where parents and others may view it (also see OAR 414-305-0230, Parental Permissions and OAR 414-305-0260, Items Available to View).

414-305-1210 Transportation Staffing

- (1) If a driver is the only adult in the vehicle, a certified child care center must ensure that the driver:
 - (a) Meets teacher or aide II qualifications and training requirements; and
 - (b) Meets additional driver and ratio requirements under OAR 414-305-1210(2) through (3), Transportation Staffing.
- (2) A certified child care center must ensure that drivers of a vehicle used to transport children:
 - (a) Are at least 21 years of age;
 - (b) Have a valid driver's license appropriate for the type of vehicle driven;
 - (c) Are certified in first aid and CPR or accompanied by someone with certification;
 - (d) Do not have any medical condition or use alcohol, drugs, tobacco or any medication that could compromise driving, supervision, or evacuation abilities;
 - (e) Operate the vehicle in a legal and safe manner; and
 - (f) Eliminate distractions such as the use of earphones or cell phones.
- (3) A certified child care center must ensure that there are sufficient staff to meet the required staff-to-child ratios for each age group of children being transported.
 - (a) The driver may count in the staff-to-child ratios (also see OAR 414-305-0400, Staff-to-Child Ratios and Group Size).
 - (b) One staff member must be at least aide II qualified (also see OAR 414-305-0350 Duties and Qualifications of Aides).

- (c) A certified child care center may allow a parent to transport children other than the parent's own children without a qualified staff member present in the vehicle, only if the parent meets aide II qualifications and transportation requirements as provided in these rules, and is enrolled in the CBR.
- (4) A certified child care center must provide adequate supervision to protect children during transportation.
 - (a) A certified child care center's responsibility begins at the pre-arranged pick-up time or when the child is actually picked up, whichever is earlier, and ends at the pre-arranged drop-off time or when the child is actually dropped off with the person designated by the parent, whichever is later.
 - (b) A certified child care center must never leave children unattended inside or outside of a vehicle.
 - (c) A certified child care center must immediately document attendance each time a child enters and exits the vehicle.

414-305-1220 Transportation Safety

- (1) A certified child care center must maintain the following items in the vehicle as well as at the center:
 - (a) An operable phone;
 - (b) Program information including center name, address, and phone number;
 - (c) Proof of vehicle insurance;
 - (d) A checklist of all children being transported with any pick-up and delivery times and locations;
 - (e) Emergency medical information on each child including parents' contact information, special medical needs, medications, allergies, the name and phone number of the child's doctor, and emergency medical authorization forms;
 - (f) When transporting children with chronic medical conditions (such as asthma, diabetes, or seizures), their emergency care treatment plans, supplies and medication; and
 - (g) A first aid kit that is easily accessible to staff and not children, and with contents specified in OAR 414-305-1020, Injuries).
- (2) A certified child care center must ensure the following safety practices are followed:
 - (a) The vehicle doors are locked when the vehicle is moving and when not in use.
 - (b) The motor is turned off, the brake set, and the keys removed whenever the driver leaves the vehicle.
 - (c) No vehicle window, except that of the driver, must be opened to more than 50 percent of its capacity when children are on board.
 - (d) Children's entire bodies must remain in the vehicle.
 - (e) Safe conduct to and from the vehicles and safe off-street loading spaces must be provided.

- (A) Children must be loaded and unloaded only at the curb or at an off-street area protected from traffic on the same side of the street as the building they will enter.
- (B) If children must cross a street, they must be accompanied by an adult.
- (f) Staff must have clear instructions on handling emergency breakdowns and accidents, including vehicle evacuation procedures, supervision of the children, and contacting emergency help.
- (g) Staff at the center must know the routine arrival and departure times of the vehicle and take action if the vehicle does not return at a scheduled time.
- (h) Before leaving the vehicle, the driver or the last personnel in the vehicle must inspect all areas of the vehicle to prevent a child from being left in the vehicle.

414-305-1230 Passenger Restraints and Seating

A certified child care center must meet the following passenger restraint and seating rules to ensure children's safety during transportation:

- (1) The manufacturer's maximum seating capacity for the vehicle is not exceeded;
- (2) Child passenger restraint systems and seat belts must be used according to law, meet federal motor vehicle standards and installed in accordance with the manufacturer's instructions;
- (3) Restraint systems are properly maintained, such as not expired, recalled, or previously involved in a crash;
- (4) Car safety seats or booster seats, whether provided by the child's parents or the child care center, are labeled with the child's name and emergency contact information;
- (5) Child care children are not permitted to ride in the front seat of a vehicle;
- (6) All adult passengers in a vehicle transporting children, other than a large school bus, must be properly restrained by safety belts before starting the vehicle and at all times the vehicle is in motion; and
- (7) Vehicles that meet the definition of a school bus that transport passengers in wheelchairs must comply with manufacturer's instructions and specifications.

414-305-1240 Vehicles

A certified child care center must ensure that all vehicles used for transportation meet the following:

- (1) Vehicles are identified with the center or business entity name that is easily read by the public(e.g. a small sign in the rear window or a bumper sticker), unless using contracted transportation or a vehicle not owned by the certified child care center.
- (2) Vehicles, including school buses, are in compliance with all applicable state and local motor vehicle laws;
- (3) If a center uses vans designed for 10 or more passengers and manufactured prior to 2010:

- (a) Travel speed may not exceed 50 mph; and
- (b) The vehicle must have an annual safety inspection by a garage, dealership or auto repair shop. Proof of inspection must be on the form provided by CCLD or on a form provided by the inspector which contains the same information;
- (4) Vehicles have a current license plate and registration as required by Oregon state transportation laws, including vehicles driven by volunteers;
- (5) Vehicles are maintained in good repair and safe operating condition at all times;
- (6) The vehicle receives regular maintenance in accordance with the vehicle maintenance mileage schedule. This includes, but is not limited to, regular inspections of interior safety features like airbags, seatbelts and car seat latch systems. All deficiencies must be corrected before the vehicle can be used for child care transportation;
- (7) The vehicle interior is clean, in safe repair, and free of hazardous items that could impede the children's movement or cause injury if the items were thrown about the vehicle as a result of a collision;
- (8) Stationary padded seats with a back are securely anchored to the vehicle; and
- (9) Operable heaters and ventilation maintain an interior temperature comfortable to children and between 68 and 85 degrees.

