
POLICY TRANSMITTAL NO. 10-36
OKLAHOMA CHILD CARE SERVICES

DATE: JULY 2, 2010
DEPARTMENT OF HUMAN SERVICES
OFFICE OF INTERGOVERNMENTAL
RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:110-1-10.1; 110-3-2; 110-3-36; 110-3-81; 110-3-146;
110-3-221; and 110-5-3.

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

OAC 340:110-1-10.1, OAC 340:110- 3-2, OAC 340:110-3-36, OAC 340:110-3-81, OAC 340:110-3-146, OAC 340:110-3-221, and OAC 340:110-5-3 are amended to reflect changes due to a negotiated lawsuit settlement.

Original signed on 7-2-10

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WF # 10-07 (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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

REMOVE

340:110-1-10.1

340:110-3-2

340:110-3-36

340:110-3-81

340:110-3-146

340:110-3-221

340:110-5-3

INSERT

340:110-1-10.1, pages 1-6, revised 7-2-10

340:110-3-2, pages 1-3, revised 7-2-10

340:110-3-36, pages 1-2, revised 7-2-10

340:110-3-81, pages 1-2, revised 7-2-10

340:110-3-146, pages 1-4, revised 7-2-10

340:110-3-221, pages 1-2, revised 7-2-10

340:110-5-3, pages 1-4, revised 7-2-10

340:110-1-10.1. Child Care Restricted RegistryRevised 7-2-10

(a) **Legal basis.** Section 405.3 of Title 10 of the Oklahoma Statutes requires the Oklahoma Department of Human Services (OKDHS) to establish and maintain a Child Care Restricted Registry (Restricted Registry), which is named Joshua's List. Individuals identified as registrants are prohibited from licensure, ownership, employment, and/or residence in a licensed child care facility. The Restricted Registry search is required for:

- (1) any individual making application for licensure to operate a child care facility;
- (2) any individual signing the application as a household member;
- (3) any individuals age 18 years or older, prior to their residence in a child care facility, excluding residential facilities and child placing agencies; and
- (4) any individuals to be employed by a child care facility, including all caregivers, auxiliary staff, and substitute or assistant caregivers. ■ 1

(b) **Registrants.** Individuals recorded on the Restricted Registry are identified as registrants. Registration may result after review by the restricted registry review committee and all appeals are exhausted when:

- (1) a finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to children while in the care of a child care facility;
- (2) a denial or revocation of a child care facility license;
- (3) a specified criminal history for individuals who have entered a plea of guilty or nolo contendere, no contest, or have a felony conviction for the following offenses:
 - (A) child abuse or neglect;
 - (B) a crime against a child;
 - (C) a crime involving violence, including, but not limited to rape, sexual assault, or homicide;
- (4) a specified criminal history for individuals who have entered a plea of guilty or

nolo contendere, no contest, or have a felony conviction within the five-year period preceding the application date for licensure, prior to employment and residence, for the following offenses:

(A) domestic abuse;

(B) a drug-related offense; or

(5) an individual required to register pursuant to Sex Offender Registration Act or Mary Rippy Violent Crime Offenders Act. ■ 2

(c) **Restricted Registry search for facility owners.** Upon receipt of a complete application, the licensing specialist conducts a Restricted Registry search on the facility owner and Form 07LC101E, Restricted Registry Verification, is placed in the facility file. If owner is a:

(1) registrant, licensing documents contact with owner on Form 07LC080E, Licensing Services Supplemental Information, regarding their registration. ■ 3

(2) non-registrant, procedures for processing a facility application are followed per OAC 340:110-1-6 or 340:110-1-45.

(d) **Restricted Registry search for child care facility owners, employees, and residents.** For individuals identified in (a)(1)-(4), Form 07LC101E, dated within the last 30 days, is submitted to the licensing records office with Form 07LC096E, Criminal History Review Request.

(e) **Registration as a result of findings of abuse or neglect.** Children and Family Services Division (CFSD) or Office of Client Advocacy (OCA) notifies the licensing records office upon substantiated or confirmed findings when the abuse or neglect occurred to children while in the care of a child care facility. ■ 4 The licensing records office verifies appeal status before requesting investigation information from licensing for potential registrants identified in (a)(1)-(4). ■ 5 Investigation information is then forwarded to the restricted registry review committee for consideration per section (h).

