

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 652
(Penny) of the Senate

By: Long (Ed) and Williams

and

Boyd (Laura) of the House

(schools - creating the Coordination of Early Childhood
Services Act - creating the Joint Legislative Committee
for Review of Early Childhood Services - creating the
Interagency Coordinating Council for Early Childhood
Services - codification -
emergency)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"(children - Coordination of Early Childhood Services Act
- amending 10 O.S., Sections 402 and 403 - codification
- emergency)

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 601.70 of Title 10, unless there
is created a duplication in numbering, reads as follows:

Sections 2 through 6 of this act shall be known and may be cited
as the "Coordination of Early Childhood Services Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 601.71 of Title 10, unless there
is created a duplication in numbering, reads as follows:

As used in the Coordination of Early Childhood Services Act:

1. "Commission" means the Oklahoma Commission on Children and Youth;
2. "Committee" means the Joint Legislative Committee for Review of Early Childhood Services;
3. "Coordinating Council" means the Interagency Coordinating Council for Early Childhood Services;
4. "Eligible population" means children from birth to six (6) years of age; and
5. "State Plan" means the State Plan for Coordination of Early Childhood Services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.72 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. It is the purpose of the Coordination of Early Childhood Services Act to provide quality services to the eligible population through a coordinated system that:

1. Is comprehensive, coordinated, multidisciplinary, interagency and is established to reduce the direct costs to state agencies for the provision of early childhood services to the eligible population;
2. Is delivered cooperatively by local education, social services and health agencies, the State Department of Education, the Department of Human Services, the State Department of Health and other appropriate public agencies and private agencies supported in whole or in part with public funds;
3. Fulfills the requirements of state and federal laws pertaining to the eligible population; and
4. Enhances the ability of families to meet the needs of their children who are members of the eligible population.

B. It is the further purpose of the Coordination of Early Childhood Services Act to provide guidelines for timely and cost-

effective delivery of early childhood services for the eligible population.

C. Nothing in the Coordination of Early Childhood Services Act shall relieve the public schools, the State Department of Education, the Department of Human Services, the State Department of Health or other publicly funded agencies, officers or employees thereof of their respective responsibilities to the eligible population.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.73 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2001, the Joint Legislative Committee for Review of Early Childhood Services, which shall:

1. Meet with the Coordinating Council, and with other state officials and employees responsible for the development and implementation of the Coordination of Early Childhood Services Act, at regular intervals as established by the Committee and whenever otherwise necessary; and

2. Recommend legislation which may be necessary to enact or change statutory provisions regarding interagency agreements or the coordination or delivery of services, which are necessary to implement the provisions of the Coordination of Early Childhood Services Act.

B. The Joint Legislative Committee for Review of Early Childhood Services shall be composed of fourteen (14) members who shall be legislators and who shall serve at the pleasure of the appointing authority. Seven members shall be appointed by the President Pro Tempore of the Senate and seven members shall be appointed by the Speaker of the House of Representatives. The chair shall be appointed by the President Pro Tempore for odd-numbered years from among the legislators appointed by the President Pro Tempore, and appointed by the Speaker for even-numbered years from

among the legislators appointed by the Speaker. The vice-chair shall be appointed by the Speaker for odd-numbered years from among the legislators appointed by the Speaker, and appointed by the President Pro Tempore for even-numbered years from among legislators appointed by the President Pro Tempore. A quorum shall consist of a majority of the members appointed. Staff support services required by the Committee shall be provided by the Senate, the House of Representatives, the Legislative Service Bureau, and if requested by the Committee, by the Commission. Travel reimbursement shall be provided to the members pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.74 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2001, in accordance with the Oklahoma Sunset Law, the Interagency Coordinating Council for Early Childhood Services, which shall be administered by the Oklahoma Commission on Children and Youth. Members of the Council shall include but not be limited to:

1. The Director of the Commission on Children and Youth or designee who shall chair the Council;
2. The State Superintendent of Public Instruction or designee;
3. The Director of the Department of Human Services or designee;
4. The Commissioner of the State Department of Health or designee; and
5. Appointments by the Commission upon recommendation of the State Commissioner of Health, the Director of the Department of Human Services, the State Superintendent of Public Instruction and the Director of the Oklahoma Commission on Children and Youth, as appropriate, as follows:

- a. parents of children who are members of the eligible population,
- b. members representing organizations involved in early childhood programs and services,
- c. a representative of the Early Childhood Division of the State Department of Education,
- d. a superintendent of a school district in this state that offers early childhood programs,
- e. a representative of the Child Care Division of the Department of Human Services,
- f. a representative of a Community Action Agency Head Start Program,
- g. a representative of an institution of higher education within The Oklahoma State System of Higher Education that confers doctoral degrees in family relations and child development, and
- h. others which may be deemed necessary by the Commission.

Staff support shall be provided by the Commission on Children and Youth.

