TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:110-1-4.1; 110-1-5 through 110-1-6; 110-1-8 through 110-1-8.1; 110-1-8.3; 110-1-9 through 110-1-9.3; 110-1-11; 110-1-17; 110-3-29; 110-3-49.5; 110-3-87; 110-3-154.5; 110-3-239; 340:110-5, Table of Contents; 110-5-1 through 110-5-4; 110-5-6 through 110-5-11; 110-5-11.1; 110-5-12 through 110-5-14; 110-5-24 through 110-5-25; 110-5-27; 110-5-29 through 110-5-37.1; 110-5-38; 110-5-55 through 110-5-61; 110-5-61.1; 110-5-62 through 110-5-63; 110-5-115; and 110-5-117 through 110-5-124.

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

The revisions to Subchapters 1, 3, and 5 of Chapter 110 clarify: (1) and modify transportation licensing requirements for all licensed child care centers, school-age programs, part-day programs, family child care homes, residential programs, children's shelters, and residential treatment programs, including increasing age of drivers to 21 years, additional driver training related to specific vehicles, training in child passenger restraint safety, and vehicle maintenance documentation; (2) and improve licensing requirements for child-placing agencies that assist families in adopting children and placing children in foster care; (3) that tuberculosis skin testing is not required for employees of licensed facilities and facilities comply with Oklahoma State Department of Health (OSDH) regarding tuberculosis testing; (4) requirements that the child-placing agency have a physical address in Oklahoma where the business is conducted, an advisory board with members who reside in Oklahoma, and maintain child-placing activity records in Oklahoma; (5) the requirement for a written request for a criminal history waiver, and Licensing staff responsibility for obtaining criminal history information from a previous state of residence; (6) Licensing staff response when an allegation of civil rights violation is received; and (7) and update language by deleting obsolete terminology, reorganizing placement of information, and making it consistent with current federal and state usage.

The OKDHS Child Care Advisory Committee requested that Division of Child Care (DCC) review and update the Licensing Requirements for Child-Placing Agencies, Subchapter 5.
proposed requirements were recommended by a subcommittee of the Child Care Advisory Committee, made up licensed child care providers affected by these requirements, and approved by the Child Care Advisory Committee after public hearings and review. The proposed rules in Subchapter 3 were revised in response to an inquiry from the National Transportation Safety Board regarding transportation requirements and the use of 15-passenger vans.

340:110-1-4.1 is amended to reference three forms used to collect information.

340:110-1-5 is amended to clarify programs that are not designed or intended for child care.

340:110-1-6 is amended to reorganize the placement of information and clarify licensing staff responsibility regarding family child care providers operating in a residential family home other than their permanent residence.

340:110-1-8 is amended to provide consistent language for issuing a license to a part-day children's program with child care center programs.

340:110-1-8.1 is amended to clarify: (1) the requirement for a written request for a criminal history waiver; and (2) the responsibility of licensing staff to obtain criminal history information from a previous state of residence.

340:110-1-8.3 is amended to clarify: (1) owner or designated agent responsibilities in applying for the Reaching for the Stars program; (2) documentation expectations for learning environment and parent involvement criteria; (3) the definition of accredited college and university; (4) the reasons for reduction of star status; (5) when a provider may request an extension of time to comply; (6) that the new owner of a child care program must complete the appropriate application form and meet all the requirements applicable to the star level requested; (7) stars outreach specialist and licensing staff responsibilities; and (8) by reorganizing the placement of information.

340:110-1-9 is amended to: (1) change the case management process when a child care center, part-day children's program, or school-age program moves to a different address; (2) add clarification regarding documentation required when there is a change in director or household members; (3) clarify licensing staff responsibilities when a facility requests a change in facility class; and (4) reorganize the placement of information.

340:110-1-9.1 is amended to: (1) allow licensing staff to review certification criteria by phone when processing a request for certification of child care facilities to receive increased reimbursement rate for the care of children with disabilities; (2) delete language for certification of out-of-state providers; (3) clarify reasons for withdrawal of this certification; and (4) clarify licensing
response when on-site consultation criteria delay the approval for certification.

340:110-1-9.2 is amended to clarify licensing response when an allegation of civil rights violation is received; and delete obsolete language.

340:110-1-9.3 is amended to clarify the definition of "numerous, repeated, or serious non-compliance," clarify documentation required during an office conference; and add the definition of "voluntary cease care."

340:110-1-11 is amended to delete obsolete language.

340:110-1-17 is amended to add to the Child Care Advisory By-laws the category of standing sub-committees for family child care homes, child care centers, residential child care programs, and child-placing agencies.

340:110-3-29, 340:110-3-49.5, 340:110-3-239, and 340:110-3-154.5 are amended to require: (1) increased age of drivers to 21 years; (2) driver training related to specific vehicles; (3) child passenger restraint safety training; and (4) vehicle maintenance documentation.

340:110-3-87 is amended to require increased age of drivers to 21 years and driver training related to specific vehicles.

340:110-5-1 is amended to remove obsolete language.

