

ENGROSSED HOUSE
BILL NO. 1461

By: Greenwood of the House

and

Wilcoxson of the Senate

An Act relating to children; amending 10 O.S. 1991, Section 403, as last amended by Section 3, Chapter 386, O.S.L. 1998 (10 O.S. Supp. 1998, Section 403), which relates to the Oklahoma Child Care Facilities Licensing Act; adding to list of exceptions; creating additional licensure exemptions; providing conditions for exemption; providing for content; and providing for codification.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 403, as last amended by Section 3, Chapter 386, O.S.L. 1998 (10 O.S. Supp. 1998, Section 403), is amended to read as follows:

Section 403. A. The provisions of 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~~ schools that ~~offers~~ offer 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. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

9. 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;

10. Facilities whose primary purpose is medical treatment; or

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

B. 1. The provisions of the Oklahoma Child Care Facilities Licensing Act, shall be equally incumbent upon all private and public child care facilities.

2. 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 the Oklahoma Child Care Facilities Licensing Act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children.

3. 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 the Oklahoma Child Care Facilities Licensing Act, regardless of whether it is receiving state or federal funds.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 403.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to private schools which provide before and after school programs and summer programs if:

1. The private school is a member of an association recognized by the Oklahoma Private School Accreditation Commission;

2. The private school programs are staffed by the school's teachers or such student aides deemed appropriate by the teachers. The teachers and student aides shall undergo criminal history investigations pursuant to Section 404.1 of Title 10 of the Oklahoma Statutes;

3. Children served in the school programs are the same age population as children attending the school;

4. Attendance at before and after school programs is limited to students enrolled in the private school;

5. A document is signed by each parent whose child is participating in the program upon which the parent has acknowledged that such parent understands that the program is exempt from licensure; and

6. The private school administrator retains records adequately to demonstrate its entitlement to the licensure exemption specified by this section.

Passed the House of Representatives the 4th day of March, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate