

Child Care Regulations in Oregon

Overview

A summary of child care regulations in Oregon.

- Types of care that must be certified
- Types of care that must be registered
- Types of care that may operate without certification or registration
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Certified family child care homes
- Registered family child care homes

Child care is regulated differently in every state and sometimes even in different cities or counties in the same state. In Oregon, the Department of Human Services, Division of Children and Teens, certifies child care centers and large family child care homes and registers small family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Oregon. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the certification/registration agency can help raise the quality of child care in your community.

Both the law and certification/registration requirements are subject to change. To ensure that you have accurate and complete information, check with the certification/registration office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be certified

Child care certification is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Oregon Employment Department, Child Care Division (CCD), is responsible for monitoring compliance with state standards, establishing procedures for revoking a certification, and providing appeal mechanisms.

In Oregon, the following forms of child care must be certified:

- *Child care centers.* Care for 13 or more children or care for 12 or fewer children and located in a building constructed as other than a single-family dwelling.
- *Family child care homes.* Care for a maximum of 12 children at any one time located in a building constructed as a single-family dwelling. Please note that there are two types of family child care homes -- certified and registered.

Types of care that must be registered

Registration is a form of regulatory activity that includes a health and safety

review initially and then every two years.

In Oregon, the following form of child care must be registered:

- *Registered small family child care homes.* Full- or part-time care in a residence for a maximum of three children, other than the provider's own children, or a maximum of 10 children under 13 years old (or under 18 years old if special needs issues are involved), including the provider's own children.

More detailed information about child care centers, certified family child care homes, and registered family child care homes may be found later in this guide.

Types of care that may operate without certification or registration

Some types of child care are not required to be certified or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Oregon, the following forms of child care are exempt from certification or registration:

- Those that are primarily educational and provide care to children 36 months and older, but not yet attending kindergarten, for fewer than four hours a day.
- Those that are primarily supervised, child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time children are involved in training.
- Those that are primarily 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, and if the children can come and go as they please.
- Those that are operated on an occasional basis by a person, a sponsor, or an organization not ordinarily engaged in providing child care.
- Care provided in the child's home or by relatives.
- Family child care homes caring for three or fewer children or the children from just one family.
- Programs operated by a school district, political subdivision, or government agency.

Age-group definitions

- *Infant:* child between 6 weeks old and not yet walking independently

3 • Child Care Regulations in Oregon

- *Younger toddler*: child able to walk independently but under 24 months
- *Older toddler*: child between 24 months old and under 36 months
- *Preschooler*: child between 36 months old and eligible for first grade*
- *School-age*: child eligible for first grade and older*

*For purposes of child care center rules, a child attending kindergarten may be considered school-age.

Subsidized child care

The Oregon Department of Human Services, Division of Children, Adults and Families, makes funds available to assist some families with their child care payments.

For further information about program availability and how to qualify, contact your local Oregon Department of Human Services, Division of Children, Adults and Families.

- For Baker, Union, and Wallowa counties: 541-524-1800
- For Benton, Lincoln, and Linn counties: 541-967-2078
- For Clackamas county: 503-657-2123
- For Clatsop, Columbia, and Tillamook counties: 503-397-3292, ext. 261
- For Coos and Curry counties: 800-533-4180
- For Crook, Deschutes, and Jefferson counties: 541-504-1320
- For Douglas county: 541-440-3301
- For Gilliam, Hood River, Sherman, Wasco, and Wheeler counties: 541-298-4961
- For Grant, Harney, and Malheur counties: 541-573-2086
- For Jackson and Josephine counties: 541-776-6186
- For Klamath and Lake counties: 541-850-3594
- For Lane county: 541-687-7373
- For Marion, Polk, and Yamhill counties: 503-378-3402
- For Morrow and Umatilla counties: 541-567-4145
- For Multnomah county: 503-731-3111
- For Washington county: 503-646-9722

Whom to contact

For more detailed information regarding child care regulations in Oregon, to obtain a copy of the state standards, or to report certification/registration violations, contact:

Oregon Employment Department

Child Care Division

875 Union Street, N.E.

Salem, OR 97311

503-947-1400

800-556-6616

www.oregon.gov/dhs

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state protective services or to police. To report suspected child abuse, contact your local office listed above, or your local law enforcement agency.

