
POLICY TRANSMITTAL NO. 04-51

DATE: SEPTEMBER 28, 2004

DIVISION OF CHILD CARE

DEPARTMENT OF HUMAN SERVICES
OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:110-3-29; 110-3-49.5; 110-3-86 through 110-3-87; 110-3-154.3; 110-3-154.5; 110-3-163; 110-3-239; 110-5-57; and 110-5-60.

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

The revisions to Subchapters 3 and 5 of Chapter 110 bring child care licensing requirements into compliance with: (1) the Smoking in Public Places and Indoor Workplaces Act, Sections 1247 et seq. of Title 21 of the Oklahoma Statutes, effective September 1, 2003; and Senate Bill (SB) 1224, effective March 31, 2004.

Recent OKDHS legal counsel opinion has determined that the Smoking in Public Places and Indoor Workplaces Act applies to all licensed child care facilities. This act was passed in an effort to reduce exposure to secondhand tobacco smoke inside public places and workplaces, and applies to OKDHS licensed child care centers, family child care homes, part-day, school-age, residential facilities, and foster homes licensed under child-placing requirements. Currently, only child care center, part-day, and school-age requirements are consistent with the law. The revisions ensure these programs have requirements that are consistent with the law and coordinate with OKDHS Children and Family Services Division rules regarding implementation. Revisions regarding illegal drugs and paraphernalia further ensure the safety of children and their environment.

SB 1224 was passed to address child safety during transportation in a motor vehicle. According to the Oklahoma SAFE KIDS Coalition at the University of Oklahoma Medical Center, more than 20 children under six years of age die each year in motor vehicle crashes, and more than 1,100 children are injured permanently. The revisions comply with SB 1224 to allow licensing requirements to be consistent with state law [47 O.S. § 11-1112] regarding child care centers, part-day, school-age, family child care, residential child care, and child-placing agencies as it relates to foster homes to further protect children while they are transported by a licensed child care facility.

340:110-3-86, 340:110-3-154.3, 340:110-3-163, and 340:110-5-

60 are revised to include language to restrict smoking and prohibit drug usage and paraphernalia.

340:110-3-29, 340:110-3-49.5, 340:110-3-87, 340:110-3-154.5, 340:110-3-239, 340:110-5-57, and 340:110-5-60 are revised to include language to require compliance with state law when children are transported by a licensed child care facility.

Original signed on 9-2-04

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WF # 04-11 & 04-12 (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

| | |
|-----------------|---|
| 340:110-3-29 | 340:110-3-29, pages 1-4, revised 10-1-04 |
| 340:110-3-49.5 | 340:110-3-49.5, pages 1-4, revised 10-1-04 |
| 340:110-3-86 | 340:110-3-86, pages 1-5, revised 10-1-04 |
| 340:110-3-87 | 340:110-3-87, 1 page only, revised 10-1-04 |
| 340:110-3-154.3 | 340:110-3-154.3, 1 page only, revised 10-1-04 |
| 340:110-3-154.5 | 340:110-3-154.5, pages 1-2, revised 10-1-04 |
| 340:110-3-163 | 340:110-3-163, pages 1-4, revised 10-1-04 |
| 340:110-3-239 | 340:110-3-239, pages 1-3, revised 10-1-04 |
| 340:110-5-57 | 340:110-5-57, pages 1-6, revised 10-1-04 |
| 340:110-5-60 | 340:110-5-60, pages 1-4, revised 10-1-04 |

340:110-3-29. Transportation

(a) **Center responsibility.** When transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation are met.

(1) The vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws.

(2) Written permission from parents or guardian for transportation of their child is on file at the center.

(3) Parents receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with OAC 340:110-3-25.2(c)(5).

(4) Supervision of the children begins at the designated pick-up time.

(5) The driver is responsible for leaving the child only with the person or school designated by the parent. Written instructions and approval from the parent for such a plan is required.

(b) **Driver qualifications.** All drivers, including volunteers:

(1) are at least 18 years old and have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence; and

(2) have no conviction of driving under the influence of alcohol or drugs or other impaired driving offense within the last three years.

(c) **Staff-child ratios.**

(1) When transporting children who are younger than four years of age, proper staff-child ratios are maintained without counting the driver. Centers with only one staff person, or who transport one or two children, may provide transportation locally without a second staff person.

(2) For children four years old and older, the driver may be counted toward meeting the staff-child ratio.

(d) **Procedure.** Requirements pertaining to transportation procedure are listed in this subsection.

