



# **Rules for Recorded Programs**

## School-Age and Preschool Programs

Oregon Department of Education  
Early Learning Division  
Office of Child Care  
503-947-1400 • 1-800-556-6616

**REC-305 07/01/2010**



## **Introduction And Information Regarding Recorded Programs**

There is a large body of knowledge, including new brain research, about the importance of early childhood. We know that the foundation of a child's health and character is established during the early years of life. If children do not have opportunities early in life for normal development of their minds, bodies, and relationships with others, it becomes increasingly difficult to make it up to them later. There is no second chance at childhood, and the future of this state depends on the healthy physical, mental, and emotional growth and development of today's children.

It was with this in mind that the state of Oregon enacted Oregon Administrative Rules (OAR) 414-425-0000 et seq and 414-450-0000 et seq, that are the Office of Child Care's requirements for recorded programs. The purpose of these rules is to collect and publish information on school-age programs and require criminal background checks on staff and volunteers having contact with children in these programs

The Office of Child Care, with the assistance of child care programs, the Center for Career Development in Childhood Care and Education, the Oregon Family Child Care Network, the Department of Human Services (Health Division), the USDA Food Program (Department of Education), the former Commission on Children and Families, the former Commission for Child Care, and several other state agencies developed these administrative rules.

### **You do not need to record your program with the Division if it is:**

- Operated by a school district as defined in ORS 332.002
- Licensed with the Office of Child Care
- Provides care that is primarily a single enrichment activity, for eight hours or less a week

If any of these apply, your program is not required to be recorded with the Office of Child Care.

Questions regarding these rules can be directed to:

Oregon Department of Education  
Early Learning Division  
Office of Child Care  
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# TABLE OF CONTENTS

## PAGE

### INTRODUCTION

#### **School-Age Programs**

414-425-0000 Purpose	1
414-425-0010 Definitions	1
414-425-0020 Application for a Program Record	2
414-425-0025 Issuance of a School-Age Program Record	2
414-425-0030 General Requirements	3
414-425-0040 Denial of Application and Sanctions	3

#### **Preschool Programs**

414-450-0000 Purpose	4
414-450-0010 Definitions	4
414-450-0020 Application for a Program Record	5
414-450-0025 Issuance of a Preschool Program Record	5
414-450-0030 General Requirements	6
414-450-0040 Denial of Application and Sanctions	6



## RULES FOR RECORDED PROGRAMS SCHOOL-AGE PROGRAMS

### 414-425-0000

### Purpose

- (1) Oregon Administrative Rules (OAR) 414-425-0000 through 414-425-0040 are the Child Care Division's minimum requirements for school-age recorded programs. The purpose of these rules is to collect and publish information on school-age programs and require criminal background checks on staff and volunteers having contact with children in these programs.
- (2) Nothing in these rules is intended to create requirements applicable to a program that is:
  - (a) Required to be certified under ORS 657A.280 or registered under ORS 657A.330; or
  - (b) Operated by a school district as defined in ORS 332.002; or
  - (c) Operated by a political subdivision of this state; or
  - (d) Operated by a governmental agency.
- (3) Nothing in these rules is intended to create requirements for programs that offer care that is a single enrichment activity for eight hours or less a week.

### 414-425-0010

### Definitions

- (1) **"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.
- (2) **"CCD"** means the Child Care Division of the Employment Department, or the Administrator or staff of the Division.
- (3) **"Program Record"** means the document a school-age recorded program is issued by the Child Care Division to operate a school-age recorded program pursuant to ORS 657A.257 and OAR 414-425-0000 through 414-425-0040.
- (4) **"School-Age Child"** means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school-age child.
- (5) **"School-Age Recorded Program"** means a program for school-age children that does not take the place of a parent's care, in which youth development activities are provided to children during hours that school is not in session. For

purposes of these rules it does not include programs that are operated by a school district as defined in ORS 332.002.

- (6) **“Staff”** means any individual 18 years and older who works in, and has contact with children in the program.
- (7) **“Youth Development Activities”** means care, supervision, or guidance that is intended for enrichment, including but not limited to teaching skills or proficiency in physical, social, or educational activities such as tutoring, music lessons, social activities, sports, and recreational activities.
- (8) **“Volunteer”** means any individual 18 years or older who intends to perform uncompensated duties for the program; or who is in the facility more than four hours per year and has contact with children in the program.

#### **414-425-0020    Application for a Program Record**

- (1) No person or organization shall operate a school-age recorded program without an active program record issued by the Child Care Division (CCD).
- (2) Application for program record shall be made on forms provided by CCD. The original forms must be submitted to CCD for processing.
- (3) A completed application is required:
  - (a) For a new program record
  - (b) For renewing a program record
- (4) There is a non-refundable processing fee of \$20 for each application.
- (5) To determine if requirements are met, the applicant may be required to supply additional information or permit CCD to visit and assess the program.