340:110-5-2 is amended to reorganize the placement of information.

340:110-5-3 is amended to add a definition for "health professional," "foster home agency," and "infant foster care," change "special needs child" to "child with special needs," and clarify other definitions.

340:110-5-4 is amended to update language regarding OKDHS.

340:110-5-6 is amended to: (1) require the organization to: have a physical address in Oklahoma where child-placing business is conducted, have an advisory board with members who reside in Oklahoma, and maintain child-placing activity records in Oklahoma; (2) clarify when OKDHS is notified of program changes; and (3) add compliance information regarding applicable state and federal laws, including reporting suspected child abuse and neglect.

340:110-5-7 is amended to reorganize the placement of information.

340:110-5-8 is amended to: (1) require a designated contact person who is accessible to OKDHS; (2) clarify that tuberculosis skin testing is not required for employment and that agencies comply with OSDH recommendations regarding tuberculosis testing; (3) require waiver request procedures to comply with state law and parallel other licensing requirements; and (4) reorganize the placement of information.

340:110-5-9 through 340:110-5-11 are amended to simplify
language and reorganize the placement of information.

340:110-5-11.1 is issued to clarify qualifications and requirements for contracted staff.

340:110-5-12 is amended to remove obsolete language and clarify information required for employee references.


340:110-5-14 and 340:110-5-36 are amended to clarify child-placing agency as "agency" and reorganize the placement of information.


340:110-5-27 is amended to add an Oklahoma Statutes citation.

340:110-5-30 is amended to clarify that interviews with family members are face-to-face.

340:110-5-34 is amended to correct language in the Section title and reorganize the placement of information.

340:110-5-37 is amended to clarify adoption agency as "agency" and delete obsolete language.

340:110-5-38 is amended to clarify and simplify language.

340:110-5-55 is amended to clarify that these rules are for the foster home agency to enforce with foster homes.

340:110-5-56 is amended to clarify the categories of foster care.

340:110-5-57 is amended to clarify the entities authorized to provide criminal history investigations; add information regarding annual home study updates; and simplify language.

340:110-5-58 is amended to clarify the foster home agency as "agency" and simplify language.

340:110-5-59 is amended to reorganize the placement of information.

340:110-5-60 is amended to: (1) clarify that tuberculosis testing is not required routinely; (2) add language regarding rest arrangements for infants that includes sleep position to reduce the risk of Sudden Infant Death Syndrome (SIDS); (3) add requirements regarding driver and vehicle qualifications and passenger restraints; and (4) simplify language.


340:110-5-61.1 is issued to clarify requirements for foster parents making alternative care arrangements for children in foster care.

340:110-5-63 is amended to clarify information required for an admission assessment and simplify language.

340:110-5-115 and 340:110-5-122 are amended to change "adolescent" to "youth."
340:110-5-117 and 340:110-5-121 are amended to clarify child-placing agency as "agency."
340:110-5-118 is amended to clarify child-placing agency as "agency" and reorganize the placement of information.
340:110-5-119 is amended to add clarifying language.
340:110-5-120 is amended to add clarifying language, including child-placing agency as "agency."
340:110-5-123 is amended to clarify child-placing agency as "agency" and change "juvenile" to "youth."
340:110-5-124 is amended to clarify the program as independent living program.

Original signed on 3-23-06
Mark Lewis, Director  Sharon Neuwald, Co-Interim Administrator
Division of Child Care  Office of Planning, Policy & Research

WF # 05-12, 15, & 16 (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.

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340:110-1-4.1. Forms

Forms that apply to this Part are described in this Section.

(1) **ADM-123, Certification for Special Needs Child Care Rate.** Form ADM-123 is used to obtain information for determining eligibility for the special needs child care rate for children receiving Supplemental Security Income (SSI), SoonerStart, or special education services.

(2) **OCC-2, Child Care Center Staff Summary.** Form OCC-2 is used to document compliance with licensing requirements for all staff currently employed by the child care facility.

(3) **OCC-3, Child Care Center Monitoring Report.** Form OCC-3 is used by the licensing staff to document compliance with requirements during a monitoring visit at a child care center and record any other information obtained.

(4) **OCC-4, Application for License - Child Care Facility.** Form OCC-4 is used to make application for a license to operate a child care facility, including a child care center, school-age program, and part-day children's program.

(5) **OCC-5, Transportation Information.** Form OCC-5 is used by a child care facility director to document compliance with licensing requirements on transportation.

(6) **OCC-6, Equipment Inventory - Child Care Center.** Form OCC-6 is used to document the equipment available and items needed to comply with Licensing Requirements for Child Care Centers, OKDHS Publication no. 84-08.

(7) **OCC-7, Documentation of Training - Family Child Care Home and Large Child Care Home.** Form OCC-7 is used by a family child care home provider to document annual training as required by Licensing Requirements for Family Child Care Homes and Large Child Care Homes, OKDHS Publication no. 86-104.