(f) **Registration as a result of a denial or revocation.** Procedures regarding the denial or revocation of a license are followed per OAC 340:110-1-10 or 340:110-1-52. A copy of the cease and desist letter and revocation or denial letter is forwarded to the licensing records office. Documentation relating to the denial and revocation is forwarded to the restricted registry review committee for consideration per section (h).

(g) **Registration as a result of a specified criminal history.** If a criminal history

review conducted by the licensing records office reveals an individual is a potential registrant as indicated in (b)(3-5), all criminal background information is forwarded to the restricted registry review committee for consideration per section (h).

(h) **Restricted registry review committee.** The restricted registry review committee consists of five OKDHS staff who make a determination of registration within 30 days of receipt of information from the licensing records office. ■ 6

(1) Criteria considered for registration includes the:

(A) age of the individual at the time of the offense(s);

(B) length of time since the offense(s) occurred;

(C) number of offenses for which the individual was convicted or findings made;

(D) circumstances surrounding commission of the offense(s) that demonstrate willful intent;

(E) likelihood the individual will re-offend; and

(F) other documentation submitted indicating that the health, safety, and well-being of children are endangered.

(2) The determination is based upon a majority decision of the committee members.

(i) **Restricted Registry notification.** Upon notification of the restricted registry review committee decision, the licensing records office notifies the potential registrant on Form 07LC102E, Restricted Registry Notification. The notification:

(1) is sent by certified mail, return receipt requested; and

(2) advises the potential registrant of their;

(A) right to appeal within 30 days of receipt of notice; and

(B) failure to request a hearing, within the time frame specified, may result in registration per subsection (k) of this Section.

(j) **Restricted Registry appeal process.** A request for an appeal is forwarded to the licensing records office. ■ 7

(k) **Restricted Registry registration.** When no appeal is requested within the specified timeframe or when an administrative decision becomes final, the licensing records office:

- (1) mails Form 07LC103E, Restricted Registry Final Notification, to registrant's last known address;
- (2) mails Form 07LC104E, Restricted Registry Notification to Child Care Facility, to the facility where registrant resides and/or is employed;
- (3) notifies licensing staff regarding registration; and ■ 8
- (4) enters registrant information on the Restricted Registry database within five business days. ■ 9

(l) **District Court appeal process.** Any registrant aggrieved by the decision may appeal to the District Court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the OKDHS Director within five days of the date of its filing.

(m) **Request for registration removal.** A registrant may request removal after 60 months from the date of being recorded on the Restricted Registry. A request for removal from the Registry is forwarded to the licensing records office for submission to the restricted registry review committee. The restricted registry review committee makes a determination as to removal within 30 days of receipt of notice from the licensing records office. ■ 6

(1) Criteria considered for removal includes, but not is limited to criteria in section (h)(1)(A)-(F) and:

- (A) current criminal background review conducted within 30 days;
- (B) statements of work and training history since registration;
- (C) personal statement of rehabilitative efforts; and
- (D) length of time on the Restricted Registry.

(2) A decision as to removal is based upon a majority decision of review committee members. ■ 10

(n) **Registration removal.** Licensing Records office provides notification to the

registrant of the committee decision. ■ 11

INSTRUCTIONS TO STAFF 340:110-1-10.1

Issued 7-1-10

- 1. Contracted staff are considered employees when used in staff child ratio.**
- 2. Licensing is not responsible for conducting the Mary Rippy Violent Offenders search; however, if knowledge is obtained regarding an individual's registration the information is forwarded to the licensing records office.**
- 3. Licensing requests withdrawal of the application. If the application is not withdrawn, licensing proceeds with denial procedures per OAC 340:110-1-10 or 340:110-1-52.**
- 4. Children and Family Services Division (CFSD) and Office of Client Advocacy (OCA) e-mails the licensing records office at OCCSbackground@okdhs.org when the notification letter has been mailed to an individual with confirmed, substantiated-services recommended, or substantiated-court intervention recommended of abuse or neglect that occurred to children while in the care of a child care facility. The licensing records office tracks the status of the appeal process. CFSD and OCA notifies the licensing records office of the request for appeal and the final decision of CFSD or OCA appeals committee, if applicable.**
- 5. Licensing staff forward the Report to the District Attorney and any other supporting documentation to the licensing records office.**
- 6. The members of the restricted registry review committee include three OCCS State Office staff, and one representative from CFSD and OCA. The licensing records office tracks the process.**
- 7. Licensing records office forwards the appeal request to the OKDHS Appeals Unit.**
- 8. Licensing may be required to visit the facility to verify registrant is no longer employed or residing in the facility. If registrant is still employed or residing in the facility licensing staff proceed per OAC 340:110-1-9.3 or 340:110-1-47.2.**
- 9. Registrant's full name, including aliases, date of registration, date of birth, and**

Social Security information is entered on the Restricted Registry database. No other information related to the investigation, offense, revocation, or denial is disclosed to the public.

