

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 611

By: Garvin

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5  
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; limiting certain ratio and  
10 exempting certain children from ratio; prohibiting  
11 Director of the Department of Human Services from  
12 imposing certain requirements on child care  
13 facilities; requiring certain equipment to be age  
14 appropriate and determined by certain individuals;  
15 providing certain construction; updating statutory  
16 language; 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 Director of the Department of Human  
21 Services, in consultation with the Oklahoma Commission on Children  
22 and Youth, shall appoint advisory committees of representatives of  
23 child care facilities and others to recommend minimum requirements  
24 and desirable standards for promulgation by the ~~Department~~ Director.

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

1 representation for all categories of facilities licensed by the  
2 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 provider of medical services for children,

24 (9) a practicing behavioral health services provider,  
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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 Director and the Oklahoma Commission on Children  
6 and Youth,

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

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

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

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

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

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

21 (6) a representative of a licensed child care  
22 facility in an urban/suburban area,  
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1 (7) a representative of a statewide organization  
2 advocating for programs provided under the Head  
3 Start program,

4 (8) a representative with knowledge of child care  
5 programs offered by career technology center in  
6 this state,

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

10 (10) a representative of a statewide organization  
11 providing resources and referrals to child care  
12 facilities,

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

14 (12) other appropriate representatives at the  
15 discretion of the ~~Department of Human Services~~  
16 Director and the Oklahoma Commission on Children  
17 and Youth,

18 c. the Child Care Homes subcommittee shall include at a  
19 minimum:

20 (1) a representative of a statewide organization  
21 advocating for children in care arrangements  
22 outside their own home,

23 (2) a parent or guardian with a child receiving care  
24 at a licensed child care home,

- 1 (3) a representative of a licensed child care home in  
2 a rural area,  
3 (4) a representative of a statewide organization  
4 advocating for licensed child care facilities  
5 owned or operated by Native Americans,  
6 (5) a representative of a licensed child care home in  
7 an urban/suburban area,  
8 (6) a representative of a statewide organization  
9 advocating for early childhood education  
10 programs,  
11 (7) a representative of a statewide organization  
12 providing resources and referrals to child care  
13 facilities,  
14 (8) a provider of medical services for children, and  
15 (9) other appropriate representatives at the  
16 discretion of the ~~Department of Human Services~~  
17 Director and the Oklahoma Commission on Children  
18 and Youth, and

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

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

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

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

16           1. Use soft or loose bedding, including, but not limited to,  
17 blankets, in sleeping equipment or in sleeping areas used only for  
18 infants;

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

21           3. Place a child in sleeping equipment or in a sleeping area  
22 which has not been previously approved for use as such by the  
23 ~~Department~~ Director.

1 C. The ~~Department~~ Director shall promulgate rules establishing  
2 minimum requirements and desirable standards as may be deemed  
3 necessary or advisable to carry out the provisions of the Oklahoma  
4 Child Care Facilities Licensing Act.

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

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

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

23 G. If the Director establishes a ratio of toilets to children  
24 for child care facilities, that ratio shall not be less than one

1 toilet for every twenty-five children, and children two (2) years of  
2 age and under shall not be counted for the purpose of such ratio.

3 H. Unless required by federal law or regulation, the Director  
4 shall not require child care facilities to have any particular toys  
5 or play equipment. Toys or play equipment provided by child care  
6 facilities shall be age appropriate and shall be determined by  
7 directors of child care facilities and master teachers. Nothing in  
8 this subsection shall prevent the Director from promulgating rules  
9 pertaining to safety requirements for toys or play equipment.

10 SECTION 2. This act shall become effective November 1, 2023.

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