Child care centers

Certification

- Must be certified.
- Certifications are not transferable to any other location.
- Must be renewed every year.
- Certificates must be posted.

State inspection

- Inspection is required at initial certification and renewal.
- Inspections made after complaints may be announced or unannounced.

Staff:child ratios

- 6 weeks to 23 months: one staff for up to four children (1:4)
- 24 to 35 months: one staff for up to five children (1:5)
- 36 months to kindergarten-age: one staff for up to 10 children (1:10)
- Kindergarten-age to school-age: one staff for up to 15 children (1:15)

In mixed-age groups, the ratio for the youngest child applies.

Maximum group size

- 6 weeks to 23 months: 8
- 24 to 35 months: 10
- 36 months to kindergarten-age: 20
- Kindergarten-age to school-age: 30

No children under 6 weeks old may be in care.

Staff qualifications

Director

- Must be at least 21 years old.
- Must have one year of training or experience in supervision of adults.
- Must have knowledge of child development for ages served at the center and a plan approved by the CCD that indicates how the center will be operated until the director has obtained the requisite training or experience.
- Must be present one-half or one-third of the time the center is open, depending on the size of the center.
- If the director is responsible for any center with 100 children or more, that director is not permitted to be responsible for any other center.

Head teacher

- One head teacher for each infant/toddler, preschool, or school-age program is required.
- Must be at least 18 years old.
- Must have one of the following:
 - Bachelor's degree or associate's degree in a child-related area
 - One-year state or nationally recognized credential
 - Twenty to 30 credits of college-level course work in early childhood education, preschool education, or child development, and at least one year of qualifying teaching experience in a certified child care center or comparable program
 - Two years of qualifying teaching experience, with at least one year as a teacher in a child care center or comparable program
 - Documentation of attaining a level 3 in the Professional Development Registry
 - Must be at the center at least one-quarter of the hours of operation of the center.

Teacher

- Must be at least 18 years old.
- Must have one of the following:
 - Twenty to 30 credits of college-level course work in early childhood education, preschool education, or child development
 - One-year state or nationally recognized credential
 - One year of qualifying teaching experience in a certified child care center or comparable program
 - Completion of 10 (semester) or 15 (quarter) college credits and six months of qualifying teaching experience at a child care center or comparable program
 - Documentation of attaining at least a level 2 in the Professional Development Registry

Teacher aide I

- Must be at least 15 years old.
- Must be directly supervised by a staff person qualified to be a teacher.

Teacher aide II at an infant/toddler or preschool program

- Must be at least 18 years old.
- Must have worked six months at the center where now employed.
- Must have current CPR and first-aid certification.
- May be out of sight and sound of a teacher for brief and necessary events such as taking a child to the bathroom.

Teacher aide II in a school-age program

- Must be at least 18 years old.
- Must have worked at least four months in the school-age program where now employed.
- Must have current CPR and first-aid certification.
- May be out of sight and sound of a teacher for brief and necessary events such as taking a child to the bathroom.
- Must meet qualifications for position held.

Staff training

- All new staff must receive an orientation within the first two weeks.

7 • Child Care Regulations in Oregon

- Fifteen hours annually, at least eight of which must be in early childhood education or child development, is required for directors, head teachers, and teachers.
- No special training for infant care, care of children with disabilities, sick child care, or drop-in care.
- Key staff in food preparation must have food-handler certification within 30 days of employment.

CPR and first aid

- Within 90 days of employment, all staff functioning as teachers or who are counted in the staff:child ratio must have CPR and first-aid certification and must have complete training on how to recognize and report child abuse and neglect.
- One person with CPR and first-aid training must be present at all times.

Staff medical requirements

- Medical exam and immunizations are not required unless a problem is suspected.
- TB test is not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Must have criminal background and child abuse checks.
- Fingerprinting may be required under certain circumstances.

Discipline

- Must have a written discipline policy.
- Certain methods of discipline, including corporal and emotional punishment, secluding a child, withholding food or rest, or belittling a child, are prohibited.

