

OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

DRAFT

[10-10-14]

DIVISION 205

REGISTERED FAMILY CHILD CARE HOMES

414-205-0000

Purpose

(1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Office of Child Care's **(OCC)** minimum requirements for registering family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.

(2) Registration is required for persons who provide child care:

(a) On other than an occasional basis; and

(b) To more than three children from more than one family at any one time, other than the person's ~~own~~ children subject to the limits in OAR 414-205-0065; or

(c) To three or fewer children, even if from the same family if that person's enrollment in the Central Background Registry **(CBR)** has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or

(d) Provide care that is primarily educational for four hours or less per day and where no preschool age child is present at the facility for more than four hours per day if that person's enrollment in the ~~Central Background Registry~~ **CBR** has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or

(e) On an occasional basis by a person not ordinarily engaged in providing child care if that person's enrollment in the ~~Central Background Registry~~ **CBR** has

been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC; or

(f) To children from only one family other than the person's own family if that person's enrollment in the ~~Central Background Registry~~ **CBR** has been denied or the person has been removed for cause, or suspended; or their child care facility certification or registration has been denied or revoked for cause, or suspended, or the person has voluntarily withdrawn their application or closed their registration or certification while under investigation by OCC.

(3) These rules do not apply to care provided:

(a) In the home of the child;

(b) To three or fewer children, not including the provider's ~~own~~ children subject to the limits in OAR 414-205-0065 except as provided in 414-205-0000(2)(c);

(c) To children from one family, not including the provider's ~~own~~ children except as provided in 414-205-0000(2)(f);

(d) On an occasional basis by a person not ordinarily engaged in providing child care except as provided in 414-205-0000(2)(e);

(e) By the child's parent, guardian, or person acting in place of a parent;

(f) By a person related to the child care children by blood, marriage, or adoption; or

(g) By a person who is a member of the child's extended family, as determined by ~~the Office~~ **OCC** on a case-by-case basis[.];or;

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

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

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

Stat. Auth.: ORS **657 329A**

Stats. Implemented: ORS **657 329A.260** & **657 329A.330**

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 7-2003, f. 12-23-03, cert. ef. 12-28-03; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10

414-205-0010

Definitions

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

(2) "Central Background Registry" means OCC's Registry of individuals who have been approved to ~~work in~~ **be associated with** a child care facility in Oregon pursuant to ORS ~~657~~ **329**A.030 and OAR 414-061-0000 through 414-061-0120.

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

(4) "Child Care Child" ~~means any child under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, who does not reside in the home and for whom the provider has supervisory responsibility in the temporary absence of the parent.~~ **means a child at least six weeks of age and under 13 years of age, or a child under 18 years of age with special needs. The child does not reside in the home and the provider has supervisory responsibility for the child in the temporary absence of the parent.**

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

~~(6) "OCC" means the Office of Child Care of the Department of Education, or the Administrator or staff of OCC.~~

~~(7)~~ **(6)** "Civil Penalty" means a fine imposed by OCC on a provider for violation on these rules.

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

(8) “Disinfecting” means using a process for destroying or irreversibly inactivating harmful organisms, including bacteria, viruses, germs and fungi.

~~(8) (9) "Family" means persons related by blood, marriage, or adoption, or whose functional relationship (e.g., parent(s), custodian(s), guardian(s)) in exercising physical care and custody of the child(ren) is similar to those found in such associations.~~ **means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations.**

~~(9) "Full-Time Child Care" means care provided to children not yet eligible for the first grade or above. One or more children may fill a full-time space in the home as long as the children are not in care at the same time.~~

~~(10) "Infant" means a child who is not yet walking.~~ **at least six weeks of age up to 12 months of age.**

(11) “Kindergarten-Age Child” means a child eligible to attend kindergarten in a public school.

~~(11) (12) "New Application" means a registration application that has been filed by an applicant who has never had an active registration.~~

~~(12) (13) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.~~

~~(13) “Nonserious violation” means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-205-0010(25).~~

(14) “OCC” means the Office of Child Care of the Department of Education, or the Administrator or staff of the Office of Child Care.

~~(14) (15) "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.~~

~~(15) (16) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, and education and experience of individuals who work in childhood care and education.~~

~~(16) "Part-Time Child Care" means care provided to a child who meets the definition of a school-age child and is in care on days and hours school is not in session.~~

(17) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care.

