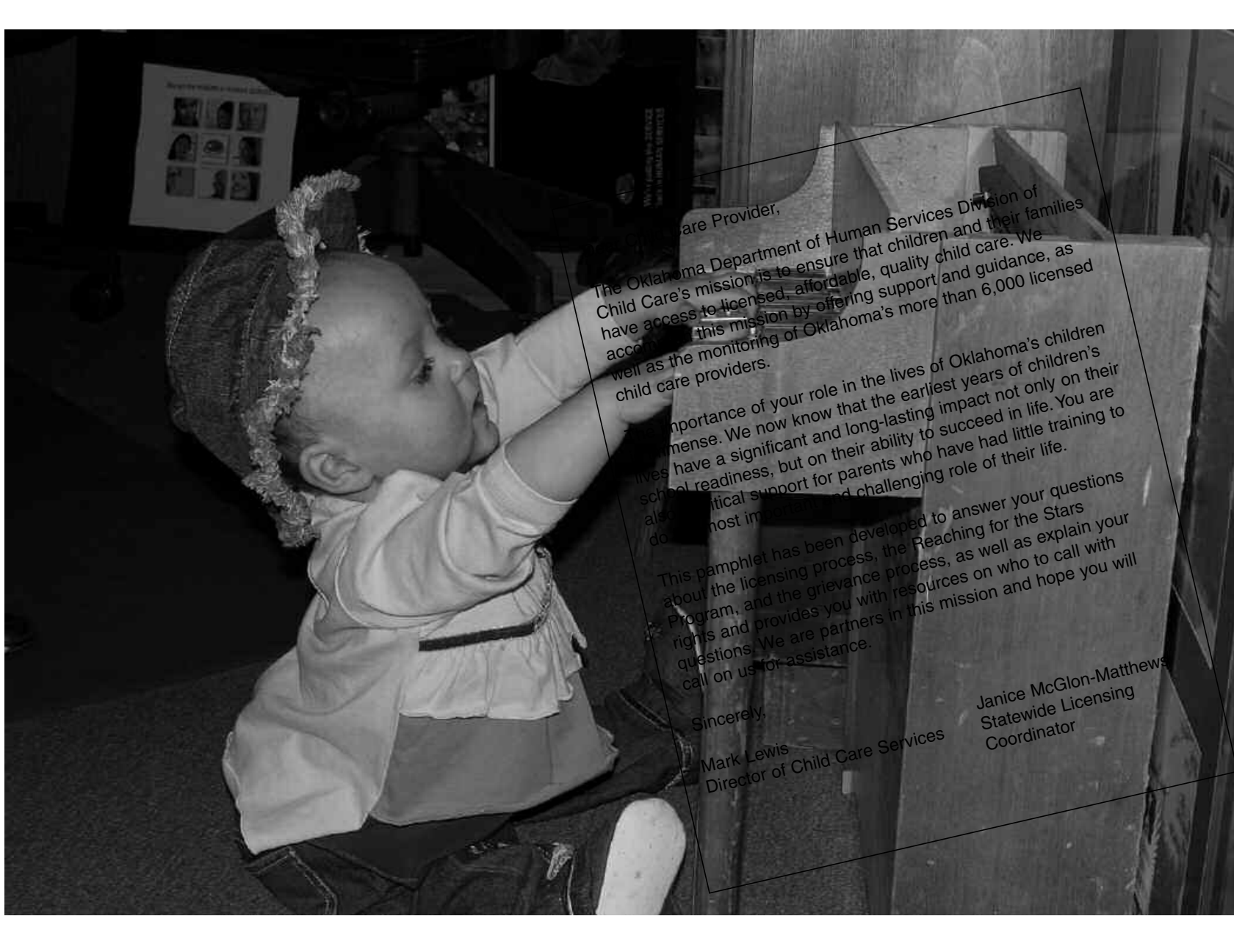


Understanding the Licensing Process



**RIGHTS AND
RESPONSIBILITIES**





are Provider,

The Oklahoma Department of Human Services Division of Child Care's mission is to ensure that children and their families have access to licensed, affordable, quality child care. We accomplish this mission by offering support and guidance, as well as the monitoring of Oklahoma's more than 6,000 licensed child care providers.

