
POLICY TRANSMITTAL NO. 04-15	DATE: MAY 27, 2004
DIVISION OF CHILD CARE	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:110-1-4.1 through 110-1-6; 110-1-8; 110-1-8.3; 110-1-9 through 110-1-9.3; 110-1-9.5; 110-1-10 through 110-1-11; 110-1-14; 110-1-20; 340:10 Appendix P through Appendix R; and 340:10 Appendix BB through Appendix DD.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

Division of Child Care (DCC) Licensing Services rules are revised in Subchapter 1 to provide direction to licensing staff who regulate and consult with licensed child care facilities in meeting requirements for licensure. Revisions reflect the elimination of the renewal process involved for the one star plus level of the Stars program. This ensures a greater commitment to quality and simplifies the process for providers and licensing staff. The status of one star plus facilities will continue to be monitored by licensing staff during the two-year period of the one star plus level. Appendices are revoked as they are no longer used or have been replaced with an updated format.

340:110-1-4.1 is revised to delete reference to forms that are revoked.

340:110-1-6 is revised to clarify licensing contacts when a family child care provider has not accepted children into care.

340:110-1-8 is revised to improve readability, clarify in the rule procedures pertaining to water tests results, and procedures for notifying providers of license approval.

340:110-1-8.3 is revised to: (1) eliminate the one star plus level renewal at 12 months; (2) move the staff compensation criteria from the one star plus to the two star level; (3) change director ongoing training to 30 hours per year; (4) clarify master teacher and home provider guidelines regarding on-site presence; (5) eliminate one home provider qualification option to applicants who apply after June 1, 2004; (6) clarify licensing action for licensing complaint investigations pertaining to a request for star certification; (7) clarify the stars administrative review process; and (8) improve overall readability.

340:110-1-9 is revised to clarify types of ownership; describe required numbers of visits for different case categories; and improve

readability and conform with current formatting guidelines.

340:110-1-9.1 is revised to clarify when a monitoring visit is required for certification of a facility applying to receive increased reimbursement for the care of children with disabilities.

340:110-1-9.2 is revised to add infant sleep position to the list of risk level complaints and clarify licensing action in documenting complaint findings.

340:110-1-10 is revised to clarify OKDHS time frames during license revocation, and improve readability.

340:110-1-9.3, 110-1-9.5, 110-1-11, 110-1-14, and 110-1-20 are revised to improve readability and eliminate unnecessary language.

340:110 Appendix P. Juvenile Detention Center Compliance Review; Appendix Q. Juvenile Detention Center Visit Sheet; Appendix R. Juvenile Detention Center Resident Record Check; Appendix BB. Child Care Center Staff-Child Ratio; Appendix CC. Child Care Center Minimum Equipment Requirements; and Appendix DD. Child Care Center Exclusion Criteria for Children Who Are Ill are revoked as they are no longer used or have been updated to a new format.

Original signed on 3-19-04

Nancy vonBargen, Director
Division of Child Care

Marilynn Knott, Administrator
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WF # 03-29 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

INSERT

340:110-1-4.1	340:110-1-4.1, pages 1-4, revised 6-1-04
340:110-1-5	340:110-1-5, pages 1-2, revised 6-1-04
340:110-1-6	340:110-1-6, pages 1-5, revised 6-1-04
340:110-1-8	340:110-1-8, pages 1-7, revised 6-1-04
340:110-1-8.3	340:110-1-8.3, pages 1-19, revised 6-1-04
340:110-1-9	340:110-1-9, pages 1-11, revised 6-1-04
340:110-1-9.1	340:110-1-9.1, pages 1-5, revised 6-1-04
340:110-1-9.2	340:110-1-9.2, pages 1-11, revised 6-1-04
340:110-1-9.3	340:110-1-9.3, pages 1-6, revised 6-1-04
340:110-1-9.5	340:110-1-9.5, pages 1-2, revised 6-1-04
340:110-1-10	340:110-1-10, pages 1-4, revised 6-1-04
340:110-1-11	340:110-1-11, 1 page only, revised 6-1-04
340:110-1-14	340:110-1-14, pages 1-3, revised 6-1-04
340:110-1-20	340:110-1-20, pages 1-9, revised 6-1-04
340:110 Appendix P	-----
340:110 Appendix Q	-----

REMOVE

INSERT

340:110 Appendix R

340:110 Appendix BB

340:110 Appendix CC

340:110 Appendix DD

340:110-1-4.1. Forms

Forms which apply to this Part are:

- (1) **ADM-123, Certification for Special Needs Child Care Rate.** Form ADM-123 is used to obtain information for determining eligibility for the special needs child care rate for children receiving Supplemental Security Income (SSI), SoonerStart, or special education services.
- (2) **OCC-57, Physical Plant.** Form OCC-57 is used by the licensing staff to record a diagram of the indoor and outdoor space utilized by a child care facility.
- (3) **OCC-2, Child Care Center Staff Summary.** Form OCC-2 is used to document compliance with licensing requirements for all staff currently employed by the child care facility.
- (4) **OCC-3, Child Care Center Monitoring Report.** Form OCC-3 is used by the licensing staff to document compliance with requirements during a monitoring visit at a child care center and record any other information obtained.
- (5) **OCC-4, Application for License - Child Care Facility.** Form OCC-4 is used to make application for a license to operate a child care facility, including a child care center, school-age program, and part-day children's program.
- (6) **OCC-5, Transportation Information.** Form OCC-5 is used by a child care facility director to document compliance with licensing requirements on transportation.
- (7) **OCC-6, Equipment Inventory - Child Care Center.** Form OCC-6 is used to document the equipment available and items needed to comply with *Licensing Requirements for Child Care Centers*, OKDHS Publication no. 84-08.
- (8) **OCC-7, Documentation of Training - Family Child Care Home and Large Child Care Home.** Form OCC-7 is used by a family child care home provider to document annual training as required by *Licensing Requirements for Family Child Care Homes and Large Child Care Homes*, OKDHS Publication no. 86-104.
- (9) **OCC-7-A, Documentation of Required Training Topics – Family Child Care Home and Large Child Care Home.** Form OCC-7-A is used by a family child care home provider to document required training topics as required by *Licensing Requirements for Family Child Care Homes and Large Child Care Homes*, OKDHS Publication no. 86-104.

(10) **OCC-8, Periodic Monitoring Report - Certification for Care of Children with Disabilities.** Form OCC-8 is used by the licensing staff to document ongoing compliance with certification requirements during monitoring visits.

(11) **OCC-10, Part-Day Children's Program Monitoring Report.** Form OCC-10 is used by the licensing staff to document compliance with licensing requirements during a monitoring visit at a part-day children's program and to record any other information obtained.

(12) **OCC-12, Complaint Report and Complaint Summary.** Form OCC-12 is used to record a complaint against a child care facility. Form OCC-12 is placed in the case record and includes the findings of the investigation in compliance with Section 406 of Title 10 of the Oklahoma Statutes.

(13) **OCC-14, Family Child Care Home Monitoring Report.** Form OCC-14 is used to document compliance with requirements during a monitoring visit to a family child care home and record other information obtained.

(14) **OCC-17, Six-Month Permit.** Form OCC-17 is a six-month temporary authorization for an applicant to operate a child care facility until a license has been issued or a formal denial notice is given to the applicant.

(15) **OCC-18, Notice of Issuance of License for a Child Care Facility.** Form OCC-18 is a notice to the child care facility that it has complied with licensing requirements and is being issued a license

(16) **OCC-20, Equipment Inventory - Part-day Children's Program.** Form OCC-20 is used to document the equipment available or needed to comply with *Licensing Requirements for Part-day Children's Programs*, OKDHS Publication no. 95-12.

(17) **OCC-21, Comments and Recommendations RE. Licensing Requirements and Policy.** Form OCC-21 is used to make comments and recommendations pertaining to licensing requirements and policy.

(18) **OCC-23, School-Age Program Monitoring Report.** Form OCC-23 is used to document compliance with licensing requirements for school-age programs during a monitoring visit and record any other information obtained.

(19) **OCC-24, School-Age Program – Equipment Inventory.** Form OCC-24 is used to document the equipment available or needed to comply with *Licensing Requirements for School-Age Programs*, OKDHS Publication no. 97-10.

(20) **OCC-25, Request for Child Care Center Star Certification.** Form OCC-25 is used by a child care center owner or director to request star certification.

(21) **OCC-26, Periodic Certification Review - Center Star Certification.** Form OCC-26 is used to document compliance with criteria for star certification and to establish a plan to correct violations in a child care center.

(22) **OCC-27, Request for Family Child Care Home Star Certification.** Form OCC-27 is used by a family child care home provider to request star certification.

(23) **OCC-28, Periodic Certification Review - Home Star Certification.** Form OCC-28 is used to document ongoing compliance with criteria for star certification and to establish a plan to correct violations in a family child care home.

(24) **OCC-37, Notice to Comply.** Form OCC-37 is used by a child care facility to document a plan of correction when there is serious or repeated non-compliance with licensing requirements.

(25) **OCC-38, Child Information.** Form OCC-38 is used by the child care facility to record enrollment information for a child.

(26) **OCC-41, Child Care Staff Information.** Form OCC-41 is used to record information regarding child care facility staff persons as required by licensing requirements.

(27) **OCC-42, Application for License – Family Child Care Home and Large Child Care Home.** Form OCC-42 is used to make application for license to operate a family child care home or large child care home.

(28) **OCC-57, Physical Plant.** Form OCC-57 is used by licensing staff to document the floor plan, including indoor and outdoor square footage and numbers of toilets and sinks.

(29) **OCC-61, Alternative Compliance Request.** Form OCC-61 is used by a child care facility to request an alternative method of complying with licensing requirements.

(30) **OCC-61-A, Notice of Alternative Compliance.** Form OCC-61-A is used by Oklahoma Department of Human Services (OKDHS) to notify a facility of an approved request for alternative method of compliance.

(31) **OCC-63, One Star Plus Certification Expiration.** Form OCC-63 is used by licensing staff when a one star plus facility fails to reapply for certification at 12 or 24 months.

340:110-1-5. Inquiries

(a) Inquiries regarding the licensing of child care facilities are referred to the Division of Child Care (DCC) licensing staff in whose geographical area the inquirer is located. The referral includes the name, address, telephone number, and type of care the facility is giving or planning to give. Upon receipt of an inquiry, the licensing staff provides the inquirer with a copy of the applicable requirements and, when appropriate, makes referrals to other agencies involved in licensing child care facilities, such as the fire department, health department, and local city regulatory offices. ■ 1

(b) Inquiry records are maintained in the licensing staff's office. Inquiry information is sent to the supervisor on request. When the inquirer indicates an interest in becoming licensed, the licensing staff:

(1) determines the necessity for a license according to Section 403 of Title 10 of the Oklahoma Statutes; ■ 2

(2) reviews the requirements with the individual to help him or her decide if these can be met;

(3) ascertains the qualifications of the inquirer to operate a facility; and

(4) provides consultation to assist in the development of a child care facility which can provide quality care.

INSTRUCTIONS TO STAFF

1. The Division of Child Care licensing staff is responsible for being familiar with local ordinances affecting child care facilities so that appropriate referrals can be made.

2. To determine exemptions from the Licensing Act, licensing staff refers to Section 403 of Title 10 of the Oklahoma Statutes (O.S.). Licensing staff must determine if programs are "designed or intended for child care" in accordance with 10 O.S. § 403(A)(8). Programs that are not designed or intended for child care include:

(1) programs that operate less than eight weeks in the summer;

(2) summer programs that operate less than eight hours per day;

(3) programs where children are limited from enrolling in multiple sessions

because of the type of activity or ages accepted;

(4) programs where children are not enrolled by the parents and are free to come and go; and

(5) family child care homes that operate 15 hours per week or less.

340:110-1-6. Application process

(a) **Application.** The Division of Child Care (DCC) licensing staff provides the appropriate application to persons interested in licensure. ■ 1 Child care facilities on Indian tribal land do not require a state license but may request licensure. ■ 2 Facilities that are licensed by a tribe with whom the Oklahoma Department of Human Services (OKDHS) has a cooperative licensing agreement and that care only for Indian children do not require a state license, but may request licensure. If requested, a family child care home application is filed and a license issued to two people, one of whom must live in the home. References must be obtained for both persons, and both must demonstrate compliance with requirements. ■ 3 through 5

(1) **Child care provider contract.** The licensing staff advises the child care facility of the opportunity to contract with OKDHS for the care of children whose families receive child care assistance. The licensing staff documents that a child care contract promotional flyer is provided to the facility with contact information for the county child care liaison. ■ 6 OKDHS may contract with a child care facility in another state when a client residing near the Oklahoma border elects to use an out-of-state facility. The licensing staff responsible for the county in which the client resides verifies the facility is licensed or registered and in compliance with the Civil Rights Act by contacting the state agency responsible for licensing.

(2) **Reopening a family child care home case.** If a family child care home has been closed for less than a year and had a record of compliance prior to closure, the licensing staff may recommend license issuance after one compliant monitoring visit, utilizing previous references. Criminal history investigations must have been obtained within the last year.

(3) **Reopening a child care center, part-day children's program, or school-age program.** If a child care center has been closed and the same owner wishes to reopen, a new application must be completed. ■ 7

(4) **Computer checks on license applicants.** Computer checks to identify prior involvement with OKDHS are completed on all adults who sign the application for a family child care home license and on the owner of a child care center, part-day children's program, or school-age program. ■ 8 When there has been prior involvement with Child Welfare, the licensing staff reviews the case for information regarding the person's ability to meet licensing requirements. ■ 9 Other cases are reviewed only if concerns exist. If the provider's medical information is confidential, the licensing staff may request the information from the provider. If concerns exist, the provider is asked to sign OKDHS Form HIPAA-3, Authorization to Disclose Medical Records. ■ 10

(5) **Family child care homes certified to provide foster care.** A caregiver certified to provide foster care may be licensed as a family child care home. The approval for dual service is made by the licensing supervisor, based upon the recommendation of the licensing staff and foster care worker of the child-placing agency. The decision for approval is:

- (A) based upon the number, ages, and specific needs of potential child care children and foster care children;
- (B) documented in the case record; and
- (C) reviewed with the provider and foster care worker at least once per year or more often if concerns exist.

(6) **Status.** The facility may be granted temporary authorization to operate on application status or on a six-month permit. The licensing staff may recommend a six-month permit when the conditions required for issuance of a six-month permit described in OAC 340:110-1-8(a) are met. If the licensing staff determines that the conditions have not been met but the non-compliance does not place children at risk of immediate harm, the facility may be allowed to operate on application status. While a child care facility is on application status:

- (A) the licensing staff conducts a monitoring visit at least every two months when children are in care;
- (B) contact is made by phone every two months and documented on Form OCC-3, Child Care Center Monitoring Report, page 4, when children have not been accepted into care;
- (C) the procedures found in OAC 340:110-1-9.3 are followed if non-compliance with licensing requirements is observed during the monitoring visit. A plan of correction, including an agreed-upon time period for correction of the non-compliance, is documented; and
- (D) the licensing staff consults with the licensing supervisor if the facility is unable or unwilling to meet licensing requirements after operating on application status for six months. ■ 11

(b) **Withdrawal of application.** If a child care facility applicant wishes to withdraw the application prior to issuance of a license and the licensing staff confirms that no children are in care, the licensing staff closes the case.

INSTRUCTIONS TO STAFF**1. (a) The appropriate applications are:**

(1) Form OCC-42, Application for License - Family Child Care Home and Large Child Care Home; or

(2) Form OCC-4, Application for License - Child Care Facility, which is used by centers, part-day children's programs, and school-age programs.

(b) Upon receipt of an application, the licensing staff obtains a case number and enters available information into the database. For family child care home applicants, the license is issued in the caregiver's legal name as it appears on the caregiver's Social Security card as verified by Division of Child Care (DCC) licensing staff.

2. The sheriff's or district attorney's office can usually identify Indian tribal land boundaries.

3. When the license is issued to two people, it is not required that both caregivers be present in the home and providing care at all times provided two adults are not needed to meet the required adult-child ratio. If one or both caregivers are employed outside the home, one caregiver must be present in the home during hours of care.

4. When care is provided in a structure on the same property as the caregiver's residence, an alternative compliance is not necessary. If any part of the main residence is used for child care, the monitoring visit includes the main residence.

5. If a caregiver wishes to provide care in a location that is not a residential family home, an alternative method of compliance must be requested. If a caregiver wishes to provide care in a residential family home other than the caregiver's permanent residence, an alternative method of compliance is not required, and the procedures in (1) through (5) apply.

(1) The caregiver provides an application that indicates the location of care and the permanent address of the caregiver.

