

**OAR 414-400-0000**

**414-400-0000 Purpose**

The purpose of these rules is to define key terms, describe eligibility criteria, and rate payment policies related to Child Care Division Migrant and Seasonal Child Care Program. Expenditures by CCD under these rules are subject to the availability of state or federal funds, as applicable, and are subject to immediate curtailment by CCD if the necessary state or federal authorizations or funding are curtailed.

**OAR 414-400-0010**

**414-400-0010 Definitions**

(1) “Authorized Absence” means the temporary absence from the facility by a child who is expected to return to care.

(2) “Agricultural Labor” means:

(a) Any activity related to crop production, including soil preparation, planting, cultivating, crop protection or harvesting, preparing crops for market, irrigation work, operating farm machinery, or general farm work; or

(b) Any activity directly related to the processing of crops, including freezing, canning and drying; or

(c) Any activity directly related to the cultivation of trees and shrubs, or tree farming.

(3) “Migrant Family” means a family that moves its residence for the purpose of employment in agricultural labor. A migrant family makes a series of moves or an annual move which results in either an absence of at least two months from the area, or a cumulative total of 150 miles, each component being a minimum distance of 50 miles, traveled for the period of a particular crop’s seasonal work

(4) “Seasonal Family” is a family:

(a) Whose wage earners make their living from agricultural labor on a seasonal basis in the same area as their residence; and

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(b) That has fit the definition of a “migrant family” within the last 36 months; and

(c) That has settled, or is in the process of settling, from migrant status.

(5) “Available to care for children” means not working, attending or enrolled in school, and being physically and emotionally capable of caring for children.

**OAR 414-400-0020**

**414-400-0020 Eligibility Criteria**

(1) Migrant family eligibility criteria includes:

(a) The migrant family wage earners make their living doing farm labor as defined in “agricultural labor”; and

(b) The parents are working in, or reporting for, farm work in Oregon which they expect to be available at the time of reporting; and

(c) At least 50 percent of the family income for the preceding 12 months was earned from agricultural labor; and

(d) The family earns less than 75 percent of State Median income; and

(e) The entire family moves their residence at least once in twelve months for the purpose of employment in agricultural labor; and

(f) There is no family member in the household who is 16 years of age or older available to care for the children needing child care.

(2) Seasonal family eligibility criteria includes:

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- (a) The seasonal wage earners make their living doing agricultural labor; and
- (b) The parents are currently working in agricultural labor; and
- (c) At least 50 percent of the family income for the preceding 12 months was earned from such work; and
- (d) The family earns less than 75 percent of State Median Income; and
- (e) The entire family has moved their residence at least once in the last 36 months for the purpose of employment in agricultural labor; and
- (f) There is no family member in the household who is 16 years of age or older available to care for the children needing care.

**OAR 414-400-0031**

**414-400-0031 Eligibility Verification**

- (1) To be eligible for subsidized child care benefits, clients must do all of the following:
  - (a) Provide true, complete and accurate information required to determine eligibility and verify that information, to the extent permitted by their physical and mental condition, or authorize the office providing intake to obtain verification;
  - (b) Comply with the eligibility requirements of the program for which they are requesting or receiving benefits;
  - (c) Report within 15 calendar days any changes that could affect their eligibility for benefits including, but not limited to, the following:
    - (A) Change in job status;
    - (B) People moving in and out of household;

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(C) Any other changes that may affect eligibility.

(2) Eligibility shall be documented on forms supplied by the division. The applicant shall declare their family size and membership, current and previous places of residence, employment history and family income for the past 12 months if applying as a migrant, or for the past 36 months, if applying as a seasonal. The income that determines family co-pay shall be for the 12 full months just prior to application, or for the most recent tax year, and shall be for all wage earners who function as parents to children in child care.

(3) An application shall be completed or updated, and eligibility factors must be verified in all of the following situations:

(a) When a child initially enters care;

(b) When the child re-enters care after the family returns from working in agriculture in another area;

(c) When the Child Care Division questions eligibility.