(8) **OCC-7-A, Documentation of Required Training Topics – Family Child Care Home and Large Child Care Home.** Form OCC-7-A is used by a family child care home provider to document required training topics as required by Licensing Requirements for Family Child Care Homes and Large Child Care Homes, OKDHS Publication no. 86-104.
(9) **OCC-8, Periodic Monitoring Report - Certification for Care of Children with Disabilities.** Form OCC-8 is used by the licensing staff to document ongoing compliance with certification requirements during monitoring visits.

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

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

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

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

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

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

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

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

(18) **OCC-24, School-Age Program – Equipment Inventory.** Form OCC-24 is used to document the equipment available or needed to comply with Licensing Requirements for School-Age Programs, OKDHS Publication no. 97-10.
(19) **OCC-25, Request for Child Care Center Star Certification.** Form OCC-25 is used by a child care center owner or director to request star certification.

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

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

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

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

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

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

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

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

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

(29) **OCC-61-A, Notice of Alternative Compliance.** Form OCC-61-A is used by Oklahoma Department of Human Services (OKDHS) to notify a facility of an approved request for alternative method of compliance.
(30) **OCC-63, One Star Plus Certification Expiration.** Form OCC-63 is used by licensing staff when a one star plus facility fails to reapply for certification at 12 or 24 months.

(31) **OCC-69, Child Care Center Compliance Review.** Form OCC-69 is used by child care center directors to verify their knowledge of the licensing requirements.

(32) **OCC-71, Child Care Waiver Request.** Form OCC-71 is used by licensing staff when submitting a waiver request to State Office.

(33) **OCC-72, Compliance Review for School-Age Programs and Summer Day Camps.** Form OCC-72 is used by school-age and summer day camp directors to verify their knowledge of the licensing requirements.

(34) **OCC-73, Compliance Review for Part-Day Children's Programs.** Form OCC-73 is used by part-day children's program directors to verify their knowledge of the licensing requirements.

(35) **OCC-74, Request for Extension of Time to Comply.** Form OCC-74 is used by child care providers to request an extension of time to comply with Stars criteria.
340:110-1-5. Inquiries

(a) Inquiries. An inquiry regarding licensing child care facilities is referred to the Division of Child Care (DCC) licensing staff in whose geographical area the inquirer is located.

(1) The referral includes the name, address, telephone number, and type of care the facility is giving or planning to give.

(2) Upon receipt of an inquiry, the licensing staff provides the inquirer with a copy of the applicable requirements and, when appropriate, makes referrals to other agencies involved in regulating child care facilities, such as the fire department, health department, and local city regulatory offices.

(b) Tribal facilities. Child care facilities on Indian tribal land do not require a state license but may request licensure. Facilities that are licensed by a tribe with whom the Oklahoma Department of Human Services (OKDHS) has a cooperative licensing agreement and that care only for Indian children do not require a state license, but may request licensure.

(c) Inquiry records. Inquiry records are maintained in the licensing staff's office. Inquiry information is sent to the supervisor on request.

(d) Request for licensure. When the inquirer indicates an interest in becoming licensed, the licensing staff:

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

Additional exemptions for programs that are not designed or intended for child care include:

(A) programs that operate less than eight weeks annually;

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

(C) programs where children are limited from enrolling in multiple sessions because of the type of activity or ages accepted;

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

(E) family child care homes that operate 15 hours per week or less; and
(F) sponsors that operate two or more programs in the same building if each operates 15 hours or less per week;

(2) reviews the requirements with the inquirer to help decide whether requirements can be met;

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

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

INSTRUCTIONS TO STAFF

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

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

3. To determine exemptions from the Oklahoma Child Care Facilities Licensing Act, licensing staff refers to Section 403(A)(8) of Title 10 of the Oklahoma Statutes to determine whether the program is "designed or intended for child care."
340:110-1-6. Application process

(a) Application. The Division of Child Care (DCC) licensing staff provides the appropriate application to persons interested in licensure. 1

(1) If requested, a family child care home application is filed and a license issued to a caregiver and spouse. References are obtained for both persons, and both must demonstrate compliance with requirements. 2 through 4

(2) Proof of ownership must be provided according to Oklahoma Department of Human Services (OKDHS) Appendix L-7 for a:

   (A) child care center; or

   (B) family child care home operating as a business entity.

(b) Child care provider contract. The licensing staff advises the child care facility of the opportunity to contract with OKDHS for the care of children whose families receive child care assistance. The licensing staff documents that a child care contract promotional flyer is provided to the facility with contact information for the county child care liaison. 5

(1) OKDHS may contract with a child care facility in another state when a client residing near the Oklahoma border elects to use an out-of-state facility.

(2) The licensing staff responsible for the county in which the client resides verifies the facility is licensed or registered and in compliance with the Civil Rights Act by contacting the state agency responsible for licensing.