(A) Household members who reside at the location of care are listed on the application. The caregiver's spouse who resides at the permanent

- address is not required to sign the application.**
- (B) If the spouse's signature is obtained, a computer check to identify prior involvement with OKDHS is completed.**
- (C) If the application is a change of address for an existing license, refer to OAC 340:110-1-9(g).**
- (2) Licensing staff documents an explanation of this arrangement on page 4 of Form OCC-3, Child Care Center Monitoring Report.**
- (3) The caregiver signs an agreement that child care will not be provided at the caregiver's permanent address.**
- (4) Documentation of criminal background checks is obtained on all adults who reside in the home where child care is provided and on other adults who have access to children in care on a regular basis.**
- (5) Any child 12 years of age or younger who does not live in the home where care is provided is counted in the capacity if the child is present during the hours of child care.**
- 6.** Refer to OAC 340:40-13-5. The **Family Support Services (FSS)** county child care liaison provides training to the provider on the claims process and offers a contract to the provider. If there is information regarding a criminal conviction or fiscal mismanagement such as inaccurate reporting to Oklahoma Department of Human Services (OKDHS) or other agencies, a copy of the report is sent to the county **FSS** child care liaison. Refer to OAC 340:110-1-8.1(g)(3).
- 7.** If the location and the ownership remain the same, the same case number may be used. The record clearly reflects the closure and reopening of the facility. Fire and Health inspections completed within the last 12 months may be used unless there are concerns. If the facility has been closed less than one year, previously obtained director references may be used. If the facility has been closed less than one year and had a record of compliance prior to closure, the licensing staff may recommend license issuance after one compliant monitoring visit.
- 8.** The check is run by both name and Social Security number. Documentation of the findings is filed in the confidential section of the case record.

- 9.** Information from the Child Welfare case is discussed with the licensing supervisor. If concerns exist, the licensing regional programs manager and statewide licensing coordinator are consulted to assist in developing a course of action.
- 10.** If the provider signs Form HIPAA-3, Authorization to Disclose Medical Records, a letter may then be sent to the doctor asking if the provider is able to provide care for the number and ages of children in care.
- 11.** The licensing staff and licensing supervisor evaluate the seriousness of the non-compliance and the risk to children to determine if the facility should be allowed more time to meet licensing requirements or if a negative sanction should be considered.

340:110-1-8. Types of issuance

(a) **Six-month permit.** New child care centers, part-day children's programs, school-age programs, and family child care homes may be issued a six-month permit as a temporary authorization to operate. The primary purpose of a permit is to provide an opportunity for the Oklahoma Department of Human Services (OKDHS) Division of Child Care (DCC) licensing staff to evaluate the facility's ability to comply with minimum licensing requirements on an ongoing basis, and to provide a legal basis to contract with OKDHS and receive Child Care Food Program funding. The licensing staff may recommend a permit when the facility is in compliance with critical requirements regarding criminal history investigations, required number of qualified staff, hazards indoors or outdoors, adequate equipment, fencing, playground safety, fire safety, or other areas affecting children's safety. The owner's previous history of licensing compliance is considered. The licensing staff observes and documents criminal history investigation reports, pet vaccinations, and other required items. Copies of these items are not needed for the file, with the exception of a criminal history report reflecting a record. A complete monitoring visit documenting compliance with critical requirements must be made within 60 days prior to issuance of the six-month permit.

(1) **Child care centers, part-day children's programs, and school-age programs.** Items required to be on file for issuance of a six-month permit are:

- (A) copy of licensing staff recommendation, LisReq;
- (B) Application for License - Child Care Facility, Form OCC-4; ■ 1
- (C) Child Care Center Staff Summary, Form OCC-2;
- (D) Child Care Staff Information for each staff person, Form OCC-41;
- (E) physical plant drawing and calculation, Form OCC-57;
- (F) verification of adequate equipment for the recommended capacity; ■ 2
- (G) documentation of fire department approval within the previous 12 months; ■ 3
- (H) documentation of Oklahoma State Department of Health approval within the previous 12 months if meals are prepared and served; and ■ 4

(I) Child Care Center Monitoring Report, Form OCC-3; Part-Day Children's Program Monitoring Report, Form OCC-10; or School-Age Program Monitoring Report, Form OCC-23.

(2) **Family child care homes.** The items required to be on file for issuance of a six-month permit for a family child care home are:

(A) copy of licensing staff recommendation, LisReq;

(B) Application for License – Family Child Care Home and Large Child Care Home, Form OCC-42; ■ 1

(C) Family Child Care Home Monitoring Report, Form OCC-14; and

(D) documentation of fire department approval within the previous 12 months for a large family child care home operating in a mobile home.

(3) **Second and subsequent six-month permits.** If additional six-month permits are recommended, the procedures in (A) through (G) of this paragraph are followed.

■ 5

(A) The licensing staff consults with the licensing supervisor prior to recommending a second permit.

(B) The licensing supervisor consults with the licensing regional programs manager before recommending the issuance of a third permit.

(C) The licensing regional programs manager consults with the statewide licensing coordinator or designee before recommending the issuance of a fourth or subsequent permit.

(D) The licensing staff sends a letter to the applicant notifying him or her of the recommendation each time a second or subsequent permit is recommended. The reason for the recommendation is clearly stated in the letter, with each area of non-compliance listed separately.

(E) If the permit is due to numerous, repeated, or serious non-compliance with requirements, the licensing staff visits the facility at least monthly and is accompanied, when possible, by a witness. If at any point the non-compliance indicates the facility is unable or unwilling to meet licensing requirements, the statewide licensing coordinator or designee is consulted to discuss negative sanctions.

(F) If requirements are met before the expiration of the six-month permit, the issuance of a license may be recommended.

(G) If children have not been in care on a regular basis during the previous year, the applicant is asked to withdraw his or her application.

(b) **Issuance of license.** A license is issued after the Oklahoma Department of Human Services (OKDHS) has investigated the activities and standards of care of the applicant and has determined that the applicant meets all critical requirements identified in (a) of this Section and has demonstrated substantial compliance with all other requirements. Prior to recommending issuance of a license, the licensing staff completes a minimum of three monitoring visits, and in child care centers, part-day children's programs and school-age programs, an equipment inventory. Children in care must be observed during at least one visit. A monitoring visit must be made within 60 days of the issuance date. A license is in effect unless it is revoked or the facility voluntarily closes.

(1) **Child care centers.** In addition to the items listed in (a)(1) of this Section for issuance of a six-month permit, items required to be on file before a license is issued to a child care center are:

(A) copy of licensing staff recommendation, LisReq;

(B) daily program schedule;

(C) updated Child Care Center Staff Summary, Form OCC-2;

(D) outdoor play schedule, if applicable;

(E) Equipment Inventory - Child Care Center, Form OCC-6;

(F) statement of completed compliance review, if applicable; ■ 6

(G) director's references;

(H) one-week sample menu;

(I) documentation of Fire Department approval within the previous 24 months;

(J) documentation of Health Department approval within the previous 24 months if meals are prepared and served; and

(K) Child Care Center Monitoring Report, Form OCC-3.

(2) **Part-day children's programs and school-age programs.** In addition to the items listed in (a)(1) of this Section for issuance of a six-month permit, the items required to be on file before a license is issued to a part-day children's program or school-age program are:

- (A) copy of licensing staff recommendation, LisReq;
- (B) outdoor play schedule, if applicable;
- (C) daily program schedule for school-age programs;
- (D) updated Child Care Center Staff Summary, Form OCC-2;
- (E) Equipment Inventory, Form OCC-20 or OCC-24 as applicable;
- (F) statement of completed compliance review, if applicable; ■ 6
- (G) director's references for school-age programs;
- (H) one week sample menu of foods provided by the program; and
- (I) Part-Day Children's Program Monitoring Report, Form OCC-10, or School-Age Program Monitoring Report, Form OCC-23.

(3) **Family child care homes.** In addition to the items listed in (a)(2) of this Section for issuance of a six-month permit, the items required to be on file before a license is issued to a family child care home are:

- (A) copy of licensing staff recommendation, LisReq;
- (B) one-week sample menu;
- (C) references;
- (D) Family Child Care Home Monitoring Report, Form OCC-14; and
- (E) statement of water test results if not on public water supply.
 - (i) If the test indicates the level of bacteria, nitrates, or lead is too high for safe use, the caregiver may sign a statement agreeing to use bottled water for drinking and cooking.

(ii) If there is a high level of bacteria or a high level of lead, boiled or bottled water must also be used for hand washing and dish washing.

(iii) If bacteria and lead are at safe levels, but the level of nitrates is too high, the water may be safely used for hand washing and dish washing.

(c) **One-year provisional license.** A provisional license may be issued for a period of one year. ■ 7 A subsequent provisional license may be issued at the discretion of OKDHS if an emergency exists. If the facility complies with all requirements prior to expiration of the provisional license, the licensing staff documents compliance with all requirements and submits a recommendation for issuance of a full license. A provisional license is recommended when:

(1) an applicant is temporarily unable to comply with all licensing requirements but the services are needed;

(A) the facility operator submits a written request for a provisional license, which contains the reason for the request and a time frame for compliance;

(B) the statewide licensing coordinator or designee sends a letter to the operator approving or denying the request; and

(C) a minimum of three monitoring visits are made during the provisional license period; or

(2) the license cannot be issued but the level of non-compliance does not support a denial of the license;

(A) the licensing staff submits a recommendation for a provisional license, including the documentation to support the recommendation;

(B) the statewide licensing coordinator or designee sends a letter to the operator stating the reason for the provisional license; and

(C) monitoring visits are conducted at least monthly and, when possible, with a witness.

(d) **Evaluation and disposition.**

(1) The licensing supervisor reviews the licensing staff's recommendation for case action before forwarding it to the statewide licensing coordinator or designee. ■ 8

(2) The statewide licensing coordinator or designee approves all recommendations for case actions. If a license or permit is approved, notification is made to the operator on Form OCC-17, Six-month Permit or Form OCC-18, Notice of Issuance of License for a Child Care Facility.

INSTRUCTIONS TO STAFF

1. **Adults who sign the application in a family child care home and adults who sign the center application as owner of a child care center, part-day children's program, or school-age program are checked by date of birth and Social Security number on the computer for any previous involvement with the Oklahoma Department of Human Services that could affect their ability to meet licensing requirements. Documentation of the computer check is filed in the confidential section of the facility's case. A computer check is not completed on the facility director if the facility director is not the owner of the facility.**
2. (a) The licensing staff explains the Equipment Inventory to the applicant and provides Form OCC-6, OCC-20, or OCC-24. Facilities must have all equipment for their licensed capacity. Prior to recommending a six-month permit, the licensing staff verifies the amount of indoor basic and outdoor play equipment, but does not need to conduct a full inventory unless it appears there is not adequate play equipment for the licensed capacity. A full inventory of the play equipment must be conducted by the licensing staff prior to issuance of the license.

(b) The director may request an increase in capacity during the permit period by documenting additional equipment. The licensing staff visits the facility to verify equipment only if concerns exist.
3. If the facility is located in a community without a local fire department, the licensing staff provides the statewide licensing coordinator or designee with the facility's name, address, finding directions, and telephone number. The statewide licensing coordinator or designee sends a request for an inspection to the State Fire Marshal. If an inspection has been made but a copy of the fire department report is not available, the licensing staff may contact the fire department by telephone to obtain verbal approval. The conversation is documented on page 4 of Form OCC-3, Child Care Center Monitoring Report.
4. (a) If problems exist with water, sewage, or waste removal, such as sewage surfacing over a septic tank, the licensing staff contacts the Department of Environmental Quality (DEQ). DEQ assesses the caregiver a fee for the inspection.

(b) If an inspection has been made but a copy of the health department report is not available, the licensing staff may contact the Oklahoma State Department of Health by telephone to obtain verbal approval. The conversation is documented on Form OCC-3, under Supplemental Information.

5. The licensing staff and supervisor evaluate whether the facility has had numerous, repeated, or serious non-compliance and considers the most appropriate responses, per OAC 340:110-1-9.3. The date of this discussion is documented.
6. The compliance review is required for a new director who has no previous director experience. The review may also be used as a learning tool for a director or facility staff to review licensing requirements. The licensing staff provides the facility director with a copy of a compliance review at the initial application visit with instructions to return it when completed. The licensing staff evaluates the completed review and discusses any concerns with the director. The discussion is documented on a monitoring report and the completed compliance review is returned to the director.
7. The licensing supervisor forwards the facility's request or the licensing staff's recommendation for the provisional license to the statewide licensing coordinator or designee. Licensing staff consults with the statewide licensing coordinator or designee prior to recommending a subsequent provisional license.
8. When the licensing supervisor disagrees with the recommendation, the licensing supervisor discusses areas of disagreement with the licensing staff. The licensing supervisor makes the final recommendation.

340:110-1-8.3. Certification of facilities to receive a differential quality rate

(a) **Purpose.** Certification is required for a provider to receive a differential quality rate for children whose families are receiving child care assistance through the Oklahoma Department of Human Services (OKDHS).

(b) **Criteria for child care center certification levels.** The levels of certification for child care centers are contained in this subsection.

(1) **Criteria for one star centers.** A center operating on a permit, license, or provisional license is designated as a one star center.

(2) **Criteria for one star plus centers.** A center can operate on one star plus status for a total of 24 months; these months are not required to run consecutively. To be approved as a one star plus center, a center must complete and submit Form OCC-25, Request for Child Care Center Star Certification, and meet all the requirements in (A) through (E) of this paragraph. At the end of two years, the center must be approved as a two star center or return to one star status. If the new criteria cannot be met at 24 months, a facility may request an extension of time to comply as set forth in (g) of this Section.

(A) **Licensing status.** The program must have a license, provisional license, or permit and must not have a history of numerous, repeated, or serious non-compliance with applicable licensing requirements. For the purposes of star certification the definitions of numerous, repeated, or serious non-compliance listed in (i) through (iii) of this paragraph apply. ■ 1 & 2

(i) Numerous non-compliance is any monitoring visit with six or more items documented as non-compliant on the monitoring report for a facility with a licensed capacity of less than 60 or seven or more items for a facility with a licensed capacity of 60 or more. ■ 3

(ii) Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement within the last 12 months. For missing immunizations to be considered a repeat non-compliance, they must be regarding the same child.

(iii) Serious non-compliance is a non-compliance with licensing requirements which exposes children to conditions which present an imminent risk of harm. Some examples of serious non-compliance are violations of requirements for:

(l) staff-child ratio;

(II) supervision of children;

(III) sleep position;

(IV) prohibited disciplinary actions;

(V) licensed capacity;

(VI) use of passenger restraints;

(VII) water activities,

(VIII) pools and other water hazards;

(IX) multiple hazards;

(X) weapons;

(XI) reporting child abuse;

(XII) prohibiting access to children by a person with a criminal record or health or behavior risk;

(XIII) administering medication to children;

(XIV) room temperatures; and

(XV) heat sources.

(B) Director qualifications.

(i) At initial star approval the director meets director qualifications as set forth by the applicable licensing requirements and must have documentation of 40 hours of training, within the last 12 months. At least 20 of those hours must be Tier II or Tier III training in administration and management.

(ii) If a new director is hired, the director must have documentation of 40 hours of training, within the last 12 months. At least 20 of those hours must be Tier II or Tier III training in administration and management.

(iii) In subsequent years, directors must have documentation of 30 hours of

Tier I, Tier II, or Tier III job-related training per employment year.

(iv) In-service training such as videos and on-site staff training is counted for a maximum of six hours per year. Reading does not count for stars training.

(v) An individual may not be considered as the director of more than one facility certified as one star plus, two star, or three star unless a written request is submitted and approved by the stars program manager or designee.

(C) **Learning environment.** The center has current weekly lesson plans appropriate for the developmental needs of all groups of children, including 12 months and older. Space for children 12 months of age and older is arranged in a minimum of five well-defined and equipped interest areas in each classroom to facilitate a variety of activities, which must include block building, dramatic play, manipulative play, art, and book reading. Teachers read to children a minimum of 15 minutes each day.

(D) **Staff training.**

(i) At initial application, center staff employed at the facility for at least 12 months and counted toward meeting the staff-child ratio must have 20 hours of Tier I, II, or III training per employment year. At application, training may be counted if training was obtained within the last 12 months or within the staff's employment year.

(ii) After initial approval for certification, the training criteria must be met within the staff's employment year.

(iii) The training requirement applies to part-time staff and permanent substitutes who have worked at the child care center more than 40 hours. Staff used for the sole purpose of performing auxiliary duties, such as cooking, transportation, or maintenance are exempt from this training requirement.

(iv) In-service training such as videos and on-site staff training is counted for a maximum of six hours per year. Reading does not count for stars training.

(v) Training may be counted to meet minimum licensing requirements.

(vi) The director assists teachers in selecting training that enhances their overall professional growth based upon a review of the teacher's training record. ■ 4

(E) Parent involvement. The center involves parents in the activities described in (i) through (vii) of this subparagraph.

(i) A written system is established and maintained daily for sharing happenings and changes in a child's physical or emotional state. This is provided to parents at least once per week. When a child enters kindergarten, a verbal system may be used.

(ii) Parents are welcomed into the center at all times, for example, to observe, eat lunch with a child, or volunteer in the classroom.

(iii) Parent conferences are arranged for and documented at least annually and at other times as needed to discuss their child's progress, accomplishments, and difficulties.

(iv) There is a parent resource area with books, pamphlets, and articles on parenting.

(v) Parent meetings with guest speakers or special events are held at least twice per year, for example, open house, brown bag lunch, family pot-luck dinners, and children's programs.

(vi) Parents are informed of the center's program by two of three methods: parent's bulletin board, newsletter, or parent handbook.

(vii) Parents participate in program and policy development through board involvement, planning meetings, or questionnaires.

(3) Criteria for two star centers. To be approved as a two star center, a center must complete Form OCC-25, be accredited by an approved national accrediting body, **■ 5** and not have numerous, repeated, or serious non-compliance with licensing requirements, or meet all one star plus criteria, and the criteria described in (A) through (G), of this paragraph.

(A) **Master teacher responsibilities.** Master teachers support other teaching staff with responsibilities such as program development, weekly lesson plans, use of space and equipment, interactions with parents, and program evaluation.

(B) **Master teachers required.** There is a master teacher for every 30 children of the licensed capacity. During the second and subsequent year as a two or three star center, there must be a master teacher for every 20 children. This

number does not include school-age children if the majority of children in care are younger than five years of age. ■ 6 Centers licensed as school-age programs or programs where the majority of children are school-age must have a master teacher for every 40 children of the licensed capacity.

(C) **Director as master teacher.** The director may only be counted as a master teacher if the licensed capacity minus school-age children is 30 or less. The director may be counted as a master teacher in centers licensed as school-age programs or programs where the majority of children are school-age.

(D) **Master teacher qualification.** Master teachers must be employed and on-site on a full-time basis. ■ 7 A person is not counted as a master teacher in more than one facility or be considered a master teacher in one facility and a director of another facility unless the facilities are programs that do not operate concurrently at any given time. Master teachers meet Level III or higher on the Early Childhood Education Professional Development Ladder or meet one of the requirements in (i) through (vi) of this subparagraph. Master teachers must currently meet and maintain one of these qualifications:

(i) an occupational child care competency certificate for lead teacher through an Oklahoma technology center and three months of satisfactory full-time experience in a licensed or legally exempt child care setting;

(ii) a current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential;

(iii) a two year college Certificate of Mastery;

(iv) 30 credit hours of Tier III training from an accredited college or university, including 12 credit hours in early childhood education, child development, or an approved related subject;

(v) a four year degree with six college credit hours of Tier III training in child development, early childhood education, or an approved related subject; or

(vi) a two or four year degree in early childhood education or child development.

(E) **School-age master teacher.** In centers licensed as school-age programs or programs where the majority of children are school-age, the master teacher must be employed and on-site at least 50% of the weekly operating hours. The master teacher must currently meet and maintain either:

(i) one of the qualifications in (D); however, a degree or coursework in (iv) through (vi) may also be in elementary education, recreation, or other coursework that supports working with the school-age child; or

(ii) 120 clock hours of school-age related Tier I, II, or III training within the last five years, one year of full-time experience ■ 7 in a licensed school-age child care program or legally exempt school-age child care program, and every two years a minimum score of 5.0 on the School-Age Environment Rating Scale in a classroom where the master teacher is the lead teacher.

(F) Staff compensation. The program must have a salary scale with increments based on level of education, credentials, and years of early childhood experience. The director evaluates staff, in writing, at least annually. Compensation is based upon consideration of education, experience, and performance.

(G) Program evaluation. All methods of program evaluation as described in (i) through (v) of this paragraph are scheduled or completed within the first six months of two star certification. Items (iii) through (v) are repeated every two years.

(i) The director or staff person from the facility attends approved training on program evaluation.

(ii) An approved self-assessment tool is completed.

(iii) Staff and parents are surveyed to identify strengths and weaknesses of the program and evaluate the program's effectiveness in meeting the needs of children, parents, and staff.

(iv) The program is assessed by an independent evaluator using a rating scale approved by OKDHS to determine the day-to-day quality of care provided to children. ■ 8

(v) Program goals are established and updated based on information gathered from (i) through (iv).

(4) **Criteria for three star centers.** To be approved as a three star center, a center must meet all two star center criteria and be accredited through an approved national accrediting body. ■ 5 When an existing two star facility becomes accredited, the provider completes Form OCC-25 with proof of accreditation and documentation reflecting any changes in the previous twostar certification criteria.

(c) **Criteria for family child care home certification levels.** The levels of certification for family child care homes are contained in this subsection.

(1) **Criteria for one star homes.** A home operating on a permit, license, or provisional license is designated as a one star home.

(2) **Criteria for one star plus homes.** A home may operate on one star plus status for a total of 24 months; these months are not required to run consecutively. To be approved as a one star plus family child care home or large family child care home, a home must complete and submit Form OCC-27, Request for Family Child Care Home Star Certification, and meet the requirements in (A) through (D) of this paragraph. At the end of two years, the home must be approved as a two star home or return to one star status. If the new criteria cannot be met at 24 months, a facility may request an extension of time to comply as set forth in (g) of this Section.

(A) **Licensing status.** The home must have a license, provisional license, or permit and must not have a history of numerous, repeated, or serious non-compliance with applicable licensing requirements. For the purposes of star certification the definitions of numerous, repeated, or serious non-compliance listed in (i) through (iii) of this paragraph apply. ■ 1 & 2

(i) Numerous non-compliance is any monitoring visit with five or more items documented as non-compliant on the monitoring report. ■ 3

(ii) Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement within the last 12 months. For missing immunizations to be considered a repeat non-compliance, they must be regarding the same child.

(iii) Serious non-compliance is non-compliance with licensing requirements which exposes children to conditions that present an imminent risk of harm. Some examples of serious non-compliance are violations of requirements for:

(I) staff-child ratio;

(II) supervision of children;

(III) sleep position;

(IV) prohibited disciplinary actions;

(V) licensed capacity;

(VI) use of passenger restraints;

(VII) water activities,

(VIII) pools and other water hazards;

(IX) multiple hazards;

(X) weapons;

(XI) reporting child abuse;

(XII) prohibiting access to children by a person with a criminal record or health or behavior risk;

(XIII) administering medication to children;

(XIV) room temperatures; and

(XV) heat sources.

(B) Home provider training. At initial application, the family child care home provider must have documentation of 20 clock hours of Tier I, II, or III training. At application, the training may be counted if training was obtained within the last 12 months or within the provider's employment year. After initial approval for certification, the training criteria must be met within the provider's employment year.

(i) After being employed 12 months, any assistant caregiver required to meet the staff-child ratio must have documentation of 20 clock hours of Tier I, II, or III training per employment year.

(ii) In-service training such as videos, on-site, and home association training is counted for a maximum of six hours per year. Reading does not count for stars training.

(iii) Training must be within the last 12 months and may also be counted to meet licensing training requirements. ■ 4

(C) Learning environment. The family child care home provider follows a daily schedule and reads to the children a minimum of 15 minutes each day.

(D) **Parent involvement.** The family child care home must provide the methods of parent communication contained in this subparagraph.

(i) Written policies are given to parents upon enrollment, and the provider has signed contracts with each family.

(ii) The provider encourages parents to visit any time their children are present, and provides access to all parts of the home used for child care.

(iii) The provider arranges for and documents, at least once per year, a conference with each child's parents. They discuss the child's current interests, accomplishments, and challenges, and set goals together.

(iv) The provider makes opportunities available for parents to be involved in the program's activities.

(v) The provider has information available about resources that provide services to parents and children and makes referrals as needed.

(3) **Criteria for two star homes.** To be approved as a two star home the licensed provider must be accredited by the National Association of Family Child Care and not have numerous, repeated, or serious non-compliance with requirements or meet all one star plus criteria and the criteria described in (A) and (B) of this paragraph.

(A) **Provider qualifications.** The provider must meet Level III or higher on the Early Childhood Education Professional Development Ladder or one of the provider qualifications requirements listed in (i) through (vi) of this subparagraph. In a facility licensed as a large family child care home, the licensed provider or full-time assistant must meet the qualifications and be on-site for at least 30 hours per week. The qualifying person is not counted as a center master teacher, director, or qualifying star home provider at more than one facility unless the facilities are programs that do not operate concurrently at any given time. When the license is issued to two people, one full-time caregiver must meet the qualifications. The provider or large family child care home assistant must currently meet and maintain one of these qualifications:

(i) if approved prior to June 1, 2004, 120 hours of job-related Tier I, II, or III training within the last five years, five years of full-time experience in a licensed or legally exempt child care setting, and every two years a minimum score of 5.0 on the Family Day Care Rating Scale; ■ 9

(ii) an occupational child care competency certificate for lead teacher through

an Oklahoma technology center and three months of satisfactory full-time experience in a licensed or legally exempt child care setting;

(iii) a current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential;

(iv) a two year college Certificate of Mastery;

(v) 30 credit hours of Tier III training from an accredited college or university including 12 credit hours in early childhood education, child development, or an approved related subject;

(vi) a four year degree with six college credit hours of Tier III training in early childhood education, child development, or an approved related subject; or

(vii) a two or four year degree in early childhood education or child development.

(B) Program evaluation. All methods of program evaluation as described in (i) through (v) of this paragraph are scheduled or completed within the first six months of receiving the two star certification. Items (iii) through (v) are repeated every two years.

(i) The licensed provider or full-time assistant attends approved training on program evaluation.

(ii) An approved self-assessment tool is completed.

(iii) Parents are surveyed to identify strengths and weaknesses of the program and evaluate the program's effectiveness in meeting the needs of children and parents.

(iv) The program is assessed by an independent evaluator using a rating scale approved by OKDHS to determine the day-to-day quality of care provided to children. ■ 8

(v) Program goals are established and updated based on information gathered from (i) through (iv).

(4) Criteria for three star homes. To be approved as a three star home, a home must meet all two star home criteria and be accredited through the National Association of Family Child Care. When an existing two star facility becomes

accredited, the provider completes Form OCC-27 with proof of accreditation and documentation reflecting any changes in the previous two star certification criteria.

(d) **Approval for certification for homes and centers.** The procedures contained in this subsection are followed for initial approval for certification and requests for higher certification level.

(1) The facility submits Form OCC-25 or Form OCC-27, and required documentation to the stars outreach specialist. ■ 10 & 11

(2) Within 30 days of receipt of the facility request, the stars outreach specialist determines whether the certification criteria have been met by reviewing the case record and the documentation submitted by the facility. If it has been four months since the last monitoring visit, the stars outreach specialist requests licensing staff to make a monitoring visit. The stars outreach specialist reviews all information and consults with the licensing staff and stars program manager as needed prior to approval.

(A) The monitoring visits and substantiated complaints for the last 12 months of operation are reviewed to determine whether the facility meets the compliance criteria. The 12 month history includes the licensing record from the provider's previous licenses, if any. ■ 12 If, within the last 12 months, there are two or more incidents of numerous, repeated, or serious non-compliance as defined in (b)(2)(A) and (c)(2)(A) of this Section or one serious incident resulting in injury to a child, the request may be denied. ■ 13

(B) If the facility meets the criteria, the stars outreach specialist updates the licensing database. The effective date is the first day of the next month, and the expiration date is two years later for one star plus facilities. The stars outreach specialist sends a letter to the provider confirming the approval and the effective date. ■ 14 If numerous, repeated, or serious non-compliance was identified during review of the case for the star certification, the letter includes a statement that these non-compliances will be considered if there are future non-compliances within a 12 month period and may result in reduction of the star certification.

(C) If the facility fails to meet the criteria, the stars outreach specialist sends a letter to the provider identifying all the criteria that have not been met. The application is also reviewed by the stars outreach specialist to determine if another certification level can be met.

(i) If a one star plus facility fails to submit Form OCC-25 with supporting

documentation, this does not constitute a reduction in certification level as set forth in (h) of this Section. If a reduction is warranted for this purpose, the stars outreach specialist sends a letter, Form OCC-63, One Star Plus Certification Expiration, documenting the reduction in certification level to one star.

(ii) If a one star plus facility is denied at 24 months for failure to meet additional quality criteria, the procedures in (h) of this Section are followed. ■
15

(D) The provider may reapply at any time the criteria are met. If the request for a higher certification level is denied due to numerous, repeated, or serious non-compliance with licensing requirements, the provider is not approved for a higher certification level for six months after the date of the denial of the request. The six month waiting period may only be reduced by the regional programs manager upon evaluation of the facility's 12 month history, written documentation of corrective actions taken, and observation and documentation by licensing staff of substantial improvement in compliance. The regional programs manager notifies the provider in writing of the decision.

(E) The provider may withdraw the application prior to certification denial.

(e) **Complaint investigations.** Pending complaint investigations do not impact the decision to approve the stars application.

(f) **Ongoing monitoring.** The procedures contained in this subsection are followed for ongoing monitoring.

(1) **Written notice.** The facility notifies the licensing staff in writing within five working days of any change in the information provided on Forms OCC-25 or OCC-27. Providers may use Forms OCC-26, Periodic Certification Review – Center Star Certification, or OCC-28, Periodic Certification Review – Home Star Certification, to submit this information.

(2) **Periodic monitoring visits.** During a minimum of three periodic monitoring visits annually, the licensing staff completes Form OCC-26 or OCC-28 and verifies that certification documentation is still current and accurate and that the facility has not developed a history of numerous, repeated, or serious non-compliance with licensing requirements. Licensing programs that operate less than full year or have a cooperative licensing agreement with a tribal program are only required to have two stars periodic monitoring visits annually. ■ 16 Once the provider has been notified in writing that numerous, repeated, or serious non-compliance exists, any

subsequent numerous, repeated, or serious non-compliance within a 12-month period is considered a history. Once the provider has developed a history of numerous, repeated, or serious non-compliance, certification may be reduced in accordance with (h) of this Section. ■ 13

(3) **Violations.** If violations of certification criteria are documented, or if the facility notifies the Division of Child Care (DCC) in writing of any change, the procedures in (A) through (C) are followed.

(A) The facility submits a written plan for correcting the violations within an agreed-upon time frame, not to exceed 90 days from the date the violation occurred or the date a facility is notified of a substantiated complaint. ■ 17 & 18

(B) Licensing staff provides written notification to the operator documenting the violations and a statement that the certification level will be reduced if violations are not corrected within the agreed-upon time frame. The notification also states that future violations of this or other certification criteria may result in the reduction of certification level.

(C) If the facility has not notified the licensing staff of changes in the information provided on the certification request and certification requirements have not been met for over 90 days, the certification level is reduced according to (h) of this Section. If applicable, the provider is advised of the right to request an extension of time to comply.

(g) **Extension of time to comply.** When a center or home fails to maintain the criteria for the certification level, the provider has the right to request an extension of time to comply. The provider submits the request in writing to the Director of Child Care Services or designee 30 days prior to the expiration of the one star plus certification or the agreed-upon time frame for the correction of the violations. One or more discretionary extensions of time to comply of one to six months may be granted. The applicant must demonstrate that the violation of the criteria was not foreseeable and was beyond the applicant's control. The provider is notified of the decision in writing.

(h) **Reduction in certification level.** The procedures in this subsection are followed when: a one star plus facility fails to meet the additional criteria at 24 months; violations are not corrected within the agreed-upon time frame; the facility has developed a history of numerous, repeated, or serious non-compliance with licensing requirements; a serious incident occurs resulting in injury to a child; OKDHS has issued an Emergency Order; a notice of proposed denial or revocation of license has been issued; or an injunction is obtained.

(1) The licensing staff reviews the case with the supervisor and regional programs manager. Referrals are made to the stars outreach specialist as needed. If the criteria not met includes numerous, repeated, or serious non-compliance, the stars outreach specialist obtains approval from the stars program manager before any action is taken.

(2) If a reduction is warranted and supervisory approval has been obtained, the stars outreach specialist sends a certified letter to the provider documenting the reduction in certification level. Certification is reduced to the level at which the provider meets criteria. In the letter, the provider is informed of the right to request an administrative review of the decision. The certified mail delivery receipt card is addressed to return to the Director of Child Care Services. In order to receive an administrative review, the provider must submit a request in writing to the Director of Child Care Services within 15 calendar days of receipt of the OKDHS letter notifying the provider of the reduction. The request must include written documentation stating the provider's grounds for appeal.

(3) The stars outreach specialist enters the recommended reduction on the database and the stars program manager approves the action. State Office licensing staff update any changes in the star status level and star payment rate following verification of the provider's receipt of the certified letter and the administrative review, if requested. ■ 19

(4) The procedures in (A) through (C) of this paragraph are followed when an administrative review is requested.

(A) Within 30 days of receipt of the request for an administrative review, a letter is sent notifying the provider of the date of the administrative review. The letter is sent to the provider's last known address. The provider is given at least two weeks written notice prior to the administrative review. Supporting documentation which OKDHS intends to use to support its decision is included with the letter. Additional documentation may be presented prior to or at the beginning of the administrative review, with copies provided to all representatives.

(B) The review is conducted by the stars review panel, which consists of three OKDHS staff who have not been involved in the decision to reduce the certification level. The provider may submit written documentation and is given an opportunity to appear at the administrative review. The standard of review applied by the panel is whether the decision of OKDHS to reduce the certification level is substantially supported by the evidence.

(C) When possible, the reviewing panel makes a determination to either affirm or reverse the OKDHS decision on the date of the administrative review and announces the decision at the conclusion of the review. Time constraints or the complexity of issues may require the panel to take a matter under advisement. Written findings are completed within ten calendar days from the date of the review.

(5) If there is evidence of extenuating or revised circumstances, the provider may propose alternative settlement options prior to the date of the review hearing by contacting the regional programs manager.

(6) The provider may reapply for a higher certification level at any time the criteria are met. If the certification level is reduced due to numerous, repeated, or serious non-compliance with licensing requirements, the provider is not approved for a higher certification level for six months after the receipt of the certified reduction letter.

(i) **Change in ownership.** If the ownership of a star facility changes, the new owner may apply for star status by submitting a new Form OCC-25 and the required documentation to verify that the certification criteria continues to be met.

(j) **Change in location.** If the location of a facility changes, the licensing staff verifies compliance with the criteria at the new location. ■ 20

(k) **Record-keeping.** Periodic review forms, certification request forms, and supporting documentation are maintained in the official licensing file or in a separate file that is part of the open record, with the exception of page 5 of Form OCC-25, staff salary report, which is maintained in a confidential manner. If maintained, pay stubs and photos that include children are also kept confidential.

INSTRUCTIONS TO STAFF

1. A non-compliance may qualify in more than one category in determining numerous, repeated, or serious non-compliance with licensing requirements.

(1) Example: An understaffing is considered serious but may be part of repeated or numerous non-compliance. If a non-compliance is documented a second time during an agreed-upon plan of correction for licensing, it is not considered again in determining numerous, repeated, or serious non-compliance.

(2) Example: Licensing staff documents on the visit report that one of the

toilets is not working and the provider agrees to have it repaired within two weeks. Due to other follow-up or a complaint licensing staff returns in one week and the toilet is not yet repaired. The second observation of the non-compliance would not count toward determining numerous or repeated non-compliance for star certification.

2. Out-of-state and military child care programs with a provider contract may apply for star certification and submit copies of monitoring visits for the last year to demonstrate compliance with the applicable child care requirements. A visit is made prior to approval to verify compliance with certification criteria. An annual visit is made to the facility to determine continued compliance, including a review of the monitoring visits for the last 12 months.
3. Each numbered item on the monitoring report that has been marked as non-compliant is counted once even though there may be more than one non-compliance included in that item.
4. When converting from certification year to employment year, there may be an overlap in training hours. Training that was counted during the employee's last 12 months may be counted again when reviewing training for the employment year.
5. The approved national accrediting bodies are the:
 - (1) Association of Christian Schools International's Preschool Accreditation (ACSIPA);
 - (2) National Academy of Early Childhood Programs (NAEYC);
 - (3) National Early Childhood Program Accreditation (NECPA);
 - (4) National School-Age Care Alliance (NSACA); and
 - (5) Council on Accreditation (COA).
6. To determine the number of children upon which to calculate the number of master teachers required, utilize the equipment inventory, floor plan, and prior monitoring reports to determine the number of school-age children expected to be in care before and after school. School-age children are at least five years of age and have attended school. This number is subtracted from the licensed capacity.

7. (a) Employment on a full-time basis is generally 30 hours a week. For employment at part-day or school-age programs, use 50% of the weekly operating hours.

(b) In collaborations between Head Start, public schools, or child care centers, staff is counted as a master teacher if the person:

(1) works full-time and full-year at the center;

(2) has staff records on file; and

(3) fills the role of master teacher as described in OAC 340:110-1-8.3(b)(3)(A).

8. Rating scales approved by the Oklahoma Department of Human Services (OKDHS) include the:

(1) Early Childhood Environment Rating Scale (ECERS);

(2) Infant/Toddler Rating Scale (ITERS);

(3) Family Day Care Rating Scale (FDCRS); and

(4) School-Age Care Environment Rating Scale (SACERS).

9. If a provider is approved for two or three star status prior to June 1, 2004 and qualifies by using option (i) of OAC 340:110-1-8.3(c)(3)(A), the provider may continue to meet the home provider qualifications with these criteria by maintaining 120 hours of training every five years and a score of 5.0 or higher on FDCRS every two years. If an existing two or three star provider closes or is reduced, the provider may not use this option to meet the home provider qualifications.

10. It is the facility's responsibility to initiate the process and provide required documentation. After 24 months of one star plus certification, the facility must complete Form OCC-25, Request for Child Care Center Star Certification, or OCC-27, Request for Family Child Care Home Star Certification. Facilities are not required to have a current provider contract to request certification.

11. The stars outreach specialist notifies the licensing staff that an application has been received.

- 12.** A facility is not required to be in operation 12 months to apply, but the facility's prior history of up to 12 months is considered when such history exists.
- 13.** When the stars outreach specialist makes a determination to deny or reduce the certification, the stars outreach specialist considers the duration of the non-compliance, the degree of risk to children, whether the provider could have prevented the non-compliance, and the timeliness and effectiveness of the provider's response. Numerous non-compliances during the initial licensing visit, prior to permit, may be disregarded when evaluating compliance history if all items were corrected in a timely manner.
- 14.** The application and training summary must be maintained in the official licensing file, but other documentation may be returned to the facility.
- 15.** A copy of the documentation upon which the decision for denial of the application was made is kept and the originals are returned to the facility.
- (1) If the provider contacts the licensing supervisor to discuss concerns regarding the denial of the application, the licensing staff attempts to resolve the matter by making the appropriate referrals based on the reason for denial.
- (2) If the matter is not resolved, the staff advises the provider of the right to file a grievance following the procedure in OAC 340:110-1-15. The staff sends a copy of the procedure to the provider.
- (3) If it is determined that the facility meets a different certification level than applied for, the stars outreach specialist contacts the facility to update the current application or to request completion of a new application.
- 16.** (a) The licensing staff takes a copy of the facility request form to the facility to determine if there are any staff changes in the director and master teacher positions. Forms OCC-26, Periodic Certification Review - Center Star Certification and OCC-28, Periodic Certification Review - Home Star Certification are completed during a complaint investigation only when a violation of the criteria is noted, such as a change in director or a serious non-compliance.
- (b) If the director is not present and the staff in charge is unwilling to complete

Form OCC-26, licensing staff leaves a copy at the facility for the director to complete and mail to the licensing staff.

17. The time frame for correcting violations is negotiated between the director and the licensing staff and is based upon the time needed to correct the violation and the level of risk to children.

(1) For example, if the facility no longer has a resource center, a reasonable time frame for correction could be two weeks. If not corrected within that time frame, the certification level would be reduced as set forth in OAC 340:110-1-8.3(h). If the facility no longer meets certification requirements because a staff member with master teacher qualifications is no longer employed at the center, it would be reasonable to allow the facility up to 90 days to find a replacement.

(2) If serious violations are not corrected within the agreed-upon time frame, licensing staff may reduce the certification level before the full 90 days.

18. If information is received that a facility does not meet certification criteria, it is documented on Form OCC-3, Child Care Center Monitoring Report, page 4. The licensing staff contacts by telephone or visits the facility and completes Form OCC-26 or OCC-28 to document the violation and plan of correction.

19. In accordance with Form CCDF-1-E, Child Care Provider Contract, the rate of payment is reduced to the appropriate star level at the expiration of four months from the first day of the month immediately following receipt of the certified letter.

20. The licensing staff completes Form OCC-26 or OCC-28 to verify compliance at the new location and notifies the stars outreach specialist, who updates the database with the appropriate star level and new effective date. An expiration date for one star plus facilities must be entered.

340:110-1-9. Case management

(a) **Periodic monitoring visits.** The Division of Child Care (DCC) licensing staff makes a minimum of three unannounced monitoring visits to facilities that operate a full-year program and two unannounced monitoring visits annually to facilities that operate less than a full year. ■ 1 through 3 Licensing staff varies the time of monitoring visits to include lunch observation and an evening visit to child care centers with extended hours. ■ 4 Weekend monitoring visits are required only when there has been a complaint specific to weekend care.

(b) **Ongoing monitoring.** During each monitoring visit, the licensing staff observes the entire facility, including outdoor play space and vehicles used for transportation, if available. ■ 5 The following are checked at or subsequent to each visit:

- (1) compliance with licensing regulations;
- (2) records for new staff; ■ 6
- (3) staff training records; ■ 7
- (4) Oklahoma Department of Human Services (OKDHS) computer checks on applicable persons; and ■ 8
- (5) fire and health inspections within the last 24 months, if applicable.

(c) **Technical assistance and consultation.** Licensing staff provides:

- (1) technical assistance to licensees to assist them in meeting minimum requirements;
- (2) consultation on various aspects of quality child care; and
- (3) consultation to persons interested in becoming licensed and, upon request, to in-home caregivers.

(d) **In-home caregivers.** The Family Support Services Division (FSSD) day care assistance worker notifies the licensing staff on Form K-13, Information/Referral – Social Services, of the approval of a child care plan involving an in-home caregiver. In-home care is provided by a person in the child's own home.

- (1) Within 30 calendar days of receipt of Form K-13, the licensing staff mails a packet of information to the caregiver. The packet includes information on child

growth and development, health and safety issues, training opportunities, and other resources.

(2) Completion of six clock hours of training by the caregiver within 90 days of his or her approval is verified by the FSSD day care assistance worker.

(e) **Agreements with tribal licensing programs and other monitoring agencies.** OKDHS may enter into a cooperative licensing agreement with a tribal licensing program or other monitoring agency. ■ 9

(f) **Equipment inventory.** Licensing staff completes the appropriate Equipment Inventory, Form OCC-6, OCC-20, or OCC-24, prior to a license being issued. The licensing staff or the facility may complete the appropriate Equipment Inventory prior to a change in facility class and prior to an increase in licensed capacity in a child care center, part-day children's program, and school-age program. The purpose of the inventory is to document the equipment available and items needed to comply with the equipment requirements. The licensing staff may conduct a complete inventory any time concern exists about the availability of required equipment. ■ 10

(g) **Change of address.** When a facility moves to a new address, the procedures contained in this subsection are followed.

(1) **Family child care home.** If a family child care home provider moves to another location within the licensing staff's area, the licensing staff conducts a monitoring visit and completes a monitoring report. If a family child care home provider moves outside of the licensing staff's area, the case is transferred to the appropriate licensing staff who conducts the monitoring visit. ■ 11 & 12

(2) **Child care centers, part-day children's programs, and school-age programs.** If a child care center, part-day children's program, or school-age program moves, the case is closed and a new application is obtained. A license may be issued promptly if the facility meets licensing requirements and the only change to the facility is the location. ■ 13

(h) **Change in name.** If the licensing staff verifies there is a change in name but no change in ownership, the change is documented in the case record and the database is updated. ■ 11

(i) **Change in household.** If there is a new spouse or other head of household in a family child care home or large child care home, a new Form OCC-42, Application for License - Family Child Care Home and Large Child Care Home, and criminal background check are required and OKDHS computer checks are completed. ■ 8

Other changes in household members are documented on the monitoring report and criminal background checks are completed if necessary.

(j) **Change in ownership.** When there is a change in ownership or change in form of business organization of a child care center, part-day program, or school-age program, the case is closed and a new application is obtained. ■ 14

(k) **Change in facility class.** A new application is required when a family child care home converts to a child care center, part-day program, or school-age program, or when a child care center, part-day program, or school-age program converts to a family child care home. Any other request for change in class requires: ■ 15

- (1) a request in writing from the provider;
- (2) documentation that the facility meets the requirements for the requested class type; ■ 16
- (3) an Equipment Inventory, if applicable;
- (4) a current approved fire inspection, if applicable;
- (5) a current approved health inspection, if applicable; and
- (6) database updates to the appropriate class and monitoring frequency plan.

(l) **Procedure for increasing or decreasing capacity.** When a facility requests an increase or decrease in licensed capacity it is documented on Form OCC-3, Child Care Center Monitoring Report, page 4, and must be approved by the licensing supervisor. If the request to increase capacity is due to additional physical space, the facility must not have a history of numerous, repeated, or serious non-compliance, and must provide: ■ 17

- (1) the reason for the increase;
- (2) an updated floor plan on Form OCC-57, Physical Plant, that reflects adequate indoor and outdoor space, toilets, and sinks for the increase and any changes;
- (3) fire department approval of any space not previously inspected;
- (4) Oklahoma State Department of Health approval of any space not previously inspected; and

(5) updated Equipment Inventory that reflects adequate equipment for the increase.

(m) **Inactive cases.** If children have not been in care on a regular basis during the previous year, the option of voluntary closure is discussed with the provider.

(1) A provider who wants his or her case to remain open submits a request in writing including a statement that the provider will notify Division of Child Care, Licensing, when care is resumed.

(2) The provider is contacted periodically by licensing staff by telephone or letter to update the provider's status, and visited at least once a year to verify and document compliance with licensing requirements.

(n) **Response to a sudden infant death syndrome (SIDS) death.** When notified of a death assumed to be SIDS, the licensing staff visits the facility as soon as possible, unless advised otherwise by law enforcement. ■ 18

(o) **Serious incident reports.** The licensing supervisor submits to the licensing regional programs manager, county director, and statewide licensing coordinator a report of any serious incident. ■ 19

INSTRUCTIONS TO STAFF

1. After each monitoring visit, the licensing staff enters the monitoring frequency plan which reflects the required number of visits per year on the OCC screen. Any changes in the monitoring frequency plan must be reviewed with the supervisor. Examples of the required numbers of visits include:

(1) one visit per year for inactive cases;

(2) two visits per year for part-year programs;

(3) six visits per year for applications and six-month permits; and

(4) twelve visits per year for seriously non-compliant facilities.

2. Frequency of visits.

(1) Facilities that close during the summer months require only two visits annually.

(2) Facilities that operate a full-year program, including those that offer

only part-time care during the week, require three visits annually.

(3) If the licensing staff visits a facility between monitoring visits for purposes such as picking up paperwork, consultation on a specific issue, verifying a repair has been made or needed items have been purchased, a full monitoring visit is not necessary and the visit may be documented on Form OCC-3, Child Care Center Monitoring Report, page 4.

(A) This visit is not counted toward the required number of visits. It is entered as a purpose code ten on the licensing database visit summary.

(B) If numerous, repeated, or serious non-compliance is observed during this visit, a complete monitoring visit is conducted.

3. If caseloads prevent staff from fulfilling this task, supervisors consult with them on case management, and the number of required visits may be reduced. This adjustment is approved and documented in the case record by the supervisor. Required visits to non-problematic licensed facilities may be reduced by one visit per year for no longer than a one year period.
4. (a) Evening monitoring visits to centers are made between 8 and 10 p.m. unless extenuating circumstances exist, such as a complaint regarding a different time period or an unsafe neighborhood. A licensing staff may request that a witness accompany him or her on an evening monitoring visit when:
 - (1) the facility is located in a high-crime area; or
 - (2) it is determined that a witness is needed to verify his or her observations.
- (b) Evening monitoring visits to family child care homes are made only when a complaint has been filed regarding evening care or if evening care only is provided.
5. The licensing staff documents his or her observations and discussions on the appropriate monitoring report, enters the information from the monitoring report onto the licensing database, and files the original in the facility's file in the county office.
 - (1) When the licensing staff visits a family child care home, he or she is

cognizant that it is a private home and demonstrates respect for the family's privacy.

(2) It is important that licensing staff is thorough and asks to be shown throughout the entire house and outdoors. Licensing staff does not routinely look in drawers and closets, flush toilets, or check water temperature in the family child care home.

6. An assistant or substitute caregiver in a family child care home must have a criminal background check prior to working with children. Center staff must complete Form OCC-41, Child Care Staff Information, and have a criminal background check arranged prior to being hired.
7. Licensing staff check for one time and annual training requirements at the time of their annual training review or when concerns exist. Training is verified for center staff and home providers who have had an employment anniversary since the last monitoring visit. The information in (1) through (4) of this Instruction is used for the purpose of determining employment date.
 - (1) A family child care home or large home provider uses the original application date for the current license number.
 - (2) A family child care home or large home assistant caregiver uses his or her employment date.
 - (3) Child care center employees use their employment date with that organization.
 - (4) If there is a break in service or a change in ownership, a new employment year begins.
8. Annual computer checks to identify prior involvement with the Oklahoma Department of Human Services (OKDHS) are completed on all adults who sign Form OCC-42, Application for License – Family Child Care Home and Large Child Care Home, and on the owner of a child care center, part-day children's program, or school-age program. These are checked on the computer by date of birth and Social Security number. Documentation of the computer check is filed in the confidential section of the facility's case.
9. When there is a cooperative licensing agreement with a tribal licensing program or other monitoring program procedure, the procedures contained in

(1) through (5) of this Instruction are followed.