- (1) A schedule showing accurate route and itinerary is planned and kept at the center to show approximately where the vehicle is at all times. If the vehicle is equipped with a mobile communication system, route information is not required.
 - (2) The driver is provided with:
 - (A) a copy of the scheduled route;
 - (B) the name, address, and telephone number of the child care center;
 - (C) names of children being transported; and
 - (D) a method to contact the children's parents in case of an emergency.
 - (3) Safe conduct to and from all vehicles and safe off-street loading space is provided to protect children from:
 - (A) backing vehicles;
 - (B) being between vehicles; and
 - (C) all traffic hazards.
 - (4) Attendance is checked each time children board and exit the vehicle.
 - (5) Children are not permitted to ride more than 60 minutes one way. Exceptions for a special field trip may be allowed, but these exceptions are infrequent, and allowance is made for rest and stretch stops during the trip.
 - (6) Children remain seated while the vehicle is in motion, and no part of a child's body extends from windows.
 - (7) Vehicles containing children are never left unattended.
 - (8) The use of tobacco products is prohibited while children are transported.
- (e) **Passenger restraints.** Children who are transported in a passenger car, stationwagon, van, bus, or truck are properly secured in a child passenger restraint system (car seat) or individual seat belt. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(1) Children are transported in compliance with applicable state law. [47 O.S. § 11-1112]

(2) The car seat is:

(A) federally approved;

(B) installed according to the manufacturer's instructions;

(C) appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

(D) properly maintained.

(3) Each seat belt is properly anchored to the vehicle and fits snugly across the child's hips or securely anchors the car seat.

(4) All adult passengers, except those in a full-size school bus, and the driver are properly secured by seat belts unless the driver or passenger has written verification from a doctor licensed in Oklahoma that the individual is unable to use a seat belt for medical reasons.

(5) Children 12 years of age and younger or under five feet in height are prohibited from sitting in the front seat of a passenger vehicle.

(f) **Vehicle requirements.** Any vehicle used to transport children complies with the requirements listed in this subsection.

(1) The vehicle's maximum seating capacity is not exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.

(2) All passengers are able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(3) Vehicles used to transport children are maintained in a clean, safe, operating condition, free of hazardous objects or other nonessential items that could injure children.

(4) Children are not transported in vehicles or parts of vehicles that were not designed for the purpose of transporting people, such as truck beds, campers, and trailers.

(5) When transporting children, vehicles, with the exception of public transportation, are visibly marked with the name of the facility or sponsoring organization.

(6) Each vehicle operated by a center for transportation of children has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(7) The transporting vehicle is covered by medical and liability insurance as required by Oklahoma laws.

(8) A vehicle used to transport children has an operable heater that is capable of maintaining a temperature of 50 degrees Fahrenheit in the vehicle, and a ventilation system.

(9) A first aid kit described in OAC 340:110-3-27(h) is taken on each field trip.

340:110-3-49.5. Transportation

(a) **Program responsibility.** When transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation shall be met.

(1) The part-day children's program (program) shall ensure that the vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws.

(2) The program shall have on file written permission from parents or guardian for transportation of their child.

(3) Parents shall receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with OAC 340:110-3-49.

(4) The program shall be responsible for supervision of the children beginning at the designated pick-up time.

(5) The driver is responsible for leaving the child only at the designated drop-off point or with the person designated by the parent. The program shall obtain written instructions and approval from the parent for such a plan.

(b) **Driver qualifications.** All drivers, including volunteers, shall be at least 18 years old and have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(c) **Staff-child ratios.** Staff-child ratios specified in this subsection shall be met.

(1) When transporting children younger than four years of age, proper staff-child ratios shall be maintained without counting the driver. Local transportation may be provided for children without a second staff person when:

(A) a program has only one staff person;

(B) only one or two children are transported; or

(C) no more than four children, who are at least two years of age, are transported.

(2) For children four years old and older, the driver may be counted toward meeting the staff-child ratio.

(d) **Procedure.** Requirements pertaining to transportation procedure contained in this subsection shall be met.

(1) A schedule showing accurate route and itinerary shall be planned and kept at the program to show approximately where the vehicle is at all times.

(2) The driver shall be provided with:

(A) a copy of the scheduled route;

(B) the name, address, and telephone number of the program;

(C) names of children being transported; and

(D) a method to contact the children's parents in case of an emergency.

(3) Safe conduct to and from all vehicles and safe off-street loading space shall be provided so that the children are protected from:

(A) backing vehicles;

(B) being between vehicles; and

(C) all traffic hazards.

(4) Attendance shall be checked each time children board and exit the vehicle.

(5) Children shall not ride more than 60 minutes one way except for field trips.

(6) Children shall remain seated while the vehicle is in motion, and no part of a child's body may extend from windows.

(7) Vehicles containing children shall never be left unattended.

(8) The use of tobacco products is prohibited while children are transported.

(e) **Passenger restraints.** Children transported in a passenger car, stationwagon, van, bus, or truck shall be properly secured in a child passenger restraint system (car seat) or seat belt. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(1) Children are transported in compliance with applicable state law. [47 O.S. §

11-1112]

(2) The car seat shall be:

(A) federally approved;

(B) installed according to the manufacturer's instructions;

(C) appropriate to the height, weight, and physical condition of the child according to the manufacturer's instructions; and

(D) properly maintained.

(3) Children younger than four years shall be properly secured in a rear seat of the vehicle.

(4) Each seat belt shall be properly anchored to the vehicle and fit snugly across the child's hips.

(5) All adult passengers, except those in a full-size school bus, and the driver shall be properly secured by seat belts unless the driver or passenger has written verification from a doctor licensed in this state that he or she is unable to use a seat belt for medical reasons.

