

Licensing Requirements for
Community Hope Centers



OKLAHOMA
Human Services

Effective Date 6/1/2022

FOREWORD

Licensing requirements govern child care facilities in the State of Oklahoma. These rules are minimum requirements for the care and protection of children in care outside their own homes. They were developed by Oklahoma Department of Human Services (DHS) Child Care Services with input from individuals from various professions with expertise in child care, including providers; the Child Care Advisory Committee; and the public. The requirements were approved by the DHS Director and the Governor of the State of Oklahoma pursuant to the Oklahoma Administrative Procedures Act.

It is the intent of DHS that licensing requirements are clear, reasonable, fair and enforceable. In the interest of serving the public, comments are welcomed and will be considered for future revisions or development of new requirements. Please complete the form below and send it to:

Oklahoma Department of Human Services
Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125

COMMENTS REGARDING LICENSING REQUIREMENTS

Licensing Requirements for: _____

Reference: *Please give the cite and topic of the specific requirement to which you are referring, such as (a), regarding (re.) Program definitions.*

- Section _____ re: _____
- Section _____ re: _____

Recommendation:

Reason:

Your Name _____ Date _____

*Return Address: Oklahoma Department of Human Services
Child Care Services
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Oklahoma City, OK 73125
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PART 16. COMMUNITY HOPE CENTERS

(a) **Program definition.** Community hope centers are programs operating more than 15 hours per week, serving children and youth 5 through 17 years of age. Programs provide access to mental health professionals and resources meeting children's and youths' social and emotional well-being, the science of hope, and connections to additional community resources for families.

(b) **Request for license.** Programs complete Form 07LC004E, Request for License-Child Care Program.

(c) **Inspections and approvals.** Programs meet inspection and approvals in (1) through (3) of this subsection.

(1) The program is inspected and approved by Oklahoma Human Services (OKDHS) Child Care Services (CCS), per Oklahoma Administrative Code (OAC) 340:110-3-400 (a) through (u).

(2) A fire inspection and approval is required.

(3) An Oklahoma State Department of Health (OSDH) inspection and approval is required when meals are prepared and served.

(d) **Personnel qualifications.** Personnel meet qualifications in (1) through (3) of this subsection.

(1) **Program or site director.** Program or site directors are at least 21 years of age and responsible for the day-to-day program operation. Program or site directors meet one of the educational and experience qualifications in (A) and (B) of this paragraph. Program or site directors:

(A) have obtained a bachelor's degree from an accredited college or university with at least nine-college credit hours in family focus, child or youth development, sociology, social work, or a closely related subject, and six months children's and youth's services experience; or

(B) in lieu of a bachelor's degree have five years of experience in children's or youth's services; including care of children or youth with complex emotional needs and daily program operations.

(2) **Personnel meeting staff child and youth ratio.** Personnel possess adequate education, professional development, and experience to perform the position's essential functions. Personnel are at least 18 years of age and have a high school diploma or General Education Development (GED).

(3) **Personnel in charge.** Program personnel left alone with children or youth must meet personnel qualifications, be at least 21 years of age, and have a good understanding of licensing requirements and program policy.

(e) **Background investigations.** Background investigation requirements are met.

(1) **Required individuals.** Background investigations are required, per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. §§ 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception, per (3) of this subsection applies for:

(A) owners, prior to authorization to operate;

(B) responsible entities, prior to authorization to operate and, when there is a change in responsible entity;

(C) personnel applicants, prior to hire. However, the program may hire individuals, when:

(i) the program has submitted a criminal history review request to the Office of Background Investigations (OBI);

(ii) only awaiting the national criminal history records search, based on fingerprint submission;

(iii) criminal history review results from OBI are received by the program. However, until complete results are received, the individual does not have unsupervised access to children or youth; and

(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required, per (2) of this subsection, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity; and

(D) individuals with unsupervised access to children and youth, prior to having access to children and youth, unless an exception per (3) of the subsection applies;

(E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children and youth, who become 18 years of age while living in the facility; and

(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However, criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(3) **Non-required individuals.** Background investigations are not required for:

(A) specialized service professionals who are not program personnel, parent releases are signed and dated with an indication of understanding unsupervised access prior to children or youth seeing each professional.

(B) volunteer drivers transporting children or youth on an irregular basis and not filling another position, parent releases are signed and dated with an indication of understanding unsupervised access prior to children or youth having access to each volunteer driver;

(C) contracted drivers not filling another position or having unsupervised access to children or youth; and

(D) contracted non-personnel not having unsupervised access to children or youth, such as when the program contracts for special activities or facility repair.

(4) **Restricted Registry.** The program conducts an online search of the Restricted Registry, also known as Joshua's List, when required, per (1) of this subsection.

(A) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(B) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children or youth, or residence in a facility, or program licensed, certified,

operated or contracted with by the Department or the Office of Juvenile Affairs, and prohibited individuals, per (8) of this subsection.

(5) **Criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from OBI when required, per (1) of this subsection.

(A) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited, per (8) of this subsection. Criminal history prohibitions include:

(i) required registration under the:

(I) Sex Offenders Registration Act, including state and national repositories; or

(II) Mary Rippey Violent Crime Offenders Registration Act; or

(ii) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

(I) murder, as defined in Section 1111 of Title 18 of United States Code;

(II) child or youth neglect or abuse;

(III) crimes against children and youth, including child and youth pornography;

(IV) spousal abuse;

(V) crimes involving rape or sexual assault;

(VI) kidnapping;

(VII) arson;

(VIII) physical assault or battery; or

(IX) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver, per (6) of this subsection is granted; or

(iii) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child or youth involving:

(I) child or youth abuse or child or youth endangerment; or

(II) sexual assault; or

(iv) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child or youth pornography; or

(v) when an individual:

(I) refuses to consent to background investigations, per (1) of this subsection; or

(II) knowingly makes a materially-false statement in connection with criminal background investigations.

(B) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited, per (8) of this subsection, unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or convictions of criminal activity involving:

(i) gross irresponsibility or disregard for the safety of others;

(ii) violence against an individual;

(iii) sexual misconduct;

(iv) child and youth abuse or neglect;

(v) animal cruelty;

(vi) illegal drug possession, sale, or distribution; or

- (vii) a pattern of criminal activity.
- (6) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (D) of this paragraph.
 - (A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on an OKDHS-provided form.
 - (B) Restriction waivers are not requested or granted for:
 - (i) Restricted Registry registrants;
 - (ii) individuals with criminal history prohibitions; or
 - (iii) individuals whose sentence has not expired for criminal history restrictions.
 - (C) Individuals identified in pending or denied restriction waiver requests are prohibited, per (8) of this subsection.
 - (D) Granted criminal history restriction waiver notifications are maintained at the facility.
- (7) **References.** The program obtains at least three, non-relative references prior to hiring personnel applicants, with at least two references from the most recent employers, when applicable.
- (8) **Prohibited individuals.** Prohibitions are described in (A) through (F) of this paragraph.
 - (A) **Background investigation of required individuals.** The program does not allow a required individual to be the owner or responsible entity, to be employed, to live in the facility, or have:
 - (i) access to children and youth, such as being present at the facility during the hours of operation or present with the children or youth in care while off-site, when the individual has:
 - (I) criminal history prohibitions;
 - (II) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or
 - (III) a substantiated heinous and shocking abuse finding; or
 - (ii) unsupervised access to children or youth, when the individual is a Restricted Registry registrant.
 - (B) **Background investigation of drivers.** In addition to (A) of this paragraph, the program does not allow an individual who is required to obtain a background investigation to transport children or youth when the individual has entered a plea of guilty or nolo contendere (no contest), or been convicted of driving under the influence of alcohol or drugs or another impaired driving offense within the last five years.
 - (C) **Background of any individual.** The program does not allow any individual to have access to children and youth, such as being present at the facility during the hours of operation or present with the children and youth in care while off-site, when the program is aware the individual has criminal history prohibitions, per (5) of this subsection. However individuals may drop-off and pick-up children and youth in care.

(D) **Behavior or health of any individual.** The program does not allow any individual to have access to children and youth or live in the facility when the individual's behavior or health could endanger the health, safety, or well-being of children and youth.

(E) **Health of food service personnel.** In addition to (A) and (D) of this paragraph, the program does not allow any individual to work in any capacity in any area of food service whose health could endanger the health, safety, or well-being of children and youth, including communicable disease and infestation symptoms, other than head lice.

(F) **Treating medical personnel statement.** When it is reported or observed an individual has a physical, mental, or emotional condition that may negatively impact the children and youth or impair individual's ability to perform his or her assigned job responsibilities, the program may be required to submit a treating medical personnel statement to Licensing.