414-305-1300 Swimming

- (1) A certified child care center must have written permission from each child's parent before engaging in any swimming activities.
- (2) A certified child care center must provide constant sight and sound supervision of children around any bodies of water.
- (3) A certified child care center must not use a swimming pool unless it has been licensed by the Oregon Health Authority or delegated agent pursuant to OAR Chapter 333, Division 60. (Also see OAR 414-305-0840, Prevention and Management of Hazards regarding access to pools and other bodies of water.)
 - (a) A swimming pool must not be used if the main drain cover is missing.
 - (b) Each swimming pool more than 6 feet in width, length, or diameter must have immediate access to lifesaving equipment, e.g., a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that is long enough to reach the center of the pool from the edge of the pool.
 - (c) Swimming pools must be maintained, cleaned and sanitized according to manufacturer instructions and Department of Health or local health jurisdiction guidelines.
- (4) In natural bodies of water, such as shallow surf, lakes, rivers, and streams, the center must limit activity to wading by children 36 months of age and older and must not allow swimming.
- (5) A certified child care center must not permit children to use or have access to a hot tub, spa, portable wading pool, or other similar equipment.

- (6) If a certified child care center has on-site swimming or is responsible for off-site swimming, the center's written emergency plan (required by OAR 414-305-0210, Emergency Preparedness and Response) must also include pool and swimming safety.
- (7) When a swimming pool is located on the center premises, emergency telephone numbers and the center's address must be posted near an immediately accessible telephone in the pool area.
- (8) At all times when children are engaged in swimming and wading activities on or off the premises, a certified child care center must:
 - (a) Ensure that staff are in or at the water and prepared to enter;
 - (b) Ensure that staff remain in direct physical contact with infants at all times and not more than an arm's length from 1-year-olds;
 - (c) Meet the following staff-to-child ratios:
 - (A) 6 weeks to 36 months - 1:1;
 - (B) Preschool-age - 1:6;
 - (C) School-age - 1:10; and
 - (D) The age of the youngest child in a mixed-age group determines the staff-to-child ratio.
 - (d) Verify that all adults counted in the staff-to-child ratios are able to swim if the water is more than 48 inches deep;
 - (e) Ensure that a certified lifeguard is present and on duty at all times. Center staff lifeguards may not count in staff-to-child ratios when more than 10 children are present; and
 - (f) Review safety rules with children each time they participate.

414-305-1400 Animals

- (1) A certified child care center must ensure that any animal at the center is:
 - (a) In good health and shows no signs of carrying disease;
 - (b) Friendly toward children with no signs or history of aggression;
 - (c) Kept free of fleas, ticks, and worms;
 - (d) Fully immunized including rabies vaccinations for dogs;
 - (e) Kept in a cage or tank with the exception of cats and dogs; and
 - (f) Not permitted in food preparation areas or on children's resting surfaces.
- (2) A certified child care center may not allow an animal with any history of biting to be on the premises of the center.
- (3) A certified child care center must prevent any direct contact by children with any animals unfamiliar to the center, such as a stray.
- (4) A certified child care center may allow an animal, other than a cat or dog, such as a poisonous animal, reptile, amphibian, monkey, hook-beaked bird, chicken, duck, hermit crab, rodent or ferret on the premises only if:

- (a) The animal is housed in and remains in a cage, tank or other measure which precludes any direct contact by children; or
 - (b) The exotic animal is present as part of an educational program run by a zoo, museum or another professional animal handler.
- (5) A certified child care center must ensure that all contact between an animal and a child is supervised by staff who are close enough to remove the child immediately if the animal shows signs of aggression or distress or the child shows signs of treating the animal inappropriately.
- (6) A certified child care center must inform parents of any animals on the premises by a clearly viewed notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form (also see OAR 414-305-0200, Policies).
- (7) A certified child care center must have and follow written procedures for the care and maintenance of any animals in the center. The procedures must address:
- (a) Responsibility for the handling, care, and feeding of the animal(s). With close staff supervision, children may participate in the care of animals.
 - (b) At least weekly cleaning and disinfection of pet containers and cages performed in areas not used for food storage or preparation and only when children are not present.
 - (c) Location of litter boxes in areas not accessible to children or used for food storage or preparation; and
 - (d) Prevention of debris spilling out of a container or cage used for pets and animals, if applicable.
- (8) A certified child care center must keep animal food supplies out of the reach of children and store them separately from food supplies and equipment.
- (9) Animal food must be stored in a manner that does not attract rodents or insects.

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(32).
- (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; an
 - (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.

414-305-1600 Monitoring and Investigations

- (1) CCLD may conduct unannounced monitoring visits of a certified child care center at least annually for the purpose of determining compliance with these rules and terms and conditions of certification.
- (2) CCLD may conduct compliance verification visits to a certified child care center for the purposes of confirming compliance or continued compliance.
- (3) If a complaint alleges that a certified child care center is not in compliance with these rules, CCLD may conduct an investigation to assess the allegations.
 - (a) The investigation may include:
 - (A) One or more visits to the center;
 - (B) Interviews with the center staff, volunteers, parents of child care children, or other individuals who may have relevant information;
 - (C) Reviews of records;
 - (D) Observations of the certified child care center operations; and
 - (E) Any action authorized by ORS 329A.390(7).
 - (b) Upon completion of the investigation, CCLD will issue a findings letter setting forth its determination that a complaint allegation is one of the following with respect to violation of these rules:
 - (A) Valid, when evidence indicates the violation more likely than not occurred;
 - (B) Unable to substantiate, when evidence is conflicting regarding whether the violation occurred; or
 - (C) Invalid, when no evidence indicates the violation occurred or the evidence indicates the violation more likely than not did not occur.
 - (c) CCLD may issue a findings letter prior to the conclusion of an investigation when CCLD has reached a determination on some but not all allegations.

- (d) Upon request from a certified child care center, CCLD must inform the center as to whether the center is under investigation by CCLD as of the date of CCLD's response to the request.
- (4) In connection with a monitoring or investigation visit, CCLD shall provide technical assistance as appropriate.
- (5) CCLD certification records are open to the public on request, including findings of complaint investigations. CCLD may not disclose information protected by state or federal law.