(18) "Preschool-Age Child" ~~means a child 24 months of age to eligible to be enrolled in the first grade and, during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year.~~ **means a child who is 36 months of age up to eligible to attend kindergarten in a public school.**

(19) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.

(20) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

(21) "Registration" means the document a family child care provider is issued by ~~the Office of Child Care OCC~~ to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS ~~657~~ **329A.330** and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.

(22) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.

(23) "Reopen Application" means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.

(24) "Restrictable Disease" means an illness or infection that would prohibit the child from attending child care.

(25) "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.

~~(24)~~ **(26) "School-Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year, up to age 13. means a child eligible to attend kindergarten or above in public school. This does not include the months prior to the start of the kindergarten school year.**

~~(25)~~ (27) "Serious Complaint" means a complaint filed against:

(a) A registered family child care provider by a person who has alleged that:

(A) Children are in imminent danger;

(B) There are more children in care than allowed by law;

(C) Corporal punishment is being used;

(D) Children are not being supervised;

(E) Multiple or serious fire, health or safety hazards are present in the home;

(F) Extreme unsanitary conditions are present in the home; or

(G) Adults are in the home who are not enrolled in ~~the Office of Child Care's~~ **OCC's** Central Background Registry; or

(b) An individual providing child care, as defined by ORS ~~657 329~~**329**A.250(4), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.

~~(26)~~ (28) "Serious Violation" means OCC has made a valid finding when assessing a serious complaint that alleges:

(a) Children are in imminent danger;

(b) There are more children in care than allowed by law;

(c) Corporal punishment is being used;

(d) Children are not being supervised;

(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the home; or

(g) Adults are in the home who are not enrolled in ~~the Office of Child Care's~~ **OCC's** Central Background Registry; or

(h) An individual is providing child care as defined by ORS ~~657 329~~**329**A.250(4) without registering with the Office of Child Care of the Department of Education.

~~(27)~~ **(29)** "Substitute Caregiver" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.

(30) "Toddler" means a child who is at least 12 months of age but is not preschool-age.

(a) "Younger Toddler" means a child who is at least 12 months of age but is under 24 months of age.

(b) "Older toddler" means a child who is at least 24 months of age but is not yet preschool-age.

~~(28)~~ **(31)** "Usable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key; ~~. and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.~~

(a) For homes built before July 1, 2010, window openings must be at least 20 inches wide and at least 22 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 48 inches above the floor.

(b) For homes built after July 1, 2010, window openings must be at least 20 inches wide and at least 24 inches in height, with a net clear opening of five square feet (at least 720 square inches) and a sill no more than 44 inches above the floor.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 7-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0020

Application for Registration

(1) The applicant must apply for registration on the form(s) supplied by OCC. The original form(s) must be submitted to OCC for processing.

(2) Persons submitting new applications must attend a family child care overview session prior to submitting their application to OCC.

(3) Persons interested in submitted an application must meet the training requirements outlined in OAR 414-205-0055.

(4) An application for registration is required:

(a) For a new registration;

(b) For renewing a registration; and

(c) For reopening a registration.

(5) There is a non-refundable filing fee of \$30 for each application. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.

(6) All civil penalties must be paid in full.

(7) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit OCC, a fire marshal, or a public health official to assess the home and/or review child care records.

(8) Providers must satisfactorily complete an on-site health and safety review conducted by OCC prior to issuance of a new, renewal or reopen registration. The review will ensure that the provider is in compliance with the rules related to health, safety and sanitation.

(9) If an application for renewal and payment of the required fee is received by OCC at least 30 days prior to the expiration date of the current registration, the current registration, unless officially revoked, remains in effect until OCC has acted on the application for renewal and has given notice of the action taken.

Stat. Auth. ORS **657 329A**

Stats. Implemented: ORS **657 329A.260**, **657 329A.330** & **657 329A.440**

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10

414-205-0035

General Requirements

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

~~(10)~~ **(13)** The provider must allow ~~custodial~~ parents or ~~legal~~ guardians of child care children access to the home during the hours their child(ren) are in care.

~~(11)~~ **(14)** The provider must comply with **local**, state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

~~(12)~~ **(15)** Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

~~(13)~~ **(16)** The provider must notify parents if there will be a substitute caregiver and the caregiver's name. ~~or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises.~~ In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

(17) The provider must notify parents if the children will be away from the home for any part of the day for visits, field trips or any other activity off the premises.