(f) **Personnel forms.** All program personnel, including program and site directors, complete an OKDHS-provided personnel form.

(g) **Responsibilities.** Personnel meet the general responsibility requirements in (1) through (2) of this subsection.

(1) **Complying with requirements.** Personnel comply with the requirements.

(2) **Caring for and educating children and youth.** Personnel:

(A) individualize the care and learning opportunities to meet each child's or youth's needs based upon the child's or youth's age and abilities, including reviewing the information provided by parents while respecting confidentiality;

(B) recognize and act to correct hazards to physical safety, both indoors and outdoors;

(C) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children and youth;

(D) demonstrate realistic expectations for behavior based on the age, abilities, and needs of children and youth; and

(E) work with children and youth without physical, psychological, or emotional punishment, mistreatment, or abuse.

(h) **Professional development.** Personnel meet professional development requirements in (1) through (5) of this subsection.

(1) All program personnel, including program and site directors, obtain an OKDHS-approved orientation, online video within one week of employment and prior to having sole responsibility of children or youth.

(2) At least one personnel is present in each building where children or youth are in care, off-site, or in vehicles during transportation; with current, age-appropriate cardio-pulmonary resuscitation and first aid (CPR/FA). When personnel do not currently have CPR/FA, obtaining at least online CPR/FA training is required.

(3) All program personnel, including program and site directors, receive Science of Hope training.

(4) At least one person per site is certified as a Hope Navigator.

(5) All program personnel, including program and site directors, obtain job-related professional development annually that includes health and safety topics as well as

emergency preparedness. Documentation is maintained on-site and includes the topic, training source, length of training, and date received. Topics include:

- (A) prevention and control of infectious disease;
- (B) administration of medication, consistent with standards for parental consent;
- (C) prevention and response to emergencies due to food and allergic reactions;
- (D) appropriate precautions in transporting children, when applicable;
- (E) building and physical premises safety; including identification of, and protection from, hazards, bodies of water, and vehicular traffic;
- (F) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event, such as violence at the facility, within the meaning of those terms, per Section 602(a)(1) of the Robert T. Stafford Disaster Relief And Emergency Assistance Act, per Section 5195a(a)(1) of Title 42 of the United States Code, that includes procedures for evacuation, relocation, shelter-in-place and lockdown, personnel and volunteer emergency continuity of operations and, accommodation of children and youth with disabilities and chronic medical conditions;
- (G) handling and storage of hazardous materials and appropriate disposal of bio contaminants;
- (H) age appropriate CPR/FA; and
- (I) recognition and reporting of child abuse and neglect, per (j) of this Section.

(i) **Child and youth records.** Programs maintain child and youth information on an OKDHS-provided form.

(j) **Reporting.** Programs meet reporting requirements in (1) through (3) of this subsection.

(1) **Licensing.** The owner, responsible entity, or program or site director notifies Licensing by the next OKDHS-business day of:

- (A) a known legal action, such as a Victim Protection Order, arrest, or criminal *investigation* or charge, involving the program, owner, responsible entity, personnel, or an individual living in the facility;
- (B) a known child or youth neglect or abuse investigation involving the owner, responsible entity, personnel, or an individual living in the facility that is pending or has a disposition;
- (C) an unscheduled, temporary or permanent program closure or relocation;
- (D) facility damage affecting the amount of usable square footage or compliance with requirements;
- (E) an incident that exposes children or youth to an imminent risk of harm, such as a child or youth leaving the facility without program knowledge, or being left alone on- or off-site or in a vehicle;
- (F) an animal bite to an individual that occurs on-site at any time or off-site when participating in program activities;
- (G) an accident involving transportation, unless there were no injuries and only minor damage to the vehicles;
- (H) a child or youth injury requiring emergency medical attention; and
- (I) a child or youth death or near death, occurring while in care.

(2) **Child or youth abuse and neglect and human trafficking.**

(A) **Abuse and neglect.** Any person who has reason to believe a child or youth has been abused or neglected, per 10A O.S. § 1-1-105, is required to report the matter promptly to the OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per 10A O.S. § 1-2-101. Failure to report is a misdemeanor offense and, upon conviction, is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(B) **Human trafficking.** Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children or youth, as described in 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(3) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or primary caregiver provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.

(A) Notification is:

(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and

(ii) provided by certified mail.

(B) The program maintains the list of notified parents and legal guardians for at least 12 months.

(k) **Staff to child and youth ratio.** Children and youth are adequately supervised at all times whether on or off the facility premises. Ratios and age groups of children and youth are maintained, per (1) and (2) of this subsection.

(1) Children 5 through 12 years of age have one personnel to 20 children.

(2) Youth 13 through 17 years of age have one personnel to 25 youth.

(l) **Facility and premises.** Facility requirements are met, per (1) through (16) of this subsection.

(1) **Utilities.** Programs have operable utilities, including hot water.

(2) **Square footage and capacity.** Indoor square footage and areas are maintained, per (A) through (C) of this paragraph.

(A) **Indoor square footage for licensed capacity.** A minimum of 35 square feet of indoor floor space per child and or youth is required for routine use by children and youth.

(B) **Areas not counted toward licensed capacity or limited for children's and youth's use.** Some areas may not be suitable for children's and youth's use or only under the conditions listed in (i) through (iii) of this subparagraph.

(i) Areas not counted toward the licensed capacity are:

(I) restrooms, kitchens, and hallways;

(II) storage closets and supply rooms;

(III) personnel offices, work rooms, and break rooms;

(IV) areas occupied by furniture not for children's or youth's use; and

(V) supplemental areas or rooms used exclusively for eating, rest time, gross motor activities, or care of ill children or youth.

(ii) Basements, areas partially below ground level, and floors above ground level are only counted toward the licensed capacity when approved by the

- local or state fire governmental authority having jurisdiction. Fire inspection approval is also required before children or youth use the area for any reason, except as part of the emergency plans and procedures, such as during tornados or lock-downs. Fire inspection reports indicate age restrictions. When used by children or youth, basements are finished, dry, and ventilated.
- (iii) Large areas, such as gymnasiums are only counted toward the licensed capacity when divided into rooms for children 5 years of age and older; however, they may be used as a supplemental area for any age.
- (C) **Room capacity.** Rooms are not routinely occupied by more children or youth than can be accommodated by the square footage, per (A) of this paragraph.
- (3) **Hazards.** Hazards mean anything that may inflict injury or cause harm.
- (A) The facility is free of hazards.
- (B) Hazardous items are inaccessible, including those in personal belongings, such as backpacks and purses.
- (C) Personnel recognize and act to correct hazards to physical safety, both indoors and outdoors.
- (4) **Illegal drugs.** The facility and vehicles used to transport children or youth are free of illegal drugs and paraphernalia.
- (5) **Tobacco products.** Tobacco and simulated tobacco products and related items, such as ashtrays and cigarette butts are inaccessible.
- (6) **Matches and lighters.** Matches and lighters are inaccessible.
- (7) **Open flames.** Items with open flames, such as candles are not used during the hours of operation.
- (8) **Weapons and ammunition.** Any weapons and ammunition, such as firearms, cap pistols, bows and arrows, and hunting knives are kept in an inaccessible area. In addition:
- (A) weapons are kept unloaded in locked containers or cabinets;
- (B) ammunition is kept in locked containers or cabinets, separate from weapons;
- (C) keys, combinations, and codes used for locked storage are inaccessible; and
- (D) parents are informed of weapons.
- (9) **Vehicle items.** When transported, children or youth are protected from items in the vehicle that may become a hazard during vehicle operation or in the event of an accident.
- (10) **Miscellaneous.** The requirements in (A) and (B) of this paragraph are met.
- (A) Fireworks are inaccessible.
- (B) Compressed gas cylinders are secured to prevent falling over.
- (11) **Animals.** Animals on the premises do not pose a health or safety risk to children and youth. Current vaccination records are maintained at the facility.
- (12) **Water safety.** Pools and other bodies of water are inaccessible.
- (A) On-site indoor and outdoor swimming pools are enclosed and secured to prevent unsupervised access. Doors and gates leading to the pool are locked.
- (B) Outdoor in-ground pools are fenced and fencing:
- (i) is sturdy;
- (ii) cannot be easily climbed;
- (iii) is at least four feet high and starts at ground-level; and

