

# Department of Early Learning and Care-Chapter 414

## CERTIFIED SCHOOL-AGE CENTERS -Division 310



### Administrative Rule Updates Effective January 2024

The following information will help provide programs with the updates made to the administrative rules for Certified School-Age Centers. The rule changes were presented and adopted by the Early Learning Council on December 6, 2023. Not all rule changes are included in this document.

Changes that are not included:

- All Division/Agency name changes;
- Rules that have been restructured, but what is required of the center has not changed (e.g. 414-310-0330, Orientation and Ongoing Training); and
- Rules that were renumbered due to additions or where grammatical errors were corrected.

A full copy of the updated administrative rules for Certified School-Age Centers can be found at

<https://www.oregon.gov/delc/providers/Pages/child-care-rules.aspx>

## Definitions 414-310-0100

### Added definitions include:

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

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

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

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

- (a) Holding a child to comfort the child when in distress;
- (b) Guiding a child to move them safely from one area to another without the use of force (e.g. redirecting a child to another activity);
- (c) Assisting a child to complete a task, if the child does not resist the physical contact (helping a child to tie their shoe, or hold a pencil or tool); or
- (d) Any prohibited discipline or action listed in OAR 414-310-0420.

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

### Changed definitions include:

(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.

(17) "Developmentally Appropriate" means:

- (a) Caregivers interact with each child in a way that respects the 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.

## **Application Process 414-310-0130**

### **Added rules for the application process include:**

(2) An applicant that is not the owner of the school-age center must identify the owner on the application.

## **Policies 414-310-0170**

### **Added policies include:**

(2) A school-age center must provide the following written information to parents, staff, and volunteers:

(n) How staff must proceed if a child is displaying inappropriate behaviors that could endanger themselves or the safety of others;

### **Changed policies include:**

(6) A school-age center's decision on whether to provide or continue to care for a child known to have a specific need must be made after an individualized assessment is complete. The assessment must be based on information from parents, professionals who are knowledgeable about the child's care needs, and school-age center personnel. The assessment must be documented for each child and must include:

- (a) Reasonable accommodations the school-age center made to support the individual child's participation in the program, or an explanation of why the school-age center could not make reasonable accommodations;
- (b) Reasonable modifications the school-age center made to their policies and practices to fully integrate the child into the program or an explanation of why the school-age 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.

## **Parental Permissions 414-310-0210**

### **Changed parental permissions include:**

(1) A school-age center must have the following current permissions from parent(s) when applicable:

(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;

(5) A school-age center must obtain parental permission prior to using photographs or recordings of a child [publicly \(e.g. social media, advertisements\)](#).

## **Program Records 414-310-0240**

### **Added program record rules include:**

(7) A school-age 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.

## **Notifications 414-310-0260**

### **Changed rules for notifications include:**

(1) A school-age center must notify CCLD by 5:00pm the next business day of the following items:

(5) A school-age 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 walking to the center or when a child is transported from another program:

## Program Leaders 414-310-0300

### Changed rules for program leaders include:

Option #4: At least a Step 8 **6** in the Oregon Registry

## Assistant Program Leaders 414-310-0310

### Changed rules for program leaders include:

(2) An Assistant Program Leader must:

(a) Be at least ~~15~~**14** years old;

## Other Staff and Volunteers 414-310-0320

### Changed rules for other staff and volunteers include:

(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 school-age center for no more than 4 hours per day.

## Annual Training 414-310-0340

### Changed annual training rules include:

(1) A school-age center must ensure the following training requirements are met for each staff:

(b) Substitute program leaders who provide care for ~~35~~**60** hours or more per licensing year at one or more site operated by the school-age center must 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 and 1 hour is in health, safety, and nutrition (HSN).

## Staff to Child Ratios 414-310-0360

### Changed staff to child ratio rules include:

(8) A school-age center may count staff in ratios under the following situations:

(c) 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 assistant program leader 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.

## Activity Plan 414-310-0400

### Changed activity plan rules include:

(7) A school-age center must take precautions to protect children from excessive sun exposure including but not limited to:

- (a) Applying sunscreen to children. School-age centers must comply with requirements regarding sunscreen in OAR 414-310-0570(7), including parent permission;
- (b) Ensuring access to shaded areas or having children wear protective clothing and hats; and
- (c) Limiting direct sun exposure when children do not have sunscreen applied.

## Physical Restraint

### Changed physical restraint rules include:

(1) A school-age center may only use physical restraint after complying with all requirements of OAR 414-310-0410, Behavior and Guidance, OAR 414-310-0420, Prohibited Discipline, and in accordance with OAR 414-310-0170(2)(n).

(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.

(4) School-age 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.

(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.

## Play Materials 414-310-0520

### Changed rules for play material include:

(2) A school-age 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 instructions.

## Outdoor Space 414-310-0530

### Changed rules for outdoor space include:

(2) If the school-age center is located in a public school and uses the public school playground as the outdoor play space, OAR 414-310-0530(3) through (6) are not required.

(4) A school-age center must ensure that use zones in which a child falling or exiting from play equipment are:

- (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;

(5) A school-age center must always maintain protective surfacing in use zones under 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 or rubber mats or poured in place rubber manufactured for such use. Hog fuel is not permitted.

- (a) Rubber mats or 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.

### Removed rules for outdoor space include:

(4) Unless the center's program is located within a public school building, any fenced outdoor play areas must have at least two exits. An entrance to the building may count as one exit; the additional exit must be away from the building.

## Injuries 414-310-0560

### Changed rules for injuries include:

(2) A school-age center must complete a report of any serious injury or incident, and include:

- (d) The signatures of the reporting staff and program leader;

## Medications 414-310-0570

### Changed rules for medications include:

(5) A school-age center must ensure that all medications are stored in a manner that prevents use or access by children. When available, child resistance caps must be used. Medications must be stored away from food.

- (a) Emergency medicine may be placed in an unlocked container that is kept out of reach of children while inside the facility.

## Care of Children with Specific Needs 414-310-0580

### Changed rules for care of children with specific needs include:

*Section title was changed and all references within these administrative rules were updated to reflect the section title change.*

### Added rules for care of children with specific needs include:

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 school-age center must have a written care plan that includes:

- (15) Any individualized services (e.g. occupational therapy, speech services) that will be provided at the center. If the individualized service requires the child be out of direct supervision of child care staff, parental permission is required.

## Meals and Snacks 414-310-0620

### Changed rules for meals and snacks include:

(4) A school-age center must select and serve food that is safe and has nutritional value.

(c) A school-age 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 school-age 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.

## Transportation Overview 414-310-0630

### Changed rules for transportation include:

(1) If a school-age 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 school-age 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 414-310-0630 through OAR 414-310-0670. The use of public school transportation on behalf of the school-age center is exempt from OAR 414-310-0630 through OAR 414-310-0670.

## Transportation Staffing 414-310-0630

### Changed rules for transportation staffing include:

- (4) A school-age center must provide adequate supervision to protect children during transportation. A school-age center must:
- (a) Never leave children unattended inside or outside the vehicle;
  - (b) Immediately document each time a child enters and exits the vehicle; and
  - (c) Follow notification requirements listed in OAR 414-310-0260(5) if a child is not at a designated pick-up location.

## Passenger Restraints and Seating 414-310-0660

### Removed rules for passenger restraints and seating include:

(2) When children are driven in a vehicle other than a bus, children are securely restrained in a developmentally appropriate care safety seat, booster seat, or factory installed seat belt or harness that is suited to the child's height, weight, age, and physical condition in accordance with state and federal laws, regulations, and manufacturer's instructions.

### Changed rules for passenger restraints and seating include:

(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;