~~(14)~~ **(18)** ~~If an applicant or a provider provides or wishes to provide adult or child foster care, the foster care licensing agency must grant approval for the applicant to provide both child care and foster care services.~~ **If an applicant or a provider wishes to provide child foster care, the provider must receive approval from OCC and DHS, prior to placement of the foster child(ren).**

(19) Registered providers shall comply with all conditions placed on their license.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0040

The Provider and Other Persons in the Home

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

- (a) Be at least 18 years old,
- (b) Have competence, sound judgment and self-control when working with children, and
- (c) Be mentally, physically and emotionally capable of performing duties related to child care.

(2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.

(a) The applicant and other residents of the home 18 years of age or older must be enrolled in ~~OCC~~ **OCC's** Central Background Registry prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.

~~(b) Prior to another adult moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the provider must receive documentation from OCC that the individual is enrolled in the Central Background Registry. This does not apply to parents of children in care unless they are residing in the home or substituting for or assisting the provider. The provider must verify with OCC that the individual is enrolled in the CBR prior to that individual moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis (including overnight visits) or substituting for or assisting the provider. This does not apply to parents of children in care unless they are residing in the home or substituting or assisting the provider. The provider must keep a copy of OCC's confirmation letter for all adults enrolled in the CBR.~~

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

(d) Any visitor to the home or other adult who is not enrolled in the ~~Central Background Registry~~ **CBR** may not have unsupervised access to children.

(e) The provider, substitutes and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the child care license is active.

~~(3) A caregiver substituting for the provider must:~~ **Prior to substituting for the provider, a caregiver must:**

- (a) Be familiar with the requirements for registration and agree to comply with them;
- (b) Be enrolled in the ~~Central Background Registry~~ **CBR**; ~~prior to substituting for the provider; and~~
- (c) Comply with all the requirements **placed on the provider**, except those in OAR 414-205-0055; ~~; placed on the provider in these rules.~~
- (d) Have a current certification in first aid and infant and child cardiopulmonary resuscitation. The certifications must be current while the caregiver is substituting for the provider. Training must have practical hands-on instruction. Courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line training is not acceptable; and**
- (e) Have a current food handler’s certification, if preparing or serving food to children.**

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0055

Training Requirements

- (1) When a person submits a new application for registration as a family child care provider, ~~the Office of Child Care~~ **OCC** shall, prior to approving the registration, receive evidence from the person that the person has:
 - (a) Completed the Family Child Care Overview session;
 - (b) A current certification in first aid and infant and child cardiopulmonary resuscitation. Training must have practical hands-on instruction; ~~. therefore, online training is not acceptable.~~ **Courses that involve an on-line component with hands-on training may be accepted. Strictly on-line training is not acceptable.**
 - (c) A current food handler certification pursuant to ORS 624.570; ~~and~~
 - (d) Completed two hours of training on recognizing and reporting child abuse and neglect issues.

(A) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.

(B) Recognizing and reporting child abuse and neglect training must be two hours or more in duration to be accepted.

(e) Completed OCC approved health and safety training.

(2) When a registered family child care provider submits a renewal application, the OCC shall, prior to approving it, receive evidence from the provider that the provider has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation. Training must have practical hands-on instruction; ~~. therefore, online training is not acceptable.~~ **Courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line training is not acceptable.**

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Completed a minimum of ~~eight~~ **ten** hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least ~~four~~ **six** clock hours of the ~~eight~~ **ten** hours of training must be in child development or early childhood **education**. ~~Duplicate A training on recognizing and reporting child abuse and neglect issues can will be accepted again after five years; (and every five years thereafter) towards the eight clock hours of training required for licensing.~~ **as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.**

(A) ~~The~~ OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

(B) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).

~~(C) An approved planned reading program of professional materials may count for up to two hours of the eight clock hours of training and must include a written assessment of the reading materials completed.~~

(3) When a person submits a reopen application, the OCC shall, prior to approving it, receive evidence from the individual that the individual has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation. Training must have practical hands-on instruction; ~~. therefore, online training is not acceptable.~~ **Courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line training is not acceptable.**

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Documentation that individual has ~~eight~~ **ten** hours of training related to the Oregon Registry core knowledge categories ~~during the previous two-year license period.~~ **since the individual's last active child care license was issued.** If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: ~~two~~ **2.5** hours of training for each six months of the previous license period. ~~Duplicate~~ **A** training on recognizing and reporting child abuse and neglect ~~issues can~~ **will** be accepted again after five years; ~~(and every five years thereafter)~~ **towards the eight clock hours of training required for licensing.** ~~as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.~~

(A) ~~The~~ OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

~~(B) An approved planned reading program of professional materials may count for up to two hours of the eight clock hours of training and must include a written assessment of the reading materials completed.~~

(4) While the registered family child care license is active, the provider must maintain current certifications in first aid, infant and child CPR and food handler training.

