

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 951

By: Scott

AS INTRODUCED

An Act relating to child care; amending 10 O.S. 2011, Section 404, as last amended by Section 1, Chapter 280, O.S.L. 2018 (10 O.S. Supp. 2018, Section 404), which relates to minimum requirements and standards; modifying appointment procedure for certain advisory committees; modifying membership; transferring certain duties; deleting requirement to consult with certain state agencies; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 404, as last amended by Section 1, Chapter 280, O.S.L. 2018 (10 O.S. Supp. 2018, Section 404), is amended to read as follows:

Section 404. A. 1. The Department of Human Services, ~~in consultation with the Oklahoma Commission on Children and Youth,~~ shall appoint advisory committees of licensed child care facilities and others to ~~recommend:~~

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

1            b. provide advice regarding concerns brought by child  
2            care facilities or referred by the Department to  
3            assist facilities in meeting minimum requirements.

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

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

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

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

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

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

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

22           ~~(6) a representative from a nonpublic, long-term~~  
23           ~~residential care facility for children in state~~  
24           ~~custody,~~

1 ~~(7) a representative from an organization promoting~~  
2 ~~the interests of Native American children in~~  
3 ~~state custody,~~

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

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

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

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

11 ~~b. the Child Care Centers subcommittee shall include at a~~  
12 ~~minimum:~~

13 ~~(1) a representative of a statewide organization~~  
14 ~~advocating for children in care arrangements~~  
15 ~~outside their own home,~~

16 ~~(2) a representative of a statewide organization~~  
17 ~~conducting programs for school-age children,~~

18 ~~(3) a parent or guardian with a child attending a~~  
19 ~~licensed child care facility,~~

20 ~~(4) a representative of a licensed child care~~  
21 ~~facility in a rural area,~~

22 ~~(5) a representative of a statewide organization~~  
23 ~~advocating for licensed child care facilities~~  
24 ~~owned or operated by Native Americans,~~

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

3 ~~(7) a representative of a statewide organization~~  
4 ~~advocating for programs provided under the Head~~  
5 ~~Start program,~~

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

9 ~~(9) a representative of a statewide organization~~  
10 ~~advocating for early childhood education~~  
11 ~~programs,~~

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

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

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

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

21 ~~(1) a representative of a statewide organization~~  
22 ~~advocating for children in care arrangements~~  
23 ~~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~~

1                   ~~Human Services and the Commission on Children and~~  
2                   ~~Youth~~

3 A majority of any committee appointed to prepare requirements and  
4 standards for child care facilities shall be representatives of the  
5 type of child care programs that are the subject of the requirements  
6 and standards.

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

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

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

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

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

6           3. Place a child in sleeping equipment or in a sleeping area  
7 which has not been previously approved for use as such by the  
8 Department.

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

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

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

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

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

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

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