

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2400

By: Russ

AS INTRODUCED

An Act relating to child care; amending 10 O.S. 2011, Section 404, as last amended by Section 3, Chapter 25, O.S.L. 2019 (10 O.S. Supp. 2020, Section 404), which relates to advisory committees; modifying membership of child care advisory committee; establishing duties of advisory committee; modifying membership terms; requiring majority of committee members to represent licensed child care programs; mandating Director of Department of Human Services to promulgate rules; directing Department to designate members for certain panel; adding entities to consult on certain rules; 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 3, Chapter 25, O.S.L. 2019 (10 O.S. Supp. 2020, 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 an advisory ~~committees~~ committee of representatives of licensed child care facilities and others to ~~recommend:~~

a. prepare minimum requirements and desirable standards for promulgation by the Department, and

1 b. provide advice, recommendations and guidance for
2 concerns reported by licensed child care facilities or
3 referred by the Department to assist facilities in
4 meeting minimum requirements.

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

~~(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 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 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,~~
 - ~~(3) a representative of a licensed child care home in a rural area,~~
 - ~~(4) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,~~
 - ~~(5) a representative of a licensed child care home in an urban/suburban area,~~
 - ~~(6) a representative of a statewide organization advocating for early childhood education programs,~~
 - ~~(7) a representative of a statewide organization providing resources and referrals to child care facilities,~~
 - ~~(8) a provider of medical services for children, and~~
 - ~~(9) 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~~

1 ~~and child care homes currently licensed by the State~~
2 ~~and other members as determined by the Department of~~
3 ~~Human Services and the Commission on Children and~~
4 ~~Youth~~

5 terms as provided by the bylaws of the advisory committee. A
6 majority of the members of the advisory committee shall be
7 representatives of licensed child care programs.

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

15 4. The ~~advisory committee~~ Department shall designate two ~~people~~
16 members of the advisory committee to serve on the Department's Stars
17 Administrative Review Panel. At least one designee shall be the
18 owner or operator of a licensed child care center.

19 B. Child care facilities shall not allow children to be left
20 alone in the care of any person under eighteen (18) years of age
21 without supervision or sixteen (16) years of age with supervision as
22 delineated by the Department's rules. Child care centers and family
23 child care homes shall not:
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1 1. Use soft or loose bedding, including, but not limited to,
2 blankets, in sleeping equipment or in sleeping areas used only for
3 infants;

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

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

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

13 D. Such rules shall not be promulgated until after consultation
14 with the State Department of Health, the State Department of
15 Education, the Oklahoma State Bureau of Investigation, the State
16 Fire Marshal, the Oklahoma Commission on Children and Youth, the
17 ~~Oklahoma~~ Department of Mental Health and Substance Abuse Services,
18 the Office of Juvenile Affairs, the State Advisory Council on Early
19 Childhood Education and Care and any other agency deemed necessary
20 by the Department. Not less than sixty (60) days' notice, by
21 regular mail, shall be given to all current licensees before any
22 changes are made in such rules.

23 E. In order to improve the standards of child care, the
24 Department shall advise and cooperate with licensees, the governing

1 bodies and staff of licensed child care facilities and assist the
2 staff through advice of progressive methods and procedures, and
3 suggestions for the improvement of services.

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

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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