Stat. Auth.: ORS ~~657~~ **329**A.260

Stats. Implemented: ORS ~~657~~ **329**A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 3-2004, f. 7-30-04 cert. ef 8-1-04; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11

414-205-0065

Children in Care

(1) A family child care provider may care for a maximum of 10 children under 13 years of age, or under age 18 if a child with special needs, at any one time. This includes the provider's own children, the child care children, foster children, and any other children for whom the provider is responsible.

(2) Of the 10 children under 13 years of age or under age 18 ~~if a child~~ **years of age** with special needs, the provider may care for:

(a) A maximum of 6 children preschool age or younger, including the provider's ~~own~~ children, of which only 2 children may be under 24 months of age.

(b) ~~In addition, there may be 4 school-age children.~~ **Four school-age children, in addition to the six children preschool-age or younger.**

(c) **If More school-age children if** there are fewer than 6 children preschool age or younger, ~~there may be more school-age children,~~ as long as there are no more than 10 children in the home at any one time.

(3) Other children, including but not limited to **relatives**, neighborhood children or friends of the provider's children, are included in the maximum number of 10 children allowed in care if their parents or other adults responsible for supervising them are not present in the home or are not directly supervising their own child(ren).

(4) Visiting children and their parents or others directly supervising them can be in the family child care home only on an occasional basis.

(5) No child younger than 6 weeks of age can be in care in a family child care home. This does not include the provider's child(ren).

Stat. Auth.: ORS ~~657 329~~ A.260

Stats. Implemented: ORS ~~657 329~~ A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10

414-205-0075

Supervision of Children

(1) The provider or a substitute caregiver is responsible for the children in care. ~~The~~ **At all times the** provider or substitute caregiver must:

~~(1) (a) Be within sight and/or sound of all children at all times;~~

~~(2) (b) Be aware of what each child is doing at all times; and~~

~~(3) Be physically present when preschool age or younger children are playing outside unless the outside play area is fully fenced and hazard free. If the outside play area is fully fenced and hazard free, the provider must be within sight and/or sound of the children.~~

(c) Be near enough to children to respond when needed;

(d) Be physically present when there are children 36 months of age or younger playing outside; and

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

Stat. Auth.: ORS ~~657~~ **329**A.260

Stats. Implemented: ORS ~~657~~ **329**A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10

414-205-0085

Guidance and Discipline

(1) The provider must have a written ~~discipline~~ policy **on guidance and discipline of child care children**. The policy must be simple and understandable to the child, the parent(s) and to substitute caregivers. ~~The written discipline policy must be given to all parents.~~

~~(2) The following behavior by caregivers is prohibited:~~

~~(a) Corporal punishment, including hitting, spanking, slapping, beating, shaking, pinching, and other measures that produce physical pain;~~

~~(b) Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;~~

~~(c) Punishing a child for toileting accidents or for refusing food;~~

~~(d) Abusive or profane language;~~

~~(e) Any form of public or private humiliation, including threats of physical punishment; and~~

~~(f) Any form of emotional abuse, including, but not limited to, rejecting, terrorizing, neglecting, or corrupting a child.~~

~~(3) Parental request or permission to use any form of punishment listed in subsection (2) of this rule does not give the provider permission to use such punishment.~~

(2) The written guidance and discipline policy must be given to all parents.

(3) The guidance and discipline policy shall:

(a) Provide for positive guidance, redirection and the setting of clear boundaries; and

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

(4) Only providers and substitutes shall provide guidance or discipline to child care children.

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

(6) The following behaviors by caregivers is prohibited:

(a) Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment;

(b) Using inappropriate forms of restraints, including, but no limited to, tying or binding;

(c) Using non-prescription chemicals for discipline or to control behavior;

(d) Yelling harshly or using profane or abusive language;

(e) Using mental or emotional punishment, including, but not limited to: name calling, ridicule or threats;

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

(g) Withdrawal or the threat of withdrawal of food, rest or bathroom opportunities;

(h) Punishing a child for toileting accidents or for refusing to eat food;

(i) Engaging in any form of public or private humiliation, rejecting, terrorizing, neglecting or corrupting a child or any form of emotional abuse; and

(j) Requiring a child to remain silent or inactive for excessive periods of time or removing a child from activities or the group for excessive periods of time.