#### **414-425-0025    Issuance of a School-Age Program Record**

- (1) CCD shall issue a program record to a person or organization operating a school-age program if CCD determines that the applicant meets the requirements of ORS 657A.250 to 657A.450 and OAR 414-205-0000 et seq and OAR 414-300-0000 et seq and OAR 414-425-0000 through 414-425-0040.
- (2) A record is valid for two years from the date of issuance.
- (3) A record authorizes operation of the school-age recorded program only at the address described in the record and only by the person named in the record.
- (4) CCD will create and maintain a database of school-age recorded programs. The database will include:
  - (a) Name and address of the program;
  - (b) Name of contact person; and

- (c) Program information such as capacity, school-age range of children served and hours of operation.

**414-425-0030**      **General Requirements**

- (1) The school-age recorded program must assure that criminal background checks are done on all staff and volunteers prior to having contact with children in the program.
- (2) The school-age recorded program must post a notice where it is visible to parents, that the program is recorded with CCD and is legally exempt from licensure.

**414-425-0040**      **Denial of Application and Sanctions**

- (1) An initial application for a new program record or renewal application may be denied if the Division finds that:
  - (a) The program or its operation does not comply with ORS 657A.250 to ORS 657A.450, with applicable rules and with any term or condition imposed under the record; or
  - (b) A visit, on-site investigation or inspection of a program or its records authorized by ORS 657A.390 has not been permitted.
- (2) A person or organization that violates any provision of this section or any term or condition of a program record is subject to a civil penalty not to exceed \$100.

## RULES FOR RECORDED PROGRAMS PRESCHOOL PROGRAMS

### 414-450-0000    Purpose

- (1) Oregon Administrative Rules (OAR) 414-450-0000 through 414-450-0040 are the Child Care Division's minimum requirements for preschool recorded programs. The purpose of these rules is to collect and publish information on preschool recorded programs, and require criminal background checks on staff and volunteers having contact with children in these programs.
- (2) Nothing in these rules is intended to create requirements applicable to a program that is:
  - (a) Required to be certified under ORS 657A.280 or registered under ORS 657A.330; or
  - (b) Operated by a school district as defined in ORS 332.002; or
  - (c) Operated by a political subdivision of this state; or
  - (d) Operated by a governmental agency.

### 414-450-0010    Definitions

- (1) **"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.
- (2) **"CCD"** means the Child Care Division of the Employment Department, or the Administrator or staff of the Division.
- (3) **"Preschool-Age Child"** means a child who is 36 months of age up to the summer vacation months prior to being eligible to be enrolled in the first grade in public school.
- (4) **"Preschool Recorded Program"** means a facility providing care for preschool-age children that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.
- (5) **"Program Record"** means the document a preschool recorded program is issued by the Child Care Division to operate a preschool recorded program pursuant to ORS 657A.257 and OAR 414-450-0000 through 414-450-0040.
- (6) **"School-Age Child"** means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, a child attending kindergarten may be considered a school-age child.

- (7) “**Staff**” means any individual 18 years and older who works in, and has contact with children in the program.
- (8) “**Volunteer**” means any individual 18 years or older who intends to perform uncompensated duties for the program and who may have unsupervised contact with the children in the program; or who is in the facility more than four hours per year and has contact with children in the program.

**414-450-0020    Application for a Program Record**

- (1) No person or organization shall operate a preschool recorded program without an active program record issued by the Child Care Division (CCD).
- (2) Application for a program record shall be made on forms provided by CCD. The original forms must be submitted to CCD for processing.
- (3) A completed application is required:
  - (a) For a new program record
  - (b) For renewing a program record
- (4) There is a non-refundable processing fee of \$20 for each application.
- (5) To determine if requirements are met, the applicant may be required to supply additional information or permit CCD to visit and assess the program.

**414-450-0025    Issuance of a Preschool Program Record**

- (1) CCD shall issue a program record to a person or organization operating a preschool program if CCD determines that the applicant meets the requirements of ORS 657A.250 to 657A.450 and OAR 414-205-0000 et seq and OAR 414-300-0000 et seq and OAR 414-450-0000 through 414-450-0040.
- (2) A program record is valid for two years from date of issuance.
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- (4) CCD will create and maintain a database of preschool recorded programs. The database will include:
  - (a) Name and address of the program;
  - (b) Name of contact person; and
  - (c) Program information such as capacity, age range of children served, and hours of operation.

**414-450-0030**      **General Requirements**

- (1) The preschool recorded program must assure that criminal background checks are done on all staff and volunteers prior to having contact with children in the program.
- (2) The preschool recorded program must post a notice where it is visible to parents that the program is recorded with CCD and is legally exempt from licensure.

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- (1) An initial application for a new program record or renewal application may be denied if the Division finds that:
  - (a) The program or its operation does not comply with ORS 657A.250 to ORS 657A.450, with applicable rules or with any term or condition imposed under the record; or
  - (b) A visit, on-site investigation or inspection of a program or its records authorized by ORS 657A.390 has not been permitted.
- (2) A person or organization that violates any provision of this section or any term or condition of a program record is subject to a civil penalty not to exceed \$100.