(1) After each monitoring visit, the licensing staff sends a copy of the completed monitoring report to the tribal licensing worker or agency representative assigned to the facility.

(2) Reports of monitoring visits conducted by the tribal licensing worker or agency representative are sent to the licensing staff, who enters the visit into the licensing database identifying it as a visit conducted by the tribe or other monitoring agency. The monitoring visits count toward the required number of visits made to the facility. While all tribal visits are considered case history, a minimum of two visits per year must be conducted by OKDHS licensing staff. An OKDHS licensing monitoring report must be used for case action recommendations.

(3) All information in the licensing file, including confidential information, except Child Welfare (CW) reports, is made available to the tribal licensing worker or agency representative upon request.

(4) The licensing staff coordinates, when appropriate, with the tribal licensing worker or agency representative to conduct complaint investigations, complaint follow-up, non-compliance follow-up, and office conferences.

(5) The licensing regional programs manager is responsible for evaluating the effectiveness of the agreement and ensuring collaboration.

10. The date of the inventory and any needed equipment is documented on the monitoring report. Only the initial inventory of a new facility and a subsequent inventory to increase capacity are filed in the facility's file.

11. The licensing staff notifies the statewide licensing coordinator of the change. The statewide licensing coordinator or designee issues a new license to the facility. Form OCC-18, Notice of Issuance of License for a Child Care Facility, is sent to the licensing staff.

12. A narrative report that reflects the new address is submitted to the licensing staff's supervisor, the supervisor of the receiving licensing staff, and the Family Support Services Division, Child Care Unit. The address, licensing staff, and supervisor are changed on the licensing database by the receiving licensing staff. Critical information on problematic cases is shared with the

receiving licensing staff and supervisor.

13. When the licensing staff is notified of the move, he or she advises the operator that Form CCDF-1-E, Child Care Provider Contract, will be canceled when the facility's case is closed. The operator is referred to the FSSD county child care liaison to request a new contract so that care provided to children of families receiving child care assistance is not disrupted.

14. Types of ownership include:

(1) sole proprietor;

(2) corporation;

(3) partnership;

(4) limited liability company; or

(5) school, faith-based, or government entity.

15. Examples of changes in class include: a family child care home becomes a large child care home, a child care center becomes a school-age program, or a part-day program becomes a child care center.

16. If a small home that is currently on a six-month permit requests a change in class to a large family child care home, three monitoring visits must be made after the change and prior to issuance of a license.

17. The procedure for increasing or decreasing capacity of a facility is outlined in (1) through (4) of this Instruction.

(1) Increase. When a facility requests an increase in capacity, the licensing staff:

(A) notifies the fire department to determine whether another inspection or further evaluation is required. The contact is documented on Form OCC-3, page 4;

(B) ensures that the director completes and submits Form OCC-6, Equipment Inventory - Child Care Center; OCC-20, Equipment Inventory - Part-day Children's Program; or OCC-24, School-Age Program -

Equipment Inventory that reflects adequate equipment for the increase;
and

(C) does not recommend to increase capacity when the facility has numerous, repeated, or serious non-compliance with requirements. A recommendation to increase capacity may be made when the only serious non-compliance was that the facility exceeded capacity.

(2) Decrease. When decreasing capacity, the licensing staff updates the floor plan on Form OCC-57, indicating which rooms are available for use by children.

(3) Recommendations to increase or decrease capacity. A recommendation to increase or decrease capacity may be made at any time by submitting a narrative report to the licensing supervisor.

(4) Approval. If change in capacity is approved, the statewide licensing coordinator or designee issues a new license to the facility that reflects the new capacity. A copy of the license is sent to the licensing staff.

18. When notified of a death assumed to be related to sudden infant death syndrome (SIDS) the licensing staff:

(1) determines and documents whether the facility was in compliance at the time of death, documenting information including:

(A) number of children and staff present;

(B) where the child was sleeping and sleep position;

(C) what supervision was provided during this time;

(D) the condition of the crib or playpen;

(E) observations regarding the bedding, pillows, and other items in the sleeping area;

(F) when the caregiver last checked on the child;

(G) the caregiver's response upon finding the child; and

(H) the names of staff involved.

(2) provides the caregiver the pamphlet, *SIDS – What Child Care Providers and Other Caregivers Should Know*, OKDHS publication number 94-01;

(3) notifies the licensing supervisor, county director, licensing regional programs manager, statewide licensing coordinator, and Director of Child Care Services of the death;

(4) contacts the DCC training coordinator to request that additional information be sent to the caregiver;

(5) obtains verbal or written verification confirming the cause of death as SIDS; and

(6) notifies the Oklahoma State Department of Health SIDS coordinator, who is available to offer support to the caregiver and family.

19.(a) A serious incident report includes:

(1) the name and age of the child(ren) seriously injured or killed;

(2) the date and time of the incident;

(3) a description of the injuries to the child(ren) or damage to the facility;

(4) the caregiver's account of the incident;

(5) a summary of contacts made with other agencies involved in the investigation of the incident, such as CW or the police;

(6) any pertinent information regarding the caregiver's history, such as prior involvement with CW or a history of numerous, repeated, or serious non-compliance with licensing requirements; and

(7) the names of staff involved.

(b) Serious incidents include, but are not limited to incidents:

(1) that result in the serious injury or death of a child, such as a shaken baby, a drowning or near drowning, or a traffic accident resulting in

(2) serious injury;

(2) that place a child at a high risk for death or injury, such as a child leaving a facility without the staff's knowledge, a child left at a location away from the facility, a child left unattended in a vehicle, or a child left alone in a facility;

(3) such as fire, flood, or tornado that result in significant damage to a facility; and

(4) where media involvement is anticipated.

340:110-1-9.1. Certification of child care facilities to receive increased reimbursement rate for the care of children with disabilities

(a) **Purpose.** Certification is the process through which Division of Child Care (DCC) licensing staff documents that a child care facility meets certification requirements for a child with disabilities.

(1) Certification is required for a provider to receive the child care rate for a child with disabilities.

(2) To qualify for the higher rate the:

(A) facility must be licensed, have a provider contract, and be certified to care for the child;

(B) child's family must be eligible for Oklahoma Department of Human Services (OKDHS) subsidized child care services; and

(C) child must be receiving benefits from at least one of the following sources:

(i) Supplemental Security Income (SSI) benefits;

(ii) SoonerStart, early intervention program for children birth to age three; or

(iii) Special Education Services, public school program for children ages three and older.

(b) **Initial approval for certification.** For initial approval for certification the procedures contained in this subsection are followed.

(1) Upon receipt of Form ADM-123, Certification for Special Needs Child Care Rate, the licensing staff visits the child care facility within ten working days. ■ 1 If the facility is currently certified to care for at least three children with disabilities and has consistently met certification requirements or if a compliant monitoring visit has been made to the facility in the last 30 days, the licensing staff may approve certification for a new child without making a monitoring visit. A visit is made within three months. Although observation of the child in care is preferable, certification may be approved if the child has not yet enrolled or is absent during the visit.

(2) If a child who qualifies for the higher rate and is living in Oklahoma is approved for care in another state, the facility may be certified if:

(A) the facility provides documentation of monitoring visits for the last year to demonstrate compliance with the applicable child care requirements;

(B) upon receipt of Form ADM-123, an announced visit is made by Oklahoma licensing staff within 30 working days to verify compliance with certification criteria; and

(C) to verify that certification requirements are met, three times per year the Oklahoma licensing staff:

(i) completes by phone Form OCC-8, Periodic Monitoring Report; and

(ii) obtains a copy of the most recent monitoring report from the other state.

(3) Approval for certification is based upon verification that:

(A) the facility director or family child care home provider has completed Section III of Form ADM-123, agreeing to meet the individual needs of the child;

(B) the facility has a previous record of compliance with minimum licensing requirements. Although full compliance with licensing requirements is not required, if the facility has had numerous, repeated, or serious non-compliance with licensing requirements that adversely impact the care of a child with disabilities, such as staff-child ratios, health practices, or hazards, the facility is not certified. A facility on a six-month permit may be certified if currently in compliance with licensing requirements;

(C) facility staff currently trained in first aid and cardiopulmonary resuscitation (CPR), including infant and child, are present at all times when the child with disabilities is in care. The licensing staff checks training documentation to obtain the effective dates of training. Only training that is approved by the Oklahoma Department of Human Services (OKDHS), such as Red Cross, American Heart Association, or First Care, is accepted. The licensing staff recommends that more than one caregiver be trained to ensure that trained staff is always present when the child is in care;

(D) the facility staff who work with the child have received on-site consultation regarding the nature of the child's disability and the development of a child care plan, to include staffing, equipment, and specialized training needs. ■ 2 The consultant provides resource materials to the facility for future reference. For a child designated severe, consultation is obtained at least annually; and

(E) within six months of certification, appropriate staff obtain six hours of training in areas that address the care of children with disabilities. The center director and at least one person who works directly with the child must receive training. It is preferable that all staff who work with the child are trained. As staff changes occur, a new director or new staff who work directly with the child must obtain training within six months of that assignment. First aid, CPR, or informal training is not counted to meet the special training requirement. Recommended training includes Special Care's Unique Environments, Child Care Careers' Helping Children with Special Needs, SoonerStart training, formal training from the OKDHS approved sponsor training list or specialized workshops or conferences addressing the care of children with special needs.

(4) Upon completion of Section IV of Form ADM-123, the licensing staff sends the original to the appropriate county staff responsible for child care assistance. Copies of Form ADM-123 and the monitoring report are sent to the licensing supervisor, and copies are maintained in the facility's file.

(5) When Form ADM-123 is completed and Family Support Services Division (FSSD) has determined the child is eligible for one of the special needs rates, a new Form ADM-123 is completed when:

(A) the needs of the child change; or ■ 3

(B) the child stops attending the facility for more than six months.

(6) If the licensing staff documents that certification requirements have not been met, the documentation is reviewed and the denial approved by the licensing supervisor. The provider is informed in writing within 30 days of the initial receipt of Form ADM-123 of the requirements for certification and the right to request an administrative review.

(7) A request for an administrative review must be submitted in writing to the statewide licensing coordinator or designee within ten calendar days of notification. An administrative review is conducted within ten calendar days of receipt of the request.

(8) The administrative review committee consists of the statewide licensing coordinator or designee and two staff from DCC.

(9) The facility and FSSD are notified in writing of the decision by the statewide licensing coordinator.

(c) **Ongoing monitoring.** The procedure for ongoing monitoring contained in this subsection is followed.

(1) **Periodic monitoring visits.** During periodic monitoring visits, the licensing staff completes Form OCC-8 and verifies that certification requirements are met, including: ■ 4

(A) the enrollment status of the child;

(B) staff present with first aid and CPR training;

(C) annual on-site consultation for a child designated severe;

(D) director and staff training relative to care of children with disabilities; and

(E) observations that indicate that the program is meeting the individual needs of the child as recorded on Form ADM-123. ■ 3

(2) **Violations.** All violations observed are documented on page 4 of the monitoring report, and a plan of correction is developed with agreed-upon time frames for correction of violations. If there are serious or ongoing violations of certification requirements, a letter is sent to the operator documenting the violations and plan of correction, and a copy is sent to the parent(s) of the child with special needs who is affected by the violation(s).

(d) **Withdrawal of certification.** Certification continues unless there is documentation of serious or ongoing violations of certification requirements. Violations of certification requirements are different from non-compliance with licensing requirements, although they may involve the same issue, for example, understaffing. If violations are not corrected and represent a potential risk to the child, such as serious understaffing in the child's room or staff without first aid training, the procedure in this subsection is followed.

(1) The licensing staff reviews the case with his or her supervisor.

(2) An office conference is held with the provider at which time he or she is notified that certification is being withdrawn and the provider has the right to request an administrative review of the decision.

(3) A letter is sent to the provider documenting withdrawal of certification and the right to request an administrative review of the decision. If the provider did not attend the office conference, the letter is sent by certified mail. A copy of the letter

is sent to the appropriate county office staff responsible for child care assistance who is responsible for notifying the parent and provider of the rate change and its effective date.

(4) A request for an administrative review must be submitted in writing by the facility to the statewide licensing coordinator or designee within seven calendar days of receipt of the letter. An administrative review is conducted within ten calendar days of receipt of the request.

(5) The administrative review committee consists of the statewide licensing coordinator or designee and two staff from DCC.

(6) The facility and FSSD are notified in writing of the decision by the statewide licensing coordinator.

(7) A provider may reapply for certification when compliance with certification requirements has been reestablished.

INSTRUCTIONS TO STAFF

- 1. Section IV of Form ADM-123, Certification for Special Needs Child Care Rate, is completed and signed with any discussion recorded on the monitoring report.**
- 2. Consultation may be provided by a health professional, a child guidance specialist, a SoonerStart provider if the child is under three years of age, a public school teacher familiar with that child, a Head Start Disabilities Services Coordinator, or a consultant through the Center for Early Childhood Professional Development.**
- 3. If licensing staff receives information that the needs of the child as recorded on Form ADM-123 have changed, licensing staff documents the information on page 4 of Form OCC-3, Child Care Center Monitoring Report, and notifies Family Support Services Division of the change.**
- 4. If a facility is certified to provide care to a large number of children, the licensing staff may review certification requirements at a time other than a periodic monitoring visit.**

340:110-1-9.2. Complaint investigations

(a) **Legal basis.** The Child Care Facilities Licensing Act (Act) [10 O.S. § 406] mandates that the Oklahoma Department of Human Services (OKDHS) conduct a full investigation of a complaint alleging a violation against the Act or any licensing requirement.

(b) **Receipt of the complaint.** Complaints may be made to Division of Child Care, Licensing in writing, in person, or by telephone. ■ 1

(c) **Complaint information.** The licensing staff obtains as much relevant information as possible from the complainant. ■ 2

(d) **Screening complaints.** The licensing staff accepts a complaint for investigation when it alleges:

- (1) non-compliance with licensing requirements;
- (2) operation of an unlicensed facility in violation of the Act; or
- (3) abuse or neglect of a child in care. ■ 3

(e) **Complaint risk levels.** Risk levels are determined by the licensing staff based upon the degree of harm or danger to children in care. Risk levels are used to ensure that investigations occur in a timely manner and to track types of complaints.

(1) **Risk level I complaints.** Risk level I complaints indicate a child is in imminent danger of serious physical injury. The level of risk is not influenced by the removal of a child from the facility if other children remain in care. Investigations are initiated immediately or no later than 24 hours after receipt of the complaint by the licensing staff unless awaiting investigation by Child Welfare (CW) or law enforcement. This does not include weekends and holidays if the facility is closed. Examples of risk level I complaints include:

- (A) alleged physical or sexual abuse;
- (B) use of illegal drugs while children are in care;
- (C) distribution of drugs;
- (D) children left alone in the facility or in a vehicle;

- (E) extreme facility temperatures;
- (F) an infant placed on its stomach for sleeping;
- (G) threatening or impaired behavior of a caregiver; or
- (H) severe understaffing or over-capacity.

(2) **Risk level II complaints.** Risk level II complaints do not indicate that there is imminent danger of injury. However, without intervention, it is likely that a child may not be safe. Investigations are initiated within 15 calendar days of receipt of the complaint by the licensing staff, or sooner depending on the degree of risk, unless advised by CW or law enforcement to delay the investigation. Examples include:

- (A) leaving children with an underage staff person;
- (B) alleged physical abuse from a staff person no longer working in a facility;
- (C) inappropriate discipline where no injury is reported;
- (D) broken playground equipment;
- (E) injury caused by lack of supervision; or
- (F) minor understaffing.

(3) **Risk level III complaints.** Risk level III complaints do not indicate imminent danger and there are no injuries alleged. Investigations are initiated within 30 calendar days of the date of receipt of the complaint by the licensing staff or immediately if a telephone investigation is appropriate. Examples include:

- (A) inadequate meal service;
- (B) lack of play equipment;
- (C) inappropriate use of television or videos; or
- (D) inadequate cleanliness of the facility.