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

(d) Reopening a child care center, part-day children's program, or school-age program. If a child care center has been closed and the same owner wishes to reopen, a new application must be completed. 6

(e) Computer checks on license applicants. Computer checks to identify prior involvement with OKDHS are completed on all adults who sign the application for a family child care home license and on the owner of a child care center, part-day
children's program, or school-age program. ■ 7

(1) When there has been prior involvement with Child Welfare, the licensing staff reviews the case for information regarding the person's ability to meet licensing requirements. ■ 8 Other cases are reviewed only if concerns exist.

(2) When the provider's medical information is confidential or concerns exist, the licensing staff may request information from the provider by requiring the provider to sign OKDHS Form HIPAA-3, Authorization to Disclose Medical Records. ■ 9

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

(1) based upon the number, ages, and specific needs of children potentially eligible for child care and foster care;

(2) documented in the case record; and

(3) reviewed with the provider and foster care worker at least once per year or more often if concerns exist.

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

(1) if an application has been filed and licensing staff are aware that children are in care, an initial visit must be made within two weeks;

(2) the licensing staff conducts a monitoring visit at least every two months when children are in care;

(3) contact is made by phone every two months and documented on Form OCC-3, Child Care Center Monitoring Report, page 4, when children have not been accepted into care;
(4) the procedures found in OAC 340:110-1-9.3 are followed if non-compliance with licensing requirements is observed during the monitoring visit. A plan of correction, including an agreed-upon time period for correction of the non-compliance, is documented; and

(5) the licensing staff consults with the licensing supervisor if the facility is unable or unwilling to meet licensing requirements after operating on application status for six months. 10

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

INSTRUCTIONS TO STAFF

1. (a) The appropriate applications are:

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

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

   (b) Upon receipt of a complete application, the licensing staff enters available information into the database and obtains a case number.

   (c) Licensing staff verify identification for family child care applicants by observing a photo identification. A copy of the photo identification is requested and placed in the public licensing record with any confidential information purged.

   (d) For a family child care home applicant operating as a sole proprietor, the license is issued in the caregiver's legal name as it appears on the caregiver's Social Security card as verified by Division of Child Care (DCC) licensing staff.

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

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

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

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

      (A) Household members who reside at the location of care are listed on the application. The caregiver's spouse who resides at the permanent address is not required to sign the application.

      (B) If the spouse's signature is obtained, a computer check to identify prior involvement with OKDHS is completed.

      (C) If the application is a change of address for an existing license, refer to OAC 340:110-1-9(g).

   (2) Licensing staff documents an explanation of this arrangement on page 4 of Form OCC-3, Child Care Center Monitoring Report.

   (3) The caregiver signs an agreement that child care will not be provided at the caregiver's permanent address.

   (4) Documentation of criminal background checks is obtained on all adults who reside in the home where child care is provided and on other adults who have access to children in care on a regular basis.

   (5) Any child 12 years of age or younger who does not live in the home where care is provided is counted in the capacity if the child is present during the hours of child care.

   (6) This residence is not approved for child care if it is approved for foster care.

5. Refer to OAC 340:40-13-5. The Family Support Services (FSS) county child
care liaison provides training to the provider on the claims process and offers a contract to the provider. If there is information regarding a criminal conviction or fiscal mismanagement such as inaccurate reporting to Oklahoma Department of Human Services (OKDHS) or other agencies, a copy of the report is sent to the county FSS child care liaison. Refer to OAC 340:110-1-8.1(g)(3).

6. If the location and the ownership remain the same, the same case number may be used. The record clearly reflects the closure and reopening of the facility. Fire and Health inspections completed within the last 12 months may be used unless there are concerns. If the facility has been closed less than one year, previously obtained director references may be used. If the facility has been closed less than one year and had a record of compliance prior to closure, the licensing staff may recommend license issuance after one compliant monitoring visit.

7. The check is run by both name and Social Security number. Documentation of the findings is filed in the confidential section of the case record.

8. Information from the Child Welfare case is discussed with the licensing supervisor. If concerns exist, the licensing regional programs manager and statewide licensing coordinator are consulted to assist in developing a course of action.

9. If the provider signs Form HIPAA-3, Authorization to Disclose Medical Records, a letter may then be sent to the doctor asking if the provider is able to provide care for the number and ages of children in care.

10. The licensing staff and licensing supervisor evaluate the seriousness of the non-compliance and the risk to children to determine if the facility should be allowed more time to meet licensing requirements or if a negative sanction should be considered.
340:110-1-8. Types of issuance

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

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

   (A) copy of licensing staff recommendation, LisReq;

   (B) Application for License - Child Care Facility, Form OCC-4;

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

   (D) Child Care Staff Information for each staff person, Form OCC-41;

   (E) physical plant drawing and calculation, Form OCC-57;

   (F) verification of adequate equipment for the recommended capacity;

   (G) documentation of fire department approval within the previous 12 months;

   (H) documentation of Oklahoma State Department of Health approval within the previous 12 months if meals are prepared and served; and
(I) Child Care Center Monitoring Report, Form OCC-3; Part-Day Children's Program Monitoring Report, Form OCC-10; or School-Age Program Monitoring Report, Form OCC-23.