The importance of your role in the lives of Oklahoma's children is immense. We now know that the earliest years of children's lives have a significant and long-lasting impact not only on their school readiness, but on their ability to succeed in life. You are also a critical support for parents who have had little training to do the most important and challenging role of their life.

This pamphlet has been developed to answer your questions about the licensing process, the Reaching for the Stars Program, and the grievance process, as well as explain your rights and provides you with resources on who to call with questions. We are partners in this mission and hope you will call on us for assistance.

Sincerely,

Mark Lewis
Director of Child Care Services

Janice McGlon-Matthews
Statewide Licensing
Coordinator

History of Licensing

Few of you were child care providers before child care licensing was made a law in the state of Oklahoma. That can make it difficult to see the impact licensing has had on the improved quality of child care. In 1953, the state of Oklahoma passed the Oklahoma Child Care Facilities Licensing Act. At that time, few facilities fell under the jurisdiction of the law, and there was virtually no enforcement.

Concern over the care of children away from their homes increased in response to a story about a children's home outside Wewoka, called Miracle Hill. Press investigations into the maintenance of the home found children malnourished and crowded into dilapidated rooms with poor sanitary conditions. After three years of questionable care, Daily Oklahoman reporter Frank Garner put Miracle Hill in the spotlight.

The lack of substance to the original law prompted the state legislature in 1963 to give the

Oklahoma Department of Human

Services the authority to set minimum requirements for child care and the authority to regulate care. No one wanted to see another Miracle Hill slip through the cracks. To request a copy of a brochure or video on these events, call 1-800-347-2276.

Today, the Division of Child Care licenses more than 6,000 child care centers and homes in the state of Oklahoma. Licensing Specialists assist facilities by ensuring the maintenance of minimum requirements for care and supervision of children away from their own home, encouraging and assisting child care facilities toward higher quality of care, and working for the development of sufficient and adequate services for child care through joint work of public and private agencies.

Requirements for operating a child care facility may be obtained through your local Oklahoma



Department of Human Services county office or by visiting our Web site at <http://www.okdhs.org>.

