

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2691

By: Dunlap

AS INTRODUCED

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 review and approve or disapprove any proposed star rating reduction; providing for probationary period to correct problems; authorizing reduction of star rating if problems are not corrected; prohibiting reduction below a specified level; requiring proposed reduction to be approved or disapproved by advisory committee; providing for codification; and providing an effective date.

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 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 shall include four
3 committees with representation for all categories of facilities
4 licensed by the Department and shall be comprised as follows:

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

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

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

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

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

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

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

22 (7) a representative from an organization promoting
23 the interests of Native American children in
24 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,

- 1 ~~(4)~~ (3) a representative of a licensed child care home in
2 a rural area,
- 3 ~~(5)~~ (4) a representative of a statewide organization
4 advocating for licensed child care facilities
5 owned or operated by Native Americans,
- 6 ~~(6)~~ (5) a representative of a licensed child care home in
7 an urban/suburban area,
- 8 ~~(7)~~ (6) a representative of a statewide organization
9 advocating for early childhood education
10 programs,
- 11 ~~(8)~~ (7) a representative of a statewide organization
12 providing resources and referrals to child care
13 facilities,
- 14 ~~(9)~~ (8) a practicing pediatrician, and
- 15 ~~(10)~~ (9) other appropriate representatives at the
16 discretion of the Department of Human Services
17 and Commission on Children and Youth, and
- 18 d. ~~The~~ the Quality Rating and Improvement System
19 subcommittee shall include representatives of child
20 care centers and child care homes currently licensed
21 by the State and other members as determined by the
22 Department of Human Services and the Commission on
23 Children and Youth.
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1 3. The advisory committee shall create a Child Care Facility
2 Peer Review Board whose purpose shall be to participate in the
3 Department's grievance process. A majority of the Board shall be
4 representatives of child care facilities. The Department shall
5 promulgate rules specifying the duties of the Child Care Facility
6 Peer Review Board in the grievance process.

7 4. If the Department proposes to reduce the Reaching for the
8 Stars Program star rating assigned to a child care center as
9 provided for in Section 2 of this act, the advisory committee shall
10 review and either approve or disapprove any proposed reduction.

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

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

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

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

22 C. The Department shall promulgate rules establishing minimum
23 requirements and desirable standards as may be deemed necessary or
24

1 advisable to carry out the provisions of the Oklahoma Child Care
2 Facilities Licensing Act.

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

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

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

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 405.6 of Title 10, unless there
22 is created a duplication in numbering, reads as follows:

23 A. If the Department of Human Services proposes to reduce the
24 Reaching for the Stars Program star rating assigned to a child care

center, the center shall be given a probationary period of six (6) months to correct the problems identified at the center.

B. If the problems are not corrected after the six-month probationary period, the star rating may be reduced one level; however, no star rating shall be reduced below a half star.

C. Any star rating reduction proposed by the Department shall be reviewed and either approved or disapproved by the advisory committee as provided by paragraph 4 of subsection A of Section 404 of Title 10 of the Oklahoma Statutes.

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

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