



Dear Chair Beyer, Vice-chair Thompson and members of the committee,

Thank you, to all of you and especially Sen Boquist on your continued work to help ensure that families have access to quality child care in the communities where they live. Thank you also for the opportunity to provide testimony in support of SB 1051, a bill to allow for licensed, in-home child care to operate in communities governed by Home Owners' Associations. Oregon AFSCME Council 75 represents both registered and certified in-home child care, also known as family child care through Local 132, Childcare Providers Together.

You may know through personal experience, knowing a family with young children or from hearing the numerous reports that finding quality, affordable child-care that meets the needs of children and families is often difficult. This is especially true for families with children under the age of 2, for parents with children with special needs and for families seeking care outside of non-Monday through Friday daytime work hours. Families are often put on wait lists for openings that are months to close to a year to get their child into their preferred setting. This leaves parents using a patchwork of care, or staying out of the workforce all together until the opening becomes available. This isn't just anecdotal. According to the Children First for Oregon's March 2013 policy brief "Child Care: Good for Kids, Good for Business", there were 1 in 3 children under the age of 4 in paid child care settings, and the demand was greater than availability. Additionally, that report pointed out that Oregon has only 18 child care slots per 100 children under the age of 13. This is 30% short of the US Department of Health and Human Services' recommended 25 available slots for every 100 children.

Family child care settings are an integral part of our child care system that helps meet these needs for children and families. They can have licenses that allow for operation outside of the center based hours of 7am-5:30 or 6pm, crucial for parents' whose work hours may be evenings, weekends or even overnight. They provide more personalized settings where children are exposed to learning opportunities through their teachers as well as being with kids of other ages. Family child care providers are often already known, trusted and likely match families' cultural norms and values because they are in the families' neighborhoods.

Licensed Family Child Care settings are regulated by the state, have regular inspections from the Early Learning Divisions' Office of Child Care and the Department of Human Services. The providers and any staff they may employ are required a basic level of training each year. This training includes basic health and safety as well as developing curriculum for their programs that include educational and physical activities. They have rules about supervising children inside and outside of the house at every moment those children are in care. Children are not left to run wild or simply placed in front of a television. For Spark rated, formerly Quality Rating and Improvement System, providers these training hours and expectations increase with every additional star rating they receive.



Around the concerns about the number of children in care, providers are subject to ratios and number of children in care. During the testimony for SB 470, the bill covering this specific to certified in home providers, the HOA attorney raised concerns about “16 children at the swimming pool.” For a certified provider to be certified for 16 children, they must have the square footage in their home to accommodate that number, staff to ensure proper ratios and the outdoor area must also accommodate that number of children. Additionally, they have rules they must follow around pool usage. Below are some of the rules that registered and certified providers must comply with to retain their business licenses. The rules copied here around limits for the number of children and supervision for registered providers and supervision, ratios and both indoor and outdoor space required for certified providers.

SB 1051 is not the only solution needed to help ensure families have access to affordable quality child care in their communities, however, it is one way we can help remove barriers it. AFSCME urges your support of SB 1051.

Respectfully submitted by

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Registered Provider Rules for number of kids in care and supervision of the children

Copied from pages 14 & 15; the full set of rules can be found at
<https://www.oregon.gov/OCC/OCC%20Forms/RF/RF-200/RF-200.pdf>

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 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 children, of which only 2 children may be under 24 months of age.

(b) Four school-age children, in addition to the six children preschool-age or younger.



(c) More school-age children if there are fewer than 6 children preschool age or younger, 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).

414-205-0075 Supervision of Children

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

(a) Be within sight or sound of all children;

(b) Be aware of what each child is doing;

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

(d) Be physically present when there are children under the age of 36 months playing outside; and 15

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

Excerpts of Certified In-Home Child Care Rules taken from various pages found at :

https://www.oregon.gov/OCC/OCC%20Forms/CRT/CRT-130/CRT_130.pdf

414-350-0070 Arrival and Departure

(1) The provider shall require that the person bringing the child to the certified family child care home remain with the child until the child is accepted by a caregiver.



(2) The provider shall release a child only to a parent or another person named and identified by the parent. The provider shall verify the identification of any person who picks up a child.

