

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1435

By: Garvin

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6 AS INTRODUCED

7 An Act relating to child care; amending 10 O.S. 2021,
8 Section 404, which relates to minimum requirements
9 and desirable standards; modifying composition of
10 certain advisory committees; broadening purposes of
11 advisory committees; modifying appointment procedures
12 and terms; removing and adding specified advisory
13 committees; modifying composition and appointment
14 procedure for the Stars Administrative Review Panel;
15 updating statutory language; construing certain
16 provisions; and providing an effective date.

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

18 SECTION 1. AMENDATORY 10 O.S. 2021, Section 404, is
19 amended to read as follows:

20 Section 404. A. 1. The ~~Department~~ Director of Human Services,
21 in consultation with the Oklahoma Commission on Children and Youth,
22 shall appoint advisory committees of representatives of licensed
23 child care facilities, representatives of associations relating to
24 child care, and others to recommend minimum requirements and
25 desirable standards for promulgation by the ~~Department~~ Director, to
26 provide advice, recommendations, and guidance regarding concerns
27 brought by child care facilities, and to assist facilities in

1 meeting minimum requirements. A majority of any committee appointed
2 to recommend requirements and standards shall be representatives of
3 the type of licensed child care programs that are the subject of the
4 requirements and standards.

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

9 a. ~~the Residential Children's Services subcommittee shall~~
10 ~~include at a minimum:~~

11 ~~(1) a representative of a statewide organization~~
12 ~~representing children in care arrangements~~
13 ~~outside their own home,~~

14 ~~(2) a representative of a statewide organization~~
15 ~~providing residential services to youth in state~~
16 ~~custody,~~

17 ~~(3) a recipient or former recipient of youth services~~
18 ~~for children in state custody,~~

19 ~~(4) a representative of a statewide organization~~
20 ~~promoting adoption services,~~

21 ~~(5) a parent or guardian providing foster care to a~~
22 ~~child or children in state custody,~~

1 ~~(6) a representative from a nonpublic, long-term~~
2 ~~residential care facility for children in state~~
3 ~~custody,~~

4 ~~(7) a representative from an organization promoting~~
5 ~~the interests of Native American children in~~
6 ~~state custody,~~

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

8 ~~(9) a practicing behavioral health services provider,~~

9 ~~(10) a representative from an agency providing child-~~
10 ~~placing services, and~~

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

14 ~~b. the Child Care Centers 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 representative of a statewide organization~~
20 ~~conducting programs for school-age children,~~

21 ~~(3) a parent or guardian with a child attending a~~
22 ~~licensed child care facility,~~

23 ~~(4) a representative of a licensed child care~~
24 ~~facility in a rural area,~~

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

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

6 ~~(7) a representative of a statewide organization~~
7 ~~advocating for programs provided under the Head~~
8 ~~Start program,~~

9 ~~(8) a representative with knowledge of child care~~
10 ~~programs offered by career technology center in~~
11 ~~this state,~~

12 ~~(9) a representative of a statewide organization~~
13 ~~advocating for early childhood education~~
14 ~~programs,~~

15 ~~(10) a representative of a statewide organization~~
16 ~~providing resources and referrals to child care~~
17 ~~facilities,~~

18 ~~(11) a provider of medical services for children, and~~

19 ~~(12) other appropriate representatives at the~~
20 ~~discretion of the Department of Human Services~~
21 ~~and Commission on Children and Youth,~~

22 ~~c. the Child Care Homes subcommittee shall include at a~~
23 ~~minimum:~~

- ~~(1) a representative of a statewide organization advocating for children in care arrangements outside their own home,~~
 - ~~(2) a parent or guardian with a child receiving care at a licensed child care home,~~
 - ~~(3) a representative of a licensed child care home in a rural area,~~
 - ~~(4) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,~~
 - ~~(5) a representative of a licensed child care home in an urban/suburban area,~~
 - ~~(6) a representative of a statewide organization advocating for early childhood education programs,~~
 - ~~(7) a representative of a statewide organization providing resources and referrals to child care facilities,~~
 - ~~(8) a provider of medical services for children, and~~
 - ~~(9) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth, and~~
- ~~d. the Quality Rating and Improvement System subcommittee shall include representatives of child care centers~~

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

5 terms as provided by bylaws of the advisory committees.

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

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

16 5. The following standing advisory committees shall be created
17 for the purpose of expanding the opportunity for child care program
18 operators to identify quality improvement resources, express
19 concerns facing the child care industry, and recommend issues for
20 consideration by the Director:

- 21 a. an advisory committee for family child care homes,
- 22 b. an advisory committee for child care centers, day
23 camps, drop-in programs, after-school programs, summer
24 programs, part-day programs, programs for sick

1 children, and other limited purpose or limited
2 duration programs,

3 c. an advisory committee for residential programs and
4 child placing agencies, and

5 d. an advisory committee whose focus is the Quality
6 Rating and Improvement System (QRIS).

7 B. Child care facilities shall not allow children to be left
8 alone in the care of any person under eighteen (18) years of age
9 without supervision or sixteen (16) years of age with supervision as
10 delineated by ~~the Department's~~ rules promulgated by the Director.

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 Nothing in this act shall be construed as removing, reducing, or
21 otherwise changing any rules, standards, or other requirements
22 relating to safe sleep or child safety.

23 C. The ~~Department~~ Director shall promulgate rules establishing
24 minimum requirements and desirable standards as may be deemed

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

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

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

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

20 SECTION 2. This act shall become effective November 1, 2022.

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