(f) **Vehicle requirements.** All vehicles used to transport children shall meet the requirements contained in this subsection.

(1) A vehicle shall not be used to transport children in excess of the maximum seating capacity. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.

(2) All passengers shall be able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(3) Vehicles used to transport children shall be maintained in a clean, safe, operating condition, free of hazardous objects or other non-essential items which could injure children if thrown about as a result of a collision.

(4) Children shall not be transported in vehicles or parts of vehicles that were not designed for the purpose of transporting people, such as truck beds, campers, and trailers.

(5) Each vehicle shall have door locks. Doors shall be kept locked when the vehicle is moving.

(6) The transporting vehicle shall be covered by medical and liability insurance as required by Oklahoma laws.

(7) A first aid kit as described in OAC 340:110-3-49.3(h) shall be taken on each field trip.

(8) In addition, vehicles owned by the program shall:

(A) be visibly marked with the name of the facility or sponsoring organization; and

(B) have an operable heater, capable of maintaining a temperature of 50 degrees Fahrenheit in the vehicle, and a ventilation system.

340:110-3-86. Home environment**(a) Physical conditions.**

(1) **Accessibility to licensing staff.** All areas of the home are accessible to licensing staff.

(2) **Indoor space.** There is minimum indoor space available for child care of not less than 35 square feet per child exclusive of hallways, bathrooms, kitchen, and space not intended for children's use.

(3) **Maintenance.** The home is in a good state of repair and maintained in a clean and sanitary condition.

(4) **Toilet facilities.** The home has a sink with hot and cold running water and an operable toilet available for children's use.

(5) **Hazards.** The premises are free of hazards, indoor and out.

(A) All medicines, cleaning products, hazardous items, and smoking materials are inaccessible to children.

(B) The premises are free of illegal drugs and paraphernalia.

(C) Clear glass doors are plainly marked at the child's eye level to avoid accidental impact.

(D) All stairways with four or more steps have railings. Indoor stairways are made inaccessible when infants and toddlers are in care.

(6) **Weapons.** All weapons are stored unloaded in a locked container, cabinet, or closet. Ammunition is stored in a locked area separate from weapons.

(7) **Trampolines.** The use of trampolines by children in care is prohibited.

(8) **Lighting and ventilation.** Rooms used by children are well-lighted and ventilated.

(9) **Tobacco products.** When children are in care, smoking is prohibited inside the home and in the presence of children. Other tobacco products are not used in the presence of children or in areas designated for children's use. Parents are informed upon enrollment of the presence of smokers in the home.

(10) **Indoor temperature.** The indoor temperature is maintained between 65 and 85 degrees Fahrenheit.

(11) **Screens.** When windows or doors are kept open, screens are maintained to minimize the entry of insects.

(12) **Outdoor play area.** There is an outdoor play area of not less than 75 square feet per child. This area must be hazard free, away from traffic, water, and other dangers. A fence beginning at ground level that is in good repair is required in most instances. The Oklahoma Department of Human Services (OKDHS) may grant an exception when the safety of children can be assured.

(13) **Fire safety.** The home complies with all fire safety requirements. [OAC 340:110-3-97]

(14) **Water supply and waste disposal.** Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.

(15) **Water testing.** When not on a public water supply, water is tested initially for lead and annually for bacteria and nitrates.

(16) **Questionable conditions.** If the fire, safety, or health conditions are questionable, the appropriate state or local agency is requested to inspect the home.

(b) **Water safety.**

(1) **Supervision.** Any play activity that involves water is supervised constantly.

(2) **Accessibility of ponds, pools, and hot tubs.** No ponds, pools, or hot tubs are left accessible to children.

(3) **Fencing.** Pools are fenced to prevent unsupervised access. All doors and gates leading to the pool are locked. There is:

(A) a sturdy fence at least four feet high that cannot be easily climbed; or

(B) a fence which connects to the top of an above-ground pool and extends two feet above the pool.

(4) **Wading pools.** The use of portable wading pools is prohibited.

(5) **Swimming.** In accordance with state law, swimming pools used by the child care home are considered public bathing places and must be in compliance with the water quality, occupancy, and fencing standards in Design Standards and Operational Criteria for Public Bathing Places, Oklahoma State Department of Health Engineering Bulletin. This includes wading pools, inground pools, and above-ground pools. When children swim in a pool:

(A) the caregiver is at or in the water and is appropriately dressed to enter the water at any time; and

(B) a person with a Community Water Safety Certificate or a comparable certificate as approved by OKDHS is in attendance at all times.

(6) **Restrictions.**

(A) The use of hot tubs by children in care is prohibited. The hot tub must be equipped with a hard cover.

(B) Swimming and wading is not permitted at a lake, pond, or other body of water.

(c) **Animals and household pets.**

(1) Potential patrons are advised of the presence of animals.

(2) Animals are in good health, do not show evidence of carrying disease, are friendly toward children, and do not present a threat to the health, safety, and well-being of children.

(3) There is documentation of rabies vaccinations administered by a licensed veterinarian for dogs and cats kept on the premises.

(4) Ferrets, turtles, and any wild or dangerous animals are kept in an area that is inaccessible to children.