- (iv) may include a building wall, provided doors are kept locked and any windows are unable to be opened by children or youth.
- (C) Outdoor above-ground pools have:
 - (i) a fence that meets the in-ground pool fencing requirements;
 - (ii) at least four feet of non-climbable pool sidewalls; or
 - (iii) a combination of pool sidewalls and fencing, with the fence attaching to and extending above the pool sidewalls, for a total height of at least four feet.
- (D) Outdoor above-ground pools with steps leading to the pool have the steps removed or otherwise protected to prevent unsupervised access.
- (13) **Bathrooms.** Bathrooms meet sink and toilet requirements. Programs may request an alternative compliance, when needed. OKDHS approvals are granted on a case-by-case basis. The facility has:
 - (A) one toilet and one sink for every 25 children and youth; and
 - (B) separate restrooms for male and female youth 13 through 17 years of age.
- (14) **Toileting facilities.** The toileting facilities:
 - (A) have operable toilets;
 - (B) have toilet paper within easy reach of children and youth;
 - (C) with doors, unlock from the outside in an emergency; and
 - (D) used by children 6 years of age and older provide privacy, such as being equipped with doors or having children or youth take turns while supervision is maintained.
- (15) **Hand washing facilities.** The hand washing facilities requirements in (A) and (B) of this paragraph are met.
 - (A) Required sinks are plumbed, per the Oklahoma Plumbing Licensing Act.
 - (B) Hand washing facilities have:
 - (i) operable sinks with running water between 80 and 120 degrees Fahrenheit; and
 - (ii) soap, paper towels or mechanical hand dryers, and trash containers within easy reach of children and youth.
- (16) **Food storage.** Programs maintain adequate food storage.
- (m) **Children and youth health.** Programs meet medication and health requirements, per (1) through (9) of this subsection.
 - (1) **Program policy.** The program maintains medication policy that includes procedures for:
 - (A) storing, administering, returning, and disposing of medications;
 - (B) storing, using, returning, and disposing of medical waste, such as syringes, needles, and lancets;
 - (C) using sun safety methods, such as sunscreen; and
 - (D) using insect repellent.
 - (2) **Parent provides.** Prescription and over-the-counter medications are provided by the individual child's or youth's parent.
 - (3) **Parental permission.** Parental permission is obtained prior to administering the medication. Documentation is maintained at the facility.
 - (4) **Administration.** Medications are administered, per the requirements in (A) through (F) of this paragraph.
 - (A) Medications are only administered:

- (i) by the designated personnel; and
- (ii) to the child or youth whose full name is on the container label.
- (B) Expired medication is not administered.
- (C) Prescription medications are administered according to the container instructions, including only administering when the medication is part of a prescribed therapeutic treatment.
- (D) Over-the-counter medications are administered according to the:
 - (i) container instructions; or
 - (ii) physician instructions.
- (E) Oral medications are administered with a measuring device designed to measure medication.
- (F) Each dose administered is immediately documented.
- (5) **Inaccessible.** Medications are inaccessible to children and youth.
- (6) **Labeling and storing.** Medications are:
 - (A) maintained in the original container;
 - (B) labeled with the child's or youth's full name;
 - (C) stored according to the container label, including temperature; and
 - (D) stored in locations, such as cabinets or drawers, clearly labeled "medication."
 In addition:
 - (i) refrigerated medications are stored in a container clearly labeled "medication"; and
 - (ii) life-threatening condition medications, such as epinephrine pens and rescue inhalers, are in close proximity to the child or youth for immediate administration when needed, such as being in the same classroom or supplemental activity area as the child or youth, outdoors when the child or youth is outside, or on field trips.
- (7) **Return to parents.** Medications are returned to parents:
 - (A) daily;
 - (B) when the parental permission period ends as documented;
 - (C) when the medication expires; or
 - (D) when the child or youth is withdrawn from the program.
- (8) **Insect repellents and sunscreens.** Insect repellents and sunscreens are not considered medications. The program maintains insect repellent and sun safety policies.
- (9) **COVID-19 virus guidelines.** Programs follow the Center for Disease Control (CDC) or Oklahoma State Department of Health COVID-19 virus guidelines for hand washing, group sizes, and use of personal protective equipment (PPE).
- (n) **Food and nutrition.** Programs provide two meals and snacks per day and meet Child and Adult Care Food Program (CACFP) guidelines. Nutritional weekend food supplements are provided to children and youth.
 - (1) **Required meals and snacks.** The program ensures children and youth are served meals and snacks according to program hours of operation and children's and youth's attendance, regardless of the program or parents providing the food.
 - (A) **Full day care.** Morning meal or snack, mid-day meal, and afternoon snack are served.
 - (B) **Evening care.** Evening meal and evening snack are served.

- (C) **Overnight care.** Evening meal, evening snack, and morning meal are served.
- (D) **Children's and youth's attendance.** Children or youth in care over a four-hour period are served a meal.
- (2) **Nutritional quality and quantity.** The nutritional requirements in (A) and (B) of this paragraph are met.
- (A) **Meals and snacks.** Meals and snacks are required to meet the current CACFP guidelines, per OAC 340 Appendix LL - Meal and Snack Patterns.
- (B) **Additional servings.** Additional servings:
- (i) are available when the child or youth remains hungry;
 - (ii) meet the nutritional requirements, per this subsection; and
 - (iii) are not required to be the same food as the first serving.
- (3) **Water.** Safe drinking water is freely available to children and youth at all times. Children and youth are encouraged to drink water throughout the day, especially before, during, and after outdoor activities.
- (4) **Program provided meals and snacks.** When the program provides the meals, snacks, or both, the parents may be requested and allowed to provide for:
- (A) their own children or youth who:
 - (i) have special dietary needs, including health or religious restrictions; or
 - (ii) are participating in a field trip; and
 - (B) a group of children or youth on special occasions.
- (5) **Allergies.** Programs request child and youth food allergy information from parents.
- (o) **Discipline and personnel interaction.** Discipline is developmentally appropriate, responsive to the circumstances, constructive, and provides an opportunity to learn and meets requirements in (1) through (3) of this subsection.
- (1) **General.** Personnel do not seek or accept parental permission that does not comply with requirements.
- (2) **Appropriate discipline.** Personnel use appropriate discipline methods.
- (A) **Assessment.** Personnel evaluate the environment, atmosphere, and activities before considering specific child or youth interventions.
- (B) **Interaction.** Personnel interact with an attitude of understanding and firmness.
- (C) **Fairness and consistency.** Personnel use fair and consistent rules.
- (D) **Perspective.** Personnel maintain perspective and recognize every behavior does not require the teaching personnel's attention or intervention.
- (E) **Expressing acceptance and disapproval.** Personnel speak so children and youth understand they and their feelings are acceptable, but their action or behavior may be unacceptable.
- (F) **Self-control.** Personnel encourage children and youth to develop self-control.
- (G) **Relevant.** Personnel choose discipline relevant to the behavior.
- (H) **Redirect.** Personnel provide alternatives when the behavior is unacceptable.
- (I) **Consequences.** Personnel use safe, natural, and logical consequences to help children and youth take responsibility for their actions.

(J) **Individualize.** Personnel recognize every discipline method is not effective with every child or youth, circumstance, or both.

(3) **Inappropriate discipline.** Personnel are prohibited from using or threatening to use inappropriate discipline.

(A) **Physical.** Examples of inappropriate physical discipline include:

- (i) actions that could cause pain, such as shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spitting, hair pulling, yanking, and slamming;
- (ii) biting a child or youth;
- (iii) putting anything in, or on, a child's or youth's mouth;
- (iv) exposure to extreme temperatures;
- (v) excessive or forced exercise; and
- (vi) restraining a child or youth by any means other than holding, and then for only as long as necessary for the child or youth to regain self-control.

(B) **Psychological and emotional.** Examples of inappropriate psychological and emotional discipline, include:

- (i) humiliating, rejecting, or neglecting a child or youth;
- (ii) making derogatory or sarcastic remarks about a child's or youth's family, race, gender, religion, or cultural background;
- (iii) yelling at a child or youth out of anger or using harsh or profane language;
- (iv) punishing or threatening a child or youth in association with:
 - (I) education, such as writing repetitive sentences and homework;
 - (II) withdrawing, denying or forcing food, rest, or toileting; and
 - (III) withdrawing or denying outdoor activity or a weather-alternate activity;or
- (v) isolating a child or youth without supervision;
- (vi) placing a child or youth in a dark area;
- (vii) allowing a child or youth to discipline other children or youth; or
- (viii) punishing an entire group due to the actions of one or a few children or youth.

(p) **Child and youth programming and equipment.** Program activities are age-appropriate and provide enrichment activities to address social and emotional well-being and the science of hope.

(1) Program personnel help facilitate children and youth's remote and virtual learning; including assistance with homework and class assignments.

