

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2691

By: Dunlap

COMMITTEE SUBSTITUTE

An Act relating to child care; amending 10 O.S. 2011, Section 404, as last amended by Section 1, Chapter 377, O.S.L. 2016 (10 O.S. Supp. 2017, Section 404), which relates to the Oklahoma Child Care Facilities Licensing Act; directing advisory committee to designate members of certain panel; requiring criteria for designee; modifying age limitation for child care facility personnel; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 404, as last amended by Section 1, Chapter 377, O.S.L. 2016 (10 O.S. Supp. 2017, Section 404), is amended to read as follows:

Section 404. A. 1. The Department of Human Services, in consultation with the Oklahoma Commission on Children and Youth, shall appoint advisory committees of representatives of child care

1 facilities and others to recommend minimum requirements and
2 desirable standards for promulgation by the Department.

3 2. Committee members shall be appointed for a three-year term,
4 with a two-consecutive-term limit. The committee shall include four
5 committees with representation for all categories of facilities
6 licensed by the Department and shall be comprised as follows:

7 a. the Residential Children's Services subcommittee shall
8 include at a minimum:

9 (1) a representative of a statewide organization
10 representing children in care arrangements
11 outside their own home,

12 (2) a representative of a statewide organization
13 providing residential services to youth in state
14 custody,

15 (3) a recipient or former recipient of youth services
16 for children in state custody,

17 (4) a representative of a statewide organization
18 promoting adoption services,

19 (5) a parent or guardian providing foster care to a
20 child or children in state custody,

21 (6) a representative from a nonpublic, long-term
22 residential care facility for children in state
23 custody,
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- (7) a representative from an organization promoting the interests of Native American children in state custody,
- (8) a practicing pediatrician,
- (9) a practicing behavioral health services provider,
- (10) a representative from an agency providing child-placing services, and
- (11) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,

b. the Child Care Centers subcommittee shall include at a minimum:

- (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,
- (2) a representative of a statewide organization conducting programs for school-age children,
- (3) a parent or guardian with a child attending a licensed child care facility,
- (4) a representative of a licensed child care facility in a rural area,
- (5) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,

- (6) a representative of a licensed child care facility in an urban/suburban area,
- (7) a representative of a statewide organization advocating for programs provided under the Head Start program,
- (8) a representative with knowledge of child care programs offered by career technology center in this state,
- (9) a representative of a statewide organization advocating for early childhood education programs,
- (10) a representative of a statewide organization providing resources and referrals to child care facilities,
- (11) a practicing pediatrician, and
- (12) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,

c. the Child Care Homes subcommittee shall include at a minimum:

- (1) a representative of a statewide organization advocating for children in care arrangements outside their own home,

- (2) a parent or guardian with a child receiving care
at a licensed child care home,
- ~~(4)~~ (3) a representative of a licensed child care home in
a rural area,
- ~~(5)~~ (4) a representative of a statewide organization
advocating for licensed child care facilities
owned or operated by Native Americans,
- ~~(6)~~ (5) a representative of a licensed child care home in
an urban/suburban area,
- ~~(7)~~ (6) a representative of a statewide organization
advocating for early childhood education
programs,
- ~~(8)~~ (7) a representative of a statewide organization
providing resources and referrals to child care
facilities,
- ~~(9)~~ (8) a practicing pediatrician, and
- ~~(10)~~ (9) other appropriate representatives at the
discretion of the Department of Human Services
and Commission on Children and Youth, and
- d. ~~The~~ the Quality Rating and Improvement System
subcommittee shall include representatives of child
care centers and child care homes currently licensed
by the State and other members as determined by the

1 Department of Human Services and the Commission on
2 Children and Youth.

3 3. The advisory committee shall create a Child Care Facility
4 Peer Review Board whose purpose shall be to participate in the
5 Department's grievance process. A majority of the Board shall be
6 representatives of child care facilities. The Department shall
7 promulgate rules specifying the duties of the Child Care Facility
8 Peer Review Board in the grievance process.

9 4. The advisory committee shall designate two people to serve
10 on the Department's Stars Administrative Review Panel. At least one
11 designee shall be the owner or operator of a licensed child care
12 center.

13 B. Child care facilities shall not allow children to be left
14 alone in the care of any person under ~~eighteen (18)~~ sixteen (16)
15 years of age. Child care centers and family child care homes shall
16 not:

17 1. Use soft or loose bedding, including, but not limited to,
18 blankets, in sleeping equipment or in sleeping areas used only for
19 infants;

20 2. Allow toys or educational devices in sleeping equipment or
21 in a sleeping area used only for infants; or

22 3. Place a child in sleeping equipment or in a sleeping area
23 which has not been previously approved for use as such by the
24 Department.

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

5 D. Such rules shall not be promulgated until after consultation
6 with the State Department of Health, the State Department of
7 Education, the Oklahoma State Bureau of Investigation, the State
8 Fire Marshal, the Commission on Children and Youth, the Oklahoma
9 Department of Mental Health and Substance Abuse Services and any
10 other agency deemed necessary by the Department. Not less than
11 sixty (60) days' notice, by regular mail, shall be given to all
12 current licensees before any changes are made in such rules.

13 E. In order to improve the standards of child care, the
14 Department shall advise and cooperate with licensees, the governing
15 bodies and staff of licensed child care facilities and assist the
16 staff through advice of progressive methods and procedures, and
17 suggestions for the improvement of services.

18 F. The Department may participate in federal programs for child
19 care services, and enter into agreements or plans on behalf of the
20 state for that purpose, in accordance with federal laws and
21 regulations.

22 SECTION 2. This act shall become effective July 1, 2018.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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