

1 ENGROSSED SENATE
2 BILL NO. 907

By: Daniels of the Senate

3 and

4 Ownbey of the House
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6 An Act relating to the Oklahoma Child Care Facilities
7 Licensing Act; amending 10 O.S. 2011, Section 403, as
8 last amended by Section 1, Chapter 377, O.S.L. 2017
9 (10 O.S. Supp. 2017, Section 403), which relates to
10 exemptions; modifying exemptions; amending 10 O.S.
11 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 minimum requirements; amending
provisions related to certain advisory committees;
modifying committee membership; and providing an
effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last
16 amended by Section 1, Chapter 377, O.S.L. 2017 (10 O.S. Supp. 2017,
17 Section 403), is amended to read as follows:

18 Section 403. A. The provisions of the Oklahoma Child Care
19 Facilities Licensing Act shall not apply to:

- 20 1. Care provided in a child's own home or by relatives;
- 21 2. Informal arrangements which parents make with friends or
22 neighbors for the occasional care of their children;
- 23 3. Care provided by an attorney-in-fact authorized by Section
24 700 of this title who exercises parental or legal authority on a

1 continuous basis for not less than twenty-four (24) hours and
2 without compensation for the intended duration of the power of
3 attorney;

4 4. Programs in which school-aged children three (3) years of
5 age and older are participating in home-schooling;

6 5. Programs that serve children three (3) years of age and
7 older and that are operated during typical school hours by a public
8 school district;

9 6. Programs that serve children three (3) years of age and
10 older and that are operated during typical school hours by a private
11 school that offers elementary education in grades kindergarten
12 through third grade;

13 7. Summer youth camps, summer programs or after-school programs
14 for children who are at least four (4) years of age, that are
15 accredited by a national standard-setting agency or church camp
16 accreditation program, or are accredited by, chartered by or
17 affiliated with a national non-profit organization;

18 8. Programs in which children attend on a drop-in basis and
19 parents are on the premises and readily accessible;

20 9. A program of specialized activity or instruction for
21 children that is not designed or intended for child care purposes
22 including, but not limited to, scouts, 4-H clubs and summer resident
23 youth camps, programs that limit children from enrolling in multiple
24 sessions because of the type of activity or ages accepted, and

1 single-activity programs such as academics, athletics, gymnastics,
2 hobbies, art, music, dance and craft instruction;

3 10. Any child care facility that:

4 a. provides care and supervision for fifteen (15) or
5 fewer hours per week,

6 b. operates less than ~~eight (8)~~ ten (10) weeks annually,

7 c. operates in the summer for less than eight (8) hours
8 per day, or

9 d. provides care and supervision for school-aged children
10 only in a center-based program for twenty-one (21) or
11 fewer hours a week and is located in a county with a
12 population of less than one hundred thousand (100,000)
13 according to the latest Federal Decennial Census;

14 11. Facilities whose primary purpose is medical treatment;

15 12. Boarding schools that have education as their primary
16 purpose and that are recognized as accredited by the State Board of
17 Education. To be exempt, such programs shall:

18 a. have classroom facilities that are not used for
19 residential living,

20 b. not have been granted nor have assumed legal custody
21 of any child attending the facility, and

22 c. adhere to standard educational holiday and seasonal
23 recess periods to permit students reasonable
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opportunities to return to their primary places of residence with parents or legal guardians;

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

14. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;

15. A program where children are not enrolled by the parents and are free to come and go;

16. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and

17. A program on a military base or federal property.

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

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

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

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

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

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

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

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

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

20 (6) a representative from a nonpublic, long-term
21 residential care facility for children in state
22 custody,

- (7) a representative from an organization promoting the interests of Native American children in state custody,
- (8) a ~~practicing pediatrician~~ provider of medical services for children,
- (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~~ provider of medical services for children, 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) a representative of a licensed child care home 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 home in an urban/suburban area,
- (7) a representative of a statewide organization advocating for early childhood education programs,
- (8) a representative of a statewide organization providing resources and referrals to child care facilities,
- (9) a ~~practicing pediatrician~~ provider of medical services for children, and
- (10) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth, and

1 d. The Quality Rating and Improvement System subcommittee
2 shall include representatives of child care centers
3 and child care homes currently licensed by the State
4 and other members as determined by the Department of
5 Human Services and the Commission on Children and
6 Youth.

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

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

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

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

21 3. Place a child in sleeping equipment or in a sleeping area
22 which has not been previously approved for use as such by the
23 Department.
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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 3. This act shall become effective November 1, 2018.
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1 Passed the Senate the 5th day of March, 2018.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

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9 Presiding Officer of the House
10 of Representatives