(7) Parental request or permission to use any form of behavior listed in subsection (6) of this rule, does not give the provider or substitute caregiver permission to do so.

Stat. Auth.: ORS ~~657 329~~A.260

Stats. Implemented: ORS ~~657 329~~A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0090

Program of Activities

(1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.

(2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).

(3) The children's activities must allow choice and develop skills based on each child's age and abilities.

(4) A balance of active and quiet play must be provided, both indoors and outdoors.

(5) The provider must have routines for eating, napping, **diapering** and toileting, with flexibility to respond to the needs of each child.

(a) An individual bed, mat or cot with individual bedding appropriate to the season shall be provided at nap time for each toddler and preschool-age child in the home and for each school-age child who wants to rest.

(A) Family beds or sofas may be used with individual bedding appropriate to the season.

(B) If the parent(s) so request, siblings may share the same bed.

(C) The upper level of bunk beds shall not be used for children under ten years of age.

(D) The upper level of bunk beds may be used for children ten years or older if the bed rail and safety ladder are in place.

(b) Infants shall have a crib, portable crib or playpen with a clean, non-absorbent mattress. All cribs must comply with current Consumer Product Safety Commission (CPSC) standards. There shall be no items in the crib with the infant (e.g. toys, pillows or stuffed animals).

(c) If a child uses a blanket for security purposes, the blanket may not cover the child's head or restrict the child from moving.

(6) ~~No child may view television or videos or play computer or electronic games for more than two (2) hours per day.~~ Child care children shall not be exposed to more than two hours of screen time per day. All media exposure must be developmentally and age appropriate.

Stat. Auth.: ORS ~~657~~ **329**A.260

Stats. Implemented: ORS ~~657~~ **329**A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0100

Health

(1) The home must be a healthy environment for children.

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

(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under

the influence of alcohol on the family child care home premises during child care hours or when child care children are present.

(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.

(d) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store medical marijuana on the premises of the family child care home. No one under the influence of medical marijuana shall be on the family child care home premises.

(e) Notwithstanding OAR 414-205-0000(5), marijuana plants, derivatives and associated paraphernalia shall not be kept on the family child care home premises.

(f) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

(g) The room temperature must be at least 68°F during the hours the child care business is conducted.

(h) Rooms occupied by children must have a combination of natural and artificial lighting.

(i) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.

(2) ~~The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.~~ **First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.**

(a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.

(b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.

(3) Infants must be ~~put to sleep on their backs.~~ **laid on their backs on a flat surface for sleeping.**

(4) ~~Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.~~ **Illness:**

(a) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:

(A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or

(B) Has one of the following symptoms or combination of symptoms or illness;

(i) fever over 100°F, taken under the arm;

(ii) diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(iii) vomiting;

(iv) nausea;

(v) severe cough;

(vi) unusual yellow color to skin or eyes;

(vii) skin or eye lesions or rashes that are severe, weeping or pus-filled;

(viii) stiff neck and headache with one or more of the symptoms listed above;

(ix) difficulty breathing or abnormal wheezing;

(x) complaints of severe pain.

(b) A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.

(5) ~~If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.~~ **If a child has mild cold symptoms**

that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child.

(6) Parents must be notified if their child is exposed to a communicable disease.

(7) Prescription and non-prescription medication ~~may~~ **shall only** be given to a child ~~only~~ if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).

(8) ~~Prescription and non-prescription medications must be properly labeled and stored.~~ **All medications must be properly labeled and secured with a child-safety lock or latch and stored so that they are not accessible to children.**

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(c) Medication requiring refrigeration must be kept in a separate, **tightly** covered container, marked "medication," in the refrigerator.

(9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(10) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(11) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.

(a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.

(b) Foods must be stored and maintained at the proper temperature.

(c) Foods must be prepared and served according to the minimum standards for food handler certification.

(d) Infants must ~~either~~ be held or ~~be fed~~-sitting up for bottle feeding. Propping bottles is prohibited.

(e) Children shall not be laid down with a bottle for sleeping.