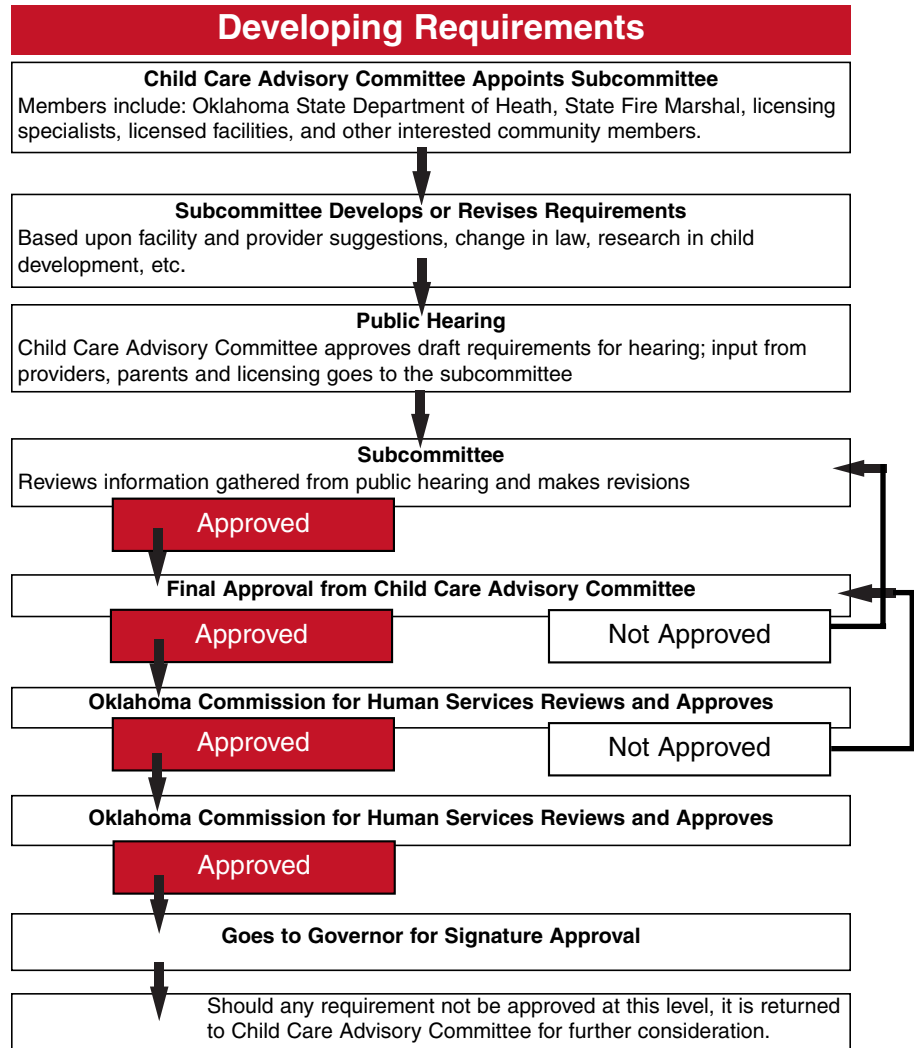
“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever has.”

Margaret Mead

Requirements

Most people would agree that child care is an evolving field. We are constantly learning of new approaches, educational tools, and safety issues. To ensure that the requirements are current and relevant, a committee of professionals has been appointed by the OKDHS director. The committee, known as the Child Care Advisory Committee, includes your peers who listen to your suggestions and concerns, and act on your behalf. (For a brochure on the committee and its membership, call (800) 347-2276)

A change in the requirements does not happen overnight. In fact, there are several stages of review that must occur before a requirement becomes effective. To get an idea of how much time and energy goes into approving a new requirement, refer to the flow chart.



Applying for a Child Care License

If you decide to provide child care, the first step in the process is to apply for a license. A state license is required for programs fitting the following definitions. Some cities and towns also require a local license or zoning approval. Contact your local OKDHS county office and ask for assistance. The Division licenses the following types of children's programs:

- **Family Child Care Homes:** a family home where care and supervision are provided for 7 or fewer children for more than 15 hours per week
- **Large Family Child Care Homes:** a residential family home that provides care and supervision for 8 to 12 children for more than 15 hours per week
- **Child Care Centers:** a facility that provides care and supervision for children and operates for more than 30 hours per week
- **Part-Day Children's Programs:** a facility that provides care and supervision for children and operates for more than 15 and up to 30 hours per week

- **School-Age Programs:** a program that operates more than 15 hours per week in which care and supervision are provided for school-age children
- **Day Camps:** a program that serves only school-age children and operates during regular school vacations for no more than 12 hours a day
- **Drop-In Programs:** a program that provides care for children on a drop-in basis where no child is in attendance for more than six hours a day for a maximum of 24 hours a week with an allowance for six extra hours per child three times a year



Once you have expressed an interest in opening a child care facility, your licensing specialist will guide you through the initial application process. This process includes:

- an on-site visit to ensure your facility meets all the minimum requirements,
- completion of your application packet,
- obtaining necessary background checks, and
- approval, if applicable, from local fire and health officials.

Should you decide to proceed, you will be placed on application status. During this time, a determination will be made by your licensing specialist on when you can begin providing child care services. However, you will have a limited period of time to meet all the minimum requirements. The length of time your facility will remain in application status will vary based on circumstances.