10. Registrant may grieve registration removal per OAC 340:110-1-15 or 340:110-1-54.

11. Licensing records office removes registrant from the Restricted Registry database within five business days.

340:110-3-2. DefinitionsRevised 7-2-10

The following definitions apply unless the context clearly indicates otherwise.

"Assistant teacher" means a staff person who works under the on-site supervision of a qualified teacher or director.

"Auxiliary personnel" means cooks, building custodians, or other individuals who provide support services to the facility.

"Auxiliary spaces" means areas that are not used for children's care or play.

"Certified Childcare Professional (CCP) credential" means a national credential awarded to an individual who has educational and experiential activities that promote skill development in professional ability areas.

"Child care center" means a facility that provides care for children and operates more than 30 hours per week.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Child Development Associate (CDA) Credential" means a national credential awarded to an individual who has successfully completed a CDA assessment by demonstrating competence in 13 functional areas.

"Child passenger restraint system" means an infant or child passenger restraint system, for example, a car seat, that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

"Child with disabilities" means a child who has a physical or mental impairment and/or emotional disturbance that results in substantial limitations in areas such as self-care, language, learning, mobility, or self-direction.

"Day camp" means a program that serves only school-age children and operates during regular school vacations for no more than 12 hours per day.

"Department" means the Oklahoma Department of Human Services (OKDHS).

"Drop-in program" means a child care program that provides care for children on an occasional basis where no child attends more than six hours per day for a maximum of 24 hours a week with an allowance for six extra hours per child three times per year.

"Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

"Infant" means a child from birth up to 12 months of age.

"Infection control" means the policies, procedures, and techniques used to control and prevent the spread of infection, for example, hand-washing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and disposal of soiled or contaminated items, sick child exclusion policies, and immunization policies.

"Limited food service" means the preparation or serving of only non-potentially hazardous foods for immediate consumption using single-service articles.

"Master teacher" means a staff person who supports other teaching staff with responsibilities such as program development, weekly lesson plans, use of space and equipment, interactions with parents, and program evaluation.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Parent" means a child's father, mother, or other person who has legal custody or guardianship of the child.

"Permanent substitute" means a substitute teacher who has worked more than 40 hours at the child care center.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean, or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Preschool child" means a child age three to five years who has not entered kindergarten.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"School-age child" means a child who is at least five years of age and who is

attending or has completed kindergarten.

"Supervision of children" means the function of observing, overseeing, and guiding a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. It requires physical presence, knowledge of activity requirements and children's needs, and accountability for their care.

"Teen aide" means a 13- to 15-year-old who works under the direct supervision of a master teacher and is not considered in the staff-child ratio as a staff or as a child.

"Temporary substitute" means a substitute teacher who has worked 40 hours or less at the child care center.

"Toddler" means a child who is 12 months to 24 months of age.

"Tribal country land" means land that is tribally owned, considered trust or restricted land, and some dependent Indian communities over which the tribe has exclusive jurisdiction.

"Unitary materials" means rubber mats or a combination of rubber like materials held in place by a binder, glue, that may be poured in place at the playground site and when cured forms a unitary shock absorbing surface.

"Unsupervised access" means a person being present with children without a staff member being present.

"Volunteer" means a person who provides services to the center without cost or compensation.

340:110-3-36. DefinitionsRevised 7-2-10

The words and terms used in this Part shall have the following meanings unless the context clearly indicates otherwise.

"Auxiliary spaces" are areas not used for children's care or play.

"Child" means a person under the age of 18 years.

"Child care/day care center" (hereafter referred to as "child care center," referred to by statute as "day care center") means a facility that provides care for eight or more children and operates for more than 30 hours per week.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Department" means the Oklahoma Department of Human Services (OKDHS).

"Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

"Hazard" means an identifiable situation that is likely to inflict injury or cause harm.

"Infant" means a child 0 through 9 months of age.