414-305-1610 SANCTIONS-Suspension, Denial and Revocation

- (1) CCLD may immediately, and without prior notice, suspend a certified child care center's certification when, in the opinion of CCLD, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.
- (2) If a certified child care center's certification has been suspended, the center must:
 - (a) Immediately notify, verbally or in writing, all parents of the suspension;
 - (b) Immediately provide CCLD with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child; and
 - (c) Post the suspension on the main entry door where it can be viewed by parents and others for the duration of the suspension.
- (3) If necessary to protect children, CCLD may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.
- (4) If a certified child care center does not request a hearing and the conditions which resulted in suspension have not been corrected, the center's certification shall be revoked.
- (5) Certification may be denied or revoked if a certified child care center:
 - (a) Fails to meet requirements or correct deficiencies;
 - (b) Fails to correct conditions which resulted in suspension;
 - (c) Fails to provide CCLD with information requested;
 - (d) Refuses to allow an inspection or allows an inspection only after CCLD has obtained a warrant;
 - (e) Is operated or maintained in a manner which is harmful to the health, safety or wellbeing of children in care;
 - (f) Employs staff or has an operator who is not enrolled in the CBR or whose CBR enrollment is suspended;
 - (g) Is owned by an individual who has denied or suspended enrollment in the CBR unless the center establishes that the owner will not be on the premises while children are in care or have access to child care children;
 - (h) Knowingly provides inaccurate information to CCLD or causes staff to do so;

- (i) Interferes with the good faith disclosure of information by staff or a volunteer concerning the abuse or mistreatment of a child in the certified child care center, violations of certification requirements, criminal activity at the center, violations of state or federal law or any practice that threatens the health and safety of child care children, or otherwise engages in conduct prohibited by ORS 329A.348.
- (6) If a certified child care center's certification has been denied or revoked, the center must immediately notify all parents of the closure and shall post a notice of the closure where it can be viewed by parents and others. The notice shall remain posted for a minimum of 2 weeks.
- (7) A certified child care center may appeal any decision to suspend, deny or revoke the certification, subject to the provisions of chapter 183, Oregon Revised Statutes.
- (8) CCLD may report any action to deny, suspend, or revoke a certified child care center's certification to the Department of Human Services, USDA Child Care Food Programs, or Child Care Resource and Referral System.
- (9) If a certified child care center's certification has been denied or revoked for cause, the center is not eligible to reapply for a certified child care center certification for 5 years after the date of CCLD's final order denying or revoking the certification for cause.
- (10) If any person, who is enrolled in the CBR, has been charged with, arrested for, or a warrant is out for any of the crimes which CCLD has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification of such person to own or operate a certified child care center may be denied or suspended or revoked until the charge, arrest, or warrant has been resolved if the person continues to own, operate, be employed in or reside in the center, or have access to children in the center.
- (11) A certified child care center's certification may be denied, suspended or revoked if an individual has child abuse or neglect history or an open child protective services, child abuse or neglect, or law enforcement case that would make the individual ineligible for enrollment in the CBR.

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), 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.



General Rules for

ALL CHILD CARE FACILITIES

Child Care Licensing Division
Oregon Department of Early Learning and Care (DELIC)
Effective December 7, 2023

These rules apply to all child care facilities including certified centers, family child care homes, exempt child care providers, recorded programs, regulated subsidy programs, and those who may be conducting unlawful care. This ruleset covers the processes and policy which governs how CCLD/DELIC proceeds in regulatory matters such as investigations, unlawful care, allowable exempt care, when a provider may be represented by their union in a contested case hearings process, or procedures for when an individual is prohibited from providing care. These rules help to provide transparency and a road map for providers and the public in understanding how the agency proceeds in these important matters. These rules are reflective of the regulatory authority given to DELIC in ORS 329A and ORS 326.430.

**Oregon Administrative Rules (OAR) Chapter 414, Division 075
Department of Early Learning and Care
Child Care Licensing Division**

**General Rules for Child Care Facilities
Effective 12/7/2003**

This copy of the rule book is available on the Department of Early Learning and Care website. Additional copies may be downloaded at any time.

For more information or the latest updates, visit
www.oregon.gov/delc

Questions? Email CCLD.CustomerService@delc.oregon.gov
Call 1-800-556-6616

You are entitled to language assistance services and other accommodation at no cost. If you need help in your language or other accommodations, please contact the Child Care Licensing Division at 503-947-1400.

DEPARTMENT OF EARLY LEARNING AND CARE
 Chapter 414, Division 075

General Rules for All Child Care Facilities

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414-075-0000 Applicability of Rules

- (1) Except as otherwise specified, these rules apply to all licensed license-exempt, exempt, and unlicensed child care providers and facilities including:
 - (a) All licensed facilities including registered family child care homes, certified family child care homes, certified child care centers, and certified school-aged child care centers;
 - (b) License-exempt child care and exempt care facilities that are required by statute to only employ or contain individuals who are enrolled in the Central Background Registry, including but not limited to, recorded programs and subsidized care facilities;
 - (c) Exempt care facilities providing or claiming to be providing care defined to not be child care in ORS 329A.250(4)(b)(A) through (H); and
 - (d) Facilities, providers, and persons providing or alleged to be providing unlawful care as defined in OAR 414-075-0230.
- (2) These rules supplant and do not supersede the rules contained in Chapter 414, Divisions, 61, 175, 180, 205, 305, 310, 350, 400, 425, and 450 and pertaining to specific child care program types. In the event of a conflict between such rules and these rules, these rules control.
- (3) If any court of law finds that any clause, phrase, or provision of these rules is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portion of these rules.