(f) **The investigation.** The licensing staff conducts a full investigation, obtaining sufficient information to make a finding. ■ 4

(g) **Telephone investigation.** With supervisory approval, the licensing staff may investigate a complaint by telephone. The discussion, and, if necessary, an agreed-upon plan of correction, is documented on page 4 of Form OCC-3, Child Care Center Monitoring Report. A copy is sent to the operator. A complaint may be investigated by telephone only when:

- (1) the alleged non-compliance does not place children at risk, for example, the facility did not serve milk one day or children have head lice;
- (2) the facility has not had numerous, repeated, or serious non-compliance; and
- (3) a monitoring visit has been made in the last three months during which substantial compliance was documented.

(h) **Procedure for investigating an allegation of operating an unlicensed facility.** When a complaint alleging operation of an unlicensed facility is received, the procedure contained in OAC 340:110-1-13(b) is followed. ■ 5

(i) **Child abuse and neglect complaints.** Upon receipt of a complaint alleging abuse of a child in care, the licensing staff immediately notifies the licensing supervisor and makes a referral to CW. If the allegation involves a Priority I child abuse or neglect complaint, for example, a report indicating that a child is in imminent danger of serious physical injury, the licensing regional programs manager is also notified.

(j) **Findings.** After the investigation is completed, the licensing staff, in consultation with the licensing supervisor, as appropriate, makes a finding as to whether the complaint is substantiated or unsubstantiated.

(1) **Substantiated.** A finding of substantiated is made when a weighing of the information obtained during the investigation clearly indicates that the facility violated any licensing requirement or the Act.

(2) **Unsubstantiated.** A finding of unsubstantiated is made when the allegation is found to be uncertain or ruled out.

(A) It is found to be uncertain when the information does not lead to a definite conclusion, for example:

- (i) there is insufficient or conflicting information on which to conclude that a violation occurred; or
- (ii) information needed to make a finding is unavailable.

(B) It is ruled out when a weighing of the information clearly indicates that there was not a violation of any licensing requirement or the Act.

(k) **Documentation of findings.** Upon completion of the investigation, the licensing staff:

(1) documents the findings; ■ 6

(2) notifies the provider in writing of the findings; ■ 7

(3) enters the complaint information on the OCC screen, licensing database, using complaint key words; and

(4) updates and closes the Licensing Information Complaint Updates (LICU) complaint tracking screen.

(l) **Use of Notice to Comply, Form OCC-37.** When a serious complaint has been substantiated, the licensing staff advises the facility to correct the violations immediately and requests that the facility complete Form OCC-37, Notice to Comply, following the procedure in OAC 340:110-1-9.3(c)(7).

INSTRUCTIONS TO STAFF

1. When the complaint is made in person or by telephone, the Division of Child Care (DCC) licensing staff assists the complainant by:

(1) advising the complainant which allegations represent non-compliance and are enforceable;

(2) responding to the concerns of the complainant;

(3) discussing confidentiality, for example, the identity of the complainant is kept confidential unless legal action or a referral to law enforcement officials becomes necessary;

(4) eliciting appropriate information. When subjective terms such as "drunk" or "crazy" are used, the licensing staff tries to obtain and record specific information on the behavior observed by the complainant;

(5) informing the complainant about what action will be taken, such as, the licensing staff will make an unannounced visit or a referral of child abuse will be made to Child Welfare (CW) for investigation;

- (6) requesting a signed, notarized statement from the complainant when serious violations are involved or a negative sanction may result; and
- (7) interviewing the complainant's children if necessary and appropriate.
2. The information requested is recorded on page 2 of Form OCC-12, Complaint Report and Complaint Summary, and entered on the Licensing Information Complaint Updates (LICU) complaint tracking system. Allegations are not entered on the OCC screen until the findings have been determined. The information requested includes:
- (1) date and time the complaint was received;
- (2) name of the facility, address, and telephone number;
- (3) the complainant's name, address, telephone number, and relationship to the facility, such as employee, parent of a child in care, or neighbor;
- (4) the complainant's source of information, for example, personal observation or information from another person;
- (5) specific information regarding the allegations, including:
- (A) a description of the circumstances;
- (B) name or identity of staff involved;
- (C) child(ren) involved or affected by the alleged non-compliance and their age(s);
- (D) date(s) and time(s) the alleged non-compliance(s) occurred;
- (E) place where the alleged non-compliance took place;
- (F) names of other persons with relevant information; and
- (G) whether the complaint has been discussed with the director.
3. The licensing staff makes one of the dispositions contained in (1) through (6) of this Instruction.

(1) Complaints or concerns that do not meet the criteria in Subsection (d) of this Section are discussed with the complainant, and if appropriate, a referral is made to another entity, such as law enforcement, Family Support Services Division, or the Office for Civil Rights.

(2) A complaint alleging violation of licensing requirements or operation of an unlicensed facility is investigated by DCC licensing staff. This information is recorded as a complaint, regardless of the purpose of the caller. The licensing staff in whose area the facility is located is notified as soon as possible, and Form OCC-12 is forwarded to him or her.

(3) A complaint alleging child abuse or neglect is immediately referred to Division of Children and Family Services (DCFS), CW with a copy of Form OCC-12. The referral is documented on the bottom of the form. If an immediate response to the referral is not received, the licensing staff follows up the next working day to obtain a response.

(A) Complaints referred to CW include those that allege harm or threatened harm to a child's safety that occur through non-accidental physical or mental injury, sexual abuse, neglect, or failure or omission to provide protection from harm or threatened harm.

(B) If the licensing staff is unsure whether a complaint meets the criteria for investigation by CW, the complaint is referred to CW and the decision to accept the referral is made by their staff.

(C) Sex play between children is referred to CW for investigation. If screened out by CW, licensing investigates in regard to supervision of children.

(4) When a complaint alleging illegal activity is received, the guidelines contained in (A) through (C) of this Instruction are followed.

(A) A complaint alleging commission of a crime is immediately referred to local law enforcement officials where the facility is located. The referral is followed up in writing, a copy is filed in the facility record, and the licensing supervisor is notified. It is the responsibility of the licensing staff to follow up with local law enforcement officials to determine and document the outcome of the investigation.

(B) If the complaint includes allegations of illegal drug activity, the

complaint is referred to local law enforcement. If the facility has a provider contract, the complaint is also referred to the Oklahoma Department of Human Services (OKDHS) Office of Inspector General (OIG). The referral to OIG is made on Form OIG-1, Referral Form, and includes date and contact information regarding the referral to local law enforcement. Upon receipt of the referral, OIG contacts the local law enforcement agency to determine whether the agency or OIG will conduct the investigation or whether a joint investigation will be conducted. It is the responsibility of the licensing staff to follow up with OIG to determine and document the outcome of the investigation.

(C) Complaints alleging the use of illegal drugs during the hours of child care may be addressed with the caregiver after consultation with law enforcement and OIG. Complaints alleging illegal activity of a more serious nature, such as drug trafficking, are not investigated by the licensing staff.

(5) Information in a complaint received from another division within OKDHS or an agency responsible for monitoring child care facilities, such as OIG or the local health or fire department, is deemed valid if documented in writing by the agency representative. It is the licensing staff's responsibility to determine whether the observation is a non-compliance. The facility is advised of the report and given an opportunity to respond.

(6) The licensing supervisor is notified of any complaint:

(A) in which the alleged non-compliance caused or could cause serious harm to a child in care;

(B) when the facility has numerous, repeated, or serious non-compliance with requirements;

(C) when the alleged non-compliance has been addressed previously on Form OCC-37, Notice to Comply;

(D) that was referred to CW or law enforcement; or

(E) that is receiving special attention, such as from the media or a legislator.

4. The investigation generally includes:

(1) a review of the allegations to ensure that investigating staff are thoroughly familiar with the details and specific information, and whenever possible, a review of all appropriate OKDHS records to obtain other preliminary information, as appropriate, prior to making the initial contact;

(2) an unannounced visit to the facility. The purpose of the visit and the nature of the complaint are discussed with the operator. Licensing staff does not identify the complainant;

(3) a review of available records, such as the licensing record, attendance records, injury logs, medical and transportation permission records, child care subsidy records, food program records, or police reports;

(4) interviews with the complainant and complainant's children, if applicable, and others who may have relevant information, such as facility staff or food program employees. An interview:

(A) is conducted when it appears it would provide more complete or accurate information than observation alone;

(B) is generally a face-to-face contact between the licensing staff and an individual who may have relevant information. If a person's comments and signature are recorded on page 4 of Form OCC-3, Child Care Center Monitoring Report, he or she is given a copy of the report. A copy of the report is not provided to the operator;

(C) is usually conducted in private and with one individual at a time, however, an exception may be made when a witness accompanies the licensing staff, a parent wishes to be present when his or her child is interviewed, or a person elects to have his or her attorney present. The director or staff may be present if they are not involved in the allegation;

(D) may be conducted outside the facility if the director is uncooperative, if an on-site interview places the interviewee at risk, or if information must be gathered prior to discussion with the operator. Interviews with persons outside the facility are documented on Form OCC-3, page 4, and the interviewed person is given a copy of the report;

(E) with a child, takes into consideration the age and verbal ability of the child, and, preferably, a witness accompanies the licensing staff.

(i) Parental permission prior to interviewing a child in care is not required when investigating a complaint alleging non-compliance with licensing requirements.

(ii) When the licensing staff accompanies CW as part of a joint abuse and neglect investigation, interviews are conducted by the CW worker.

(iii) OKDHS rules require that interviews with child victims be conducted only after obtaining permission from the child's parents, per OAC 340:75-3-8.2. If inadvertent contact is made with a child victim or child witness without parental permission, the parents are contacted that day by the CW worker;

(5) observations at the facility.

(A) If an investigation is associated with a specific time of day, such as early-morning understaffing, the visit to the facility is made at the time the incident is alleged to have occurred. The licensing staff documents observations by citing the specific conditions observed, for example, the director refused to allow the licensing staff to view the facility's records of staff criminal history investigations or there were nine two-year-olds with one staff.

(B) When investigating a complaint at a facility that is time-consuming, stressful, or involves CW, or if a full monitoring visit was made within the last month to a facility with a record of compliance, a complete monitoring visit is not required. The visit is documented on Form OCC-3, page 4. The licensing staff documents compliance with those areas relating to the allegation; and

(6) obtaining documentary evidence. Documentary evidence is information that is recorded, such as a CW report, medical and police records, signed statements, or photographs. When documentary evidence is obtained, it is entered in the facility record.

5. Licensing staff procedure.

(1) Whenever possible, the licensing staff accompanies the CW worker on the complaint investigation. However, the licensing staff's role and responsibility is to investigate alleged non-compliance of licensing

requirements or the Child Care Facilities Licensing Act.

(2) If the CW worker cannot initiate or conclude an investigation within a reasonable period of time, the licensing staff requests approval from the licensing supervisor and consults with the CW supervisor before proceeding with an investigation. A reasonable period of time means:

(A) the CW investigation of a report that a child is in imminent danger of serious physical injury is initiated within 24 hours; or

(B) the CW investigation of a report that does not indicate imminent danger to a child and no injuries are alleged is initiated no later than 15 calendar days after the report is accepted for investigation.

(3) The licensing staff interviews the alleged victim and his or her parents, usually in their home, following the guidelines outlined in 4(4)(E) of this Instructions to Staff. The licensing staff advises the CW supervisor of the findings, and CW completes its investigation.

(4) If sufficient information is obtained through interviews, observations, or documentary evidence that supports the allegation, the licensing staff asks the operator to voluntarily cease care or prohibit the alleged perpetrator from any contact with children pending the outcome of the investigation. The operator is advised of the possibility of an injunction or emergency order if he or she refuses and children are considered at risk.

(5) If there is a finding of confirmed child abuse or neglect a copy of the report is sent to the licensing regional programs manager and, if the complaint level is Priority I, the statewide licensing coordinator.

(6) Following completion of the investigation, the licensing staff sends a letter to the operator which includes the findings of the investigation and notice of further action that will be taken, if indicated.

6. The licensing staff enters the findings on the LICU complaint tracking system and completes page 1 of Form OCC-12, Complaint Summary, using specific language that will be informative to parents.

(1) On Form OCC-12, page 1, names or identifying information of the complainant, facility staff, children, and their families are not included.

(2) When a child abuse investigation has been conducted by CW, Form OCC-12, page 1 contains a summary of allegations and findings that does not disclose the identity of the alleged perpetrator or victim, but does allow parents to evaluate the facility. For example, descriptors such as male staff and two-year-old female are not used.

(3) Form OCC-12, page 1, pages 1 through 3 of the monitoring report, and Form OCC-37, Notice to Comply, if applicable, are made a part of the open record. Form OCC-12, page 2, and Form OCC-3, Child Care Center Monitoring Report, page 4, are placed in a confidential file. If the allegations and findings have not been given to the provider in writing, a letter is sent to the provider. Interviews with staff, children, collateral witnesses, and complainants are not made part of the public record.

(4) If information regarding a complaint is requested by the public prior to completion of the investigation, the licensing staff explains that information regarding the allegation and findings will be released after the investigation is complete and the provider has been notified in writing of the findings.

7. If the child care provider was not notified of the findings in writing on the monitoring report, Form OCC-3, page 4 or a letter may be mailed to the provider.

340:110-1-9.3. Non-compliance with requirements

(a) **Documentation of non-compliance.** The Division of Child Care (DCC) licensing staff clearly and concisely documents on the monitoring report areas of non-compliance and the discussion with the operator. ■ 1

(1) A plan of correction, including a specific agreed-upon time period for correction of the non-compliance, is documented for each non-compliance on the monitoring report. ■ 2

(2) Immediate correction is required when the non-compliance has a direct impact on the health, safety, or well-being of one or more children in care.

(3) The licensing staff requests that the operator sign the monitoring report, and explains that the operator's signature indicates acknowledgment of information recorded.

(4) If the person in charge refuses to sign, the refusal is documented on the report.

(5) The operator is given a copy of the completed monitoring report.

(b) **Referrals to fire and health officials.** If non-compliance regarding fire or health requirements places children at risk or remains uncorrected, the licensing staff requests an inspection by a fire, health, or Department of Environmental Quality (DEQ) official. If there is non-compliance regarding smoke detectors, the child care provider is given a copy of the Smoke Detector Law, Section 324.11A of Title 74 of the Oklahoma Statutes. If the non-compliance is not corrected by the third monitoring visit or is frequently repeated, copies of the monitoring reports are sent with a cover letter to the appropriate fire official for enforcement of the law.

(c) **Case management responses to non-compliant facilities.** When there is numerous, repeated, or serious non-compliance, one or more of the actions in (1) through (11) is taken. ■ 3

(1) **Technical assistance.** Technical assistance is offered along with referrals to consultants or training resources, if necessary, to assist the operator in meeting and maintaining licensing requirements.

(2) **Follow-up phone call.** Follow-up phone calls are made, and documented on page 4 of Form OCC-3, Child Care Center Monitoring Report. A copy of the documentation is mailed to the facility.

(3) **Non-compliance letters.** A non-compliance letter may be written to the operator. The licensing staff sends a copy of the monitoring report and non-compliance letter to the governing board or owner, if applicable. ■ 4

(4) **Return monitoring visit.** A return monitoring visit may be made if there is numerous, repeated, or serious non-compliance with licensing requirements or when non-compliance places children at imminent risk of harm. ■ 5 If the non-compliance is associated with a specific time of day, such as understaffing after school or a lack of early morning supervision, the return visit is made at that approximate time.

(5) **Use of witnesses.** The licensing staff may be accompanied by a witness during monitoring visits if the facility has had numerous, repeated, or serious non-compliances or if denial or revocation of the license is under consideration. The witness may be an Oklahoma Department of Human Services (OKDHS) employee or a representative from the health or fire department. The witness signs the monitoring report in the space provided.

(6) **Increased monitoring visits.** Licensing staff may increase the frequency of monitoring when there has been numerous, repeated, or serious non-compliance or when the need for additional technical assistance is indicated. ■ 5

(7) **Notice to comply.** The licensing staff provides the facility with Form OCC-37, Notice to Comply, on which the facility documents the plan of correction. Immediate correction may be required if the non-compliance places the health, safety, or well-being of one or more children in care at risk. If the plan submitted by the operator is unacceptable to the licensing staff, the staff negotiates and documents a revised plan. If the Notice to Comply is not submitted within the specified time period, the licensing staff contacts the operator and documents the conversation. If concerns exist or the operator is uncooperative, the licensing staff sends a letter stating that failure to complete a Notice to Comply may result in revocation of license, denial of the application, or filing of an injunction or emergency order.

(8) **Office conference.** The licensing staff may schedule an office conference with the operator of the facility. The supervisor is present at the office conference. The licensing regional programs manager is informed of the office conference and may be present, if necessary. Areas of non-compliance and progress toward meeting the plan(s) of correction are reviewed and technical assistance is offered. The conference is documented on Form OCC-3, page 4 which is signed by the licensing staff, the operator, and any witnesses present. A Notice to Comply is completed if one addressing these issues has not been completed recently.