Six-Month Permit

In most cases, a facility is issued a six-month permit upon meeting the minimum requirements. The primary purpose of the permit is to allow the licensing specialist time to evaluate the facility before a license is issued. You may remain in this status until a history of meeting minimum requirements has been established. The specialist will visit your facility on at least three unannounced occasions and will discuss with you any concerns and document non-compliance with requirements and corrections that need to be made. Failure to comply with the requirements may result in additional permits or denial of the application.

When you receive your permit, you automatically are at the One Star level because you are meeting minimum licensing requirements. There are three other star levels, One Star Plus, Two Star, and Three Star. For more information regarding the Stars Program, please go to the Reaching for the Stars tab in this booklet, or you may visit our Web site at <http://www.okdhs.org>

During the permit period, you may request a provider contract to

provide care of children who are approved to received OKDHS child care assistance. During the permit period, you are only eligible to request a provider contract if you are participating in the Reaching for the Stars Program as a One Star Plus or higher facility. If eligible, you can also participate in the Child Care Food Program, a financial reimbursement through the Oklahoma State Department of Education for food provided.

Licenses

To receive a license, all the paperwork must be turned into Licensing. You must have had at least three monitoring visits, obtained all required training, and be in compliance with requirements. Now you are eligible to receive your child care license, which is non-expiring and non-transferable.

If you are operating a child care center, a change in ownership means you must apply for a new license. If you relocate, you must contact your licensing specialist to verify that your new center location meets minimum licensing requirements as well as obtain new environmental and fire inspections. If you operate a family child care home, the license is in your name. If you relocate, you must contact your

licensing specialist to verify that your new home meets minimum requirements.

Licensing specialists will continue to monitor and consult with you to make sure everything is going well. You can expect a minimum of three unannounced on-site visits a year at various times of the day.



Reaching for the Stars Program

Once you have decided to seek your child care license, you may want to participate in our Reaching for the Stars program. This program encourages you to meet higher quality criteria while receiving a higher subsidy rate once you have contracted with OKDHS and enroll children who receive child care assistance. The higher quality criteria include:

- Center directors, teachers, and family child care home providers must receive additional training in child development annually.
- Family child care home providers and master teachers in centers must have an early childhood credential or degree with hours in child development.
- Centers must have weekly lesson plans and interest areas to facilitate a variety of activities.
- Family child care homes and centers must involve parents in a variety of ways.
- Center teachers and family child care home providers read to the children daily.

There are three star levels you can apply for: One Star Plus (is approved for 24 months), Two Star, and Three Star. If you qualify for any of these levels and have a contract with OKDHS, you will receive a higher reimbursement rate for those families who receive assistance. The amount of the reimbursement depends on your star level. The higher the star level, the higher the reimbursement.

If you are interested in Reaching for the Stars, contact the Stars Outreach Specialist in your area.

Central Oklahoma
Shelia Lynch
405-373-3989
405-850-8400

Central/Northwest
Oklahoma
Linda Bradford
580-256-6091
800-734-7520

Northeastern Oklahoma
Kathy Statham
918-825-4535
800-815-7572

Southern Oklahoma
Annette Tipton
405-295-2014
866-806-1056

Eastern Oklahoma
Jamie Rice
918-614-5004
800-734-7518



Open Records Act

Why should you care about meeting licensing requirements as consistently as possible? First, the requirements are there to protect you and the children in your care. Second, your licensing file is open to the public. Parents have access to the information to assist them in making decisions about child care. A record indicating compliance with requirements may make the difference in that decision-making process. In addition, the new media and other child care providers can access your file. If you would like to review your file, you may view it during normal working hours at your local county OKDHS office or request a summary through the mail.



In 1998, changes in Oklahoma law and Oklahoma Department of Human Services policy allowed findings of investigations with regard to child abuse and neglect occurring in child care facilities to be released to the public. (The names of children and adults are kept confidential.)