414-075-0010 Definitions

The following words and terms, when used in OAR 414-075-0000 through 414-075-0300, have the following meanings:

- (1) **"Certified Family Child Care Home"** or "CF" means a child care facility operated in a building designed as a single family home or other dwelling that is certified to care for no more than 16 children at any one time.
- (2) **"CCLD"** means the Child Care Licensing Division in the Department of Early Learning and Care.
- (3) **"Central Background Registry"** or "CBR" 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.
- (4) **"Child Care Child"** means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care that is greater than that of their same aged peers, for whom a licensed or subsidized child care facility, or a facility for which a license is required, or a license-exempt child care facility as defined in this rule, has supervisory responsibility in the temporary absence of the parent.
- (5) **"Child Care Facility"** means any facility that provides child care to children, including a certified child care center, certified school-aged child care center, certified family child care home, and registered family child care home. It may include those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, and does not include license-exempt child care or exempt care, as defined in this rule. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children. It does not include a license-exempt child care facility as defined in this rule.
- (6) **"Child Abuse or Neglect"** means as defined as "abuse" in ORS 419B.005 including but not limited to physical abuse, emotional abuse, sexual abuse, negligent treatment or maltreatment, and threat of subjecting a child to a substantial risk of harm to the child's health or welfare.
- (7) **"Child Protective Services"** or "CPS" means the program as defined in OAR 413-015-0115.
- (8) **"Civil Penalty"** means a fine imposed by CCLD for violation of one or more applicable rules or statutes.
- (9) **"Complaint"** means written or verbal information received from any source that a facility is providing or has provided care in a manner potentially in violation of a state law or administrative rule within the authority of CCLD.
- (10) **"Employee"** means an individual engaged to work full or part time in a facility. This includes all caregivers and any individual who functions other than as a caregiver for children.
- (11) **"Exempt Care"** is care provided by a caregiver that is within an exception to the definition of "child care" in ORS 329A.250(b)(A) through (H) or as otherwise provided by rule (see OAR 414-075-0250(3) and is not described in ORS 329A.250(4)(a)(A) or (B).

- (12) **"Exempt Care Facility"** means a facility that provides only exempt care as defined in this rule.
- (13) **"Exempt Prohibited Individual"** means an individual who is by law prohibited to provide child care or exempt care, except to children related to the individual by blood or marriage within the fourth degree of sanguinity as determined by civil law, as defined in ORS 329A.252(1)(a) through (e) and described in OAR 414-075-230. An exempt prohibited individual is ineligible for enrollment in the Central Background Registry except for limited enrollment as described in 414-061-0020(27)(b).
- (14) **"Facility"** means an individual, group of individuals, or entity that is caring for or is alleged to be providing care for any child younger than 13 years or younger than 18 years with special needs who requires a level of care that is greater than that of their same-aged peers for whom the individual, group of individuals, or entity has responsibility in the temporary absence of the parent, legal guardian or custodian .
- (15) **"Family"** for purposes of determining if children are from the same family or if a child is in care by a member of the child's extended family as referred to in OAR 414-075-0250 means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships, such as residing together, are similar to those found in such associations.
- (16) **"Finding"** means a written determination by CCLD staff with respect to information received, a complaint, or an observed noncompliance with a requirement in ORS 329A.030 or ORS 329A.250 through 329A.500 or rules adopted by the Early Learning Council pursuant to ORS 329A.030 or ORS 329A.250 through 329A.500.
- (17) **"For Cause"** means that the reason for a denial or nonrenewal of a license or enrollment in the CBR or the revocation of a license or removal from the CBR was based on a determination that:
- (a) With respect to a CBR application or enrollment, an individual was found not suitable after a review of history, including but not limited to criminal, child abuse and neglect, negative foster care certification, or negative adult protective services history, and of information related to the history; or
 - (b) With respect to a license, the licensee failed or fails to meet licensing requirements and is or has operated in a manner which is harmful to the health and safety or wellbeing to children. For purposes of this rule, "harmful" means posing a risk of or actually causing physical, emotional, or mental damage to child care children, and includes but is not limited to any violation of:
 - (A) A requirement designed to protect children from physical hazards;
 - (B) Applicable guidance and discipline rules involving inappropriate punishment;
 - (C) A requirement to exclude from the facility a person who has demonstrated behavior that may have a detrimental effect on children;
 - (D) A requirement to report suspected child abuse or neglect;
 - (E) A requirement involving safe sleep for infants; or
 - (F) Applicable supervision rules resulting in:
 - (i) A child escaping the facility;

- (ii) A child being left behind from or on a field trip without supervision; or
- (iii) A child being injured when the injury could have been prevented with proper supervision.

- (18) **"Investigation"** means the collection and review of information received by CCLD of prompted by an allegation of a rule or statute violation including but not limited to a cross-report of a child abuse and neglect received by law enforcement or the ODHS, or other information received by CCLD. An investigation includes but is not limited to a tandem investigation as defined in this rule and includes any activities as listed in ORS 329A.390(7) or OAR 414-075-0130.
- (19) **"Licensed"** means the state of having an active registration or certification issued by CCLD.
- (20) **"License"** means an authorization from CCLD to operate a registered family child care home, a certified family child care home, a certified child care center, or certified school-age child care center.
- (21) **"Licensee"** means an individual to whom a registration or certification has been issued by CCLD.
- (22) **"License-Exempt Child Care"** means child care that is not required to be licensed because it is provided as described in ORS 329A.250(5)(a) through (i).
- (23) **"License-Exempt Child Care Facility"** means a facility that provides only license-exempt child care as defined in this rule.
- (24) **"Noncompliance"** means being in violation of a requirement contained in statute or rule for the applicable type of facility.
- (25) **"Observed Noncompliance"** means a noncompliance observed by CCLD staff including information observed in a facility's records.
- (26) **"Occasional care"** means care that is provided for no more than 70 days in any calendar year for the purpose of the supervision and guidance by a person, sponsor, or organization not ordinarily engaged in providing child care for children, as defined in this rule, for not more than 70 days, or for enrichment activities that coincide with the non-school days in the Oregon public school system.
- (27) **"ODHS"** means the Oregon Department of Human Services.
- (28) **"Ordinarily engaged in providing care"** means that the facility has been issued a current child care certification or registration, is a license-exempt child care facility as defined in this rule or represents or advertises to the public as available to provide care for children on an ongoing basis.
- (29) **"OTIS"** means the Office of Training, Investigations and Safety in ODHS.
- (30) **"Parent"** means a parent, custodian, or guardian exercising physical care and having legal custody of the child.
- (31) **"Person"** means an individual human being, an entity to whom CCLD has issued a record or a license to operate a certified child care center or certified school-aged child care center, or an individual or entity operating a license exempt child care facility.

