

1 **SENATE FLOOR VERSION**

2 February 26, 2018

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 907

By: Daniels of the Senate

and

Ownbey of the House

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9 An Act relating to the Oklahoma Child Care Facilities
10 Licensing Act; amending 10 O.S. 2011, Section 403, as
11 last amended by Section 1, Chapter 377, O.S.L. 2017
12 (10 O.S. Supp. 2017, Section 403), which relates to
13 exemptions; modifying exemptions; amending 10 O.S.
14 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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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

23 1. Care provided in a child's own home or by relatives;
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1 2. Informal arrangements which parents make with friends or
2 neighbors for the occasional care of their children;

3 3. Care provided by an attorney-in-fact authorized by Section
4 700 of this title who exercises parental or legal authority on a
5 continuous basis for not less than twenty-four (24) hours and
6 without compensation for the intended duration of the power of
7 attorney;

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

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

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

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

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

1 9. A program of specialized activity or instruction for
2 children that is not designed or intended for child care purposes
3 including, but not limited to, scouts, 4-H clubs and summer resident
4 youth camps, programs that limit children from enrolling in multiple
5 sessions because of the type of activity or ages accepted, and
6 single-activity programs such as academics, athletics, gymnastics,
7 hobbies, art, music, dance and craft instruction;

8 10. Any child care facility that:

- 9 a. provides care and supervision for fifteen (15) or
10 fewer hours per week,
- 11 b. operates less than ~~eight (8)~~ ten (10) weeks annually,
- 12 c. operates in the summer for less than eight (8) hours
13 per day, or
- 14 d. provides care and supervision for school-aged children
15 only in a center-based program for twenty-one (21) or
16 fewer hours a week and is located in a county with a
17 population of less than one hundred thousand (100,000)
18 according to the latest Federal Decennial Census;

19 11. Facilities whose primary purpose is medical treatment;

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

- 23 a. have classroom facilities that are not used for
24 residential living,

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

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

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

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

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

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

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

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

20 SECTION 2. AMENDATORY 10 O.S. 2011, Section 404, as last
21 amended by Section 1, Chapter 377, O.S.L. 2016 (10 O.S. Supp. 2017,
22 Section 404), is amended to read as follows:

23 Section 404. A. 1. The Department of Human Services, in
24 consultation with the Oklahoma Commission on Children and Youth,

1 shall appoint advisory committees of representatives of child care
2 facilities and others to recommend minimum requirements and
3 desirable standards for promulgation by the Department.

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

9 a. the Residential Children's Services subcommittee shall
10 include at a minimum:

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

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

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

19 (4) a representative of a statewide organization
20 promoting adoption services,

21 (5) a parent or guardian providing foster care to a
22 child or children in state custody,
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- (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,

- 1 (4) a representative of a licensed child care
2 facility in a rural area,
- 3 (5) a representative of a statewide organization
4 advocating for licensed child care facilities
5 owned or operated by Native Americans,
- 6 (6) a representative of a licensed child care
7 facility in an urban/suburban area,
- 8 (7) a representative of a statewide organization
9 advocating for programs provided under the Head
10 Start program,
- 11 (8) a representative with knowledge of child care
12 programs offered by career technology center in
13 this state,
- 14 (9) a representative of a statewide organization
15 advocating for early childhood education
16 programs,
- 17 (10) a representative of a statewide organization
18 providing resources and referrals to child care
19 facilities,
- 20 (11) a ~~practicing pediatrician~~ provider of medical
21 services for children, and
- 22 (12) other appropriate representatives at the
23 discretion of the Department of Human Services
24 and Commission on Children and Youth,

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

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

6 (2) a parent or guardian with a child receiving care
7 at a licensed child care home,

8 (4) a representative of a licensed child care home in
9 a rural area,

10 (5) a representative of a statewide organization
11 advocating for licensed child care facilities
12 owned or operated by Native Americans,

13 (6) a representative of a licensed child care home in
14 an urban/suburban area,

15 (7) a representative of a statewide organization
16 advocating for early childhood education
17 programs,

18 (8) a representative of a statewide organization
19 providing resources and referrals to child care
20 facilities,

21 (9) a ~~practicing pediatrician~~ provider of medical
22 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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 26, 2018 - DO PASS AS AMENDED