(5) Reptiles such as crocodiles, alligators, poisonous snakes and lizards, pythons, and boa constrictors are not kept on the premises.

(6) Animals are restricted from areas where food is prepared or served and from children's sleeping surfaces.

(7) Animal litter boxes are not located in food preparation areas and are not easily

accessible to children in other areas of the home.

(8) Outdoor play areas are cleaned of animal waste before children play outside.

(9) If an animal bites a child and the skin is broken, the child's parent is contacted immediately. The licensing representative and the county or state department of health are notified within 24 hours.

(d) **Emergency procedures.** The caregiver is familiar with emergency procedures.

(1) There is a planned source of medical care, such as a hospital emergency room, clinic, or other medical facility or physician acceptable to parents.

(2) The caregiver has emergency transportation available.

(3) The home has an operable telephone. Emergency information posted next to the telephone includes:

(A) address of the home;

(B) physician or clinic;

(C) fire department;

(D) police department;

(E) poison control, 1-800-222-1222; and

(F) substitute caregiver.

(4) First aid supplies are available in the home but made inaccessible to children. Supplies include:

(A) a thermometer;

(B) disposable nonporous gloves;

(C) blunt-tipped scissors;

(D) tweezers;

(E) bandage tape;

(F) sterile gauze;

(G) non-medicated adhesive strips;

(H) current standard first aid text or equivalent first aid guide; and

(I) syrup of ipecac, which is:

(i) used as a vomiting agent only under direction of the poison control center or a physician;

(ii) not used before checking the expiration date to ensure it has not expired; and

(iii) labeled with the telephone number for the poison control center.

(5) Fire and tornado drills are conducted quarterly. A record of the drills is maintained at the home.

340:110-3-87. Transportation

(a) **Written permission.** The caregiver has written permission from the parent or guardian to transport children.

(b) **Verifications.** The person driving the vehicle is at least 18 years old and has a current driver's license. The vehicle is covered by liability insurance.

(c) **Records.** The driver has the names of the children being transported and a method to contact the children's parents or guardians in case of an emergency.

(d) **Passenger restraints.** Children are transported in compliance with applicable state law. [47 O.S. § 11-1112]

(1) The car seat is:

(A) federally approved;

(B) installed according to the manufacturer's instructions;

(C) appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

(D) properly maintained.

(2) Each seat belt is properly anchored to the vehicle and fits snugly across the child's hips or securely anchors car seats.

(e) **Supervision.** Children are not left unattended in the vehicle at any time.

340:110-3-154.3. Health and medical services

(a) **Medical plan.** The facility has an operational medical plan to meet the total medical needs of the residents.

(b) **Physical examination.** Each resident receives a physical examination annually, or at more frequent intervals as recommended by a health care professional.

(c) **Medical care.** Each resident receives proper medical and dental care. When a serious accident or illness occurs to a resident, the facility takes the necessary emergency action and notifies the parents or custodian immediately.

(d) **Immunizations.** Each resident is immunized against communicable diseases in accordance with the rules and regulations of the Oklahoma State Department of Health.

(e) **Medication.** The facility has current, written medication policy.

(1) On each shift, a staff member is designated to ensure compliance with the facility's medication policy.

(2) When any medication is administered to a resident, a precise record is kept that includes:

(A) the resident's name;

(B) the name of the medication;

(C) the dosage, date and time given, and the signature of the person who administered it;

(D) the reason the medication is given; and

(E) any unusual reaction. The resident, the parents or custodian, and all staff members responsible for the resident are informed of the side effects of the medication prescribed for the resident.

(3) Prescription medications are administered by the designated staff member only as part of a prescribed therapeutic treatment.

(4) All medications are kept in a locked container and under the supervision of the designated staff member.

(f) **First aid supplies.** The facility maintains first aid supplies.

340:110-3-154.5. Transportation

(a) **Vehicle requirements.** Residential child care facilities (facilities) comply with the vehicle requirements described in (1) and (2) of this subsection. A vehicle used for transportation of residents:

(1) conforms to all applicable state motor vehicle laws and regulations; and

(2) is maintained in a safe operating condition.

(b) **Driver requirements.** Facilities comply with driver requirements described in (1) and (2) of this subsection. The driver of a vehicle used for the purpose of transporting:

(1) possesses a valid driver's license appropriate for that type of vehicle; and

(2) does not transport more persons than the manufacturer's designated capacity for the vehicle.

(c) **Safety practices.** Facilities comply with the safety practices described in this subsection.

(1) The interior of each vehicle is maintained in a clean, safe condition with clear passage to operable doors.