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

(A) copy of licensing staff recommendation, LisReq;

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

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

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

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

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

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

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

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

(E) If the permit is due to numerous, repeated, or serious non-compliance with requirements, the licensing staff visits the facility at least monthly and is accompanied, when possible, by a witness. If at any point the non-compliance indicates the facility is unable or unwilling to meet licensing requirements, the statewide licensing coordinator or designee is consulted to discuss negative sanctions.
(F) If requirements are met before the expiration of the six-month permit, the issuance of a license may be recommended.

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

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

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

(A) copy of licensing staff recommendation, LisReq;

(B) daily program schedule;

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

(D) outdoor play schedule, if applicable;

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

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

(G) director's references;

(H) one-week sample menu;

(I) documentation of fire department approval within the previous 24 months; 3

(J) documentation of Oklahoma State Department of Health approval within the previous 24 months if meals are prepared and served; and 4
(K) Child Care Center Monitoring Report, Form OCC-3.

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

(A) copy of licensing staff recommendation, LisReq;

(B) outdoor play schedule, if applicable;

(C) daily program schedule for school-age programs;

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

(E) Equipment Inventory, Form OCC-20 or OCC-24 as applicable;

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

(G) director's references for school-age programs;

(H) one-week sample menu of foods provided by the program;

(I) documentation of fire department approval within the previous 24 months; ■ 3

(J) documentation of health department approval within the previous 24 months if meals are prepared and served; and ■ 4

(K) Part-Day Children's Program Monitoring Report, Form OCC-10, or School-Age Program Monitoring Report, Form OCC-23.

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

(A) copy of licensing staff recommendation, LisReq;

(B) one-week sample menu;

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

(E) statement of water test results if not on public water supply.

(i) If the test indicates the level of bacteria, nitrates, or lead is too high for safe use, the caregiver may sign a statement agreeing to use bottled water for drinking and cooking.

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

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

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

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

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

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

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

2. the level of non-compliance does not support license issuance or a denial of the license;

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

   (B) the statewide licensing coordinator or designee sends a letter to the operator stating the reason for the provisional license; and
(C) monitoring visits are conducted at least monthly and, when possible, with a witness.

(d) **Evaluation and disposition.**

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

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

**INSTRUCTIONS TO STAFF**

1. Adults who sign the application in a family child care home and adults who sign the center application as owner of a child care center, part-day children’s program, or school-age program are checked by date of birth and Social Security number on the computer for any previous involvement with the Oklahoma Department of Human Services that could affect their ability to meet licensing requirements. Documentation of the computer check is filed in the confidential section of the facility's case. A computer check is not completed on the facility director if the facility director is not the owner of the facility.

2. The licensing staff explains the Equipment Inventory to the applicant and provides Form OCC-6, OCC-20, or OCC-24. Facilities must have all equipment for their licensed capacity. Prior to recommending a six-month permit, the licensing staff verifies the amount of indoor basic and outdoor play equipment, but does not need to conduct a full inventory unless it appears there is not adequate play equipment for the licensed capacity. A full inventory of the play equipment must be conducted by the licensing staff prior to issuance of the license.

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

4. (a) If problems exist with water, sewage, or waste removal, such as sewage surfacing over a septic tank, the licensing staff contacts the Department of Environmental Quality (DEQ). DEQ assesses the caregiver a fee for the inspection.

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

5. The licensing staff and supervisor evaluate whether the facility has had numerous, repeated, or serious non-compliance and considers the most appropriate responses, per OAC 340:110-1-9.3. The date of this discussion is documented.

6. The compliance review is required for a new director who has no previous director experience. The review may also be used as a learning tool for a director or facility staff to review licensing requirements. The licensing staff provides the facility director with a copy of a compliance review at the initial application visit with instructions to return it when completed. The licensing staff evaluates the completed review and discusses any concerns with the director. The discussion is documented on a monitoring report and the completed compliance review is returned to the director.

7. The licensing supervisor forwards the facility's request or the licensing staff's recommendation for the provisional license to the statewide licensing coordinator or designee. Licensing staff consults with the statewide licensing coordinator or designee prior to recommending a subsequent provisional license.
8. When the licensing supervisor disagrees with the recommendation, the licensing supervisor discusses areas of disagreement with the licensing staff. The licensing supervisor makes the final recommendation.

(a) Provider. Section 404.1 et seq. of Title 10 of the Oklahoma Statutes requires that every child care facility arrange for, prior to employment, a criminal history investigation for:

1. (1) any person making application to establish or operate a child care facility;

2. (2) any person to be employed by a child care facility, including all caregivers, auxiliary staff, and substitute or assistant caregivers;

3. (3) others who have unsupervised access to children, such as lab students, Work Experience Program (WEP) workers, contracted staff, volunteers, or custodians; and

4. (4) adults, including providers' spouses or adult children, who live in the child care facility.

(b) Exceptions. Criminal history investigations are not required for:

1. (1) new staff who have documentation of a criminal history investigation within the last 12 months;

2. (2) staff who move to a center or program operated by the same organization;

3. (3) contracted staff who provide transportation, lessons, or other services if facility staff are present with children at all times;

4. (4) parent volunteers who transport children on an irregular basis; and

5. (5) providers' children who become adults (age 18) during continuous residence at the licensed facility.