(4) Intake staff must ask for and review documents that verify income, employment, movement and residence. Files must contain copies of documents or a record verifying documents were viewed:

(a) Proof of Income, Employment and Movement. The following documents may be used for verification: 1040 tax returns verify total annual income; W-2s from all employers verify income and residence, and may indicate movement; pay stubs or vouchers verify employer, residence and that portion of income documented; pay envelopes or bin tickets may be used to estimate part of family income; and Employment Department reports or employer verification may also be used to verify income;

(b) Proof of Residency and Movement. The following documents are acceptable: Rent receipts, utility bills, letters received at the residence, verification letter from the previous employer, bus or plane tickets, or immunization records;

(c) Report from the Intake Interview. A signed report may be used one time only for new migrants who have no other verification. Intake staff must describe in writing the indicators that led them to accept the family's statement and lack of documentation.

(5) The division may verify any factors affecting eligibility or benefit when they are considered questionable by the

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Child Care Division. Reported information or information on the application is questionable if it is inconsistent with any of the following:

- (a) Other reported information;
- (b) Other information provided on the application;
- (c) Other information received by the division;
- (d) Information reported on previous applications.

(6) Verification provided for one program may be used as verification for all Child Care Division programs in which the client participates.

(7) The division may deny an application, or end ongoing benefits, when acceptable verification is not provided, or if inconsistencies cannot be resolved.

(8) A family will be notified by the provider in writing at least ten days prior to the end of 12 months' eligibility, or if funds are no longer available.

**OAR 414-400-0033**

**414-400-0033 Limits on Disclosure**

(1) No employee or volunteer of the division, or other agency, may disclose information about clients except as stated in OAR 412-001-0100 through 412-001-0170, or at the direction of a court of competent jurisdiction, or upon the advice of the Attorney General.

(2) The division may disclose information in order to administer its programs and provide services when it is in the best interest of the applicant's family, unless specifically forbidden by statutes, these rules or by court order. Reasons for disclosure include, but are not limited to, providing information to: A social service agency, service provider or agency of State Office for Children & Families for the purpose of arranging appropriate child care services for the applicant's family.

**OAR 414-400-0040**

**414-400-0040 Payment Process**

Current through rules published in the Oregon Bulletin dated April 1, 2014

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CCD payment is subject to CCD established eligibility conditions described in these rules.

(1) CCD will pay only for child care authorized by the CCD. Payment is made to providers who are registered or certified and hold a valid Child Care Contract, with CCD.

(2) If a child is in child care when the service plan is made, payment shall be made only from the date the service is authorized.

(3) CCD will make payments for temporary absences if requested by the provider, subject to the following requirements and limits:

(a) The provider must use the same policy for both CCD and non-CCD families;

(b) The child must be expected to continue in child care with the same provider after the absence;

(c) CCD will make payment for actual absence(s) not to exceed a total of five days in any calendar month; and

(d) Absence days, or portions thereof, will include only the time(s) for which care has been authorized by CCD.

(4) CCD payment will only be made to a child care facility which is certified or registered by CCD and which has a valid contract with CCD.

[ED. NOTE: The form(s) referred to or incorporated by reference in this rule are available from the agency.]

**OAR 414-400-0050**

**414-400-0050 Billing Method**

(1) CCD payments for child care are made by check to the provider on behalf of the client after all care for the month has been given. The invoice is to be submitted by the provider on forms approved by the Child Care Division.

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(2) Registered family child care providers must bill at an hourly rate (with the exception that they may bill at a daily rate for before and/or after school care) not to exceed the total authorized.

(3) Child care center and certified family child care providers may bill at an hourly, daily, weekly, or monthly rate not to exceed the total authorized.

**OAR 414-400-0060**

**414-400-0060 Determining Child Care Rates for Payment**

(1) The maximum rates Child Care Division pays for Migrant and Seasonal Child Care are determined by the most recent Adult and Family Services market rate survey and will be furnished upon request. CCD will pay the provider's rates within the AFS maximums as specified in the provider contract with CCD. The provider shall not ask the family for, or accept directly or indirectly, any additional payment for care provided to a CCD eligible family other than those in section (2) of this rule.

(2) Families are subject to copayments according to Adult and Family Services Copayment Standard except during the first month, or part thereof, of child care when all families will be charged the minimum copayment. The family shall be informed of their fee when they apply. The provider is responsible to collect the fee. The fee shall be deducted from the amount charged CCD before CCD is billed:

(a) A reduction of 20 percent will be applied to the gross income of migrant and seasonal families. The copayment will be determined based on 80 percent of the family's gross income and family size including all members dependent on that income; except that

(b) When all children in a family receive three or fewer hours a day of child care, the minimum copayment will apply.

(3) When a child reaches 30 months of age, the provider shall bill at the preschool rate the first month after the child reaches 30 months.

(4) When a child 30 months or over is physically, developmentally, and/or emotionally handicapped, and functions below chronological age, CCD may authorize a special rate for the care of the identified child:

(a) Approval for the higher rate must be requested in writing from the Child Care Division;

(b) Documentation must describe the specific problem which requires services above the market rate.

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(5) Rates charged to CCD for child care services may not exceed rates charged for comparable services to non-CCD children:

(a) Donations and subsidies of cash or in-kind services may be used to reduce charges which would otherwise be made for child care services;

(b) Such donations and subsidies must be used to reduce charges for all children in care unless the donor specifies in writing that the donation is to be used for either a specific family or category of families;

(c) Separate records shall be kept by the provider for all donations and subsidies received and disbursed.

(6) In-home Care. Minimum wage for care in a child's own home is governed by the state minimum wage law. It may not be negotiated to a lower rate. Overtime at one-and-one-half times the regular rate must be paid for all hours worked in excess of 40 hours in a work week (seven sequential days). Overtime shall not be paid to a provider who lives in the child's home.

**OAR 414-400-0080**

**414-400-0080 Exception**

(1) Specific exception to any section of these rules may be granted for good and just cause by the Child Care Division. The exception must be requested in writing, and show how the intent of the rule will be met to the Child Care Division.

(2) No exception will be granted which may jeopardize the health, safety, and well-being of any child in care.

(3) All exceptions must be submitted in writing to the Child Care Division, and remain there on file. The granting of an exception shall not constitute a precedent for any other provider or client.

**OAR 414-425-0000**

**414-425-0000 Purpose and Scope**



**Oregon Administrative Rules Compilation Currentness \_Chapter 414. Oregon Department of Education  
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(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 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.

(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.

**OAR 414-425-0010**

**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 414-425-0030.

(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.

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(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, social activities, and recreational activities.

(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.

**OAR 414-425-0020**

**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 nonrefundable processing fee of \$20 for each application.

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(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.

**OAR 414-425-0025**

**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 414-250-000 et. seq. and 414-300-0000 et. seq. and OAR 414-425-0000 through 414-425-0030.

(2) A record is valid for two years from 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.

**OAR 414-425-0030**

**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.

**OAR 414-425-0040**

Current through rules published in the Oregon Bulletin dated April 1, 2014

**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 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.

**OAR 414-450-0000**

**414-450-0000 Purpose and Scope**

(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.

OAR 414-450-0010

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 414-450-0030.

(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 four hours per year and has contact with children in the program.

OAR 414-450-0020

414-450-0020 Application for a Program Record

**Oregon Administrative Rules Compilation Currentness \_Chapter 414. Oregon Department of Education  
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- (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 nonrefundable 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.

**OAR 414-450-0025**

**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 414-250-000 et. seq. and 414-300-0000 et. seq. and 414-450-0000 through 414-450-0030.
- (2) A program record is valid for two years from date of issuance.
- (3) A program record authorizes operation of the preschool 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 preschool recorded programs. The database will include:

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- (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.

**OAR 414-450-0030**

**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.

**OAR 414-450-0040**

**414-450-0040 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 or with any term or condition imposed under the record; or
  - (b) A visit, on-site assessment 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.