(2) Residents who are transported in a passenger car, stationwagon, van, bus, or truck are properly secured in a child passenger restraint system or seat belt. The facility has policies to ensure the safety of residents involved in farm and ranch work. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(A) Children are transported in compliance with applicable state law. [47 O.S. § 11-1112]

(B) The car seat is:

(i) federally approved;

(ii) installed according to the manufacturer's instructions;

(iii) appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

- (iv) properly maintained.
- (3) Each seat belt is properly anchored to the vehicle and fits snugly across the child's hips or securely anchors car seats.
- (4) In accordance with state law, all adult passengers, except those in a full-size school bus, and the driver are properly secured by seat belts unless the driver or passenger has written verification from a doctor licensed in Oklahoma that the individual is unable to use a seat belt for medical reasons.
- (5) Vehicles containing residents younger than age 12 years are never left without adult supervision.
- (d) **Transportation records.** Facilities maintain transportation records.
- (1) The facility maintains on file the name of each driver who transports residents and a copy of the valid driver's license for that person.
- (2) In accordance with state law, insurance verification is kept in the vehicle used to transport residents.
- (e) **Insurance.** If the facility's transportation services are provided by a private individual, a firm under contract, or by another arrangement, the facility maintains on file a copy of the individual's or firm's insurance coverage.
- (f) **Emergency planning.** The facility has a plan for transporting residents in case of emergency.

340:110-3-163. Health regulations: Buildings, utilities, and grounds

The requirements in this Section apply to all residential child care facilities constructed after the effective date of these requirements. Licensed facilities in operation on the effective date of the requirements continue to comply with the construction and safety regulations applicable to the issuance of their license.

(1) **Building.** Buildings used to house residential child care facilities are structurally sound. Structures comply with the building code adopted by the Oklahoma State Fire Marshal Office, the plumbing code, mechanical code, and fuel gas code adopted by the Oklahoma State Department of Health and the latest editions of the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standards Numbers 55, 62, and 90.

(A) Exterior and interior surfaces are maintained in sound condition, free of holes, peeling paper, and paint.

(B) Windows and doors are in good repair, and free of broken glass or hazards.

(C) Floors are cleanable and in good repair.

(D) All uncovered floors, including concrete and wood floors, are sealed.

(2) **Premises.** The premises are maintained in accordance with the requirements listed in this paragraph.

(A) The premises are free of harborage for insects, rodents, and other vermin.

(B) Safe, effective measures are taken to minimize the presence of, and to protect against, the entry of vermin.

(C) The premises are otherwise maintained free of hazards to children.

(D) The premises are free of illegal drugs and paraphernalia.

(3) **Tobacco use.** The facility prohibits the use of any tobacco product by residents. Smoking is prohibited in buildings used by residents or in the presence of residents. The facility prohibits staff members from using tobacco products in the presence of residents or in any rooms used by residents.

(4) **Screening.** Every window, exterior door, and hatchway or similar device is rodent proof and reasonably water tight and weather tight and is kept in working

condition and good repair. During the portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door and window is provided with a 16-mesh, properly fitting screen. Air conditioned habitable areas are adequate to meet this requirement when properly operated unless vermin are able to enter to such extent that a nuisance or hazard is created.

(5) Ventilation. Each habitable room has at least one window facing outdoors that can be easily opened. Window area requirements meet requirements of the State Fire Marshal. Non-habitable areas, such as bathrooms and food preparation areas, may provide other approved ventilation systems in lieu of windows or skylights. Adequately designed, maintained, and operated central heating and cooling systems are deemed to meet the ventilation requirements.

(6) Laundry. Laundry areas are maintained in a clean, safe condition. Equipment is installed to meet safety requirements.

(7) Water supply. The water supply is adequate, of a safe and sanitary quality, meets state quality standards, and is approved by the Oklahoma Department of Environmental Quality.

(A) When not on a public water supply, such as well water, water meets local and state testing requirements and is tested annually.

(B) All areas where food is prepared or equipment, utensils, or containers are used have hot and cold water under pressure.

(8) Sewage disposal. All sewage, including mop water, is disposed of in a public sewage system or, in its absence, in a manner approved by the Oklahoma Department of Environmental Quality.

(9) Plumbing. Plumbing is sized, installed, and maintained in a safe manner and in accordance with the Oklahoma Plumbing License Act.

(A) Plumbing constructed after June 1, 1987, is installed in compliance with the International Plumbing Code or applicable local ordinances.

(B) Any cross-connection between the potable water supply and any nonpotable or questionable water supply, or any source of pollution through which the potable water supply might become contaminated, is prohibited.

(C) Water closets, lavatories, bathtubs, and showers are properly connected to a water and sewer system approved by the OSDH health officer and in good

working condition.

(D) Every lavatory basin and bathtub or shower is supplied with hot and cold water under pressure at all times.

(10) Electrical. The electrical distribution system is sized, installed, and maintained in a safe manner and in accordance with the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired, or replaced after June 1, 1987, are installed in compliance with the current National Electrical Code. Lighting is at least 20 foot candles at desk level.

(11) Garbage and rubbish disposal. Prior to disposal, all garbage and rubbish containing food wastes or diapers are kept in leak-proof, non-absorbent containers and covered with tight-fitting lids when filled, stored, or not in continuous use.

(A) The containers are adequate for the storage of all food waste and rubbish accumulating on the premises.

(B) Each container is thoroughly cleaned when soiled.

(C) Garbage disposal units, if used, are of suitable construction and installed in compliance with state and local standards.

(D) All garbage and rubbish are disposed of frequently and in such a manner to prevent a nuisance.