Parents' rights

- Parents must have free access to the center and child.
- Parents must receive a copy of operating policies and procedures.
- Parents may review the child's file on request.
- Parents must be informed if the child has been exposed to a communicable disease.

- Parents must be notified immediately of any accident, injury, or illness requiring medical attention.
- Parents must be notified on the same day of any other accident, injury, or illness.
- Parents must be informed in writing of any animals in the center.

Health and safety requirements

- Any outdoor play area serving children not yet attending kindergarten must be surrounded by a fence at least 4 feet high.
- Must have 35 square feet of indoor play space and 75 square feet of outdoor play space per child; a school-age program must have 50 square feet of indoor play space per child.
- Must have a written emergency plan.
- Must have a fire extinguisher and a first-aid kit.
- Fire drills must be practiced monthly.
- Must have smoke detectors on each floor, which must be tested monthly.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must have handrails and barriers on stairs.
- Must cover electrical outlets.
- Must have screens on all windows.
- Must keep room temperature at least 68 degrees.
- Infants must be placed on their backs to sleep.
- Hazardous or toxic materials must be stored in an area inaccessible to children.
- Must follow proper sanitizing procedures for food handling, food cleaning, and food disposal, as well as for toileting and diaper changing.
- Must meet all uniform fire and building codes.
- Adequate and nutritious meals and snacks appropriate to age must be provided according to U.S. Department of Agriculture (USDA) guidelines.
- Must have a written program of activities.
- Must comply with Health Department regulations for use of swimming pools:
 - Children using any pool must be instructed in basic water safety.

9 • Child Care Regulations in Oregon

- Any adult in the staff:child ratio must be able to swim if the water is more than 48 inches deep.
- For children 6 weeks to 36 months old, one staff must be in the pool; however, any non-swimming child is not permitted in any water deeper than 24 inches.
- Wading pools are not permitted.
- For animals, any required immunizations must be verified in a form signed by a veterinarian; appropriate care must be given as recommended by the veterinarian; dogs and cats must be on a flea, tick, and worm program.
- Reptiles, frogs, monkeys, hook-beaked birds, baby chicks, ferrets, and potentially aggressive animals are not allowed.
- Must meet local zoning ordinances.
- No smoking is allowed in child care areas during child care hours.
- Must have in writing from each parent emergency contact and health care provider information, as well as the names of individuals to whom the child can be released.

Transportation

- Driver must be at least 18 years old and have a current driver's license, with a safe driving record.
- Must have a written pick-up or drop-off time.
- Applicable staff:child ratios must be maintained.
- One adult must be trained in first aid.
- The vehicle must have a cell phone or comparable communication device.
- Child safety system and safety belts must comply with the Oregon Department of Transportation.
- Infants through preschool-age must exit the vehicle on the side of the street of the building they will enter.
- Child must be received by an authorized person.
- No child will be left unattended.

Child medical requirements

- Children must have age-appropriate immunizations, including hepatitis B.
- Center must have written permission to administer medications.
- Center must store prescription and nonprescription medication in original containers with proper identification and directions for use.

- Center must keep written records of all medications given, along with the signature of the person giving medication, date, time, and dosage.

Care for sick children

- Children who become ill must be isolated until they are picked up by their parents.
- Care may not be provided to a child with specific symptoms as defined in the certification regulations.
- Care may be provided to a child with mild cold symptoms that do not impair functioning.

Certified family child care homes

Certification

- Must be certified and renewed annually.
- Certifications are not transferable to any other location.
- Certificates must be posted.
- Liability insurance is not required.

State inspection

- Inspection is required at initial certification and at renewal.
- Investigations made after a complaint may be unannounced or announced.

Staff:child ratios and group size

- Staff:child ratios are skewed to a great degree to training hours.
- In general, one provider to ten children (1:10) is the standard ratio; as long as no more than six are preschool-age or under, and of those six only two are under 24 months old, as well as four of the six being school-age.
- If care is for more than two children under 24 months old, then 30 hours of infant and toddler care training must be in place. However, if care is for more than four children under 24 months old, then there must be an additional assistant with 30 hours of infant and toddler training, as well as the “first” provider having an additional 20 hours, or 50 hours in total, of infant and toddler training.
- The maximum allowed number of children at any one time, however, is 16 children with two providers.