"Infection control" means the policies, procedures, and techniques used to control and prevent the spread of infection, for example hand washing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and/or disposal of soiled items, sick child exclusion policies, and immunization policies.

"Limited food service" means the preparation and/or service of only non-potentially hazardous foods for immediate consumption using single-serving articles for preparation and service.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Parent" means a child's father, mother, or other person who has legal custody or

guardianship of the child.

"Part-day children's program" means a facility which provides care and supervision for eight or more children and which operates for more than 15 but less than 30 hours per week.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Preschool child" means a child three to five years of age who has not entered kindergarten.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"School-age child" means a child who is at least six years of age or who is attending or has completed kindergarten.

"Supervision of children" means the function of observing, over-seeing, and guiding a child or group of children. This includes awareness of and responsibility for the on-going activity of each child and being near enough to intervene if needed. It requires physical presence, knowledge of activity requirements and children's needs, and accountability for their care.

"Toddler" means a child 10 through 23 months of age.

"Volunteers" means persons who provide services to the program without cost or compensation.

340:110-3-81. Definitions

Revised 7-2-10

The following words and terms, when used in this Subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Assistant caregiver" means a person at least 16 years of age who assists the caregiver in caring for children.

"Child" means a person younger than 18 years of age.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of the Oklahoma Statutes.

"Department" means the Oklahoma Department of Human Services (OKDHS).

"Family child care home" means a family home that provides care and protection for seven or fewer children for part of the 24-hour day.

"Infant" means a child younger than 12 months of age.

"Large family child care home" means a residential family home that provides care and supervision for eight to twelve children for part of the 24-hour day.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Parent" means any adult who is legally responsible for the child, such as a mother, father, grandmother, grandfather, aunt, uncle, or legal guardian.

"Primary caregiver" means the caregiver who is present in the child care home and is responsible for the day-to-day operation of the program.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"Relative" means a person with the relationship, whether by marriage, blood, or adoption, of:

(A) parent;

(B) grandparent;

(C) brother;

(D) sister;

(E) step-parent;

(F) step-sister;

(G) step-brother;

(H) uncle;

(I) aunt; or

(J) cousin.

"Substitute caregiver" means a person who is designated by the primary caregiver to provide substitute child care for short periods of time.

"Toddler" means a child 12 months up to 24 months of age.

340:110-3-146. DefinitionsRevised 7-2-10

The following words and terms, when used in this Part, have the following meanings, unless the context clearly indicates otherwise:

"Advisory board" means the entity that offers advice and counsel on the operation of a facility.

"Basement" means an area of a building or structure having one-half or more of its clear height below grade level.

"Behavior management" means guidance that provides a learning experience for the child, which contributes to developing the capacity for self-control, self-direction, and the understanding of behavioral consequences.

"Chemical restraint" means medication prescribed by a health professional used to control behavior or to restrict the freedom of movement and is not a standard treatment for the child's medical or psychiatric condition.

"Child" means any person who has not attained the age of 18.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Child care staff" means staff, including part-time, on-call, and substitute staff, who provide direct care and supervision of residents. To be counted as required child care staff, workers must be engaged in providing care and meet the minimum qualifications for child care staff.

"Children's services" means an educational facility, child welfare agency, child-serving institution, child-placing agency, foster family home, hospital, or mental health treatment facility that serves children.

"Children's shelter" means a non-secure public or private residential program that provides temporary care and supervision for children.

"Contracted personnel" means persons who perform services for the facility who do not have an employee relationship with the facility.

"Custodian" means the adult or agency legally responsible for the child.

"Department" means Oklahoma Department of Human Services (OKDHS).

"Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

"Governing board" means the entity with ultimate responsibility and authority for the overall operation of a facility.

"Grievance process" means an identified procedure followed when a parent, custodian, child, or anyone acting in the child's behalf, wishes to document dissatisfaction regarding the operation of the facility.

"Health professional" means a licensed physician, nurse practitioner, or physician's assistant, as defined by the appropriate state licensing board.

"Interstate Compact on the Placement of Children (ICPC)" means the process mandated by state statute by which children are placed outside of their state of residence. Procedures are carried out by OKDHS Children and Family Services Division.

"Licensed mental health professional" means a person possessing the training, qualifications, and professional recognition in a mental health-related field and who has been issued a license by the appropriate state board.

"Licensed social worker" means a social worker who has been issued a license by the State Board of Licensed Social Workers.