- (32) **"Premises"** means the physical location used or alleged to be used by a facility to provide care subject to regulation or investigation by CCLD, including all indoor and outdoor areas not directly used for child care.
- (33) **"Provider"** means an individual in whose name a license or approval to receive payment for subsidized care is issued.
- (34) **"Recorded Program"** means a facility to whom CCLD has issued a record to operate a preschool or school-aged recorded program.
- (35) **"Registered Family Child Care Home"** or "RF" or "Registered Facility" means in a the residence of a provider to whom CCLD has issued a license to operate a facility in the family living quarters pursuant to these rules and OAR 414-205-0000 to 414-205-0170.
- (36) **"Regular operating hours"** means the days and hours of operation as requested by a child care facility and approved by CCLD, except:
- (a) A registered family child care facility that has not requested and obtained approval by CCLD of regular operating hours:
 - (A) Providing night care is considered to have operating hours of 24 hours per day, seven days a week, if providing night care.
 - (B) Not providing night care is considered to have operating hours of 5:00 am to 9:00pm, Monday through Friday.
 - (b) Regular operating hours also include any time that a child enrolled in or regularly attending a certified or registered facility is present at the facility including before or after the approved operating hours, unless:
 - (A) The child resides in the facility; or
 - (B) The child is present at a registered or certified family child care home for a social event as described in OAR 414-075-0250(2)(b).
- (37) **"Sensitive Allegations"** means allegations that in the judgment of CCLD staff should not be discussed in the hearing of child care children who are present and old enough to understand a conversation that would necessarily include discussion of sexual activity or sex abuse or any individual's personal medical information or medical or disability diagnoses.
- (38) **"Staff"** means, as applicable:
- (a) For a facility, the provider and any other individuals employed in the facility regardless of compensation, including a volunteer who is in the facility for more than a single activity; or
 - (b) For CCLD, any individual employed by the agency or authorized to act on behalf of the agency, including but not limited to investigators, licensing specialists, managers, or other employees.
- (39) **"Subsidized Care"** means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to during a part of the 24 hours of a day, paid for in whole or in part by public funds administered by the Department of Early Learning and Care.
- (40) **"Subsidized Care Facility"** means any facility that provides subsidized care to children, including a day nursery, nursery school, child care center, certified, registered or exempt

family child care home or similar unit operating under any name, for which payment for child care is made by the Department of Early Learning and Care.

- (41) **"Superseding Finding"** means a finding in a findings letter that replaces a finding included in a previously issued letter.
- (42) **"Tandem Investigation"** means an investigation conducted by CCLD jointly with representatives from partner agencies, including but not limited to ODHS and its divisions or units.
- (43) **"Unlawful Care"** means care provided by a person or entity who is not licensed or recorded when a license or record is required pursuant to ORS 329A.255, ORS 329A.280 or ORS 329A.330, and as described in OAR 414-075-0230.
- (44) **"Unlicensed"** means the status of providing care without an active license issued by CCLD including while providing license-exempt child care or exempt care.

414-075-0130 Complaints and Investigations

- (1) Unless already open regarding the same allegations, a complaint will be opened based on CCLD's receipt of any of the following concerning licensed facilities, recorded programs, or unlicensed facilities alleged to be providing care for which a license or record is required:
 - (a) A cross-report of child abuse or neglect from law enforcement agencies, ODHS, or OTIS, including a report that was closed at screening;
 - (b) A report or information from or forwarded by another state or local agency or governmental unit;
 - (c) A report or information from facility staff; or
 - (d) Information received from the general public.
- (2) CCLD will encourage an individual or entity making a complaint to provide CCLD with their identity and contact information, subject to ORS 329A.390(4) prohibiting CCLD from disclosing the name, address, or other identifying information about the individual or entity that made the complaint, except as follows:
 - (a) CCLD may share contact information for the individual or entity that made a complaint within the CCLD or with any agency or individual performing a tandem investigation with CCLD related to the complaint for purposes of confirming factual information or obtaining additional information; and
 - (b) CCLD may disclose to an individual that it received a cross-report from law enforcement agencies, ODHS, or OTIS when such cross report is the child abuse or neglect history that has triggered a review of the individual's suitability for enrollment in the Central Background Registry, but may not disclose the name, address or other identifying information about the individual or entity that made the report to law enforcement, ODHS, or OTIS.
- (3) CCLD may investigate any complaint that alleges a violation of a health and safety requirement received regarding any facility, including licensed facilities, recorded programs, and subsidized care facilities, as provided by these rules when the allegations indicate

noncompliance with a provision in ORS 329A.250 to 329A.500 or a provision in Oregon Administrative Rules Chapter 414, Divisions, 175, 180, 205, 305, 310, 350, 400, 425 or 450.

- (4) CCLD may investigate any complaint that a facility as defined by these rules and including but not limited to individuals providing or claiming to be providing exempt care, is providing unlawful care as described in OAR 414-075-0230.
- (5) CCLD may investigate any facility for which CCLD has reason to believe or has received information that child care is being provided without a required certification, registration, or record.
 - (a) For purposes of determining if the child care requires a certification, registration, or record, CCLD may request the facility to provide information concerning the identities of the children in care and how they are related to the caregiver and to each other.
 - (b) If the facility does not provide CCLD with the information concerning the identities and relationships of the children in care as requested, CCLD may assume that care for a group of more than three children requires a certification, registration, or record from CCLD.
- (6) CCLD may conduct an in-person visit at any reasonable time of any facility to investigate a complaint.
 - (a) An in-person visit is at a reasonable time at any time at least one child care child is in care at a licensed facility or is alleged to be in care at the facility.
 - (b) An in-person visit is at a reasonable time at any time CCLD reasonably believes a child may be in care at an unlicensed facility.
- (7) CCLD staff may, but is not required to, use any method of investigation authorized by ORS 329A.390(7). In conducting an investigation CCLD staff may:
 - (a) Make one or more visits to the facility under investigation to inspect the premises.
 - (b) Receive, take, record, document, and review evidence.
 - (c) Interview staff, volunteers, parents of child care children, or other individuals who have relevant information.
 - (d) Request documents related to the matter under investigation.
 - (e) Inspect and observe the operations of the facility.
 - (f) Investigate collaboratively with partners.
 - (g) Take the depositions of witnesses, including the person under investigation, in the manner prescribed by law for depositions in civil actions;
 - (h) Compel the appearance of witnesses, including the person under investigation, in the manner prescribed by law for appearances in civil actions;
 - (i) Require answers to interrogatories;
 - (j) Compel the production of books, papers, accounts, documents or testimony that pertains to the matter under investigation; and
 - (k) Issue subpoenas.