(3) If a school-age child arrives at or leaves the home without a parent, there shall be arrangements in advance, in writing, from the parent for the arrival and departure times and what the provider will do if the child has not arrived by the expected time.

(4) 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.

414-350-0120 Caregiver/Child Ratios and Supervision

(1) The number of caregivers and group size shall be determined by the number and ages of the children in attendance:

(a) All children in the home, including the provider's or other caregivers' own children, shall be counted in determining the caregiver/child ratio and group size;

(b) All children visiting the home on a regular basis will count in capacity. Children attending with a parent do not count as enrolled as long as the parent remains with and is responsible for non-enrolled children;

(c) The required caregiver/child ratios shall be met at all times.

(2) Children shall at all times have the full attention of and be supervised by the required number of caregivers: 23

(a) Children shall be within sight and/or sound of a caregiver at all times;

(b) A caregiver shall be near enough to children to respond when needed. Children out of direct visual contact shall be monitored regularly and frequently and must be in approved activity areas;

(c) Children may not be on a floor level of the home unless a caregiver is on the same floor level, except as specified in OAR 414-350-0120(2)(d);



(d) When bathroom facilities are not on the same floor level, a written plan for adequate supervision of both bathroom and child care areas shall be developed and implemented.

(3) The number of caregivers is determined by the age and number of the youngest child(ren) in the group. If the provider is certified to care for more than 12 children and plans to care for more than 8 infants and/or toddlers, the provider must develop a plan showing how infants and toddlers will be limited to a group size of not more than eight. The plan must be approved by OCC:

(a) If all children are in the same age group, the following table determines the staff/child ratio;

TABLE A

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
Six Weeks to 24 Months	12	1:4	If more than 12 children are in care, the groups must be separated, and if more than eight of the 13 children in care are infants or toddlers, the group size may not exceed eight.
24 Months to Eligible for First Grade	12	1:10	If more than 12 children are in care, the groups must be separated.
Eligible for First Grade to Age 13	16	1:15	May be one group; must have second provider if over 15 school-age children are in care.

(b) If children in care include any infants and/or toddlers, the following table determines the staff/child ratio;

TABLE B

When Children in Care Include:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child under 24 Months	12	1:8	If more than 12 children are in care and one is under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio. Practice Note: Groups may be arranged to have the younger child in a separate group with 1:8 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Two Children under 24 Months	12	1:7	If more than 12 children are in care and two are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio.



			Practice Note: Groups may be arranged to have the younger children in a separate group with 1:7 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Three Children under 24 Months	12	1:6	If more than 12 children are in care and over three are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio. Practice Note: Groups may be arranged to have the younger children in a group with 1:6 ratio. For other group, use ratios in Table A if all children are the same age; Table C if mixed-ages.
Four or More Children under 24 Months	12	1:4	If more than 12 children are in care and four are under 24 months, the group must be separated. Each group must meet the appropriate adult to child ratio and if more than eight infants or toddlers are in care, group size may not exceed eight. Practice Note: Groups may be arranged to have the younger children in a separate group with 1:4 ratios in Table A if all children are the same age; Table C if mixed-ages.

(c) If children in care include a mix of only preschool and school aged children, the following table determines the staff/child ratio;

TABLE C

When All Children in Care Are:	No Group May Exceed:	With a Caregiver to Child Ratio of:	Notes
One Child in Care Age 24 Months to Eligible for First Grade; The rest of children in care are school-age	12	1:12	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.
Between two and 12 Children are Between 24 Months and Eligible for First Grade; The rest of the children in care are school-age	12	1:10	If more than 12 children are in care, the groups must be separated to create groups of 12 or fewer children.

(d) Even though staff/child ratios are specified in (a) and (b) above, a certified family child care provider may care for 10 children ages 6 weeks to school-age if:



(A) No more than 6 children are pre-school age or younger, including the provider's own children and any staff children;

(B) Of the 6, only 2 children are under 24 months of age; and

(C) Four of the children are school-age. 25

(4) The maximum number of children allowed in a certified family child care home at any one time is 16.