"Licensing requirements for residential child care facilities" means the regulations contained in this Part that constitute the minimum requirements for residential facilities.

"Mechanical restraint" means a device that restricts the movement or function of a child or portion of a child's body.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Nonprofit facility" means an operating facility that does not make a profit.

"On-call or substitute staff" means staff available to work during the absence of

regular part-time or full-time staff.

"Organizational structure" means the legal basis or ownership of the facility.

"OSDH" means Oklahoma State Department of Health.

"Physical restraint" means using the body to restrict the movement or function of a child or portion of a child's body.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean, or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Privately operated facility" means a facility owned and operated by an individual, partnership, corporation, or association, which may be operated on a profit or nonprofit basis.

"Proprietary facility" means a facility that operates on a for-profit basis.

"Psychotropic medications" means medications with well-demonstrated efficacy in the treatment of mental disorders through the modification of behavior, mood, and emotions.

"Publicly operated facility" means a facility operated by a governmental entity.

"Qualified Substance Abuse Professional (QSAP)" means someone who meets the criteria established by the Department of Mental Health and Substance Abuse Services.

"Regimented residential program" means a military-style training program where residents are subject to a controlled and regimented environment that affirms dignity of self and respect for others and includes physical training and discipline.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"Residential child care facility" means a 24-hour residential facility where children live together with, or are supervised by, adults other than their parents or relatives.

"Residential treatment facility" means a facility that cares for children under 24-hour medical care who have emotional, psychological, or mental disorders.

"Seclusion" means the involuntary confinement of a child in a room or area where the child is physically prevented from leaving.

"Secure care facility" means a facility that cares for and supervises adjudicated children in a building in which entering and exiting is prohibited through the use of internal or external locks or through secure fencing around the perimeter.

"Separation" means removing a child from the group or group activity as a method of behavior management.

"Serious incident" means any non-routine occurrence that has an impact on the care, supervision, or treatment of a child or children.

"Service plan" means a comprehensive individualized program of action based on the child's needs.

"Social services" means services, which may include, but are not limited to, admission assessments, placement services, counseling, casework services to residents and their families, service planning, and discharge planning.

"Social services staff" means facility employees who provide social services.

"Staff member" means any person employed by or working for or with a residential child care facility on a regularly scheduled basis. This includes full-time, part-time, on-call, and substitute staff, whether paid or unpaid.

"Supervision of residents" means overseeing and guiding a child or group of children including awareness of and responsibility for the ongoing activity of each child.

"Support staff" means clerical staff, cooks, building custodians, and other personnel who provide support services to the facility.

"Volunteer" means a person who, of his or her own free will, enters into an agreement with a facility to provide services without monetary compensation.

340:110-3-221. Definitions

Revised 7-2-10

The following definitions apply unless the context clearly indicates otherwise.

"Assistant teacher" means a staff person who works under the on-site supervision of a qualified teacher or director.

"Auxiliary personnel" means cooks, building custodians, or other individuals who provide support services to the facility.

"Auxiliary spaces" means areas that are not used for children's care or play.

"Child" means a person under the age of 18 years.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Child with disabilities" means a child who has a physical or mental condition that results in substantial limitations in self-care, language, learning, mobility, or self-direction.

"Day camp" means a program that serves only school-age children and operates during regular school vacations for no more than 12 hours per day.

"Department" means the Oklahoma Department of Human Services (OKDHS).

"Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

"Infection control" means the policies, procedures, and techniques used to control and prevent the spread of infection, for example, hand-washing, sanitizing, personal hygiene, diapering and toileting, appropriate handling and disposal of soiled or contaminated items, sick child exclusion policies, and immunization policies.

"Lead teacher" means a staff person who is responsible for duties such as program development, implementation, and evaluation.

"Limited food service" means the preparation or serving of only non-potentially

hazardous foods for immediate consumption using single-service articles.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Parent" means a child's father, mother, or other person who has legal custody or guardianship of the child.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean, or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"School-age child" means a child who is at least five years of age and who is attending or has completed kindergarten.

"School-age program" means a program that provides care and supervision for school-age children, for example, before-school and after-school programs, extended-day programs, day camps, summer camps, and summer park programs.

"Supervision of children" means the function of observing, overseeing, and guiding a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. It requires physical presence, knowledge of activity requirements, and children's needs, and accountability for their care.

"Teen aide" means a 13- to 15-year-old who works under the direct supervision of a lead teacher and is not considered in the staff-child ratio as a staff or as a child.