Staff qualifications

Provider

- Must be at least 18 years old if certified for up to 12 children, but must be 21 for more than 12 children
- Must have at least one year of qualifying teaching experience in the care of a group of children in an ongoing group setting such as a kindergarten, preschool, child care center, certified family child care home, registered family child care home, or Head Start program; or prior to applying to be certified for up to 16 children, completed one year of successful operation as a certified family child care facility for 12 children if the qualifying teaching experience is based on registered family child care; or
- Must have 20 semester hours or 30 credits of college training in early childhood education and child development; or
- Must have documentation of attaining at least level eight in the Oregon Registry

Assistant

- Must be at least 15 years old and must be supervised and oriented to policies and procedures

Staff training

- Must have 15 hours of training each year, at least eight of which must be in early childhood education or child development
- Must have two hours of training on child abuse and neglect

CPR and first aid

- Current training in infant and child CPR and first aid is required.

Staff medical requirements

- Medical exam is not required unless a problem is suspected.
- TB test is not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Staff and household members over 18 years old must have criminal background and child abuse checks, specifically with the Criminal History Registry.
- Must provide two references.

Discipline

- Certain methods of discipline, including corporal and emotional punishment, secluding a child, withholding food or rest, or belittling a child, are prohibited.
- Must have a written discipline policy.

Parents' rights

- Parents must have free access to the home and child.
- Parents must receive a copy of the operating policies and procedures.
- Parents may review the child's file on request.
- Parents must be informed if their child has been exposed to a communicable disease.
- Parents must be notified if a substitute is used.
- Group homes must report accident, injury, or illness requiring immediate medical attention to parents.
- Group homes must report any other accident, injury, or illness on the day it occurs.

Health and safety requirements

- Must surround outdoor play area with a fence 4 feet high; with any vertical slats no greater than 4 inches.
- Must keep daily attendance record for each child, including dates each child attended and arrival and departure times each day.
- Must have a written emergency plan.
- Must have a fire extinguisher and first-aid kit.
- Fire drills must be practiced at least eight times annually.
- Must have smoke detectors on each level.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must have handrails and barriers on stairs.
- Must cover electrical outlets.
- Must have screens on all windows.
- Hazardous or toxic materials must be stored in an area inaccessible to children.
- Must comply with Health Department regulations for use of swimming pools.

- All pets other than cats and dogs must be caged.
- Must have all pets vaccinated and have written procedures for care drawn by a veterinarian.
- Must have food handler certification.
- All meals and snacks must meet USDA guidelines.
- School-age children who arrive at the end of school must be served a snack, and any child who arrives before 7:00 a.m. or after 6:30 p.m. must be offered a complete meal.
- There must be a designated indoor area for children 24 months old and younger.
- There must be 75 square feet of outdoor space for every child.
- There must be one toilet and one sink for 12 children; two toilets for more than 15 children or more than 12 toddlers.
- Staff must wash hands after toileting, handling food, or handling animals.
- No prescription or nonprescription medications can be given unless authorized by the parents.
- Reptiles, frogs, monkeys, hook-beaked birds, baby chicks, ferrets, and potentially aggressive animals are not allowed, unless they are housed and remain in a container that does not allow any direct contact with the children. Educational programs that include prohibited animals, but that are under the supervision of professional handlers, are permitted.
- Firearms must be stored separately from ammunition, unloaded, and in a locked cabinet in an area inaccessible to children.
- Must meet local zoning ordinances if the provider does not reside in the home.
- No smoking is allowed in areas used by children or for food preparation.
- Any caregiver providing overnight care must be awake for the arrival and departure of each child in night child care. A caregiver must be awake during night child care hours if more than six children are in care.
- For overnight care, space shall be available so that children may go to sleep at various times, based on their age and need for rest.
- Must have in writing from each parent emergency contact and health care provider information, as well as the names of individuals to whom the child can be released.

Transportation

- Driver must be at least 18 years old and have a current driver's license, with a safe driving record.
- Must have a written pick-up or drop-off time.
- Applicable staff: child ratios must be maintained.
- One adult must be trained in first aid.
- The vehicle must have a cell phone or comparable communication device.
- Child safety system and safety belts must comply with the Oregon Department of Transportation.
- Infants through preschool-age must exit the vehicle on the side of the street of the building they will enter.
- Child must be received by an authorized person.
- No child will be left unattended.