(9) **Consent agreement.** OKDHS and the operator of the facility may enter into a consent agreement whereby the facility agrees to specific conditions in lieu of license denial or revocation, per OAC 340:110-1-9.5.

(10) **Revocation.** The licensing staff recommends that the license be denied or revoked when numerous, repeated, or serious non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children, per OAC 340:110-1-10. ■ 6

(11) **Voluntary closure.** The operator is asked to voluntarily close the facility. ■ 7

(d) **Case management responses when children are at risk.** If the licensing staff documents non-compliance with requirements or is investigating a complaint that may place the health, safety, or well-being of children at imminent risk of harm, options to consider during consultation with the operator and the licensing supervisor are outlined in this subsection. If any of options (2) through (7) are utilized, the local resource and referral agency is notified. ■ 7

(1) The operator is asked to immediately correct the non-compliance, for example, the staff person will not work at the facility pending the outcome of an investigation.

(2) The operator is asked to discontinue child care until the non-compliance is corrected or the investigation is complete.

(3) The operator is asked to voluntarily close the facility.

(4) The licensing staff requests an emergency order when immediate action is needed to protect children in a child care facility that is on permit, licensed, on notice of revocation or denial, or operating during an appeal following revocation or denial. Refer to OAC 340:110-1-9.4.

(5) The operator agrees to enter into a consent agreement whereby the facility agrees to specific conditions in lieu of license denial, revocation, or refusal to renew. Refer to OAC 340:110-1-9.5.

(6) The licensing staff recommends that the license be denied or revoked when numerous, repeated, or serious non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children. Refer to OAC 340:110-1-10.

(7) An injunction may be requested when a child care facility is:

- (A) unlicensed;
- (B) on application status;
- (C) licensed;
- (D) violating an emergency order;
- (E) operating during an appeal following revocation or denial and children are at risk; or
- (F) violating the notice to cease care following revocation or denial of license.

(e) **Notification to supervisor when children are at risk.** If during a monitoring visit the licensing staff is concerned that the health, safety, or well-being of children is at imminent risk, the licensing supervisor or DCC staff is contacted immediately for an appropriate response. ■ 8

(f) **Alternative method of compliance.** DCC may approve an alternative method of compliance to a minimum licensing requirement. An alternative method of compliance may be authorized if DCC determines that the alternative method of compliance offers equal protection of health, safety, and welfare to children, meets the basic intent of the requirements for which the alternative compliance was requested, and does not violate statutory requirements. An applicant or licensee may submit a written request on Form OCC-61, Alternative Compliance Request, for authorization to the statewide licensing coordinator or designee. A separate request is submitted for each requirement for which an alternative method of compliance is requested. Approval of an alternative method of compliance does not set a precedent, and is independently evaluated on the merits of each request. The facility's record of compliance is taken into consideration in determining whether to approve the request. An alternative method of compliance is not authorized for critical items affecting the health and safety of a child, such as exceeding licensed capacity or staff-child ratios, fire safety violations, or behavior and guidance violations. Written notice from OKDHS, Form OCC-61-A, Notice of Alternative Compliance, which states the nature of the exception, is posted with the license. ■ 9

INSTRUCTIONS TO STAFF

1. **When documenting non-compliance on the monitoring report, Form OCC-3, Child Care Center Monitoring Report, the licensing staff documents what is observed rather than what is needed. For example, the licensing staff writes "milk was not served with lunch" instead of "milk must be served at lunch."**

2. If the time period suggested by the operator for correction of non-compliance is unacceptable to the licensing staff, the staff states the expectation and negotiates an acceptable time period.
3. Licensing staff must assess both the number and type of non-compliance observed during monitoring visits or substantiated as a result of a complaint investigation.
 - (1) The licensing staff response goes beyond documentation of the non-compliance and plan of correction on the monitoring report for any visit the licensing staff documents:
 - (A) five or more areas of non-compliance;
 - (B) areas of non-compliance that have been repeated three or more times during a 12 month period; or
 - (C) any serious non-compliance, such as items marked as critical on the monitoring report or Risk level I and II violations that would place children in danger, per OAC 340:110-1-9.2(f)(1) and (2).
 - (2) The licensing staff advises the supervisor of the planned response and, if the supervisor disagrees, the case history is staffed and a different or additional response may be utilized.
 - (3) The response is based on the seriousness of the non-compliance and the demonstrated ability and willingness of the provider to comply.
4. Non-compliance letters are sent within ten working days, and include the date of the monitoring visit and areas of non-compliance. If a critical non-compliance remains uncorrected at the next monitoring visit, a letter documenting both visits and a follow-up visit are required.
5. The timing of return visits is determined by the risk level to children, per OAC 340:110-1-9.2(f). A return visit does not routinely result in a change in the monitoring frequency plan. However, if subsequent visits require a follow-up, increased monitoring is discussed with the supervisor.
6. Procedure and documentation for denial or revocation of license is outlined in (1) through (3) of this Instruction. The licensing staff:

- (1) ensures that the non-compliance and a plan of correction are clearly documented on monitoring reports, as well as the facility's action to implement any previous plans of correction;
 - (2) notes on the monitoring report that failure to correct the non-compliance may result in revocation of the license, denial of application, filing of an injunction, or issuance of an emergency order, as applicable; and
 - (3) conducts monitoring visits at least monthly if children are in care to monitor compliance and the plan(s) of correction. The same witness accompanies the licensing staff on monitoring visits whenever possible.
- 7.** The local resource and referral agency is notified and notification is documented by the licensing staff if the provider voluntarily ceases child care until the investigation is completed or voluntarily closes the facility, or if the district attorney issues an injunction. If the license is denied or revoked, or if an emergency order is issued, the resource and referral agency is notified by the statewide licensing coordinator.
 - 8.** Situations that might warrant supervisory contact include severe overcapacity, a caregiver is incapacitated or appears under the influence of alcohol or drugs, or children appear to be left alone.
 - 9.** An alternative method of compliance does not replace plans of correction negotiated between licensing staff and providers. Providers are not encouraged to request alternative methods of compliance if the non-compliance can feasibly be corrected in a reasonable time frame.

340:110-1-9.5. Consent agreement

(a) **Purpose.** The Oklahoma Department of Human Services (OKDHS) may offer to enter into a consent agreement with a facility in lieu of license denial or revocation. If such action has already taken place, a consent agreement may be used during the appeal process if the facility comes into compliance with licensing requirements. The use of a consent agreement is not required prior to denying or revoking a license.

(b) **Process.** When the documented evidence reflects that the facility operator is unable or unwilling to comply with minimum requirements, the Division of Child Care (DCC) licensing staff discusses the use and terms of a consent agreement with the licensing supervisor. If the licensing regional programs manager and the statewide licensing coordinator or designee concur with this action, a meeting is scheduled with the operator. ■ 1

(1) The operator is asked to provide the names and addresses of all children currently enrolled at the facility.

(2) During the meeting, areas of non-compliance and the terms of the agreement are discussed. ■ 2 The meeting is documented on Form OCC-3, Child Care Center Monitoring Report, page 4, and is signed by the operator, licensing staff, and any witness present. A copy is provided to the operator.

(3) An agreement is written by the statewide licensing coordinator or designee. Terms and time frames of the agreement are based upon the nature and severity of the non-compliance. The agreement may include emergency voluntary restrictions, such as a ban on future admissions of children to the facility, a restriction on the ages of children cared for in the facility, a reduction in the number of children attending the facility or the number of hours the facility may operate each day, specific staff training, drug testing, and medical or psychological evaluation. Time frames to initiate and conclude the terms of the agreement are established and may be extended upon approval of the statewide licensing coordinator or designee and the OKDHS Legal Division.

(4) The operator is advised to prominently post a copy of the consent agreement in the child care facility. During the next monitoring visit, the licensing staff verifies that the consent agreement is posted. If it is not posted, the licensing staff documents it as a violation of the terms of the consent agreement.

(5) The licensing staff mails a copy of the consent agreement, with a cover letter, to parents of children currently enrolled at the facility. Upon enrollment of new children, the facility must provide those names and addresses to licensing staff.

Licensing staff mails a copy of the consent agreement and cover letter upon receipt of this information. If the operator has not provided children's names and addresses, the licensing staff records the information from the children's records during the next monitoring visit. ■ 3

(c) **Violations of the terms of the consent agreement.** Any violation of the terms of the consent agreement is considered grounds for proceeding with license denial, revocation, or refusal to renew. ■ 4

(d) **Appeals.** The child care facility is not entitled to an appeal of the terms of the consent agreement, as participation in the agreement is voluntary.

INSTRUCTIONS TO STAFF

1. **The licensing supervisor is present at the meeting. The licensing regional programs manager is notified of the meeting and may be present. If notice of revocation or denial has been issued, the statewide licensing coordinator or designee is present.**
2. **Negotiations between the operator and licensing may occur prior to the office conference. The statewide licensing coordinator or designee determines the minimum terms that are acceptable to avoid negative sanctions, including the appropriate monitoring frequency plan.**
3. (a) **The licensing staff documents the consent agreement on the licensing database.**

(b) **When conducting monitoring visits while the consent agreement is in effect, the same witness accompanies the licensing staff whenever possible.**
4. **Any violation of the terms of the consent agreement is documented on page 4 of Form OCC-3, Child Care Center Monitoring Report. A copy is sent to the statewide licensing coordinator.**

340:110-1-10. Revocation or denial of license

(a) **Failure to meet requirements.** When numerous, repeated, or serious non-compliance with licensing requirements is observed and documented or the facility fails to adequately protect the health and safety of children, the Oklahoma Department of Human Services (OKDHS) may deny the application for license or revoke the license.

(1) **Denial of application for license.** If a facility has filed an application for an initial license, OKDHS may deny the application.

(2) **Revocation of license.** If a license or provisional license is currently in effect, the licensing staff may recommend that the license be revoked.

(b) **Licensing staff recommendation.** The Division of Child Care (DCC) licensing staff consults with the licensing supervisor regarding his or her recommendation for revocation or denial. If the licensing supervisor concurs with the recommendation, the decision is discussed with the licensing regional programs manager and the statewide licensing coordinator. If they concur with the decision, the licensing staff prepares a detailed summary of monitoring visits, complaints, correspondence, and any other relevant documents. ■ 1 The licensing staff submits the complete case record and the summary, including the recommendation, to the licensing supervisor and notifies the facility in writing that the case has been referred to the statewide licensing coordinator. ■ 2

(c) **Approval of recommendation and notification.** The case record and summary are reviewed by the statewide licensing coordinator or designee. The licensing staff's recommendation of revocation or denial is either approved, disapproved, or the decision delayed pending further investigation.

(1) When the recommendation is approved by the statewide licensing coordinator, it is submitted to the OKDHS Legal Division for review of the legal adequacy of the notice of pending action that is mailed to the operator. The Director of Child Care Services or designee has final approval of the revocation or denial.

(2) The statewide licensing coordinator sends a written notice of the pending action to the operator by certified mail at least 30 days prior to the effective date of the action. The notice includes:

(A) a copy of the summary;

(B) a statement regarding the operator's right to appeal the decision;

(C) a statement that the law requires written notification to parents of the action taken, and instruction to the operator to submit the names and addresses of currently enrolled children; and

(D) a sign providing notice of proposed revocation or denial that is required to be prominently posted in the facility. ■ 3

(3) During the next monitoring visit, the licensing staff and a witness verify that the sign providing notice of proposed revocation or denial is posted. If the sign is not posted, the licensing staff sends a letter to the operator documenting the violation of the legal notice.

(4) If the operator does not provide children's names and addresses, the licensing staff records the information from the children's records during the next monitoring visit.

(5) Questions from the operator regarding the action and appeal process are referred to the statewide licensing coordinator or designee.

(6) If the operator does not appeal the decision within the designated time period, the statewide licensing coordinator sends a letter to the operator giving notice of the denial or revocation and stating the effective date. The closure date is entered into the database by the statewide licensing coordinator or designee. A copy of the correspondence is sent to the licensing staff.

(7) The licensing staff conducts a follow-up visit to confirm that child care has been discontinued. The statewide licensing coordinator or designee is notified of the visit.

(8) If the operator continues to maintain and operate the facility for child care after a final decision revoking or denying licensure, the statewide licensing coordinator may request that the Attorney General or the appropriate district attorney secure a civil injunction or initiate criminal proceedings.

(d) **Appeal process.** The appeal process regarding denial of application or revocation of license is described in this subsection.

(1) The appeal is submitted to the Oklahoma Commission for Human Services by the operator within 30 days of receipt of the notice.

(2) If the operator appeals, a hearing is scheduled by the OKDHS Appeals Unit.

(3) The facility may continue to operate during any appeal process unless an

emergency order is in effect. The licensing staff conducts monitoring visits at least once a month, unless advised otherwise in writing by the statewide licensing coordinator or designee, and is accompanied by the same witness whenever possible. ■ 4 If at any time during the appeal process OKDHS believes that the health, safety, or welfare of children cannot be assured:

(A) an emergency order is requested; or

(B) following consultation with the statewide licensing coordinator or designee, the licensing supervisor contacts the district attorney and requests that an injunction be filed.

(4) If the decision of OKDHS to revoke or deny a license is upheld during all appeals, the statewide licensing coordinator sends a letter to the operator that child care must immediately cease. The licensing staff conducts a follow-up visit to confirm that child care has been discontinued. If the operator continues to operate the child care facility, the licensing field staff, in consultation with the statewide licensing coordinator or designee, may request that the local district attorney pursue an injunction or initiate criminal proceedings, or the statewide licensing coordinator may pursue legal action through the Attorney General.

(5) If the decision of OKDHS to revoke or deny a license is not upheld, OKDHS takes action to implement the decision within ten calendar days.

(6) When OKDHS denies or revokes a facility's license, the responsible agent may not make application for a new child care facility license within the state:

(A) following notification of the agent of the proposed denial or revocation;

(B) during an appeal process; and

(C) for five years following the effective date of closure.

(e) **Change in ownership during appeal process.** If there is a change in ownership during the appeal process, the operator must provide documentation verifying the change. The statewide licensing coordinator may proceed with the previous owner's denial or revocation.

INSTRUCTIONS TO STAFF

1. **The summary is considered a priority and the time frame for completing the summary is established by the Division of Child Care (DCC) licensing regional**

programs manager in consultation with the statewide licensing coordinator or designee. The summary is reviewed by the licensing supervisor before it is sent to the licensing regional programs manager and statewide licensing coordinator.

- 2. A complete copy of the case record is filed in the county office.**
- 3. A copy of the written notice of the pending action is sent to:**
 - (1) the licensing staff, licensing supervisor, licensing regional programs manager, and Director of Child Care Services;**
 - (2) the Oklahoma Department of Human Services Legal Division;**
 - (3) Family Support Services Division, Child Care Unit;**
 - (4) the county director; and**
 - (5) the Indian tribe that has issued a license to the facility, if applicable.**
- 4. If, after the facility has requested an appeal, a non-compliance letter is deemed necessary due to the non-compliance observed during a monitoring visit, the letter includes the statement that the non-compliance observed during the visit shall be added to the summary of violations mailed to the facility on (enter the date the notice was mailed) as notice of the reasons for revocation or denial of the license, and failure to correct the violations may lead to the issuance of an emergency order, the filing of an injunction, or both.**

340:110-1-11. Voluntary case closures

(a) **Child care centers, part-day children's programs, and school-age programs.** The case record for a child care center, part-day children's program, or school-age program is closed when a facility moves to a new location, is sold to a new owner or discontinues providing child care. A license is not transferable.

(b) **Family child care home.** A family child care home case is closed when the caregiver discontinues care. ■ 1 & 2

(c) **Reopening a closed family child care home.** If reopening a family child care home, see OAC 340:110-1-6(a)(2).

INSTRUCTIONS TO STAFF

1. If a caregiver is not contacted at home or by telephone after several attempts, a letter is sent stating that the case will be closed if the caregiver does not contact the Division of Child Care (DCC) licensing staff within a specified period of time. A second letter verifying case closure is sent if the caregiver fails to respond.
2. (a) **Procedure for closure.** When a licensed child care facility closes voluntarily, the licensing staff updates the licensing database as soon as possible and sends a copy of the letter that was sent to the facility verifying closure to the licensing supervisor. The closure effective date may not be backdated. The closure date is written on the case folder file tab.

(b) **Discontinuance confirmation.** If concerns exist, the licensing staff visits the facility to confirm that children are no longer in care.

(c) **Closed files.** A file is marked "Do Not Destroy" and stored in the county office if the case was closed following a history of numerous, repeated, or serious non-compliance, confirmed child abuse, or when the file may be needed in the future for reasons such as a fraud investigation or unresolved lawsuit. All other files are sent to the Oklahoma Department of Human Services Records Management archives one year after closure and after verification of a computer record of the case.