- (8) A registered, certified, recorded, or subsidized care facility must provide records or other documentation, and allow CCLD access to the facility for the purpose of conducting an investigation as required or permitted by ORS 329A.390 or these rules. CCLD or the Department as applicable:
- (a) May revoke for cause or deny for cause renewal of a registration, certification, record, or approval of subsidized care facility if access to the facility or its records has not been permitted.
 - (b) May obtain a search warrant to obtain access to a facility as provided by ORS 329A.410 when access has not been permitted.
 - (c) May revoke for cause or deny for cause renewal of a registration, certification, record, or approval of subsidized care facility when access was denied and later permitted only pursuant to a search warrant.
- (9) If the provider denies CCLD access to the premises or to facility staff for purposes of conducting an investigation of a complaint, CCLD may reach a valid finding based solely on other evidence independently obtained and that reasonably could have been corroborated or contradicted by information from the visit or interviews that the provider did not allow.
- (10) A provider or licensee must provide truthful, complete, and accurate information to CCLD staff in connection with any application, records or reports including attendance records, written or verbal communication, inspection, visit, or investigation.
- (a) When an applicable rule requires information to be provided immediately, it must be provided during the visit or if not in connection with a visit within 24 hours of CCLD's request.
 - (b) Information not required by rule to be provided immediately must be provided within 48 hours of CCLD's request for it to be considered in the investigation. CCLD may issue a finding without reviewing information provided more than 48 hours after CCLD's request.
- (11) An individual who is questioned by CCLD in connection with an investigation of a complaint may refuse to answer specific questions or provide documents by stating that the refusal is based on the privilege against self-incrimination, including when the answer to the question or the documents, if produced by the individual, would furnish a link in the chain of evidence needed for a criminal prosecution. CCLD is not required to inform an individual of this rule prior to questioning the individual.
- (12) CCLD may conduct compliance verification visits to a facility for the purposes of confirming compliance or continued compliance.
- (13) CCLD may conduct an unannounced complaint or compliance verification visit at any reasonable time. When deemed appropriate in the judgment of CCLD staff, including when the complaint contains sensitive allegations as defined in these rules, CCLD may choose to conduct interviews or portions of interviews during the complaint or compliance verification process by telephone, video-conference, or email in addition to an in-person visit.
- (14) The facility must prioritize children's needs during any in-person visit and may not rely on the presence of CCLD staff at the facility to justify noncompliance with any requirement.
- (15) CCLD staff are not required to assist the facility in achieving compliance in response to an observed noncompliance and CCLD staff:

- (a) May not be counted by the facility for purposes of meeting ratio requirements.
 - (b) May not contact parents to pick up children for purposes of achieving compliance with capacity, ratio, or group size or composition requirements.
 - (c) May suggest to the facility specific actions to achieve compliance, including sending children home to achieve compliance with capacity, ratio, or group size or composition requirements.
 - (d) May document whether a facility took immediate steps to achieve compliance or refused to do so.
- (16) The CCLD staff assigned to investigate a complaint must review and consider all evidence and documentation timely submitted by the facility as required by 414-075-0130(10) prior to issuing findings.
- (17) When the requirements for issuance of an emergency order of suspension or conditions are met, CCLD may take action prior to completion of an investigation based on facts confirmed in the pending investigation.
- (18) A CCLD investigation of a complaint is ongoing until CCLD staff has issued findings with respect to all potential noncompliances alleged in the complaint or identified in the investigation.
- (19) Unless the facility has closed before CCLD issues a finding on a complaint, CCLD staff may issue one of the following findings with respect to each complaint investigated by CCLD, and may issue separate findings with respect to each potential regulatory or statutory violation based on the fact(s) confirmed in the investigation:
- (a) Valid, when a reasonable person could conclude the noncompliance occurred based on the evidence; or
 - (b) Invalid, when a reasonable person could not conclude that the noncompliance occurred based on the evidence; or
 - (c) Unable to Substantiate, when a reasonable person could not decide whether the noncompliance occurred because of conflicting evidence or because information is not available.
- (20) An individual may become an exempt prohibited individual if they surrender their registration, certification or CBR enrollment during a CCLD investigation. See OAR 414-075-0230.
- (21) If a facility has closed before CCLD has issued a finding on a complaint because of a voluntary surrender or lapse of the license including because a timely renewal application was withdrawn, CCLD may complete the investigation and issue findings or may close the investigation as incomplete. If CCLD has closed an investigation as incomplete, CCLD may resume the investigation at any time including if the licensee applies to reopen the license or for another license.
- (22) A CCLD investigation for which findings on all allegations have been issued to the facility will be reopened only as follows:

- (a) CCLD will reopen an investigation if it has information that was not considered in the initial investigation that if confirmed could change the outcome, and CCLD has determined that reopening the investigation is necessary.
 - (b) CCLD must notify the facility when it has reopened an investigation.
 - (c) CCLD staff conducting the reopened investigation must issue superseding findings following the investigation that is reopened whether or not the outcome of the original finding is changed.
- (23) A child care facility may not interfere, discourage, or attempt to prevent a parent, legal guardian, current or former employee or volunteer from disclosing information to CCLD, law enforcement, any other entity with legal or regulatory authority over the facility, or to a child's parent concerning allegations of any of the following as provided by ORS 329A.348:
- (a) Abuse or mistreatment of a child in the child care facility;
 - (b) Violations of licensing requirements;
 - (c) Criminal activity at the facility;
 - (d) Violations of state or federal laws, or
 - (e) Any practice that threatens the health and safety of a child in the child care facility.
- (24) Interference with good faith disclosures as described in section (23) of this rule includes:
- (a) Terminating or threatening to terminate care of a child if the parent or legal guardian of child discloses the information; or
 - (b) Asking a parent or legal guardian of a child or, employee or volunteer to sign a nondisclosure or similar agreement prohibiting the disclosure of the information; or
 - (c) Communicating to or training a current or former staff, volunteer, parent, or legal guardian that they may not or should not disclose information.