(c) Children residing in a child care facility. A criminal history investigation may be requested on a child older than 13 years of age residing in a child care facility if criminal activity is reported to Licensing.

(d) Authorized agencies. Criminal history investigations are acceptable only when conducted by:

1. (1) the Oklahoma State Bureau of Investigation (OSBI); and
(2) the authorized agency in the previous state of residence if the person has resided in Oklahoma for less than one year. ■ 2

(e) Sex Offenders Registry. The OSBI report must include a search of the Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act. According to Section 404.1 of Title 10 of the Oklahoma Statutes, it is unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children, to live in a child care facility, or to be employed or contracted by the facility to care for children. If it is determined that a facility has violated this Statute, the Oklahoma Department of Human Services may pursue:

(1) an emergency order;

(2) revocation of the license or denial of the application for license;

(3) an injunction;

(4) an administrative penalty not to exceed Ten Thousand Dollars ($10,000); or

(5) referral for criminal proceedings.

(f) Documentation and procedure. The licensing staff provides information and the criminal history investigation request forms to licensees and persons interested in becoming licensed. ■ 3

(g) Convictions. The licensing staff reviews each criminal history report. ■ 4

(1) If a report includes a charge without a disposition for an offense listed in licensing requirements or which could affect contract eligibility, a copy of the disposition is obtained.

(2) If a report includes a conviction for an offense listed in licensing requirements, the licensing staff:

   (A) advises the owner, director, or family child care home provider that the person does not meet licensing requirements;

   (B) informs the owner, director, or family child care home provider that he or she may request a waiver from the statewide licensing coordinator or designee unless the person was convicted of a crime pursuant to the Sex Offenders Registration Act, per (e) of this Section;
(C) provides the owner, director, or home provider with a copy of the items considered for a waiver, per (h) of this Section; and

(D) documents assurance from the owner, director, or home provider that the person in question will not be employed, work with children, or be present in the home when children are in care until a decision has been made regarding the request for a waiver, per (h) of this Section.

(3) If the owner, director, or family child care home provider's criminal history report includes a conviction of fiscal mismanagement, such as embezzlement or fraud, or if there are repeated convictions that indicate a pattern of criminal activity, a copy of the report is sent to the county day care liaison.

(4) If the report contains information regarding behavior that may endanger children, a copy of police reports may be requested whether or not a conviction resulted.

(h) Waiver. The prohibition to employ a person with criminal history may be waived if requested in writing and signed by the facility's owner, director, or home provider. However, a waiver is not granted to any person who is required to register pursuant to the Sex Offenders Registration Act. When submitting a waiver request, licensing staff complete Form OCC-71, Child Care Waiver Request, and submit it to Division of Child Care (DCC) State Office. The decision to grant a waiver is made by the statewide licensing coordinator or designee. The decision is based on documentation indicating that the health, safety, and well-being of children will not be endangered. DCC State Office notifies the provider of the decision in writing. Licensing staff monitor any additional instructions made to the provider and verify that the waiver notice is posted in the facility. ■

5 Criteria considered include the:

(1) type of crime or offense for which the person was convicted or a finding made;

(2) nature of the offense(s);

(3) age of the person at the time of the offense(s);

(4) circumstances surrounding commission of the offense(s) that demonstrate whether it is likely the person will re-offend;

(5) number of offenses for which the person was convicted or findings made;

(6) length of time elapsed since the last conviction or finding;

(7) relationship of the offense(s) to the ability to care for children;
(8) evidence of rehabilitation or education activities, such as counseling, since the offense was committed;

(9) statement from the person with the criminal history; and

(10) opinions of reliable community members concerning the person in question.

INSTRUCTIONS TO STAFF

1. A report obtained from an Indian tribe, private agency, or Oklahoma Department of Human Services (OKDHS) program such as foster care, is acceptable only with verification that information was obtained from the Oklahoma State Bureau of Investigation (OSBI) within the last 12 months and includes a check of the Sex Offenders Registry. The report must contain information obtained from the previous state of residence if applicable.

2. Criminal history report.

   (1) If a criminal history report cannot be obtained from the previous state of residence due to laws in that state restricting the release of such reports, licensing staff instructs the provider to contact the local law enforcement agency for the previous residence to obtain, at minimum, a local criminal history investigation. The licensing staff documents this information on Form OCC-3, Child Care Center Monitoring Report, page 4.

   (2) If a sex offender registry check is not available from the previous state of residence, this is documented on Form OCC-3, page 4.

3. Prior to recommending a six-month permit or issuance of a license, the licensing staff documents review of criminal history reports for all required persons.

   (1) As the facility adds persons described in OAC 340:110-1-8.1(a), the licensing staff documents review of the criminal history reports.