(5) If the home is certified to care for more than 12 children and the age blend is such that group separation is required:

(a) Groups may be joined for: meals, naps, outdoor play, and limited quiet activities such as a video or circle time;

(b) Provider must develop a plan that shows how the groups will be separated without requiring remodeling of the home. The plan must be approved by OCC.

(6) If the facility provides care to more than two children under 24 months of age, the provider shall meet the requirements specified in OAR 414-350-0100(4).

(7) Prior to a facility providing care to more than four children under 24 months of age, at least one caregiver other than the provider shall meet the requirements specified in OAR 414-350-0100(4). In addition, the provider shall have an extra 20 clock hours of training specific to infant and toddler care above and beyond the original requirements. If the facility is certified to care for more than 12 children, there must be someone who meets the training requirements of OAR 414-350-100(4) on site at all times that five or more children under 24 months of age are in care.

HOME AND YARD

414-350-0130 General Requirements

(1) The certified family child care home shall be:

(a) Located in an area zoned residential or commercial:

(A) "Residential zone" means any zone within an acknowledged urban growth boundary or an acknowledged residential exception area that allows a dwelling unit as a use permitted outright.



(B) "Commercial Zone" means any zone within an acknowledged urban growth boundary or an acknowledged commercial exception area that allows sales or service or commercial and professional offices as uses permitted outright.

(b) A building constructed as a single family dwelling; and

(c) In space designed or remodeled for living quarters.

(2) A home that is not the residence of the provider or a home located in a zone other than residential or commercial shall meet all state and local planning and zoning, occupancy, and building code requirements for a child care facility. 26

(3) If there is a structural or maintenance problem that could present a health or safety hazard to children, OCC may request that the provider have the home inspected by the appropriate authority and the provider shall comply with the request.

(4) The provider is responsible for payment of any applicable fees for inspections.

414-350-0140 Indoor Area

(1) The indoor area used for child care shall meet the following requirements:

(a) If the provider is certified to care for 12 children or fewer, there shall be a minimum of 35 square feet of indoor activity area, as defined by OAR 414-350-0010(1), per child. If the provider is certified to care for more than 12 children, there shall be a minimum of 35 square feet of indoor activity area per child for 12 or fewer children, and 50 square feet of indoor activity area available per child for each of the additional four children. This space, considered in determining capacity of the home, shall be available for use by children at all times. The following shall not be counted as part of the 35 square feet per child requirement: heating units, storage areas; large permanent equipment; any space not useable by children.

(b) There shall be a designated area for children under 24 months of age that is developmentally appropriate and safe.

(c) If the facility is certified to care for more than 12 children, the provider must develop a written plan showing that the space accessible to the children meets their safety needs, there is adequate supervision and there is adequate availability of toileting and hand washing for the children in care. OCC must approve the plan.



(d) Activity areas shall be adequately lighted and ventilated. Room temperature shall be at least 68 degrees F. (20 degrees C.) and not so warm as to be dangerous or unhealthy to children in care.

414-350-0150 Outdoor Area

(1) There shall be an outdoor activity area that children can reach safely. If the outdoor activity area is not under the control of the provider during the hours of operation of the home, written approval to use the area by OCC is required.

(2) A home shall have an outdoor play area of no less than 75 square feet for each child using the area at one time.

(3) The outside activity area shall be:

(a) Suitably surfaced and well drained. Playground equipment, such as slides, swings, climbing structures and other elevated equipment, shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, according to standards of the US Consumer Product Safety Commission;

(b) Kept free of litter, solid waste and refuse, ditches, or other conditions presenting a potential hazard; and

(c) Equipped to provide age-appropriate activities for gross motor development.

(4) The outdoor activity area of the home designated for use by child care children shall be enclosed by a barrier (fence, wall, or building) at least four feet high. Certified family child care homes with certification in effect on September 15, 2002, must comply with a barrier at least three feet high until such time as the existing barrier is replaced. Spacing between vertical slats of a fence shall be no greater than 4 inches. Fences must meet applicable local codes.

(5) The provider shall be aware of and protect children from any toxic or other harmful plants, shrubs, or trees.

(6) The use of swimming pools shall comply with OAR 414-350-0380. As specified in 414-350- 0380(2)(h), portable-style wading pools are not permitted.