

An Act

ENROLLED SENATE
BILL NO. 907

By: Daniels of the Senate

and

Ownbey and Dunlap of the
House

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

SUBJECT: Oklahoma Child Care Facilities Licensing Act

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last amended by Section 1, Chapter 377, O.S.L. 2017 (10 O.S. Supp. 2017, 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 a 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. Care provided by an attorney-in-fact authorized by Section 700 of this title who exercises parental or legal authority on a continuous basis for not less than twenty-four (24) hours and without compensation for the intended duration of the power of attorney;

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

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

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

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

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

9. 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, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

10. Any child care facility that:

- a. provides care and supervision for fifteen (15) or fewer hours per week,
- b. operates less than ~~eight (8)~~ ten (10) weeks annually,

- c. operates in the summer for less than eight (8) hours per day, or
- d. provides care and supervision for school-aged children only in a center-based program for twenty-one (21) or fewer hours a week and is located in a county with a population of less than one hundred thousand (100,000) according to the latest Federal Decennial Census;

11. Facilities whose primary purpose is medical treatment;

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

- a. have classroom facilities that are not used for residential living,
- b. not have been granted nor have assumed legal custody of any child attending the facility, and
- c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable 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.

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

- a. the Residential Children's Services subcommittee shall include at a minimum:
 - (1) a representative of a statewide organization representing children in care arrangements outside their own home,
 - (2) a representative of a statewide organization providing residential services to youth in state custody,
 - (3) a recipient or former recipient of youth services for children in state custody,
 - (4) a representative of a statewide organization promoting adoption services,
 - (5) a parent or guardian providing foster care to a child or children in state custody,

- (6) a representative from a nonpublic, long-term residential care facility for children in state 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
- d. 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 Department of Human Services and the Commission on Children and Youth.

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

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

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

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

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

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

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

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

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

SECTION 3. This act shall become effective November 1, 2018.

Passed the Senate the 5th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____