   (2) A copy of a clear report is not required for the licensing record. Narrative entries documenting that criminal history reports have been observed may be left in the public licensing record. To maintain confidentiality, any reference to the contents of the report is removed from the open record.
(3) Criminal history investigation reports are maintained as confidential and removed from the open record.

4. If the criminal history report contains documentation of an arrest or conviction, the licensing staff obtains a copy of the criminal history report and immediately submits it to the licensing supervisor for review.

5. A criminal history waiver request is maintained as confidential and removed from the open record. The letter granting or denying the waiver may remain in the public file unless it contains information regarding a minor.
340:110-1-8.3. Certification of facilities to receive a differential quality rate

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

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

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

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

   (A) **Licensing status.** The program must have a license, provisional license, or permit and must not have a history of numerous, repeated, or serious non-compliance with applicable licensing requirements. For the purposes of star certification, a 12-month period of time is reviewed, including the licensing record from the applicant’s previous licenses, if any. The definitions of numerous, repeated, or serious non-compliance listed in (i) through (iii) of this paragraph apply for star certification.

   (i) Numerous non-compliance is any monitoring visit with six or more items documented as non-compliant on the monitoring report for a facility with a licensed capacity of less than 60 or seven or more items for a facility with a licensed capacity of 60 or more. Numerous non-compliances during the initial licensing visit, prior to permit, may be disregarded when evaluating compliance if all items were corrected in a timely manner.

   (ii) Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement in a 12-month period of time. For missing immunizations to be considered a repeat non-compliance, they must be regarding the same child.
(iii) Serious non-compliance is a non-compliance with licensing requirements that exposes children to conditions that present an imminent risk of harm. Some examples of serious non-compliance are violations of requirements for:

(I) staff-child ratio;
(II) supervision of children;
(III) sleep position;
(IV) prohibited disciplinary actions;
(V) licensed capacity;
(VI) use of passenger restraints;
(VII) water activities,
(VIII) pools and other water hazards;
(IX) multiple hazards;
(X) weapons;
(XI) reporting child abuse;
(XII) prohibiting access to children by a person with a criminal record or health or behavior risk;
(XIII) administering medication to children;
(XIV) room temperatures; and
(XV) heat sources.

(B) **Director qualifications.**

(i) At initial star approval the director meets director qualifications as set forth by the applicable licensing requirements and must have documentation of 40 hours of training, within the last 12 months *prior to application*. At least 20 of those hours must be in administration and management and be Tier II or Tier III training.
(ii) If a new director is hired, the director must have documentation of 40 hours of training, within the last 12 months prior to employment. At least 20 of those hours must be in administration and management and be Tier II or Tier III training. If the new director does not have the 40 hours of training, the facility is required to submit a written plan to licensing staff for correcting the violation within 90 days of the new director's hire date.

(iii) In subsequent years, directors must have documentation of 30 hours of Tier I, Tier II, or Tier III job-related training per employment year.

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

(v) A person is not counted as a center master teacher, director, or qualifying home provider at more than one facility certified for a higher star level unless the facilities are programs that do not operate concurrently at any given time. An exception to this rule requires a written request submitted by the provider and approved by the stars program manager or designee.

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

(D) Staff training.

(i) At application, center staff employed at the facility for at least 12 months and counted toward meeting the staff-child ratio must have 20 hours of Tier I, II, or III training per employment year. At initial application, training may be counted if training was obtained within the last 12 months or within the staff's employment year. ■ 5

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

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

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

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

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

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

(iii) Individual parent conferences are arranged for and documented at least annually and at other times as needed to discuss children's progress, accomplishments, and challenges and set goals together. Documentation of parent conferences is maintained with the child's records.

(iv) There is a parent resource area with books, pamphlets, and articles on parenting that is accessible and available to parents.

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

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

(vii) Parents participate in program and policy development through board involvement, planning meetings, or an opportunity to complete yearly questionnaires.

(3) **Criteria for two star centers.** To be approved as a two star center, the owner or designated agent of a center must complete Form OCC-25, not have numerous, repeated, or serious non-compliance with licensing requirements, and meet either all one star plus criteria and the criteria described in (A) through (G) of this paragraph or provide documentation that the center is accredited by an approved national accrediting body. ■ 6
(A) **Master teacher qualification.** Master teachers must be at least 18 years of age, employed and on-site on a full-time basis, and meet and maintain Level III or higher on the Early Childhood Education Professional Development Ladder or meet and maintain one of these requirements in (i) through (vi):  ■ 7

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

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

(iii) a two year college Certificate of Mastery in early childhood education or child development from an accredited Oklahoma college;

(iv) 30 college credit hours from an accredited college or university, including 12 credit hours in early childhood education, child development, or an approved related subject;  ■ 8

(v) a four year degree from an accredited college or university with six college credit hours in child development, early childhood education, or an approved related subject; or

(vi) a two or four year degree from an accredited college or university in early childhood education or child development.

(B) **Master teachers required.** There is a full-time master teacher for every 30 children of the licensed capacity. During the second and subsequent year as a two or three star center, there must be a master teacher for every 20 children. This number does not include school-age children if the majority of children in care are younger than five years of age.  ■ 9

(i) Centers licensed as school-age programs or programs where the majority of children are school-age must have a master teacher for every 40 children of the licensed capacity.