(E) All hazardous material is disposed of properly.

(12) Swimming pools. In accordance with state law, swimming pools used by children in a residential facility are considered public bathing places and must meet the requirements of the Design Standards and Operational Criteria for Public Bathing Places of OSDH. This includes inground and above-ground pools.

(A) If a private swimming pool is used, it then becomes a public pool and must meet the requirements of OSDH.

(B) The use of wading pools is prohibited.

(C) A certified life guard or person having a current emergency water safety certificate with CPR and first aid is in attendance at all times when the pool is in use.

(13) Animals.

(A) Harboring animals on the premises is in accordance with local ordinances.

(B) Animals may be kept on the premises only when the health and safety of each animal and the residents can be reasonably assured.

(C) Animals with which residents have contact are maintained in a state of good health and are free of diseases communicable to humans.

(D) Dogs and cats kept on the premises are vaccinated annually by a licensed veterinarian.

(E) Areas of confinement are cleaned of excrement regularly. Animals are maintained in a visibly clean manner.

(F) The county or state department of health is immediately notified if a resident is bitten by an animal.

340:110-3-239. Transportation

(a) **Program responsibility.** When transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation for school-age programs (programs) are met.

(1) The vehicle and operator or a vehicle used to transport children are in compliance with all applicable state laws.

(2) Written permission from parents or guardian for transportation of their child is on file at the program.

(3) Parents receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with OAC 340:110-3-234.

(4) Supervision of the children begins at the designated pick-up time.

(5) The driver is responsible for leaving the child only at the designated drop-off point or with the person designated by the parent. Written instructions and approval from the parent for such a plan is required.

(b) **Driver qualifications.** All drivers, including volunteers:

(1) are at least 18 years old;

(2) have an operator's license that is valid in the driver's state of residence and of the type appropriate for the vehicle; and

(3) have no conviction of driving under the influence of alcohol or drugs or other impaired driving offense within the last three years.

(c) **Staff-child ratios.** The driver is counted toward meeting the 1:20 staff-child ratio when transporting children.

(d) **Procedure.**

(1) A schedule showing accurate route and itinerary is planned and kept at the program to show approximately where the vehicle is at all times. When the vehicle is equipped with a mobile communication system, route information is not required.

(2) The driver is provided with:

(A) the name, address, and telephone number of the program;

(B) the names of the children being transported; and

(C) a method to contact the children's parents in case of an emergency.

(3) Safe conduct to and from all vehicles and safe off-street loading space is provided to protect children from:

(A) backing vehicles;

(B) being between vehicles; and

(C) all traffic hazards.

(4) Attendance is checked when children board and exit the vehicle.

(5) Children are not permitted to ride more than 60 minutes one way except for field trips.

(6) Children remain seated while the vehicle is in motion, and no part of a child's body extends from windows.

(7) Vehicles containing children are never left unattended.

(8) Use of tobacco products is prohibited while children are transported.

(e) **Passenger restraints.** Children are transported in compliance with applicable state law. [47 O.S. § 11-1112] Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement. Seat belts fit snugly across the child's hips and are:

(1) federally approved;

(2) installed according to the manufacturer's instructions;

(3) appropriate to the height, weight, and physical condition of the child according to the manufacturer's instructions;

(4) properly maintained; and

(5) properly anchored to the vehicle.

(f) **Vehicle requirements.** Any vehicle used to transport children complies with the requirements listed in this subsection.

(1) The vehicle's maximum seating capacity is not exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.

(2) All passengers are able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(3) Vehicles used to transport children are maintained in a clean, safe, operating condition, free of hazardous objects or other nonessential items that could injure children.

(4) Children are not transported in vehicles or parts of vehicles that were not designed for the purpose of transporting people, such as truck beds, campers, or trailers.

(5) When transporting children, vehicles, with the exception of public transportation, are visibly marked with the name of the program or sponsoring organization.

(6) Each vehicle operated by a program for transportation of children has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(7) The transporting vehicle is covered by medical and liability insurance as required by Oklahoma law.

(8) A vehicle used to transport children has an operable heater, capable of maintaining a temperature of 50 degrees Fahrenheit in the vehicle, and a ventilation system.

(9) A first aid kit, in accordance with OAC 340:110-3-237(h), is taken on each field trip.

340:110-5-57. Requirements for child-placing agencies

(a) **Agency responsibility.** A licensed child-placing agency (agency) retains legal responsibility for supervision, decision-making, and ensuring continuity of care. The agency is responsible for certification of foster family homes to Division of Child Care (DCC) Licensing, on forms provided by the Oklahoma Department of Human Services (OKDHS) that verify that they meet minimum requirements.

(1) **Criminal history investigations.** The agency shall conduct a criminal history investigation through the Oklahoma State Bureau of Investigation (OSBI) for each member of the foster family who is 18 years of age or older, in accordance with OAC 340:110-5-57(b)(2)(F).

(2) **Certification.** A copy of the certification is maintained in the foster family file.

(A) Certification of any foster family home applies only to the location of the residence at the time the home study is made.

(B) If the family moves, the agency shall certify the new location.