(2) Activities for children 5 through 12 years of age meet requirements in (A) through

(D) of this paragraph. Each child or youth is:

(A) provided an inclusive environment that:

- (i) meets the child's and youth's needs and encourages full participation; and
- (ii) is equipped and prepared for learning, based on each child's or youth's age, needs, and interests;

(B) provided multiple opportunities to engage individually or in small, informal groups for the majority of the day;

(C) allowed to choose an activity, whether teaching personnel-directed or child- or youth-selected; and

- (D) encouraged, but not forced, to participate in program activities, with adaptations made to ensure safety and participation.
- (3) **Electronic and print media.** Media may be used with children and youth, provided these restriction requirements are met.
- (A) Electronic and print media are chosen with discretion and selectivity and are:
- (i) non-violent;
 - (ii) non-vulgar;
 - (iii) non-sexually explicit;
 - (iv) culturally sensitive; and
 - (v) age-appropriate, according to widely accepted rating systems.
- (B) When the Internet is accessible for children's or youth's use, the program ensures children and youth do not have access to inappropriate websites, email, instant messaging, and similar technology.
- (C) Screen time is:
- (i) viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time includes children and youth watching the screens while others use the media, such as game playing or watching videos;
 - (ii) not used during meal and snack times; however, snacks may be provided during occasional special activities; and
 - (iii) limited for all other groups whether a teaching personnel-directed or child- or youth-selected activity.
- (D) Technology and media do not replace hands on learning activities. Instead technology aligns and is integrated with other core lesson plan experiences and opportunities in the child or youth care program.
- (E) Recommended daily screen time for limited screen time activities outside of virtual learning activities should not exceed:
- (i) one hour and 45 minutes a day for pre-kindergarten and kindergarten;
 - (ii) two hours and 10 minutes a day for 1st and 2nd grades;
 - (iii) two hours and 20 minutes a day for 3rd through 5th grades; or
 - (iv) four hours a day for 6th grade and above.
- (F) Personnel do not use electronic media for personal use in the presence of children or youth, with the exception of an e-reader when used during rest time for reading, provided supervision is maintained.
- (4) **Equipment for children 5 through 12 years of age.** Equipment meets developmental needs of children in care. When obtaining and maintaining basic activity equipment, the requirements in this paragraph are met.
- (A) **Type and quantity.** The equipment is:
- (i) of appropriate type and size to meet the physical, cognitive, emotional, and social development needs of the age group, individual children, or youth in care; and
 - (ii) provided in type and quantity, per OAC 340 Appendix MM – Equipment, utilizing the equipment chart for children 6 years of age and older. An exception to the book quantity requires only five books for every 20 children.
- (B) **Condition.** The equipment is:
- (i) safely constructed, and lead free;

- (ii) installed, maintained, and used according to the manufacturers' instructions;
- (iii) maintained in a safe condition that prevents hazards, such as splinters, loose parts, protrusions, and sharp edges;
- (iv) complete and in good working condition and repair, without holes and tears; and
- (v) clean and sanitary.

(5) **Equipment for youth 13 through 17 years of age.** Equipment is adequate for the number of youth in care and provides a variety of appropriate activities.

(q) **Transportation.** When children or youth in care are transported in a vehicle, whether provided, arranged, or contracted by the program, requirements in (1) through (8) of this subsection are met.

(1) **General.** Programs meet requirements in (A) through (C) of this paragraph.

(A) When the program contracts for transportation, including the use of public transportation, the program is responsible for ensuring the contracted entity meets the transportation requirements, including child passenger safety training.

(B) Children and youth are not transported in vehicles or parts of vehicles not designed for transporting people, such as truck beds, campers, and trailers.

(C) Drivers and vehicles used to transport children and youth are in compliance with all applicable state laws, including vehicle insurance. Insurance documentation is maintained at the facility.

(2) **Driver, child passenger safety, and CPR/FA.** Driver and professional development requirements in (A) through (D) of this paragraph are met.

(A) **Drivers.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements. Drivers:

- (i) are at least 21 years of age;
- (ii) are not youth in care;
- (iii) have a valid driver or commercial driver license (CDL) in his or her state of residence, appropriate for the type of vehicle driven. License documentation is maintained at the facility;
- (iv) who are contracted personnel or volunteers, may not be required to obtain criminal history reviews, per (e)(3); and
- (v) are prohibited when required, per (e)(8).

(B) **Position specific responsibilities.** Drivers:

- (i) transport children and youth; and
- (ii) meet the transportation requirements, per this subsection.

(C) **Position specific professional development.** Drivers, excluding volunteers who transport on an irregular basis and do not fill another position, obtain within three months of transporting children or youth:

- (i) child passenger safety training, from the program's trained personnel or an OKDHS-approved child passenger safety course or a trained personnel is in the vehicle with the contracted driver, unless the vehicle used is exempt, per (7)(E) of this subsection. In addition, personnel who assist with child passenger restraints obtain this training from the options indicated, within three months of assisting; and
- (ii) vehicle safety training:

- (I) for the safe operation of the type of vehicle driven, when driving a vehicle designed to transport 10 or more passengers; and
- (II) from any training source, excluding owner manuals.
- (D) **CPR/FA.** The CPR/FA certification requirements are met.
- (3) **Parental permission and attendance documentation.** Permission and attendance requirements in (A) and (B) of this paragraph are met.
 - (A) Transportation and field trip permission is maintained at the facility.
 - (B) Attendance documentation is maintained at the facility.
- (4) **Ratios and supervision.** Ratios and supervision requirements in (A) through (D) of this paragraph are met.
 - (A) The driver may count in ratios.
 - (B) Children and youth are never left unattended in vehicles.
 - (C) Supervision during transportation:
 - (i) begins at the pre-arranged pick-up time or when the child or youth is actually picked up, whichever is earlier. When the child or youth is not present or there is a contradiction about who is responsible for picking up the child or youth, the program informs the parent; and
 - (ii) ends at the pre-arranged drop-off time or when the child or youth is actually dropped off, whichever is later. The child or youth is only left at the pre-arranged drop-off location or with the individual designated by the parent.
 - (D) Children's and youth's entire bodies remain in the vehicle.
- (5) **Communication.** Communication device requirements in (A) and (B) of this paragraph are met.
 - (A) An operable phone is in each vehicle when children or youth are transported.
 - (B) Drivers do not use any communication device while driving.
- (6) **Safety and tobacco-free.** Safety requirements in (A) through (E) of this paragraph are met.
 - (A) Vehicles have a first aid kit.
 - (B) Vehicles are free of hazards.
 - (C) Safe conduct to, and from the vehicles, and safe off-street loading spaces are provided to protect children and youth from:
 - (i) backing vehicles;
 - (ii) being between vehicles; and
 - (iii) traffic hazards.
 - (D) The vehicle door locks are activated when the vehicle is moving.
 - (E) Tobacco use is prohibited.
- (7) **Passenger restraints, seating, and airbags.** Passenger restraint, seating, and airbag requirements in (A) through (E) of this paragraph are met.
 - (A) Vehicle maximum capacity and seating space, per manufacturers' designations is not exceeded.
 - (B) Children and youth sit in seats behind the front seat. However, when all these positions are taken by other children or youth in care, children and youth may sit in the front seat, provided requirements in (i) and (ii) of this subparagraph are met.

- (i) When there is a front seat passenger airbag and children 12 years of age and younger are in the front seat, the airbag is deactivated by a weight-sensitive seat when equipped with such, or a manual switch.
 - (ii) When the airbag cannot be deactivated, the front seat is pushed back as far as possible and only a child whose age and weight requires a forward facing car seat with a harness, per manufacturers' instructions may sit in the front seat.
- (C) Child passengers remain properly secured in child passenger restraint system, such as a booster seat or an individual seat belt in compliance with applicable state laws, unless the vehicle is exempt, per (E) of this paragraph. Children or youth do not share a seat belt.
- (i) Booster seats are:
 - (I) federally approved;
 - (II) installed according to the manufacturers' instructions;
 - (III) appropriate to the height, weight, and physical condition of the child, per manufacturers' instructions; and
 - (IV) properly maintained, such as not expired or previously involved in a vehicle accident.
 - (ii) Seat belts:
 - (I) are properly anchored to the vehicle; and
 - (II) fit the child appropriately, per child passenger safety training.
- (D) Adult passengers, including the driver, remain properly secured in an individual seat belt unless:
- (i) unable, due to medically documented reasons; or
 - (ii) the vehicle is exempt, per (E) of this paragraph.
- (E) The vehicle exemption to passenger restraints is for buses, unless designed for, or equipped with seat belts, or the Lower Anchors and Tethers for Children (LATCH) system. Passengers remain seated in exempt vehicles.
- (8) Vehicles and vehicle maintenance.** Vehicle maintenance requirements in (A) through (C) of this paragraph are met.
- (A) The vehicle requirements apply to:
 - (i) program vehicles at all times; and
 - (ii) personal vehicles when transporting children or youth.
 - (B) Vehicle maintenance is:
 - (i) conducted at least quarterly on:
 - (I) program vehicles; and
 - (II) personal vehicles used on a regular basis; and
 - (ii) documented and maintained at the facility.
 - (C) The vehicles:
 - (i) are identified with the program or business entity name and phone number that is easily read by the public, unless using contracted transportation;
 - (ii) are in a safe operating condition;
 - (iii) have an operable heater used during cold weather to maintain an interior temperature of at least 65 degrees Fahrenheit;
 - (iv) have a ventilation system used during hot weather, such as air conditioning or operable windows; and

- (v) have stationary padded seats, with a back properly anchored to the vehicle.
- (r) **Family communication and community resources.** Parents are informed of children's and youth's activities and health, per (1) through (4) of this subsection.
 - (1) **Immediately.** The program immediately notifies parents of:
 - (A) a child or youth who does not arrive on his or her own at the facility as scheduled, such as when walking to the facility;
 - (B) a child or youth not present at the pick-up location as scheduled;
 - (C) a child, youth, or individual at the pick-up location who believes the child or youth is to be transported by the program, when the program is not providing this transportation;
 - (D) administration of a life-threatening condition medication only administered as needed;
 - (E) an injury that may need a licensed physician's evaluation;
 - (F) poison exposure; and
 - (G) an animal bite to a child or youth, when the skin is broken or when a licensed physician's evaluation may be needed.
 - (2) **Promptly.** The program notifies parents promptly of a child or youth who is separated from the group due to an illness or infestation or when exclusion is required, per OAC 340 Appendix JJ - Exclusion Criteria for Children Who Are Ill.
 - (3) **Upon child and youth pick up.** The program notifies parents upon child or youth pick up of:
 - (A) changes in the child's or youth's physical or emotional state;
 - (B) known minor injuries;
 - (C) illness or infestation symptoms that developed or changed;
 - (D) a communicable disease or infestation exposure;
 - (E) an animal bite to a child or youth, when the skin is not broken; and
 - (F) implemented emergency plans and procedures, except for drills.
 - (4) **Prior.** Parental permission is required prior to:
 - (A) medication administration;
 - (B) transportation;
 - (C) field trips including the date, time, and location; and
 - (D) volunteer drivers transporting children or youth, per (e)(3) of this Section.
- (s) **Emergency preparedness.** Programs meet (1) through (7) of this subsection.
 - (1) **Emergency plans and procedures.** Emergency plans and procedures requirements are met.
 - (A) **General.** The program is required to have emergency plans that are:
 - (i) individualized to the program and hours of operation;
 - (ii) followed, unless children's or youth's safety is at risk or emergency personnel provide alternative instructions during an emergency; and
 - (iii) maintained in a readily available and portable manner for emergencies.
 - (B) **Situations.** Emergency plans include procedures for:
 - (i) serious injuries;
 - (ii) serious illnesses;
 - (iii) poison exposure;

- (iv) outbreaks of communicable diseases, including pandemics, such as influenza and Covid-19 virus;
 - (v) weather conditions, including tornados, floods, blizzards, and ice storms;
 - (vi) fires, including wildfires;
 - (vii) man-made disasters, including chemical and industrial accidents;
 - (viii) human threats, including individuals with threatening behaviors, bomb threats, and terrorist attacks;
 - (ix) lost or abducted children and youth;
 - (x) utility disruption; and
 - (xi) other natural or man-made disasters that could create structural damage to the facility or pose health hazards.
- (C) **Children and youth needs.** Emergency plans include procedures for addressing each child's or youth's needs, with additional considerations for children and youth with disabilities or chronic medical conditions.
- (D) **Account for children and youth.** The emergency plans include procedures to account for each child's and youth's location during an emergency.
- (E) **Shelter-in-place.** Emergency plans include shelter-in-place procedures for short- and extended-stay situations that require children and youth to stay in the building, such as during tornados and other weather emergencies.
- (F) **Lock-down.** Emergency plans include lock-down procedures for situations threatening children's, youth's and personnel's safety. Lock-down procedures include:
- (i) notifying personnel;
 - (ii) keeping children and youth in designated safe locations in the building;
 - (iii) encouraging children and youth to remain calm and quiet;
 - (iv) securing building entrances;
 - (v) preventing unauthorized individuals from entering the building. When the program is in a shared facility, the program entrances are secured; and
 - (vi) responding when outdoors and on field trips.
- (G) **Evacuation.** Emergency plans include evacuation procedures for situations, such as building fires, requiring children, youth, and personnel to leave the building. Evacuation procedures:
- (i) include at least two evacuation routes labeled on the floor plan of the program;
 - (ii) are posted in each area of the program utilized by children, youth, and personnel; and
 - (iii) identify pre-determined meeting locations.
- (H) **Relocation.** Emergency plans include relocation procedures for situations requiring children and youth move to an alternate location, such as bomb threats and wildfires. Relocation procedures include:
- (i) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at the alternate locations;
 - (ii) relocating children and youth, including a pre-determined transportation plan; and
 - (iii) reuniting parents with children and youth.
- (I) **Reporting.** Emergency plans include procedures for notifying:

- (i) emergency authorities, including the poison control center, when necessary;
 - (ii) parents, including a method and backup method for how and when parents are notified; and
 - (iii) Licensing, per (j) of this Section.
- (J) **Personnel.** Emergency plans include procedures for ensuring personnel are familiar with the:
- (i) current emergency plans and procedures, including roles and responsibilities in an emergency;
 - (ii) location of the emergency plans and procedures;
 - (iii) location of the posted emergency information;
 - (iv) location of the first aid and emergency supply kits; and
 - (v) location and use of the fire extinguishers.
- (2) **Phones.** Phone requirements in (A) through (C) of this paragraph are met.
- (A) **On-site.** The program provides an operable phone in each building and on each floor.
- (B) **Off-site.** An operable phone is available at off-site activities.
- (C) **Vehicles.** An operable phone is in each vehicle when children or youth are transported.
- (3) **Posted emergency information.** Emergency information is posted, per (A) through (C) of this paragraph.
- (A) **Program information and emergency numbers.** Information and numbers are posted in a prominent location for personnel and all areas utilized for children, youth, and personnel. Items to post include:
- (i) the program name and address, with main cross streets or directions to the facility;
 - (ii) 911, where available; or local law enforcement, fire department, and ambulance services; and
 - (iii) poison control, 1-800-222-1222.
- (B) **First aid kit, emergency supply kit, and fire extinguisher locations.** Locations of first aid and emergency supply kits and extinguishers are posted in all areas used by children and youth.
- (C) **Evacuation routes.** Routes are posted, per (1)(G) of this subsection.
- (4) **First aid kits.** First aid kits meet requirements in (A) through (E) of this paragraph.
- (A) **Location.** First aid kits are located in each building and in vehicles when transporting children and youth.
- (B) **Accessibility.** First aid kits are accessible to personnel at all times and inaccessible to children and youth.
- (C) **Replacement.** First aid kit supplies are replaced as needed, including expired items.
- (D) **Sanitary.** First aid kit supplies are maintained in a clean and sanitary manner, including sanitizing re-usable supplies.
- (E) **Supplies.** First aid kit supplies are stored together in a portable container.
- (i) Supplies include, at least:
 - (l) non-medicated adhesive strips;

- (II) sterile gauze pads;
- (III) rolled flexible or stretch gauze;
- (IV) bandage tape;
- (V) disposable non-porous, latex-free gloves;
- (VI) blunt-tipped scissors;
- (VII) tweezers;
- (VIII) a non-glass and non-mercury thermometer. The appropriate thermometer and method are used to take a child's or youth's temperature when there is a concern;
- (IX) a current first aid guide; and
- (X) a copy of the posted program information and emergency numbers, per (3) of this subsection.

(ii) In addition, the first aid kits in vehicles include, at least:

- (I) a cold pack;
- (II) liquid soap and water or individually packaged moist, disposable towelettes, for cleaning wounds;
- (III) hand sanitizer and moist, disposable towelettes, for hand hygiene;
- (IV) plastic bags for disposal of items contaminated with blood or other body fluids; and
- (V) a pen or pencil and note pad.

(5) **Emergency supply kit.** Emergency supply kits meet requirements in (A) and (B) of this paragraph.

(A) **Records.** Records available during an emergency include, at least the:

- (i) emergency plans and procedures and alternate location addresses, phone numbers, and contacts;
- (ii) emergency contacts; and
- (iii) full names of children, youth, and personnel currently in attendance.

(B) **Supplies.** Emergency supplies gathered at the time of an emergency or maintained in a portable container at all times include, at least:

- (i) a first aid kit; and
- (ii) children's and youth's prescribed medications, including life-threatening condition medications.

(6) **Testing and maintaining emergency equipment.** Equipment is tested and maintained, per (A) through (C) of this paragraph.

(A) **Individual smoke and carbon monoxide alarms.** When the facility is equipped with individual alarms and not a central detection system the alarms are:

- (i) operable; and
- (ii) tested at least monthly. Documentation is maintained in writing at the facility and includes the testing date.

(B) **Central detection and alarm system for smoke and carbon monoxide.** When the facility is equipped with a hard-wired or wireless detectors connected to a central control panel, the system is:

- (i) fully functional;
- (ii) checked at least monthly by viewing the control panel and documentation is maintained in writing at the facility and includes the date checked. This is

not required when a company continuously monitors the system for full-function as documented per the contract; and

(iii) inspected and tagged at least every 12 months by a state-licensed authority.

(C) **Fire extinguishers and automatic sprinkler systems.** Fire extinguishers and automatic sprinkler systems are:

(i) fully functional; and

(ii) inspected and tagged at least every 12 months by a state-licensed authority.

(7) **Drills and reviews.** Drills and reviews are conducted, per (A) through (E) of this paragraph.

(A) **General.** Drills and reviews are documented in writing and maintained at the facility, including the dates of the activity and the personnel in charge of conducting the drill. The drills are conducted:

(i) at various times throughout the hours of operation, such as morning, mid-day, afternoon, and evening, so children, youth, and personnel in attendance at various times are involved in each type of drill at least one time every three months;

(ii) by following the pre-determined emergency plans and procedures; and

(iii) per required scheduling.

(B) **Monthly drills.** Monthly drills include:

(i) fire drills conducted by evacuating and meeting at pre-determined locations; and

(ii) tornado drills conducted by sheltering in pre-determined on-site locations.

(C) **Annual drills.** Annual drills include:

(i) locking-down by sheltering in pre-determined on-site locations;

(ii) relocating according to procedures of preparation to relocate, but do not require physical relocation;

(iii) sheltering-in-place, requiring children, youth, and personnel stay inside the facility, such as during tornados and other weather emergencies; and

(iv) evacuating and meeting at pre-determined locations.

(D) **Lock-down and relocation procedures review.** Personnel review the procedures at least once every 12 months.

(E) **Emergency plans and procedures review.** The director updates as necessary, and reviews emergency plans and procedures:

(i) at least once every 12 months;

(ii) upon enrollment of children and youth with disabilities or chronic medical conditions;

(iii) after a drill when procedure issues are identified; and

(iv) after an emergency, as identified in this subsection.

(t) **Required postings and policy.** Items in (1) and (3) are posted at the program's main entrance where the parents and public enter and posted in a conspicuous location within clear view.

(1) **Notice to parents.** OKDHS Publication No. 14-01, Notice to Parents, is posted.

(2) **Program liability insurance policy.** Program liability insurance is maintained, unless an exception, per Section 404.3 of Title 10 of the Oklahoma Statutes, Oklahoma Child Care Facilities Licensing Act, is posted, per (3) of this subsection.

(3) **Program liability insurance exception notification.** The OKDHS-provided form is posted when program liability insurance is not maintained or program reports being self-insured.

(u) **Parental notifications.** Compliance file and insurance notification requirements are met, per (1) and (2) of this subsection.

(1) **Compliance file.** Items are originals or copies and are maintained together, with the most recent on top and all child and youth identifying information removed. The compliance file includes items within the last 120-calendar days, at a minimum, from the date on the document or the investigation completion date on the form, unless requirements specifically state otherwise. The compliance file only contains:

(A) compliance monitoring from Licensing, Stars, and tribal agencies, such as:

(i) monitoring visit forms, including most recent visit; and

(ii) case status information, such as forms and correspondence regarding:

(I) issuance of permits and licenses;

(II) non-compliances and Stars violations;

(III) notices to comply;

(IV) complaint findings;

(V) office conferences with Licensing, Stars, and tribal agencies;

(VI) Stars alternative settlements and reductions; and

(VII) consent agreements, denials of a request for a license, and revocations of a license;

(B) child welfare investigative summary, regardless of findings. However, confirmed or substantiated findings are maintained in the file for 12 months;

(C) granted criminal history restriction waiver notifications. However, notification is maintained in the file for as long as the individual is employed or is living in the facility; and

(D) other documents indicating placement in the compliance file.

(2) **Compliance file and insurance parental notifications.** Parents are provided information regarding insurance liability and the compliance file.

(A) Parents complete OKDHS-provided forms every 12 months regarding insurance liability and the compliance file. Forms are maintained at the facility.

(B) When the child or youth is enrolled, parents are provided copies of OKDHS-provided Form 07LC093E, Insurance Exception Notification, and OKDHS Publication No. 14-01, Notice to Parents.

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OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

Sections 401 through 420 of Title 10 of the Oklahoma Statutes (Amended with 2022 legislation)

Section 401- Purpose and Policy- Minimum Standards

A. Sections 401 through 418 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act".

B. It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act, to:

1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;
2. Encourage and assist the child care facility toward maximum standards; and
3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.

C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.

D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

Section 402- Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

1. "Adult" means an individual eighteen (18) years of age or older;
2. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;
3. "Child care center" means a program that operates thirty (30) or more hours per week;
4. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;
5. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;
6. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;
7. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records

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search based upon the submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

8. "Department" means the Department of Human Services;

9. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

10. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

11. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;

12. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;

13. "Part-day child care program" means a program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;

14. "Program" means the business entity that provides care, supervision, and learning opportunities for children;

15. "Rap back" means a notification from the Oklahoma State Bureau of Investigation to the Department of subsequent criminal activity of individuals whose criminal background checks have been completed pursuant to the requirements of the Oklahoma Child Care Facilities Licensing Act;

16. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;

17. "Responsible entity" means an individual who is authorized to obligate the business; and

18. "Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

Section 403- Exemptions

- 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;

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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 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;

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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, or a facility licensed as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard.

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

Section 404- Minimum Requirements and Desirable Standards

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 committees shall include 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 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,

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- (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 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

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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 advisory committee shall designate two people to serve on the Department's Stars Administrative Review Panel. At least one designee shall be the owner or operator 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. 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 404.1- Criminal History Records Search and Child Care Restricted Registry for Individual Applying to Establish or Operate Child Care Facility

A. On and after November 1, 2013:

1. Prior to the issuance of a permit or license, owners and responsible entities making a request to establish or operate a child care facility shall have:

a. an Oklahoma State Courts Network search conducted by the Department,

b. a Restricted Registry search conducted by the facility,

c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,

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- d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act and conducted by the Department of Human Services,
 - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
 - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
 - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
2. Prior to the employment of an individual:
- a. an Oklahoma State Courts Network search, conducted by the Department, shall be requested and received by the facility; provided however, if twenty-four (24) hours has passed from the time the request to the Department was made, the facility may initiate employment, notwithstanding the provisions of this paragraph,
 - b. a Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search pursuant to paragraph 10 of this subsection shall be submitted,
 - d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years, shall be submitted to the Department,
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility,
 - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
 - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
 - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
3. Prior to allowing unsupervised access to children by employees or individuals, including contract employees and volunteers and excluding the exceptions in paragraph 8 of this subsection:
- a. Oklahoma State Courts Network search results, conducted by the Department, shall be received by the facility,
 - b. a Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,

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- c. national criminal history records search results pursuant to paragraph 10 of this subsection shall be received by the facility,
 - d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years shall be submitted to the Department,
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility,
 - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
 - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
 - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
4. Prior to the issuance of a permit or license and prior to the residence of adults who subsequently move into a facility, adults living in the facility excluding the exception in paragraph 7 of this subsection shall have:
- a. an Oklahoma State Courts Network search conducted by the Department and the facility shall be in receipt of the search results,
 - b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
 - d. a criminal history records and sex offender registry search conducted by an authorized source, when the individual has lived outside this state within the last five (5) years,
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility,
 - f. a search of any available child abuse and neglect registry within a state the individual has resided in within the last five (5) years,
 - g. search of the nontechnical services worker abuse registry maintained by the State Department of Health pursuant to Section 1-1950.7 of Title 63 of the Oklahoma Statutes, and
 - h. a search of the community services worker registry maintained by the Department of Human Services pursuant to Section 1025.3 of Title 56 of the Oklahoma Statutes;
5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:
- a. an Oklahoma State Courts Network search conducted by the Department,
 - b. a Restricted Registry search conducted by the facility with notification of the search submitted to the Department,

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- c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
 - d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;
6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;
7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;
8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal history records search. The provisions in paragraph 3 of this subsection shall not be required for specialized service professionals who are not employed by the program and have unsupervised access to a child when a release is signed by the parent or legal guardian noting his or her understanding of this exception. These exceptions shall not preclude the Department from requesting a national fingerprint or an Oklahoma State Bureau of Investigation name-based criminal history records search or investigating criminal, abusive, or harmful behavior of such individuals, if warranted;
9. A national criminal history records search pursuant to paragraph 10 of this subsection shall be required on or before November 1, 2016, for existing owners, responsible entities, employees, individuals with unsupervised access to children, and adults living in the facility, as of November 1, 2013, unless paragraph 6 of this subsection applies;
10. The Department shall require a national criminal history records search based upon submission of fingerprints that shall:
 - a. be conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and the federal National Child Protection Act and the federal Volunteers for Children Act with the Department as the authorized agency,
 - b. be submitted and have results received between the Department and the Oklahoma State Bureau of Investigation through secure electronic transmissions,
 - c. include Oklahoma State Bureau of Investigation rap back, requiring the Oklahoma State Bureau of Investigation to immediately notify the Department upon receipt of subsequent criminal history activity, and
 - d. be paid by the individual or the facility;
11. The Director of the Department, or designee, shall promulgate rules that may authorize an exception to the fingerprinting requirements for individuals who have a severe physical condition which precludes such individuals from being fingerprinted;

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12. The Director of the Department, or designee, shall promulgate rules that ensure individuals obtain a criminal history records search, not to include the re-submission of fingerprints, not less than once during each five (5) year period;

13. Any individual who refuses to consent to the criminal background check or knowingly makes a materially-false statement in connection with such criminal background check shall be ineligible for ownership of, employment of or residence in a child care facility; and

14. The Office of Juvenile Affairs shall require national criminal history records searches, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes, which shall be provided by the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history records search, including Rap Back notification of and through direct request by the Office of Juvenile Affairs on behalf of any:

a. operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs,

b. employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs, or

c. persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by the Office of Juvenile Affairs.

B. 1. a. On and after September 1, 1998:

(1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:

(a) a foster parent eligibility assessment for the foster care provider except as otherwise provided by divisions (2) and (4) of this subparagraph, and

(b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes, except as otherwise provided by divisions (2) and (4) of this subparagraph,

(2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,

(3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,

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- (4) provided, however, the Director of Human Services or the Director of the Office of Juvenile Affairs, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and
- (5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 2-7-905 and 2-7-308 of Title 10A of the Oklahoma Statutes, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions (2) and (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Office of Juvenile Affairs, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions (2) and (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.
- (2) The Department of Human Services and Office of Juvenile Affairs may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement.
- (3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.
- (4) The Director of Human Services or the Director of the Office of Juvenile Affairs or their designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1,

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1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.

3. The Department of Human Services or the Office of Juvenile Affairs shall provide for a juvenile justice information system review pursuant to Section 2-7-308 of Title 10A of the Oklahoma Statutes for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.

C. The Department or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

D. Except as otherwise provided by the Oklahoma Children's Code and subsection F of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

E. 1. Information received pursuant to this section by an owner, administrator, or responsible entity of a child care facility, shall be maintained in a confidential manner pursuant to applicable state and federal laws.

2. The information, along with any other information relevant to the ability of the individual to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from the child care facility that is considering employing or contracting with the individual unless deemed confidential by state and federal laws.

3. Requirements for confidentiality and recordkeeping with regard to the information shall be the same for the child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the child care facility releasing such information.

4. Information received by any facility certified by the Office of Juvenile Affairs may be released to another facility certified by the Office if an individual is being considered for employment or contract, along with any other relevant information, unless the information is deemed confidential by state or federal law. Any information received by the Office shall be maintained in a confidential manner pursuant to applicable state and federal law.

F. 1. It shall be unlawful for individuals who are required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with individuals who are required to register pursuant to the Sex Offenders Registration Act. Individuals required to register pursuant to the Sex Offenders Registration Act who violate any provision of Section 401 et seq. of this title shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.

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2. It shall be unlawful for an individual who is the perpetrator of a substantiated finding by the Department of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with such individual.
3. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:
 - a. an emergency order,
 - b. license revocation or denial,
 - c. injunctive proceedings,
 - d. an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
 - e. referral for criminal proceedings.
4. In addition to the penalties specified by this section, the violator may be liable for civil damages.

Section 404.2- Demarion's Law

This act shall be known and may be cited as "Demarion's Law".

Section 404.3- Mandatory Liability Insurance Requirements for Child Care Facility- Reports-Rules- Notices-Exempt Facilities and Agencies- Failure to Comply

A. A child care facility shall maintain general liability insurance coverage as defined by Section 707 of Title 36 of the Oklahoma Statutes of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.

B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.

C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this section, should the policy limits be exhausted, or if the child care facility reports self-insurance in accordance with state law the child care facility shall:

1. Post a conspicuous notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law;

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2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law; and
 3. Keep a form signed by the parent or legal guardian of each child that he or she has been told that the child care facility does not carry at least Two Hundred Thousand Dollars (\$200,000.00) of general liability insurance.
- D. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. The form required pursuant to paragraph 1 of subsection C of this section shall be:
1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
 2. Placed at the main entrance of the facility in a conspicuous location; and
 3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.
- E. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.
- F. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.
- G. Each child care facility shall maintain a copy of the most recent compliance file onsite. The Department shall promulgate rules providing for a standard notice form for the facility to post which indicates:
1. The facility has a copy of the most recent compliance files onsite for inspection upon request of a parent or guardian of each child under the supervision of the child care facility; and
 2. Such files are also made available for public inspection by the Department.
- H. The forms required pursuant to this subsection shall be:
1. Printed with lettering that is legible and in at least three-fourths-inch boldfaced type;
 2. Placed at the main entrance of the facility in a conspicuous location; and
 3. Copied and provided to the parent or legal guardian of each child under supervision of the child care facility.
- I. The requirements for posting provided by subsection D and G of this section shall not apply to:
1. Licensed child-placing agencies;
 2. Licensed residential child care facilities; or
 3. Department-certified child care facilities.
- J. The Department may promulgate rules requiring liability insurance for facilities listed in subsection I of this section.
- K. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.
- L. The Department shall promulgate rules to implement the provisions of this section.

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Section 405- License and Permit Requirements for Child Care Facilities- Application- Issuance

A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services, except for the shelters certified by the Office of Juvenile Affairs pursuant to Section 2-7-202 of Title 10A of the Oklahoma Statutes; No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.

B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:

1. All background investigation requirements are met pursuant to Section 404.1 of this title; and
2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.

C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of Sections 401 through 418 of this title.

D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in Sections 401 through 418 of this title. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

Section 405.1- Comprehensive Oklahoma State Plan for Child Care

A. The Department of Human Services shall collaborate with other appropriate agencies to develop a comprehensive Oklahoma state plan for child care.

B. The comprehensive plan shall:

1. Meet all requirements for child care state plans as periodically determined by the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau; and
2. Be submitted to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Senate on a biannual basis.

Section 405.2- Public Online Database- Licensed Child Care Centers and Child Care Homes

A. The Department of Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:

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1. The name, address, and phone number of all child care centers licensed by the Department of Human Services, and the name, address, and phone number of all child care homes licensed by the Department; and
 2. A summary of substantiated complaint records and inspection reports generated by the Department.
- B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to individuals pursuant to the licensing requirements promulgated by the Department.

Section 405.3- Child Care Restricted Registry

- A. The Department of Human Services shall promulgate rules to establish and maintain the Restricted Registry, accessible to the public through an online database, to address:
1. A procedure for recording individuals on the Restricted Registry resulting from:
 - a. a substantiated finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated or contracted by or with the Department or the Office of Juvenile Affairs. The provisions of this subparagraph shall apply to:
 - (1) the Central Oklahoma Juvenile Center, the Oklahoma Juvenile Center for Girls and the Southwest Oklahoma Juvenile Center upon the effective date of this act, and
 - (2) facilities licensed by, certified by or contracting with the Office of Juvenile Affairs after November 1, 2018.
 - b. a revocation or denial of a child care facility license, and
 - c. a specified criminal history of an individual, as defined by rules promulgated by the Department;
 2. A procedure to provide notice and an opportunity for review to the individual and, if the individual is an employee of a facility licensed, certified, operated or contracted by or with the Office of Juvenile Affairs, to the facility prior to recording an individual on the Restricted Registry;
 3. Disclosure requirements for information on the Restricted Registry; and
 4. A procedure to prohibit licensure, ownership, employment, unsupervised access to children or residence in a facility or program licensed, certified, operated or contracted with by the Department or the Office of Juvenile Affairs.
- B. The Restricted Registry shall include, but not be limited to:
1. The full name of the individual;
 2. Information necessary to identify the individual; and
 3. The date the individual was recorded on the Restricted Registry.
- C. Nothing in this section shall be construed as to permit the placement of an operator of a child care facility on the Restricted Registry unless the operator:
1. Is the subject of a substantiated finding of child abuse or neglect;
 2. Has been subject to a revocation or denial of a child care facility license; or
 3. Has a specified criminal history, as defined by rules promulgated by the Department.

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Section 405.4- Educational Requirements for Director of Child Care Center- Minimum Size of Rooms Occupied by Infants

A. Any person with a bachelor's degree or postgraduate degree shall be considered as having met the educational requirements for a director of a full-time child care center required by the Department of Human Services. Nothing in this section shall be construed as to affect annual continuing education requirements. The director of a child care center may also qualify as a master teacher for children of all ages.

B. Any person replacing a master teacher at a child care center shall be granted a one-year probationary period to fulfill the educational qualifications required by the Department for a master teacher. The Department may extend the probationary period an additional year as long as the person is actively pursuing that goal.

C. Licensed child care facilities opened or expanded before November 1, 2016, shall have thirty-five (35) square feet of floor area per infant in rooms occupied only by infants. New construction and existing space not previously licensed for child care after November 1, 2016, shall have forty (40) square feet of floor area per infant in rooms occupied only by infants.

Section 405.5- Authorization of Certain Persons to Operate Child Care Facilities- Notice and Conditions

A. An individual who inherits or purchases a licensed child care facility and operates the facility with the same personnel employed by the previous owner may continue to operate the facility under the same license and at the same star rating as the previous owner for a period of ninety (90) calendar days.

B. The Department of Human Services shall be notified of any change of ownership of a licensed child care facility by the next Department of Human Services business day and prior to the new owner assuming operations of the facility.

C. If individuals who receive ownership of a licensed child care facility through purchase or inheritance have met all requirements for owners of child care facilities by the end of the ninety-calendar-day period established in subsection A of this section, they may continue to operate the facility at the same star rating. If all requirements have not been met, the facility may not care for children until the facility is authorized to do so by the Department.

D. Nothing in this section shall be construed as prohibiting the Department from exercising its authority to revoke the license of a child care facility as provided in Section 407 of Title 10 of the Oklahoma Statutes during the ninety-calendar-day period established in subsection A of this section.

Section 406- Investigations and Visitation

A. 1. Except as provided in paragraph 2 of this subsection, the Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

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2. When the Department of Human Services is reviewing the star rating of a child care program with a capacity of fifty or more, the comprehensive visit to inspect and examine the program shall be scheduled with the administration of the program at least one (1) week in advance of the visit, if requested by the child care facility.

B. 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.

2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.

C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:

a. document the complaint,

b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and

c. document the facility's plan for correcting any substantiated violations.

2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.

3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.

4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single violation of this act, or the rules of the Department as provided in Section 404 of this title.

5. If the Department determines there has been a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety or welfare, as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, the Department shall notify the child care facility owner or operator and the child care resource and referral organization in writing immediately or not later than one (1) business day after the substantiated finding. Upon receiving notice of a substantiated finding, the facility owner or operator shall attempt to immediately notify, but not later than seventy-two (72) hours after receiving notice of the substantiated finding, parents or legal guardians of children attending the facility by certified mail.

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D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.

E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

F. The Department shall promulgate rules to establish and maintain a grievance process that shall include an anonymous complaint system for reporting and investigating complaints or grievances about employees of the Department who retaliate against a child care facility or facility employee.

Section 406.1- Indian Tribal Child Care Facility Electing Licensure Under Oklahoma Child Care Facilities Licensing Act- Agreement for State Inspection

A. If an Indian tribe in this state that operates a child care facility elects to apply for a license for the facility pursuant to the Oklahoma Child Care Facilities Licensing Act, the Department of Human Services, the State Department of Health, and the State Fire Marshal may enter into an agreement with the Indian tribe to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.

B. As part of the agreement authorizing the state to conduct inspections as provided in this section, the state and the Indian tribe may agree to a payment of a fee by the Indian tribe to the state in an amount not to exceed the reasonable cost to the state to conduct the inspections.

Section 407- Revocation or Denial of Issuance of License

A. The Department of Human Services may revoke or deny issuance of the license of any child care facility found to be in violation of any provision of this act or the rules of the Department, as provided in Section 404 of this title.

B. 1. No license shall be revoked or issuance denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds of the proposed revocation or denial.

2. At the time the facility is given notice in writing of the revocation or denial of a license, the Department shall also advise parents of children attending the facility and the child care resource and referral organization within one (1) business day of such action by verbal, electronic, or written notification and the posting of an announcement in the facility.

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3. If the revocation or denial is protested within thirty (30) days of receipt of notice, by writing addressed to the Department, the Department, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses.
 4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.
 5. If notice of the proposed revocation or denial of a license is not protested, the license shall be revoked or denied.
- C.
1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.
 2. For the purposes of this subsection, "emergency" means a situation that poses a direct and serious threat to the health, safety, or welfare of any child cared for by the facility.
 3. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed, authorized, or providing unlicensed care except as exempted by the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.
 - a. An emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.
 - b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
 - c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within ten (10) days. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.
- D. The Department shall establish a process to review the initial determination of the closure of a facility due to an emergency pursuant to the licensing requirements promulgated by the Department.
- E. The Department shall continue to monitor any facility whose license has been revoked, denied, or who has had an emergency order issued for a period of thirty (30) days after the action becomes final.
- F. In addition to any other remedy authorized by this act, a CLEET-certified officer may issue a citation for a violation of any provision of this act or rules of the Department as provided in Section 404 of this title. The fine shall not be less than One Hundred Dollars

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(\$100.00) nor more than Five Hundred Dollars (\$500.00) for every day the facility maintains and receives children after:

1. An emergency order has been issued; or
2. An application for a license has been denied or the license has been revoked.

G. One-half (1/2) of the funds collected pursuant to subsection F of this section shall be deposited in the Quality of Care Development Fund established in Section 10 of this act and one-half (1/2) shall be retained by the law enforcement agency represented by the CLEET-certified officer.

Section 408- Appeals

A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title may, within ten (10) days after the revocation or denial of the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

B. The licensee or applicant shall, within twenty (20) days of the filing of the appeal, file with the clerk of such court a transcript of the proceedings held pursuant to Section 407 of this title. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or denying the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

Section 409- Injunction

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

Section 410- Violations- Punishment

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of the Oklahoma Child Care Facilities Licensing Act shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the entity's license.

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Section 410.1- Quality of Care Development Fund

There is established in the State Treasury a revolving fund to be known as the "Quality of Care Development Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fines collected by the Department of Human Services pursuant to Section 407 of this title and shall, in addition to any other monies made available for such purpose, be available to the Director solely to support the continued improvement of the child care facilities in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Section 411- Certificate of Immunizations as Condition for Admission to Day Care Facility- Waiver

A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.

B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

Section 412- Manner and Frequency of Immunizations- Enforcement of Act

A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized

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standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.

B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

Section 413- Exemptions

Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.

Section 414- Administration of Immunizations- Persons Eligible- Indigent Persons

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

Section 415- Child with Reportable Contagious Disease to be Excluded from Day Care Facility

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

Section 418- Authority to Obtain Evidence- Administration of Oaths

When conducting investigations of complaints as provided in this article, the Department of Public Welfare shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The Department shall have the power to administer oaths to such persons as may be summoned and to enforce all such powers as are given to notaries public when they are taking depositions.

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Section 420- Child Care Center Bill of Rights- Documentation of Training Compliance

The Child Care Center Bill of Rights includes if a child care center or employee provides written documentation of completion of required training, the child care center shall not be found in noncompliance if computer documentation is not updated by the training provider.

APPROVAL OF REQUIREMENTS FOR COMMUNITY HOPE CENTERS

Requirements reflect the approval for the *Licensing Requirements for Community Hope Centers*.

March 22, 2022

Governor approves proposed requirements.

June 1, 2022

Effective date of requirements.

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