

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 538

By: Brooks

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5  
6 AS INTRODUCED

7 An Act relating to the Department of Human Services;  
8 amending 10 O.S. 2011, Section 404, as last amended  
9 by Section 3, Chapter 308, O.S.L. 2013 (10 O.S. Supp.  
10 2014, Section 404), which relates to minimum  
11 requirements and standards; requiring certain  
12 entities to comply with certain Acts; and providing  
13 an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2011, Section 404, as last  
16 amended by Section 3, Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2014,  
17 Section 404), is amended to read as follows:

18 Section 404. A. 1. The Department of Human Services shall  
19 appoint advisory committees of representatives of child care  
20 facilities and others to:

- 21 a. prepare minimum requirements and desirable standards  
22 for promulgation by the Department, and  
23 b. provide advice regarding concerns brought by child  
24 care facilities or referred by the Department to  
assist facilities in meeting minimum requirements.

1           2. Committee members shall be appointed for a three-year term,  
2 with a two-consecutive-term limit. A majority of any committee  
3 appointed to prepare requirements and standards for child care  
4 facilities shall be representatives of child care facilities.

5           3. The advisory committee shall create a Child Care Facility  
6 Peer Review Board whose purpose shall be to participate in the  
7 Department's grievance process. The Department shall promulgate  
8 rules specifying the duties of the Child Care Facility Peer Review  
9 Board in the grievance process. Notwithstanding any other provision  
10 of law, all meetings of the advisory committee and the Child Care  
11 Facility Peer Review Board shall comply with the Open Meeting Act,  
12 the Oklahoma Open Records Act, and the Administrative Procedures  
13 Act.

14           B. Child care facilities shall not allow children to be left  
15 alone in the care of any person under eighteen (18) years of age.

16           C. The Department shall promulgate rules establishing minimum  
17 requirements and desirable standards as may be deemed necessary or  
18 advisable to carry out the provisions of the Oklahoma Child Care  
19 Facilities Licensing Act.

20           D. Such rules shall not be promulgated until after consultation  
21 with the State Department of Health, the State Department of  
22 Education, the Oklahoma State Bureau of Investigation, the State  
23 Fire Marshal, and any other agency deemed necessary by the  
24 Department. Not less than sixty (60) days' notice, by regular mail,

1 shall be given to all current licensees before any changes are made  
2 in such rules.

3 E. In order to improve the standards of child care, the  
4 Department shall advise and cooperate with licensees, the governing  
5 bodies and staff of licensed child care facilities and assist the  
6 staff through advice of progressive methods and procedures, and  
7 suggestions for the improvement of services.

8 F. The Department may participate in federal programs for child  
9 care services, and enter into agreements or plans on behalf of the  
10 state for that purpose, in accordance with federal laws and  
11 regulations.

12 SECTION 2. This act shall become effective November 1, 2015.

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