B. The Coordinating Council shall:

1. Review existing early childhood services and programs, initiated by public and private agencies;
2. Recommend changes in proposed interagency agreements and the State Plan as deemed necessary;
3. Review the interagency agreements and State Plan, including any subsequent revisions;
4. Monitor the implementation of this act;
5. On or before July 1, 1996, complete the State Plan pursuant to the provisions of Section 6 of this act;

6. Prior to completion of the State Plan, make progress reports to the Committee at least once each quarter regarding development of the State Plan; and

7. After submission of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, monitor implementation of the Plan, evaluate the Plan, meet with the Committee concerning revisions whenever requested to do so, and on or before July 1, 1997, and July 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601.75 of Title 10, unless there is created a duplication in numbering, reads as follows:

The State Plan for Coordination of Early Childhood Services shall include, but not be limited to:

1. Delineation of service responsibilities and coordination of delivery of services to the eligible population by the agencies subject to the provisions of this act;

2. Establishment of services regions, and delineation of organizational structures or other means whereby coordination required by Section 3 of this act will be accomplished at the local and regional level;

3. Procedures for monitoring and improving such service delivery on a continuing basis;

4. Guidelines for interagency agreements; and

5. A funding and implementation plan which shall provide for the utilization of all financial resources from federal, state, local and private entities and the coordination of those resources to fund early childhood programs and services.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 402, as last amended by Section 2, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1994, Section 402), is amended to read as follows:

Section 402. As used in the Oklahoma Child Care Facilities Licensing Act, ~~Section 401 et seq. of this title:~~

1. "Child" or "minor" means any person who has not attained the age of eighteen (18);

2. "Child care facility" means any public or private residential facility, child placing agency, foster family home, group home, day care center, part-day child care program, or family day care home, providing either full-time or part-time care for children away from their own homes, and which is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or individual. The term "child care facility" shall not include a boarding school conducted or sponsored by a religious organization;

3. "Child placing agency" means a child welfare agency licensed to place children in foster family homes, group homes or adoptive homes;

4. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;

5. "Foster family home" means a family home, other than the home of a parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or fewer children;

6. "Group homes" means homes providing full-time care and community-based services for more than five children but less than thirteen;

7. "Day care" means the provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person for part of the day who is conducting a family day care home or persons conducting a day care center;

8. "Family day care home" means a licensed or approved family home which provides care and protection for seven or fewer children for part of the twenty-four-hour day. The term "day care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home;

9. "Day care center" means a licensed or approved facility which provides care and supervision for eight or more children and which operates for more than thirty (30) hours per week. The term "day care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home;

10. "Part-day child care program" means a licensed facility which provides care and supervision for eight or more children and which operates for more than fifteen (15) but less than thirty (30) hours per week;

11. "Department" means the Department of Human Services;

12. "Commission" means the Commission for Human Services, the policy-making and general supervisory body of the Department; ~~and~~

13. "Division" means the division of the Department of Human Services of the State of Oklahoma assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

14. "Religious organization" means a church, synagogue or mosque, an entity that has or would qualify for federal tax exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code, or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes; and

15. "Boarding school" means a school which boards children on a regular school year basis and follows established branches of education corresponding to those taught in other public or private

schools, and follows regular school schedules with holiday breaks and summer recesses during which the child is off the school grounds.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 403, as amended by Section 3, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1994, Section 403), is amended to read as follows:

Section 403. A. ~~The~~ Except as otherwise provided by the Oklahoma Child Care Facilities Licensing Act, the provisions of this act ~~the Oklahoma Child Care Facilities Licensing Act~~ shall not apply to:

1. Care provided in the child's own home or by relatives;
2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
3. Programs in which school-aged children are participating in home-schooling;
4. Programs operated during typical school hours by a public school district;
5. Programs operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
6. Summer youth camps for children at least five (5) years of age that are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program;
7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
8. Nursery schools, kindergartens or other facilities whose purpose is primarily educational, recreational or medical and which operate part-day child care programs which provide care and supervision for eight (8) or more children for fifteen (15) or less hours per week;
9. Facilities whose primary purpose is medical treatment; ~~or~~

10. Day treatment programs and maternity homes operated by a licensed hospital;

11. Any institution furnishing full-time care for children for ten (10) years prior to May 23, 1963, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children;

12. Any institution being operated by a war veterans' organization and furnishing full-time care for children on May 23, 1963; or

13. Any boarding school conducted or sponsored by a religious organization.

B. The provisions of the Oklahoma Child Care Facilities Licensing Act, ~~Section 401 et seq. of this title,~~ shall be equally incumbent upon all private and public child care facilities; ~~provided, that any institution furnishing full-time care for children for ten (10) years prior to the effective date of this act shall, upon written notification to the Department of Human Services, be exempted from the provisions of this act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children; and provided, further, that any institution being operated by a war veterans' organization and furnishing full-time care for children on the effective date of this act shall be exempted from the provisions of this act, regardless of whether it is receiving state or federal funds.~~

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 403a of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A boarding school operated by religious organizations under the exempt status recognized in paragraph 13 of Section 403 of Title 10 of the Oklahoma Statutes shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be

retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

B. The notice of parental responsibility shall include the following:

1. Notification that the child care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the Department of Human Services other than as provided in this section. The notice shall provide that the facility has been inspected by the State Department of Health and the state or local fire marshal as required by law;

2. The disciplinary philosophy and policies of the child care facility; and

3. The educational philosophy and policies of the child care facility.

C. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child care facility and the individual primarily responsible for the religious organization conducting the child care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the Department of Human Services. Exempt child care facilities which begin operation after August 28, 1995, shall file such notice at least five (5) days prior to starting to operate.

D. 1. A parent or guardian of a child enrolled in a child care facility established, maintained or operated by a religious organization who has reasonable cause to believe that this section is being violated may notify appropriate local law enforcement authorities.

2. If a child care facility maintained or operated under the exclusive control of a religious organization is suspected of violating any provision of this section, or if there is good cause to believe that the signatory made a materially false statement in

the notice of parental responsibility required by this section, the Department of Human Services shall give twenty (20) days' written notice to the facility concerning the nature of its suspected noncompliance. If compliance is not forthcoming within the twenty (20) days, the Department of Human Services shall thereafter notify the district attorney of the county wherein the facility is located concerning the suspected noncompliance.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 13th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate