

1 **SENATE FLOOR VERSION**

2 March 26, 2018

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 2691

6 By: Dunlap of the House

7 and

8 Pugh of the Senate

9 An Act relating to child care; amending 10 O.S. 2011,  
10 Section 404, as last amended by Section 1, Chapter  
11 377, O.S.L. 2016 (10 O.S. Supp. 2017, Section 404),  
12 which relates to the Oklahoma Child Care Facilities  
13 Licensing Act; directing advisory committee to  
14 designate members of certain panel; requiring  
15 criteria for designee; modifying age limitation for  
16 child care facility personnel; providing an effective  
17 date; and declaring an emergency.

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

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

22 Section 404. A. 1. The Department of Human Services, in  
23 consultation with the Oklahoma Commission on Children and Youth,  
24 shall appoint advisory committees of representatives of child care  
25 facilities and others to recommend minimum requirements and  
26 desirable standards for promulgation by the Department.

27 2. Committee members shall be appointed for a three-year term,  
28 with a two-consecutive-term limit. The committee shall include four

1 committees with representation for all categories of facilities  
2 licensed by the Department and shall be comprised as follows:

3 a. the Residential Children's Services subcommittee shall  
4 include at a minimum:

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

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

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

13 (4) a representative of a statewide organization  
14 promoting adoption services,

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

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

20 (7) a representative from an organization promoting  
21 the interests of Native American children in  
22 state custody,

23 (8) a practicing pediatrician,

24 (9) a practicing behavioral health services provider,

1 (10) a representative from an agency providing child-  
2 placing services, and

3 (11) other appropriate representatives at the  
4 discretion of the Department of Human Services  
5 and Commission on Children and Youth,

6 b. the Child Care Centers subcommittee shall include at a  
7 minimum:

8 (1) a representative of a statewide organization  
9 advocating for children in care arrangements  
10 outside their own home,

11 (2) a representative of a statewide organization  
12 conducting programs for school-age children,

13 (3) a parent or guardian with a child attending a  
14 licensed child care facility,

15 (4) a representative of a licensed child care  
16 facility in a rural area,

17 (5) a representative of a statewide organization  
18 advocating for licensed child care facilities  
19 owned or operated by Native Americans,

20 (6) a representative of a licensed child care  
21 facility in an urban/suburban area,

22 (7) a representative of a statewide organization  
23 advocating for programs provided under the Head  
24 Start program,

1 (8) a representative with knowledge of child care  
2 programs offered by career technology center in  
3 this state,

4 (9) a representative of a statewide organization  
5 advocating for early childhood education  
6 programs,

7 (10) a representative of a statewide organization  
8 providing resources and referrals to child care  
9 facilities,

10 (11) a practicing pediatrician, and

11 (12) other appropriate representatives at the  
12 discretion of the Department of Human Services  
13 and Commission on Children and Youth,

14 c. the Child Care Homes subcommittee shall include at a  
15 minimum:

16 (1) a representative of a statewide organization  
17 advocating for children in care arrangements  
18 outside their own home,

19 (2) a parent or guardian with a child receiving care  
20 at a licensed child care home,

21 ~~(4)~~ (3) a representative of a licensed child care home in  
22 a rural area,

1           ~~(5)~~ (4) a representative of a statewide organization  
2                                   advocating for licensed child care facilities  
3                                   owned or operated by Native Americans,

4           ~~(6)~~ (5) a representative of a licensed child care home in  
5                                   an urban/suburban area,

6           ~~(7)~~ (6) a representative of a statewide organization  
7                                   advocating for early childhood education  
8                                   programs,

9           ~~(8)~~ (7) a representative of a statewide organization  
10                                  providing resources and referrals to child care  
11                                  facilities,

12           ~~(9)~~ (8) a practicing pediatrician, and

13           ~~(10)~~ (9) other appropriate representatives at the  
14                                  discretion of the Department of Human Services  
15                                  and Commission on Children and Youth, and

16           d. ~~The~~ the Quality Rating and Improvement System  
17                                  subcommittee shall include representatives of child  
18                                  care centers and child care homes currently licensed  
19                                  by the State and other members as determined by the  
20                                  Department of Human Services and the Commission on  
21                                  Children and Youth.

22           3. The advisory committee shall create a Child Care Facility  
23           Peer Review Board whose purpose shall be to participate in the  
24           Department's grievance process. A majority of the Board shall be

1 representatives of child care facilities. The Department shall  
2 promulgate rules specifying the duties of the Child Care Facility  
3 Peer Review Board in the grievance process.

4 4. The advisory committee shall designate two people to serve  
5 on the Department's Stars Administrative Review Panel. At least one  
6 designee shall be the owner or operator of a licensed child care  
7 center.

8 B. Child care facilities shall not allow children to be left  
9 alone in the care of any person under eighteen (18) **years of age**  
10 **without supervision or sixteen (16) years of age with supervision.**

11 Child care centers and family child care homes shall not:

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

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

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

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

24

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

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

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

18 SECTION 2. This act shall become effective July 1, 2018.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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