"It takes a village to raise a child."

African Proverb

Notice To Comply

A notice to comply is a formal notice used when there are serious, numerous, and repeated non-compliances or a serious confirmed complaint. This is your opportunity to develop an acceptable plan of action to correct any non-compliance. Failure to follow the plan of correction could result in the denial of your application or revocation of your license.



Revocation and Denial Process

A license is in effect unless it is revoked or the facility voluntarily closes. When repeated, numerous or serious non-compliance with requirements is documented or the health and safety of children in your care is in jeopardy, one of the following actions may be taken:

- Denial of an application; or
- Revocation of a currently held license.

The licensing specialist prepares a detailed summary and notifies the facility in writing that the case has been referred to the statewide licensing coordinator and the OKDHS Legal Division for review and appropriate action.

The notice of pending action is mailed to the operator by certified mail at least 30 days prior to the effective date of action. Included in the notice is a sign that is to be posted in the facility, a letter of explanation or written summary, and information about the right to

appeal the decision. Also included is a statement of law requiring the notification of parents and a request for the names and addresses of currently enrolled children. The statewide licensing coordinator will forward the recommendation to the OKDHS Contract Unit, which may result in cancellation of your contract.

You have the right to seek legal representation during any part of this process. However, OKDHS will not provide you with an attorney.

Emergency Order

If the Department determines that the health, safety or welfare of children is at risk, an emergency order may be issued to close the facility immediately. You have ten days to appeal the decision to issue an emergency order. If this order is violated, an injunction may be filed in district court.



Appeals Process

Licensing

If you disagree with the decision to deny your application or revoke your license and choose to appeal, you have 30 days to reply from the time you receive the certified notice. You will then be notified at least two weeks before your scheduled hearing with the administrative law judge.

Reaching for the Stars

The star status of a facility may be reduced if the facility has received a serious non-compliance on the monitoring report or a serious substantiated complaint. The facility's case will be recommended for review by the licensing specialist. The Stars Outreach specialist will then determine if the star level should be reduced, and the Stars Program manager will review this decision.

If you wish to appeal your star reduction, you must submit a request in writing to the Director of Child Care Services within 15 calendar days of the receipt of the OKDHS letter that notified you of your star reduction. The request must include written documentation that states your grounds for requesting an administrative review hearing. You will be notified within 30 days of when the administrative hearing will take place.

If there is evidence of extenuating or revised circumstances, you may propose

alternative settlement options prior to the date of the administrative review hearing by contacting the regional programs manager. If the regional programs manager denies the settlement options, the administrative review hearing will proceed. If the decision made by OKDHS to reduce your star status is upheld at the administrative review hearing, your star level will be reduced and the lower star level subsidy payment will be implemented four months from the lower star effective date.



If the OKDHS decision is upheld to close your facility, you have the right to appeal this decision in district court. A facility may remain open during the appeals process unless an emergency order, injunction, or restraining order is in effect. Once all appeals have been

exhausted, the recommendation of the district court judge is to be followed. If the OKDHS decision is upheld, the facility must cease operation or face possible criminal proceedings. In addition, the owner or operator cannot make an application within the state for another facility for five years from the date of closure.

“You never stand taller than when you bend to help a child.”

Author unknown

“Please let our small mustard seed of daily service grow into great shrubs of change and trees in whose branches the birds can nest and in whose shade our children can rest and feel safe.”

Marian Wright Edelman



Investigation Process

A complaint can be filed by anyone who has concerns regarding the operations of a facility. The complaint can be made in writing, in person, or over the phone. Unless legal action or a referral to law enforcement officials is necessary, the identity of the person reporting the complaint remains confidential. The licensing specialist will interview that person to see if the concern meets the criteria of a complaint or should be referred to another entity, such as law enforcement or the Office for Civil Rights.

A valid complaint is one that alleges one of the following issues:

- Non-compliance with licensing requirements,
- Operation of an unlicensed facility in violation of the Licensing Act, and,
- Abuse and neglect of a child in care.