340:110-1-14. Public inspection of licensing files

(a) **Legal basis.** The Oklahoma Department of Human Services (OKDHS) is subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes (O.S.), which mandates that public records are open for public inspection unless they are required by law to be kept confidential.

(b) **Licensing records.** All OKDHS records of facilities required to be licensed under 10 O.S. § 401 through 410 are considered public records and are open and available for public inspection during reasonable hours. This includes records pertaining to an investigation of an unlicensed facility and audit findings from the OKDHS Office of the Inspector General. Information obtained concerning a report of a violation of a licensing requirement is confidential pursuant to 10 O.S. § 406 with the exception of 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. In addition, 10 O.S. § 7005-1.2 mandates confidentiality of child abuse records.

(c) **Location of case records.** Child care facility licensing records are located in the office of the licensing staff and are inspected in the county office. If a parent resides in another county, the licensing staff makes the record available in that county.

(d) **Preparation of case files for inspection.** The licensing staff carefully reviews the entire record and removes confidential information. ■ 1

(e) **Records of complaints.** To allow persons inspecting a licensing record to have access to information regarding complaints, page 1, the licensing complaint summary, of Form OCC-12, Complaint Report and Complaint Summary, is included in the file. Page 2 of Form OCC-12, the licensing complaint report, is removed from the file that is open for public inspection. If information regarding a complaint is requested prior to completion of the investigation, the licensing staff explains that information regarding the allegation and findings is released after the investigation is complete.

(f) **Supervision of files during inspection.** Facility records are inspected in the presence of OKDHS staff who are available to provide clarification on licensing policy and requirements.

(g) **Fees for photocopying.** For photocopy fee information refer to OAC 340:2-21-16.

(h) **Release of confidential information.** A complete case file that includes confidential information may be provided only to certain persons according to applicable laws and regulations, for example, Legal Division, Child Welfare, law enforcement officials, and upon order of a court of competent jurisdiction. ■ 2 & 3

(i) **Computer licensing record.** A summary of the facility licensing record maintained on the LISVMENU computer database may be provided upon request at no charge. A cover letter is sent with the licensing summary that notes that the summary does not include the complete case record, and that the complete case record may be reviewed in the county office.

INSTRUCTIONS TO STAFF

1. (a) **Information that is maintained in a confidential manner and is not made a part of the public record includes:**

(1) names and identifying information regarding children, their parents, and relatives;

(2) documentation of collateral interviews regarding non-compliance or a complaint;

(3) reports from Child Welfare (CW), Adult Protective Services, and law enforcement officials regarding an abuse investigation. If an investigation was conducted by CW, a summary of the allegations and findings of an investigation that does not disclose identities but permits parents to evaluate the facility is part of the public record. The name of the CW worker may be included;

(4) a criminal history investigation report;

(5) a criminal history waiver request. The letter granting or denying the waiver may remain in the public file unless it contains information regarding a juvenile;

(6) information regarding a child with a disability;

(7) name and identifying information of a complainant;

(8) family child care home and director reference letters when confidentiality is requested by the person providing the reference;

(9) documents containing staff salary information;

(10) Social Security, federal identification, and employee identification numbers;

(11) copies of computer checks of Oklahoma Department of Human Services (OKDHS) records;

(12) letters to the police regarding drug allegations unless the police investigation is complete or has been declined, and copies of police reports that are part of a current investigation or that the police have requested remain confidential. However, police incident reports that are made available to the general public may remain in the public record;

(13) a draft denial or revocation summary that has not been issued by DCC State Office. If the summary has been issued, it may be part of the public record, but the names of children, complainants, and perpetrators in a CW investigation are purged from the record; and

(14) a letter from a parent or the public about a facility that the writer does not want released. Letters and information from training consultants may remain in the public record.

(b) Confidential information is protected by:

(1) removing all protected information from the file, such as CW report; page 2, the licensing complaint report, of Form OCC-12, Complaint Report and Complaint Summary; Form ADM-123, Certification for Special Needs Child Care Rate; or

(2) marking through confidential information, for example, Social Security numbers, children's names on a monitoring report, or staff named in a CW investigation. Whenever possible, forms remain in the file with confidential information marked out so that parents have access to as much information as permissible.

2. If a licensing file is subpoenaed, staff immediately contact the statewide licensing coordinator or designee who consults with legal counsel.

3. Confidential records that have been provided by other OKDHS divisions or other agencies, such as CW, Family Support Services, and law enforcement, are not released to the public. The name or other identifying information of a complainant listed on page 2 of Form OCC-12, is never released to the public.

340:110-1-20. Professional development of DCC staff

(a) **Licensing staff training.** Division of Child Care (DCC) Licensing staff are required to receive job-related training on an annual basis. This includes the new worker licensing training required for all new licensing staff. An annual training plan is developed for each employee with the employee's supervisor. ■ 1

(b) **Professional development of DCC staff.** DCC awards scholarships for coursework leading to a master's degree in early childhood education at a university with which DCC has a cooperative agreement. The program may be discontinued at any time based on unavailability of funding through the Child Care Development Fund. Scholarships are awarded to employees based upon supervisory recommendation and selection by the DCC Education Assistance Committee. Preference is given to staff who have three years of Oklahoma Department of Human Services (OKDHS) employment. Participation is limited to two courses per semester per person.

(1) **Mandatory service requirement.** The mandatory service requirement is six months of service to DCC for each 0 - 12 credit hours of scholarship support. The obligation period begins after completion of the program or upon withdrawal from the program. Failure to complete the educational requirements or the obligated service period requires repayment of tuition, books, and fees.

(2) **Reimbursement requirement.** At the end of each semester, scholarship recipients submit a copy of their grades to their supervisor and to the DCC Education Assistance Committee. Exceptions to the reimbursement requirement may be granted for serious illness, injury, or a personal situation requiring the recipient to withdraw from school. Reimbursement to OKDHS for the cost of tuition, books, fees, and other expenses incurred is required and a recipient is not permitted to enroll in further courses until the debt is paid in full when a recipient:

(A) withdraws from a class; ■ 2

(B) earns a grade below "C" in any class;

(C) receives a grade of "incomplete" that is not converted to an acceptable grade during the next semester; or ■ 3

(D) is removed from the program by the university.

(3) **Use of leave.** With supervisory approval, scholarship recipients may use educational leave up to 160 hours per year. Such requests are submitted and

approved in accordance with DHS:2-1-42. Attendance at night or weekend classes does not qualify the recipient for compensatory time.

(4) **Application.** Applications and supporting documentation for the scholarship program are submitted within the designated time frames. Upon scholarship award, a contract is signed by the recipient to indicate an understanding of and commitment to the scholarship requirements. ■ 4

INSTRUCTIONS TO STAFF

1. (a) **New worker training for new licensing staff.** All new licensing staff are enrolled in the next available new worker training following their assignment to Division of Child Care (DCC), Licensing Services (Licensing). Knowledge and skill competencies presented in the new worker training are foundation level skills that are needed by all licensing staff regardless of prior education or experience. New worker training includes both classroom and on-the-job training provided by a licensing training specialist in DCC, statewide licensing coordinator, the licensing regional programs manager, and the licensing supervisors. It is completed within three months of employment and is documented on a new worker training checklist. The new worker training checklist is completed by the licensing staff and licensing supervisor. Supervisors evaluate the new worker's ability to assume responsibility for cases during new worker training, assigning first family child care homes, then child care centers, school-age programs, and part-day programs. New worker training consists of the major categories of training listed in (1) through (6) of this Instruction.

(1) **New worker overview.** New worker overview is designed to familiarize new licensing staff with a history, philosophy, and review of the licensing law. Participants are introduced to administrative staff from DCC who explain their roles and responsibilities.

(2) **Family child care home review.** This training includes observation of family child care home monitoring visits with a fully trained licensing staff, a review of *Licensing Requirements for Family Child Care Homes and Large Child Care Homes*, Oklahoma Department of Human Services (OKDHS) publication no. 86-104, and a review of related rules, policy, and forms. Initial visits conducted by new staff are observed by experienced licensing staff and supervisors. The licensing supervisor reviews and discusses the completed monitoring reports with the worker.

(3) Child care center review. This training includes observation of child care center monitoring visits with a fully trained licensing staff, a review of licensing requirements for child care centers, school-age programs, and part-day children's programs, and a review of related rules, policy, and forms. Initial visits conducted by new staff are observed by experienced licensing staff and supervisors. The licensing supervisor reviews and discusses the completed monitoring reports with the worker.

(4) Complaint investigations. This training reviews the process of receiving, prioritizing, and investigating complaints of licensing violations. It includes information on responding to allegations of child abuse and neglect, criminal activity, and the investigation of unlicensed facilities.

(5) Review of work tasks. This review provides staff with general information regarding:

(A) receiving and responding to inquiries;

(B) office procedures;

(C) letters to facilities;

(D) case management;

(E) assisting the public with child care referrals, including the preparation of cases for public viewing;

(F) technical assistance and consultation;

(G) community involvement and public awareness activities; and

(H) contacts with related agencies such as fire and health departments, Child Care Food Program, training consultants, resource and referral agencies, and training sponsors.

(6) Computer training. Office automation training includes the basic skills necessary to use the word processing program and specific computer training on Licensing input documents and reports.

(b) Training for new licensing supervisors. The training requirements for new supervisors are listed in (1) and (2) of this subsection.

(1) Within the first year of employment in a supervisory position, new supervisory staff attend the Supervisor Academy offered through OKDHS to obtain training in leadership and management skills.

(2) Regional programs managers ensure that supervisors receive training in specific knowledge and skills required of a licensing supervisor, including:

(A) roles and responsibilities;

(B) case review process;

(C) consultation with licensing regional programs managers;

(D) staff field observation;

(E) conducting staff meetings and office conferences;

(F) utilizing computer reports to track caseloads;

(G) training new staff;

(H) use of a licensing specialist III; and

(I) community relations.

(3) Within the first two years of employment in a supervisory position, licensing supervisors serve as members of a quality assurance audit team.

(c) Licensing staff annual training requirements. The annual training requirements for licensing staff are described in (1) through (4) of this subsection.

(1) Licensing staff. In addition to new worker training, licensing staff complete a minimum of 40 hours of job-related training annually. This includes at least one specialized licensing workshop through DCC. DCC provides information to staff throughout the year on relevant conferences, workshops, and videotapes.

(2) Supervisory staff. Licensing supervisors complete a minimum of 40 hours of job-related training annually. Of this 40 hours, 20 hours is

approved supervisory and management training hours as required for all OKDHS supervisors per DHS:2-17-2.

(3) State Office Licensing program staff, DCC staff, and licensing regional programs managers. All State Office licensing program staff, DCC staff, and licensing regional programs managers complete a minimum of 40 hours of job-related training per individual evaluation year.

(4) Clerical staff. Clerical staff assigned to and supervised by licensing staff and DCC complete 16 hours of job-related training per individual evaluation year.

(d) Qualified training courses. The training described in (1) through (4) of this subsection counts toward the annual training hour requirements.

(1) Licensing training. All licensing new worker training, specialized ongoing training, rules and policy training, and the annual statewide licensing conference offered through the DCC licensing training program as well as any training determined mandatory for licensing staff are considered job-related and count toward training hour requirements.

(2) Staff meetings. Portions of staff meetings devoted specifically to formalized training qualify as job-related training if they exceed one hour in length. Review of various documents such as memorandums, statistical reports, case reviews, and project updates are considered program maintenance and do not count as training.

(3) Quality assurance audit participation. Hours spent participating on a quality assurance audit team provide a review of rules, policy, procedures, and requirements, and are approved as supervisory and licensing training.

(4) Other training courses and workshops. Training courses and workshops approved by the licensing supervisor as job-related count toward meeting the training hour requirement. Other approved sources for training include, but are not limited to:

(A) SATTRN broadcasts for staff or child care providers;

(B) the OKDHS Center for Professional Development;

(C) the Office of Personnel Management;

- (D) early childhood conferences or seminars; and
- (E) job-related college or university courses.
- (e) **Staff meetings.** Staff meetings are designed to share information, keep lines of communication open, and maintain a support system for staff. The licensing training specialist and rules and policy staff from DCC are available to attend staff meetings to provide specialized training or updates on rules and policy, licensing requirements, and federal funding initiatives.
- (1) **Supervisory staff meetings.** All supervisors and licensing regional programs managers meet on at least a quarterly basis with the statewide licensing coordinator and DCC. Supervisors may meet in smaller groups by area to discuss specific cases and areas of concern.
- (2) **Local staff meetings.** Individual supervisors meet with their staff or join with another supervisory group on at least a quarterly basis.
- (f) **Specialized ongoing training.** Specialized training that addresses licensing issues is offered throughout the year and is appropriate for experienced workers and new workers who have completed new worker training. Participation in specialized workshops is determined through needs identified in discussion between the licensing staff and the immediate supervisor. Workshops may be adapted to address the specific needs of a supervisor and his or her staff. Primary responsibility for scheduling and facilitating the workshops is with the licensing training specialist in DCC, who utilizes other staff and professionals with proven experience and expertise in each area of knowledge. Topics include:
- (1) **complaint investigations.** This training reviews in depth the process of receiving, prioritizing, and investigating complaints of licensing violations. It includes information on responding to allegations of child abuse and neglect, criminal activity, and the investigation of unlicensed facilities;
- (2) **interviewing.** This training emphasizes basic interviewing skills, with special consideration given to interviewing children;
- (3) **enforcement strategies.** This course reviews the skills, methods, and strategies needed to effectively enforce licensing requirements, including:
- (A) how to write clear and detailed documentation for the case record;

- (B) the process of evaluating situations and determining a course of action;**
 - (C) the use of a plan of correction, non-compliance letter, and Form OCC-37, Notice to Comply; and**
 - (D) how to conduct an effective office conference;**
- (4) influencing quality of care. This training reviews opportunities to influence the quality of care including:**
- (A) consultation with providers;**
 - (B) consultation with parents seeking child care or filing a complaint;**
 - (C) community presentations and displays;**
 - (D) media contacts;**
 - (E) facilitating or offering training; and**
 - (F) involvement in professional organizations;**
- (5) child development overview. This training includes an overview of normal child development, birth through school-age, which will assist staff in consulting with child care providers regarding age-appropriate behavior, guidance techniques and when to seek other resources;**
- (6) trends and issues in early childhood education. This training includes updates on emerging issues, such as brain development, credentialing of directors and teachers, accreditation systems, diversity issues, multi-age grouping, and kith and kin care;**
- (7) negative sanctions. This training provides the licensing staff with the skills required to evaluate the need for a negative sanction. The sections of rules and policy outlining the procedures required to properly prepare a case for a negative sanction are reviewed. Negative sanctions that are discussed include emergency orders, denial of application, revocation of license, and injunctions;**

(8) rules and policies review. This training provides an overview of licensing rules and policies that have been recently revised or that are more complex or problematic for staff. Participants may request inclusion of specific rules and policy sections in the training;

(9) human relations and communication skills. Understanding the relationship between licensee and licensor and strategies to better communicate and work together for a common goal is discussed;

(10) ethics. Ethical questions and dilemmas, standards of behavior for state employees, and the NARA Code of Ethics for Regulators are reviewed; and

(11) personal safety. Methods to identify, avoid, and diffuse dangerous situations and improve the physical safety of licensing staff are addressed.

(g) Documentation of training. When training is provided by DCC or other licensing staff, the trainer provides documentation of training or initials and dates the new worker training checklist. Licensing staff are responsible for maintaining documentation of all training received, including the date, hours of training, and content.

(h) Annual training plan. An annual training plan is completed for each staff person by the immediate supervisor and is documented on Form OPM-111, Performance Management Process. The annual training plan includes those job-related training needs identified through discussion between the staff member and his or her supervisor.

(i) Support services for licensing staff. These services are available for licensing staff upon the death or serious injury of a child in a child care facility with whom Licensing has been involved or any other type of critical incident, including violence in the workplace. Debriefing services are provided promptly wherever needed across the state. The licensing supervisor or licensing regional programs manager contacts the licensing training specialist to arrange for these services.

2. If a scholarship recipient withdraws from a course due to a serious illness, injury, or a personal situation, the recipient must first request a grade of incomplete from the instructor. If the grade of incomplete is granted, but the recipient elects to withdraw, the recipient is required to repay OKDHS for the associated costs.

3. **If grade of incomplete is received, special permission is required from the DCC Education Assistance Committee for a recipient to enroll in a new course prior to the conversion of the incomplete to a grade.**
4. **The applicant submits, within the designated time frames, to DCC, Education Assistance Committee:**
 - (1) a completed application;**
 - (2) a letter of recommendation from the applicant's immediate supervisor;**
 - (3) a letter from the applicant addressed to DCC, Education Assistance Committee explaining why the applicant requests to be considered for a scholarship; and**
 - (4) a copy of the applicant's three most recently completed Performance Management Process evaluations, Form OPM-111.**