Child medical requirements

- Children must have age-appropriate immunizations, including hepatitis B.
- Group home must have written permission to administer medications.
- Group home must store prescription and nonprescription medication in original containers with proper identification and directions for use.
- Group home must keep written records of all medications given, along with the signature of the person giving medication, date, time, and dosage.

Care for sick children

- Children who become ill must be isolated until they are picked up by their parents.
- Care may not be provided to a child with specific symptoms as defined in the certification regulations.
- Care may be provided to a child with mild cold symptoms that do not impair functioning.

Registered family child care homes

Registration

- Must be registered and renewed every two years by mail.
- Liability insurance is not required.

State inspection

- On-site health and safety inspections are made prior to registration and at renewal.
- Random compliance visits are not conducted.
- Inspections are made after complaints.
- Certification of registration must be posted.

Staff:child ratios

- No requirements

Maximum group size

- Ten children, including the provider's own
- No more than six children who are preschool-age or younger
- No more than two children who are younger than 2 years old, including the provider's own children
- Maximum of four school-age children are allowed, unless there are fewer than six preschool children (but the maximum still remains at 10 children)

Staff qualifications

Provider

- Must be at least 18 years old.
- Must reside in the home.
- Must attend orientation.
- Must have food handler's certification.
- Must have child abuse and neglect training.
- Must have completed a minimum of eight hours of training related to child care during the two years preceding the renewal date.

Staff training

- Must have two hours of training in child abuse and neglect issues.

CPR and first aid

- Current training in infant and child CPR and first aid is required prior to registration.

Staff medical requirements

- Provider must be in good physical and mental health.

- No immunizations are required.

Staff background checks

- Provider and household members over 18 years old must have criminal background and child abuse checks.

Discipline

- Certain methods of discipline, including corporal or emotional punishment, denial of food, humiliation, or abusive language, are prohibited.
- Must give a copy of the written discipline policy to the parents.

Parents' rights

- Parents must be notified if a substitute is used.
- Parents must have free access to the home and child.
- Parents must be informed if the child has been exposed to a communicable disease, has been injured, or has been given medication.

Health and safety requirements

- Must have smoke detectors on each floor.
- Must have a written plan for evacuating children in an emergency.
- Must post the evacuation plan in the home, make the plan familiar to the children and the caregivers, and practice at least every other month.
- Must have two usable exits on all floor levels used by children.
- Must provide a balance of active and quiet play.
- Must not allow any child to watch TV or play video games for more than two hours per day.
- Must have a working phone, and must provide the child care home's number to the parents.
- Must have barriers on stairs, in front of fireplaces, and around wood-burning stoves if infants, toddlers, or preschoolers are in care.
- Must cover electrical outlets.
- Meals and snacks must be prepared according to the guidelines of the USDA Child Care Food Program.
- Must have dogs and cats vaccinated according to a licensed veterinarian's recommendations; any other animal at the family child care home must be in good health and be a friendly companion for the children in care.

- Must store hazardous or toxic materials under childproof lock.
- Firearms must be stored separately from ammunition and kept locked.
- Must keep room temperature at least 68 degrees.
- Must have one flush toilet and one sink available for the children.
- Must have a fire extinguisher and a first-aid kit.
- No smoking or use of alcoholic beverages is allowed in the home during child care hours.
- Any provider of overnight care must be awake during the arrival and departure of each child.
- Must have the names of any persons to whom the child may be released.

Child medical requirements

- Must have age-appropriate immunizations, including hepatitis B.
- Must have the name and numbers for each child's parent or guardian, as well as the child's physician.
- Must specify any chronic health problems.
- Must provide written permission to administer medications.
- Parent must give written authorization to the provider for any type of medication to be given to the child.
- Must keep prescription medications in the original containers, labeled with the child's name and all appropriate administering directions for the medication.
- Must notify the parent any time medication is given.

Care for sick children

- Except for children with mild cold symptoms, sick children may not be in care.