414-075-0230 Exempt Prohibition, Unlawful Care, Civil Penalties

- (l) An individual is an exempt prohibited individual as a result of any of the following circumstances as provided by ORS 329A.252:
 - (a) The individual has had their registration, certification, or record denied for cause or revoked for cause.
 - (b) The individual is not enrolled in the Central Background Registry because of removal for cause or denial for cause.
 - (c) The individual voluntarily surrendered their child care license or enrollment in the Central Background Registry during a CCLD investigation or after CCLD has given the individual notice of an administrative action against the individual or the individual's facility.
 - (d) The individual is suspended from the Central Background Registry.
 - (e) The individual is licensee of a license that is suspended.

- (f) The individual has been issued a final order to cease and desist by CCLD after a contested proceeding or that has become effective because the individual did not request a hearing.
- (2) An exempt prohibited individual may not provide child care or exempt care as defined in these rules except for their own children or children related to them within the fourth degree of sanguinity as determined by civil law.
- (3) An exempt prohibited individual:
- (a) Remains an exempt prohibited individual for five years after the most recent dates of a circumstance resulting in the status as described in section (1) (a) through (c) and (f) of this rule and continues to be an exempt prohibited individual unless and until re-enrolled in the Central Background Registry.
 - (b) Is no longer an exempt prohibited individual if the sole basis for the status is a suspension as described in section (1) (d) or (e) of this rule and CCLD has withdrawn the suspension by final order.
 - (c) May be enrolled in the Central Background Registry with a limited enrollment as defined by OAR 414-061-0020(27)(b) if meeting all requirements for a limited enrollment.
- (4) "Unlawful Care" means care provided by the following to a child not related to the person within the fourth degree of sanguinity as determined by civil law:
- (a) By a person who is not licensed or recorded when a license or record is required pursuant to ORS 320A.255, ORS 329A.280 or ORS 329A.330.
 - (b) By an exempt prohibited individual as provided by ORS 329A.252(2)(b).
 - (c) By a person who is not licensed or recorded when a license or record is required pursuant to ORS 320A.255, ORS 329A.280 or ORS 329A.330.
 - (d) By a person enrolled in the CBR under a limited enrollment:
 - (A) As defined in OAR 414-061-0020(25)(a) when the care violates a restriction or condition agreed to by the person; or
 - (B) As defined in OAR 414-061-0020(25)(b) when providing care while having unsupervised access to a child care child who is not the child of the person.
 - (e) In the home of a child, to children all from only one family in addition to children who reside with the person, or to no more than three children in addition to children who reside with the person, by an individual who is not enrolled in the CBR and was issued a founded or substantiated disposition for child abuse:
 - (A) On or after January 1, 2017 involving a child who died or suffered serious injury as defined in ORS 161.015.
 - (B) On or after September 1, 2019 and in the last seven years, when the founded or substantiated disposition of a child abuse or neglect report involved any child for whom the individual was providing care in the following settings:
 - (i) In a licensed or license-exempt child care facility as defined in these rules;
 - (ii) By a babysitter or other person in the home of the child;

- (iii) By a person related to the child within the fourth degree of sanguinity as determined by civil law;
 - (iv) By a person who cares for children from only one family in addition to children who reside with the person;
 - (v) By a person who cares for no more than three children in addition to any children who reside with the person; or
 - (vi) By a person who is a member of the child's extended family, as determined by CCLD on a case-by-case basis.
- (5) A person who has provided unlawful care as defined in these rules, including but not limited to unlawful care by an exempt prohibited individual, may be subject to a civil penalty of not more than \$1,500 per violation.
- (a) CCLD may provide a warning rather than assess a civil penalty for a person's first instance of providing unlawful care if CCLD determines the person was not aware that the care was unlawful care as described in section (4) of this rule or that a license was required.
 - (b) The civil penalty assessed against a person determined by final order to have provided unlawful care on a single day will be \$750 for the first instance of unlawful care for which a penalty is assessed.
 - (c) Each additional day that person provides unlawful care is a separate violation for which CCLD may assess a civil penalty of not more than \$1,500 for each day the person is determined by final order on default or after a contested case hearing to have provided unlawful care.

414-075-0250 Operating Hours and Care Not Requiring a License

- (1) A facility may provide care without a license if the facility:
- (a) Provides care in the home of the child by a babysitter or other person;
 - (b) Is the child's parent, legal guardian or custodian;
 - (c) Is related to the child by blood or marriage within the fourth degree;
 - (d) Is a member of the child's extended family unit, as determined by CCLD on a case-by-case basis;
 - (e) Provides only occasional care as defined in these rules;
 - (f) Is a provider of medical services;
 - (g) Provides care for children from only one family, in addition to any children who reside with the person;
 - (h) Provides care for three or fewer children, in addition to any children who reside with the person;
 - (i) Provides care for preschool-age children that is primarily educational for 4 hours or less per day and where no preschool-age child is present at the center for more than 4 hours per day;