"Volunteer" means a person who provides services to the program without cost or compensation.

340:110-5-3. Definitions

Revised 7-2-10

The following words and terms, when used in this Subchapter, have the following meaning unless the context clearly indicates otherwise:

"Adoption agency" means an agency that has been licensed as a child-placing agency for the purpose of placing children into adoptive families.

"Advisory board" means the entity that offers advice and counsel on the operation of a child-placing agency.

"Agency" means child-placing agency.

"Auxiliary personnel" means cooks, building custodians, or other personnel who provide support services to the agency.

"Basement" means an area of a building or structure having one-half or more of its clear height below grade level.

"Behavior management" means guidance that provides a learning experience for the child that contributes to developing the capacity for self-control, self-direction, and an understanding of behavioral consequences.

"Child" means an unmarried or unemancipated person younger than 18 years of age.

"Child Care Restricted Registry," or "Restricted Registry," or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working, or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Child care staff" means staff who provide direct care and supervision of children.

"Child-placing agency" means a private agency that is licensed by Oklahoma Department of Human Services (OKDHS) and provides social services to children and their families that supplement, support, or substitute parental care and supervision for the purpose of safeguarding and promoting the welfare of children in adoptive homes, foster homes, and independent living programs.

"Child with special needs" means a child who, because of age, ethnic origin,

physical, mental, or behavioral problems, or sibling group for whom placement for adoption is difficult.

"Custodian" means the adult or agency legally responsible for the child.

"Department" means the OKDHS.

"Emergency foster care" means foster home care provided to a child when an emergency exists or initial placement does not exceed 30 calendar days.

"Foster home" means a home which provides full-time substitute family care for a child for a planned period when the child's own family cannot provide care.

"Foster home agency" means an agency licensed as a child-placing agency for the purpose of certifying foster homes.

"Foster parent(s)" means the person(s) providing foster home care for a child placed by the child-placing agency.

"Governing board" means the entity with ultimate responsibility and authority for the overall operation of a private, nonprofit facility.

"Health professional" means a licensed physician, nurse practitioner, or physician's assistant, as defined by the appropriate state licensing board.

"Independent living (IL) program" means a residential program that places youth, at least 16 years of age, in a living situation supervised by a licensed child-placing agency with the goal of preparing the youth for living independently without supervision.

"Indian child" means any unmarried or unemancipated person younger than 18 years of age who is a member of an Indian tribe or eligible for membership and is the biological child of a member of an Indian tribe. [10 O.S. § 40.2]

"Infant foster care" means a category of foster care when the foster home provides care to infants only.

"Interstate Compact on the Placement of Children (ICPC)" means the process mandated by state statute to ensure protection and services to a child when the child is placed in or out of the state of Oklahoma and other states that are members of the ICPC.

"Legal risk placement" means placement of a child when consent to adoption or

permanent relinquishment of parental rights for adoption has not been obtained from both birth parents and parental rights have not been previously terminated.

"Long-term foster care" means foster home care when the initial placement plan exceeds 30 calendar days.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"On-call or substitute staff" means staff available to work during the absence of regular part-time or full-time staff.

"Openness in adoption" means the pre- or post-placement exchange of information, communication, or contact between birth families and adoptive families.

"Placement plan" means a component of the service plan or agreement that contains plans for the placement of the child that best meet the child's needs.

"Post-adoption services" means direct or referral services available through the child-placing agency to birth and adoptive parents and the adopted child after the adoption is finalized.

"Post-placement supervision" means supervision and services provided after the child is placed with an adoptive family.

"Proprietary facility" means a facility that operates on a for-profit basis.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"Serious incident" means any non-routine occurrence that has an impact on the care, supervision, or treatment of a child.

"Service plan or agreement" means a comprehensive individualized program of action for the child and the child's family, if parental rights have not been terminated, developed by the child-placing agency in cooperation with the child and family or custodian. It establishes specific outcomes and time frames based on the:

(A) child's age and level of functioning; and

(B) family's ability and willingness to participate.

"Social services staff" means child-placing agency employees who provide social services that include, but are not limited to:

- (A) casework services to children and their families;
- (B) adoptive child and family studies;
- (C) placement services;
- (D) certification of agency facilities;
- (E) admission assessments; and
- (F) service planning.

"Volunteer" means a person who willingly enters into an agreement with an agency to provide certain specified services without compensation.