(3) **Policy.** The agency shall provide foster parents with agency policy relative to foster care.

(4) **Medical services.** The agency shall ensure that foster children receive appropriate medical services.

(5) **Case planning.** The agency is responsible for case planning.

(6) **Supervision.** The agency shall provide supervision at least once a month to each foster child, which includes private visits with the foster child and on-site visits to the home, to assess the continued suitability of the foster home environment.

(7) **Written agreement.** The agency shall have a written agreement with each foster family, and both the agency and foster parents shall have a copy of the agreement. The agreement includes:

(A) the financial agreement, if applicable, between the agency and the foster home;

(B) a statement that the foster home will not accept a non-relative child from any source other than through the child-placing agency without the approval of the certifying agency or provide child care on a regular basis;

(C) the agency's right to remove a foster child at its discretion;

(D) a statement that the foster child shall be discharged from foster care only with the consent of the agency;

(E) a statement that visitation by the child's parents or relatives shall be approved by the agency;

(F) agreements regarding absences of the child from the home, including respite care, as per agency policy;

(G) a statement from the foster parents agreeing to cooperate with agency staff in evaluating the foster home and in the ongoing supervision of the foster home; and

(H) foster parents' agreement to contact the agency if a household member is alleged to have committed an act described in OAC 340:110-5-8(c)(6).

(8) **Grievance policy and procedure.** The agency shall have grievance policy and procedure for foster parents and children.

(b) **Foster family home certification.** Certification of the foster family home includes written documentation of:

(1) application for foster home certification which includes prior child care experience with other agencies; and

(2) documentation of:

(A) an initial tuberculin skin test, or chest x-ray if appropriate, of all household members;

(B) appropriate immunizations for the foster parents' children;

(C) a statement from a licensed physician certifying that all members of the household have had a physical examination by a licensed physician within one year prior to application and verifying that they are in good health and do not have a condition that would interfere with their ability to care for children;

(D) three non-relative written references who have knowledge of family functioning;

(E) a foster home study which shall be completed and current before the home is approved; and

(F) a criminal history investigation conducted by the OSBI for each household member who is 18 years of age or older, per OAC 340:110-5-57(a)(1).

(c) **Foster home study.** The agency shall prepare a written home study before approving a foster family home and prior to placement of a foster child in that home and at a minimum contain information listed in (1) through (18) of this subsection. The home study shall be updated annually to include any significant change.

(1) **Interviews and home visits.** Interviews and home visits shall include documentation of at least:

(A) one separate interview with each parent, school-age child, and any other household member;

(B) one joint interview; and

(C) a home visit.

(2) **Household composition.** Information regarding household composition shall include each person residing in the home.

(3) **Criminal history investigation.** A criminal history investigation shall be conducted by the OSBI on any household member who is 18 years of age or older prior to initial approval of the home and when a new household member, age 18 and older, moves into the home.

(4) **Foster child preferred.** The foster home study shall include statements from the applicants regarding age, gender, and special needs of the foster child preferred.

(5) **Motivation, attitudes, and expectations.** The foster home study shall include motivation and attitudes toward foster care and expectations regarding foster children.

(6) **Health.** Health information shall include:

(A) the present physical health of each household member;

(B) the emotional stability of each household member;

(C) each household member's medical history; and

(D) any history of drug or alcohol use.

(7) **Family functioning.** The foster home study shall include information regarding family functioning.

(8) **Foster parents' marital status.** The foster home study shall include information regarding the marital status of the foster parents, such as present marital status, history of previous marriages or significant relationships, date of present marriage, and description of the marriage or relationship.

(9) **Employment.** The foster home study shall include the employment history of family members.

(10) **Financial information.** Financial information in the foster home study shall include documentation of annual income.

(11) **Education.** The study shall include information regarding the education of family members.

(12) **Religion.** Information regarding religion shall include the family's religious preference and practices.

(13) **Description of the home.** The description of the home includes the:

(A) type of dwelling and a physical description; and

(B) location of the home and a description of the neighborhood.

(14) **Weapons and firearms.** The foster home study shall include the location of weapons and firearms, if any, and an explanation of safety precautions.

(15) **Transportation.** Information regarding transportation shall include:

(A) a statement regarding the family's means of transportation; and

(B) verification of:

(i) a valid driver's license for each family member who will transport a foster child;

(ii) license tag;

(iii) insurance; and

(iv) a statement that all children and adults transported are in compliance with applicable state law. [47 O.S. § 11-1112]

(16) **Family history.** The study shall include information regarding family history, including:

(A) names of parents and siblings;

(B) dates and places of birth;

(C) physical health and mental stability;

(D) relationship with family members;

(E) social, cultural, and religious orientation; and

(F) information regarding their childhood including how they were disciplined.

(17) **Written references.** The foster home study shall include three written references from individuals who have information relative to the family's ability to provide foster care to include:

(A) name, address, and telephone number;

(B) when and how the individual became acquainted with the applicants;

(C) how often the person has contact with the family;

(D) information regarding family functioning; and

(E) opinions regarding personal qualities and ability to provide care for foster children.