(12) Any animal at the family child care home ~~must~~ **shall** be in good health and be a friendly companion for the children in care.

(a) Potentially aggressive animals must not be in the same physical space as the children.

(b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(c) Dogs and cats shall be maintained on a flea, tick and worm control program.

(13) Animal litter boxes shall not be located in areas accessible to children.

(14) Caregivers must be physically present when children are interacting with animals.

(15) ~~Reptiles~~ **Exotic animals, including, but not limited to: reptiles** (e.g. lizards, turtles, snakes, ~~iguanas~~) ~~frogs, amphibians,~~ monkeys, ~~hooked hook-~~ beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(16) Parents must be made aware of the presence of any animals ~~in the child care home.~~ **on the premises.**

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09; CCD 3-2008, f. & cert. ef. 10-2-08; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0110

Safety

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

(a) ~~If any preschool age or younger children are in care, hard-to-remove protective caps on all exposed electrical outlets in rooms used by children.~~ **All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use. In addition:**

(A) extension cords shall not be used as permanent wiring;

(B) all appliance cords must be in good condition;

(C) multiple connectors for cords shall not be used; and

(D) a grounded power strip outlet with a built-in over-current protection may be used.

(b) ~~If any preschool age or younger children are in care, barriers to protect children from fireplaces, space heaters, wood stoves, stairways and other hazards. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.~~ **A rigid screen or guard shall be installed to prevent children from falling into hazards,**

including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;

(c) A movable barrier, such as a mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;

~~(c)~~ **(d)** A working smoke detector on each floor and in any area where children nap;

~~(d)~~ **(e)** A working fire extinguisher with a rating of at least 2-A:10-BC;

~~(e)~~ **(f)** ~~Firearms and ammunition kept under lock. Ammunition stored separately from firearms. Firearms must remain unloaded;~~ **Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;**

~~(f)~~ **(g)** Cleaning supplies, paints, matches, ~~cigarette~~ lighters, and plastic bags kept under child-~~proof~~ **safety** lock;

~~(g)~~ **(h)** Other potentially dangerous items, such as medicine, drugs, **sharp knives** and poisonous and toxic materials kept under child-~~proof~~ **safety** lock;

~~(h)~~ **(i)** If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and

~~(i)~~ **(j)** All clear glass panels in doors clearly marked at child level.

(2) All floor levels used by children must have access to two usable exits, as defined in OAR 414-205-0010(27), to the outdoors.

(a) If a basement is used for child care purposes, the requirement for two usable exits may be met by one of the following:

(A) A sliding glass door to the outdoors and a window ~~which~~ **that** meets the definition of a usable exit;

(B) A swinging door to the outdoors and a window ~~which~~ **that** meets the definition of a usable exit; or

(C) A window which meets the definition of a usable exit and an internal stairway to ground level ~~which~~ **that** has unobstructed and direct access to the outdoors.

(b) If a window, which meets the definition of a usable exit, is used:

(A) Steps must be placed under the window to allow children to exit without assistance; and

(B) The window must be kept in good working condition.

(c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.

(3) Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence):

(a) Child care children shall not sleep on the second floor or above;

(b) Care shall not be provided for infants and toddlers on the second floor or above;

(c) Night care shall be provided on the second floor or above;

(d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;

(e) Care can be provided for preschool or school-age children on the second floor or above, if:

(A) There are two staircases to the ground level and all children are mobile enough to exit safely; or

(B) The designated fire marshal has approved the use of the upper floor.

~~(3)~~ **(4) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month- and must include:**

(a) Procedures for notifying parents or other adults responsible for the children, of the relocation;

(b) Procedures to address the needs of individual children, including those with special needs; and

(c) An acceptable method to ensure that all children in attendance are accounted for.

~~(4)~~ **(5) A telephone in working condition must be in the family child care home.**

(a) Parents must be given the telephone number so they can contact the provider if needed.

(b) Emergency telephone numbers for fire, ambulance, police and poison control **and the provider's home address** must be posted ~~near the telephone.~~ **in a visible location.**

~~(5)~~ **(6)** The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(a) Broken toys, furniture and equipment must be removed from areas accessible to children.

(b) Both the exterior and interior of the home must be maintained in good repair.

(c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint chips.

(d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.

~~(6)~~ **(7)** If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

~~(7)~~ **(8)** The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

(9) Car seats are to be used for transportation only. Children who arrive at the provider's home asleep in a car seat may remain in the car seat until they awaken.