An investigation of the complaint may include:

- A review of the allegations,
- An unannounced visit to the facility,
- A review of available records, such as attendance, injury logs, medication and transportation permission forms, police reports, and more.
- Observations at the facility,
- Obtaining documentary evidence. and
- Interviews with the complainant, the children, child care staff and others who might have relevant information. Interviews are generally face-to-face and conducted in private, usually one individual at a time. Interviews may take place outside the facility and a witness may accompany a licensing specialist. When interviewing children, the licensing specialist will leave an interview

notification card at the facility to be given to the parents of the child interviewed.

Abuse or neglect concerns are referred to Child Welfare, who will take the lead in the investigation. Whenever possible, the licensing specialist will accompany the Child Welfare worker on a complaint investigation. If either division obtains sufficient information, the licensing specialist may ask the operator to voluntarily cease care or prohibit the alleged perpetrator from having any contact with the children pending the outcome of the investigation. There is a possibility of an injunction or emergency order if the operator refuses to cooperate and children are considered to be at risk.

Upon completion of an investigation, the licensing specialist will send a letter to the operator that includes the findings and notice of further action. The allegations and findings are also reflected on a complaint summary, which is made part of the open record. The complainant, children and their families are not identified. The allegations and findings of the investigation are not released to the public until the investigation is complete.

“Childhood is not just clowns and balloons.”

Fred Rogers,
Mr. Roger’s Neighborhood



Grievance Process



“Alone we can do so little; together we can do so much.”

Helen Keller

The owner or director of a licensed child care facility may file a grievance or complaint regarding the application of any written or unwritten policy, rule or regulation, or any decision by an employee of OKDHS which affects the facility. A grievance or complaint will not be accepted concerning the denial or revocation of a child care facility license.

People wishing to file a complaint or a grievance are encouraged to seek informal resolution of their concerns by contacting the appropriate licensing supervisor. Supervisory staff receiving a grievance or complaint attempt to resolve the matter. If a resolution cannot be reached at the local level or through verbal conversation with State Office Licensing staff, the grievant is requested to file a written request with the licensing supervisor. The licensing supervisor notifies the licensing regional program manager and statewide licensing coordinator by memorandum that a formal complaint or grievance has been filed and efforts made to resolve the issue. The licensing supervisor responds to written grievances or complaints within 14 calendar days after receipt. When the grievant or complainant is not satisfied with the proposed resolution, the grievant or complainant may appeal the grievance to the licensing regional program manager, statewide licensing coordinator, Director of Child Care Services, Associate Director for Programs, and Director of OKDHS, in that order. The grievant or complainant is requested to file only one written complaint. Referrals for resolution are then made by Department staff involved in the response.

“Babies are such a nice way to start people.”

Don Herold

Who to Call



Child care is both an exciting and rewarding business. The Oklahoma Department of Human Service's Division of Child Care is always here to help improve the quality of care you provide. Don't hesitate to call with a concern, suggestion, or a question. Refer to the following phone numbers for assistance and thanks for the work you do.

State Offices:

Division Administrator
(405) 521-3561 or
(800) 347-2276

Statewide Licensing Coordinator
(405) 521-2152 or
(800) 347-2276

Regional Program
Manager _____

Licensing Offices:

Licensing

Supervisor _____

Licensing

Specialist _____

Local County

Office _____

If you do not know the name of your licensing specialist, call your local county OKDHS office, listed under the government pages in your local phone book or visit our Web site at <http://www.okdhs.org>.

Division Web Address:

<http://www.okdhs.org>

Child Care Policy:

<http://www.okdhs.org/library/policy/340/110/>

Other Resource Numbers

Center for Early Childhood Professional Development
1-888-446-7608

Oklahoma Child Care Resource and Referral Association
1-888-962-2772

Scholars for Excellence in Child Care
1-866-343-3881

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