

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3545

By: Talley

AS INTRODUCED

An Act relating to children; amending 10 O.S. 2021, Section 404, which relates to child care facilities; requiring members of advisory committees to be representatives of licensed facilities; assigning duties; requiring majority of committee to consist of certain representatives; modifying requirements of representation on committee; modifying who the Department of Human Services must consult for the promulgation of rules; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2021, 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 licensed child care facilities and others to ~~recommend~~:

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

1 b. provide advice, recommendations, and guidance
2 regarding concerns brought by 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~~ terms per the advisory committee
7 bylaws. A majority of any committee appointed to prepare
8 requirements and standards for child care facilities shall be
9 representatives of the type of licensed child care programs that are
10 the subject of the requirements and standards. ~~The committees shall~~
11 ~~include representation for all categories of facilities licensed by~~
12 ~~the Department and shall be comprised as follows:~~

13 ~~a. the Residential Children's Services subcommittee shall~~
14 ~~include at a minimum:~~

- 15 ~~(1) a representative of a statewide organization~~
16 ~~representing children in care arrangements~~
17 ~~outside their own home,~~
18 ~~(2) a representative of a statewide organization~~
19 ~~providing residential services to youth in state~~
20 ~~custody,~~
21 ~~(3) a recipient or former recipient of youth services~~
22 ~~for children in state custody,~~
23 ~~(4) a representative of a statewide organization~~
24 ~~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 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,~~

1 ~~e. 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 ~~(3) a representative of a licensed child care home in~~
9 ~~a rural area,~~

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

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

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

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

21 ~~(8) a provider of medical services for children, and~~

22 ~~(9) other appropriate representatives at the~~
23 ~~discretion of the Department of Human Services~~
24 ~~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 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.

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

B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age without supervision or sixteen (16) years of age with supervision as delineated by the Department's rules. Child care centers and family child care homes shall not:

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 Department shall promulgate rules establishing minimum
10 requirements and desirable standards as may be deemed necessary or
11 advisable to carry out the provisions of the Oklahoma Child Care
12 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 Commission on Children and Youth, the Oklahoma
17 Department of Mental Health and Substance Abuse Services, the Office
18 of Juvenile Affairs, the Governor-appointed State Advisory Council,
19 and any other agency deemed necessary by the Department. Not less
20 than sixty (60) days' notice, by regular mail, shall be given to all
21 current licensees before any changes are made in such rules.

22 E. In order to improve the standards of child care, the
23 Department shall advise and cooperate with licensees, the governing
24 bodies and staff of licensed child care facilities and assist the
--

1 staff through advice of progressive methods and procedures, and
2 suggestions for the improvement of services.

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

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

11
12 59-2-9695 CMA 01/17/24
13
14
15
16
17
18
19
20
21
22
23
24
- -