(10) 15-passenger vans shall not be used to transport child care children after January 1, 2018.

Stat. Auth.: ORS ~~657~~ **329**A.260

Stats. Implemented: ORS ~~657~~ **329**A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11

414-205-0120

Sanitation

(1) Pre-mixed EPA registered and Oregon Health Authority approved sanitizers and disinfectants may be used in all areas of the home per manufacturer instructions on the bottle. Bleach or quaternary ammonium

that requires mixing with water must be tested for correct concentration with test strips.

~~(1)~~ **(2)** All caregivers **and children** must wash their hands with soap and warm, running water:

~~(a) After changing a diaper;~~

~~(b) Before feeding a child or handling food; and~~

~~(c) After assisting a child with toileting or nose wiping.~~

(a) Before handling food;

(b) Before assisting with feeding;

(c) Before and after eating;

(d) After diapering;

(e) After using the toilet;

(f) After assisting someone with toileting;

(g) After nose wiping;

(h) After playing outside; and

(i) After touching an animal or handling pet toys.

~~(2) All caregivers and children must wash their hands with soap and warm, running water:~~

~~(a) After using the toilet;~~

~~(b) Before and after eating;~~

~~(c) After nose wiping;~~

~~(d) After playing outside; and~~

~~(e) After playing with animals or handling pet toys.~~

(3) Hand sanitizers shall not replace hand washing. If hand sanitizers are present in the home, they shall be kept out of children's reach and shall not be used on children.

~~(3)~~ (4) All toys, equipment and furniture used by children must be cleaned, **rinsed** and sanitized regularly and whenever soiled.

(5) Diaper changing surfaces must be either:

(a) Non-absorbent and easily disinfected;

(b) Disposed of after each use; or

(c) Laundered after each use.

(6) The diaper changing area shall be located so that hand washing can occur immediately after diapering without contacting other surfaces or children.

~~(4)~~ (7) The building and grounds must be maintained in a clean and sanitary manner.

~~(5)~~ (8) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.

~~(6)~~ (9) The home's water supply must be safe to drink.

~~(7)~~ (10) Wading pools are prohibited. **for wading.**

Stat. Auth.: ORS ~~657 329~~ A.260

Stats. Implemented: ORS ~~657 329~~ A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0130

Record Keeping

(1) The following records must be kept by the provider for at least one year and must be available at all times to OCC:

(a) Information from the parent(s) for each child at the time of admission:

(A) Name and birth date of the child;

(B) Any chronic health problem(s), including allergies, the child has;

(C) Date child entered care;

~~(C)~~ **(D)** Names, work and home telephone numbers and addresses, and the work hours of the **custodial** parent(s) or guardian(s);

~~(D)~~ **(E)** Name and telephone number of person(s) to contact in an emergency;

~~(E)~~ **(F)** Name and telephone number of person(s) to whom the child may be released;

~~(F)~~ **(G)** The **name of the** school attended by ~~a school-age~~ **the child care** child; and

~~(G)~~ **(H)** Name, address and telephone number of the child's doctor and dentist.

(I) Health history of any problems that could affect the child's participation in child care.

(b) Daily attendance records, including dates each child attended and arrival and departure times **for each day. Times shall be recorded as the child care children arrive and depart;**

(c) Medications administered, including the child's name, and the date and time of dosage **and the dosage amount;** and

(d) Injuries to a child.

(2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to OCC within seven days.

(3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:

(a) Obtain emergency medical treatment for a child;

(b) Administer medications to a child;

(c) Take a child on a field trip or other activity outside the home or participate in any water activity; and

(d) Transport a child to ~~and/or~~ from school or allow a child to bus or walk to ~~and/or~~ from school or home.

Stat. Auth.: ORS ~~657~~ **329**A.260

Stats. Implemented: ORS ~~657~~ **329**A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0140

Night Care

(1) A provider providing night care must:

~~(1)~~ (a) Have a written plan for the care, **jointly mutually** agreed ~~to~~ **upon** by the parent(s) and the provider;

~~(2)~~ (b) Have a written plan for emergency situations occurring during the night;

~~(3)~~ (c) Be awake for the arrival and departure of each child in night care; and

~~(4)~~ (d) Follow all other applicable Registration rules.

Stat. Auth.: ORS ~~657 329~~A.260

Stats. Implemented: ORS ~~657 329~~A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0150

Exceptions to Rules

(1) A provider may request an exception to a rule.