(18) **Recommendation.** The foster home study shall include a recommendation regarding approval of the home. The recommendation is signed and dated by the person who conducted the home study and the child placement supervisor. If the recommendation is to approve the foster home, the recommendation shall contain the type of foster child and number of foster children for which the home is

approved.

(d) **Foster parent training.** The agency provides and documents that each foster parent has received at a minimum:

(1) six hours of orientation or preservice training prior to approval of the foster home or placement of a child and includes at a minimum:

- (A) organizational structure of the agency;
- (B) agency policy;
- (C) program philosophy;
- (D) confidentiality;
- (E) mandatory reporting of child abuse;
- (F) grievance process;
- (G) emergency medical procedures; and
- (H) fire and disaster plans;

(2) six additional hours of training within the first calendar year of certification that is relevant to the needs of the child placed in their care and is documented by the agency to include but is not limited to:

- (A) normal child development;
- (B) behavior management;
- (C) separation and loss; and
- (D) infection control and injury prevention; and

(3) 12 hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.

340:110-5-60. Foster home requirements

(a) **General requirements.** A foster home shall be clean, safe, and in good repair.

(1) The home and the exterior around the home shall be free from objects, materials, and conditions that constitute a danger to the children served.

(2) The foster home shall be accessible to or able to arrange transportation to school, church, recreational and health facilities, and other community resources, as needed.

(3) The home shall comply with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) **Safety requirements.**

(1) Clear glass doors shall be plainly marked to avoid accidental impact. Foster homes providing infant care only are exempt from this requirement.

(2) Children shall be protected from hazardous materials, such as flammable liquids and poisonous materials.

(3) All weapons and firearms shall be kept locked.

(4) The premises are free of illegal drugs and paraphernalia.

(5) When children are in care, smoking is prohibited inside the home and when transporting children.

(6) Stairways over four steps, inside and outside, shall have railings. Safety gates at stairways shall be provided if infants and toddlers are in care. Foster homes providing infant care only are exempt from this requirement.

(7) Any play activity that involves water shall be supervised constantly. Ponds or pools shall not be left accessible to children. Wading pools shall be emptied after each use.

(c) **Fire safety requirements.**

(1) A fire extinguisher rated for Class ABC fires shall be installed in the kitchen area.

(2) A foster home shall be equipped with at least one operable smoke detector in

the vicinity of the sleeping areas or more as required by the child-placing agency.

(3) Each floor used as living space shall have at least two means of escape, at least one of which shall be a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window 20" X 24" minimum dimensions.

(4) All heating and air conditioning equipment shall be installed in accordance with state and local mechanical codes and manufacturer's instructions.

(d) **Health requirements.** Foster homes shall meet the health requirements contained in this subsection.

(1) Water supply, sewage disposal, and solid waste disposal shall meet local city ordinances and Oklahoma Department of Environmental Quality regulations.

(2) Rooms used by children shall be well lighted and ventilated.

(3) Windows and doors used for ventilation shall be screened.

(4) The foster parents shall take measures to keep the house and grounds free of rodents, insects, and stray animals.

(5) One sink, one toilet, and one tub or shower to every six occupants living in the home shall be available.

(6) Each child shall be provided with individual combs, toothbrushes, wash cloths, and towels. There shall be individual eating and drinking utensils for each child.

(7) Linens shall be changed when needed.

(8) Animals or household pets are permitted provided that there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, shall be in good health, show no evidence of carrying disease, be friendly toward children, and present no threat to the health, safety, and well-being of children.

(e) **Sleeping arrangements.** A separate bed shall be provided for each child. Siblings younger than six years old may share a bed if their history indicates that this is appropriate and the decision is made in consultation with the child-placing agency.

(1) It is preferable that no more than two children share a sleeping room.

Consideration is given to related children according to age and emotional needs.

(2) Separate sleeping rooms shall be provided for children older than four years who are of different sex.

(3) Foster children over the age of one year shall not share sleeping quarters with adults in the household unless an emergency exists and the child-placing agency is informed.

(f) **Emergency plans.** Each foster home shall comply with the requirements pertaining to emergency plans contained in this subsection.

(1) There shall be a planned source of medical care available, such as a hospital emergency room, clinic, or physician known to the foster family.

(2) The home shall have a telephone with emergency numbers posted nearby for the physician or clinic, fire department, police department, ambulance service, and substitute caregiver.

(3) The foster parent shall have an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.

(4) First aid procedures and supplies shall be readily available.

(5) The foster parent shall ensure that each child, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire. The foster parent conducts periodic evacuation drills.

(g) **Equipment.** Equipment and furniture shall be safe for children. The foster home shall have child care equipment, such as bedding, high chairs, proper auto restraints, and toys appropriate for children placed in the home.

(h) **Transportation.** The foster family shall have emergency transportation available. Foster children are transported in compliance with applicable state law. [47 O.S. § 11-1112]

(i) **Nutrition.** Each child is provided a balanced, nutritious, and developmentally appropriate diet.

(1) The food shall be wholesome in quality, ample in quantity, and of sufficient variety.

(2) Instructions for feeding infants, including the use of formula, recommended by the physician shall be followed.