- (j) Provides care for school-age children that is not intended for child care purposes and is primarily a single enrichment activity, such as swimming lessons, dance lessons, tutoring, music lessons, sports practice, or any single class in any subject, where no child attends for more than 8 hours per week;
 - (k) Provides group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. This exclusion applies only to the time engaged in the group athletic or social activities;
 - (l) Is operated by a school district, charter school, political subdivision of this state, or a government agency;
 - (m) Operates as a parent cooperative for no more than 4 hours a day and:
 - (A) Care is provided on a rotating basis by parents that are members of the cooperative; and
 - (B) Are overseen by a board of directors responsible for developing written program policies and procedures that are shared with all members.
 - (n) Provides care while the child's parent for the child remains on the premises and is engaged in an activity on-site, and:
 - (A) The facility informs the parent that the facility's program is not licensed by the state;
 - (B) Activities in which the parent is engaged do not include work; and
 - (C) Caregivers are always able to contact the parent.
 - (o) Provide youth development activities, as defined in ORS 329A.250(14), to school-age children during hours that school is not in session and which does not take the place of a parent's care.
- (2) Care provided to children who do not reside in a licensed facility requires a license if provided by a licensed facility during the licensed facility's regular operating hours, as defined in these rules.
- (a) Care provided to a child who is enrolled in a licensed facility who arrives before or remains after the facility's regular operating hours and is in care for any part of the facility's regular operating hours requires and is subject to all requirements of the facility's license.
 - (b) A child who ordinarily receives care at a registered or certified child care home facility and is present at the facility outside of the facility's regular operative hours for a social event is not subject to the requirements of the facility's license only if the facility has informed the parent that that the facility is not providing child care and that the care is not subject to license requirements.
 - (A) Care described in paragraph (2)(b) of this rule is not eligible for payment from the Employment Related Day Care program.
 - (B) Care for a child who is enrolled in a licensed child care is subject to all requirements of the facility's license if any of following exist regardless of whether the facility has informed the parent that the care is not subject to license requirements:
 - (i) The parent pays the facility for the care;

- (ii) The child is in care for the purpose of providing care, supervision and guidance while the child's parent is unavailable due to work, school, or another activity; or
 - (iii) The child is in care outside the facility's regular operating hours on a regular basis. A facility regularly providing care outside its regular operating hours must notify CCLD and request approval to change the operating hours to include the days and hours that care is regularly provided.
- (3) Care may be provided without a license:
- (a) At the location of a license-exempt child care facility, as defined in these rules, by a caregiver operating or employed by a license-exempt child care facility, for their own child or any child who resides with the caregiver before, during, or after their hours of employment at the license-exempt child care facility, as allowed by the license-exempt child care facility.
 - (b) By a person, including a person who operates an exempt care or license-exempt child care facility, providing occasional care as defined in these rules during summer, winter and spring school breaks if the facility is ordinarily closed during such breaks. A licensed facility may not provide occasional care during periods that the facility is closed unless the license has been surrendered or has expired.
 - (c) In the following combinations of exempt care:
 - (A) Care by a babysitter or other person in the home of the child, in addition to one or more children who reside with the babysitter or other person.
 - (B) Care by a child's parent, legal guardian, or custodian, in addition to children who are related to the child's parent, legal guardian, or custodian by blood or marriage within the fourth degree as determined by civil law.

414-075-0300 Union Representation in Contested Case Hearings

- (1) A labor union representative who is not an attorney holding an active license issued by the Oregon State Bar may represent the following providers in a contested case hearing conducted by the CCLD or the Department:
 - (a) The licensee under a registered or certified family child care home license; or
 - (b) An individual who provides subsidized care in the home of the individual or the home of the child that is not required to be licensed.
- (2) When representing a provider, a labor union representative may present evidence, examine and cross-examine witnesses and make arguments relating to the:
 - (a) Application of statutes and rules to the facts in the contested case;
 - (b) Actions taken by CCLD in the past in similar situations;
 - (c) Literal meaning of the statutes or rules at issue in the contested case;
 - (d) Admissibility of evidence; and
 - (e) Proper procedures to be used in the contested case hearing.
- (3) A labor union representative may not make legal argument on behalf of the provider.

- (a) "Legal argument" does not include arguments listed in section (2)(a) through (e) of this rule.
- (b) "Legal argument" includes arguments on:
 - (A) The jurisdiction of CCLD to hear the contested case;
 - (B) The constitutionality of a statute or rule or the application of a constitutional requirement to the CCLD; and
 - (C) The application of court precedent to the facts of the particular contested case proceeding.
- (4) Union representatives must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at: https://www.doj.state.or.us/wp-content/uploads/2017/06/code_of_conduct_oah_contested.pdf (Amended October 1, 2011).
- (5) If the administrative law judge determines that statements or objections made by the labor union representative appearing under section (1) of this rule involve legal argument as defined in this rule, the administrative law judge shall provide a reasonable opportunity for counsel for the provider to appear and present argument at the hearing or to file written legal argument within a reasonable time after conclusion of the hearing.
- (6) A labor union representative must obtain and provide to CCLD and to the Office of Administrative Hearings (OAH) the written authorization of the provider to being represented by the labor union representative prior to beginning representation or communicating with CCLD or the OAH on behalf of the provider regarding the contested case.
- (7) An authorized labor union's representation of a provider in a hearing may include the activities described in section (3) of this rule and:
 - (a) Communicating with CCLD without the presence of the provider regarding procedural matters including but not limited to scheduling;
 - (b) Assisting the provider in preparing and filing proposed exhibits and witness list;
 - (c) Making stipulations of fact;
 - (d) Agreeing or objecting to the admissibility of evidence based on relevance; or
 - (e) Being with the provider during any settlement negotiations including by telephone or video-conference.
- (8) An authorized labor union's representation of a provider in a hearing may not include:
 - (a) Entering into binding settlement agreements on behalf of the provider;
 - (b) Issuing subpoenas for witness attendance at the hearing.
 - (A) If a provider determines that a necessary witness is unwilling to testify, the provider or an authorized labor union representative may request that CCLD subpoena the witness by submitting a written request including the name, phone number, physical address, and description of anticipated testimony to CCLD no less than 30 calendar days before the date scheduled for hearing.

- (B) CCLD is not required to subpoena witnesses on behalf of the provider unless CCLD agrees that the testimony of the witness is necessary for a full and fair hearing.
 - (C) CCLD is not required to subpoena witnesses on behalf of the provider for a hearing on an emergency order suspending a license or Central Background Registry enrollment or imposing a condition on a license.
 - (D) CCLD will notify the provider or authorized labor union representative of whether it will issue a subpoena pursuant to the request within 10 business days of receipt of the request.
 - (E) If CCLD does not agree to subpoena the witness as requested pursuant to this subparagraph, the provider may retain counsel to represent them in the hearing and issue the subpoena.
- (9) A provider who is or becomes represented by an attorney in a contested case hearing may not be simultaneously represented by an authorized labor union representative, and the notification of representation by an attorney shall operate to rescind any prior authorization for a labor union representative to represent the provider.
- (10) Sections (3) through (8) of this rule do not apply to an attorney who appears as counsel for the provider in a contested case before CCLD or the Department.