(a) An exception must be requested on a form provided by OCC;

(b) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children.

(2) The provider must be in compliance with the rule as written until the provider has received approval for the exception from OCC.

(3) In instances where care that is subject to registration, as defined in subsection (2) of rule 414-205-0000, will not be provided in the provider's own residence, the applicant/provider must request and receive approval for an exception prior to providing care at that location. In all respects, the location must appear and be arranged as a residence.

(4) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.

(5) An exception is valid only for the **registration period specified dates** for which it is issued. ~~A new exception must be requested with each renewal application.~~

(6) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.

~~(7) Waivers in effect on April 1, 2000, will remain in effect until the expiration of the current registration.~~

Stat. Auth.: ORS ~~657 329~~A.260

Stats. Implemented: ORS ~~657 329~~A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0160

Complaints

(1) The Office of Child Care (~~OCC~~) will respond to complaints made on registered and illegal providers, and **may will** cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.

(a) Any and all complaints may result in an on-site **investigation assessment** at the family child care home;

(b) All serious complaints will result in an on-site **investigation assessment** at the family child care home;

(c) Complaints alleging child abuse or neglect will be reported to the Department of Human Services Child Welfare (DHS) or local law enforcement agencies.

(2) ~~Applicants~~ **New applicants** for registration will be given a copy of OCC's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request. ~~to all applicants/providers for family child care registration.~~

Stat. Auth.: ORS ~~657 329~~A.260

Stats. Implemented: ORS ~~657 329~~A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10

414-205-0170

Grievance Findings Review and Sanctions

(1) ~~Providers have a right to review any action or decision affecting them. The OCC grievance procedures are available upon request to all applicants/providers for family child care registration.~~ **A provider has the right to a review of any**

finding made by OCC. Applicants for registration will be given a copy of OCC's findings review procedures at the time of the on-site health and safety review. Information on the OCC findings review process will be in complaint letters. The OCC findings review procedures are also available upon request.

(2) Registration may be denied, suspended, or revoked if a provider fails to meet requirements, provide OCC with information requested, allow an inspection, or correct deficiencies.

(3) Any action taken by OCC to deny, suspend, or revoke registration may be reported to USDA Child Care Food Programs, child care resource and referral agencies, Children, Adults and Families, Office of Self-Sufficiency and Office of Safety and Permanency for Children.

(4) A registration may be suspended immediately when OCC believes children may be at risk of harm in the family child care home. Such action may be taken before an investigation is completed.

(a) A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.

(b) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents.

(c) A provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or guardian(s) for each child.

(5) Registration will be denied, suspended or revoked if the provider or other resident of the home has been removed or suspended from the ~~Central Background Registry~~ **CBR**.

(6) If an individual listed in 414-205-0040(2)(a) or (b) has been charged with, arrested for, or a warrant is out for any crime which OCC has determined indicates behavior that would have a detrimental effect on a child, the provider's application will be denied or registration will be suspended or revoked until the charge, arrest, or warrant has been resolved.

(7) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has been convicted of or sentenced for offenses that would disqualify the individual from the ~~Central Background Registry~~ **CBR**.

(8) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has a founded child protective services case or

an open child protective services or law enforcement case that would disqualify the individual from the **Central Background Registry CBR**.

(9) A provider whose registration has been **denied for cause or** revoked **for cause** shall not be eligible to reapply for three years after the effective date of the revocation.

(10) A provider who violates these rules or the terms and conditions of registration under these rules may be subject to a civil penalty.

(a) For a serious violation, as defined in OAR 414-205-0010(25) a provider may be subject to a civil penalty of \$100 for **the first a** violation after a written warning with time to correct is issued; and \$100 for each subsequent violation, not to exceed \$1,000 in a quarter for all rule violations.

(b) For other violations, a provider may be subject to a civil penalty of \$50 for **the first a** violation after a written warning with time to correct is issued; \$100 for a second violation, and \$100 for each subsequent violation, not to exceed \$1,000 in a quarter for all rule violations.

(11) The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a civil penalty, subject to the provisions of Chapter 183, Oregon Revised Statutes.

Stat. Auth.: ORS 657.610 & **657 329A.260**

Stats. Implemented: ORS **657 329A.260**

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2004, f. & cert. ef. 11-16-04; CCD 1-2005, f. & cert. ef. 4-29-05; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11