(ii) A person is not counted as a master teacher in more than one facility or considered a master teacher in one facility and a director of another facility unless the facilities are programs that do not operate concurrently at any given time.
(iii) A request for exception to this rule must be written and submitted by the provider and approved by the stars program manager or designee.

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

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

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

(i) one of the qualifications in (3)(A); however, a degree or coursework in (3)(A)(iii) through (vi) may also be in elementary education, recreation, or other coursework that supports working with the school-age child; or

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

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

(G) **Program evaluation.** All methods of program evaluation as described in (i) through (v) of this paragraph are scheduled within the first six months of two star certification and must be completed within one year of receiving two star status.

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

(ii) An approved self-assessment tool is completed every two years and is
(iii) Staff and parents are surveyed every two years to identify strengths and weaknesses of the program and evaluate the program's effectiveness in meeting the needs of children, parents, and staff.

(iv) The program is assessed every four years using an assessment tool approved by OKDHS to determine the day-to-day quality of care provided to children. ■ 10 This assessment is not required for programs accredited through an approved national accrediting body. ■ 6

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

(4) **Criteria for three star centers.** To be approved as a three star center, the owner or designated agent of a center must complete Form OCC-25, not have numerous, repeated, or serious non-compliance with licensing requirements, and meet all two star center criteria, except for the assessment in (b)(3)(G)(iv) of this Section, and be accredited through an approved national accrediting body. ■ 6

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

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

(2) **Criteria for one star plus homes.** To be approved as a one star plus family child care home or large family child care home, the owner or designated agent must complete and submit Form OCC-27, Request for Family Child Care Home Star Certification, and meet the requirements in (A) through (D) of this paragraph. A home may operate on one star plus status for a total of 24 months, which are not required to run consecutively. ■ 1 At the end of 24 months, the home must be approved as a two star home, request and receive an extension of time to comply, or return to one star status. If the new criteria cannot be met at 24 months, a facility may request an extension of time to comply as set forth in (g) of this Section.

(A) **Licensing status.** The home must have a license, provisional license, or permit and not have numerous, repeated, or serious non-compliance with applicable licensing requirements. For the purposes of star certification, a 12-month period of time is reviewed, including the licensing record from the applicant's previous licenses, if any. The definitions of numerous, repeated, or serious non-compliance listed in (i) through (iii) of this paragraph apply for star
(i) Numerous non-compliance is any monitoring visit with five or more items documented as non-compliant on the monitoring report. Numerous non-compliances during the initial licensing visit, prior to permit, may be disregarded when evaluating compliance history if all items were corrected in a timely manner.

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

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

(I) staff-child ratio;

(II) supervision of children;

(III) sleep position;

(IV) prohibited disciplinary actions;

(V) licensed capacity;

(VI) use of passenger restraints;

(VII) water activities,

(VIII) pools and other water hazards;

(IX) multiple hazards;

(X) weapons;

(XI) reporting child abuse;

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

(XIV) room temperatures; and

(XV) heat sources.

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

(i) Any assistant caregiver employed for at least 12 months must have documentation of 20 clock hours of Tier I, II, or III training per employment year.

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

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

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

(i) provides policies to parents upon the child's enrollment;

(ii) obtains and maintains on file signed contracts for each family;

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

(iv) arranges for and documents, at least once per year, a conference with each child's parents. They discuss the child's current progress, accomplishments, and challenges, and set goals together. Documentation of the parent conference is kept with the child's records;

(v) makes opportunities available for parents to be involved in the program's activities; and
(vi) has information available about resources that provide services to parents and children and makes referrals as needed.

(3) **Criteria for two star homes.** To be approved as a two star home, the owner or designated agent must complete Form OCC-27, not have numerous, repeated, or serious non-compliance with requirements, and meet either all one star plus criteria and the criteria described in (A) and (B) of this paragraph or provide documentation the home is accredited by the National Association of Family Child Care.

(A) **Provider qualifications.** A person is not counted as a center master teacher, director, or qualifying home provider at more than one facility certified for a higher star level unless the facilities are programs that do not operate concurrently at any given time. A request for exception to this rule must be written and submitted by the provider and approved by the stars program manager or designee. The qualifying person must be on-site on a full-time basis. The licensed provider in a family child care home, or the licensed provider or assistant in a large family child care home, must meet Level III or higher on the Early Childhood Education Professional Development Ladder or one of the provider qualifications requirements listed in (i) through (vi) of this subparagraph. The qualifying criteria are:

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

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

(iii) a two year college Certificate of Mastery in early childhood education or child development from an accredited Oklahoma college or university;

(iv) 30 credit hours from an accredited college or university including 12 credit hours in early childhood education, child development, or an approved related subject; 8

(v) a four year degree from an accredited college or university with six college credit hours in early childhood education, child development, or an approved related subject;

(vi) a two or four year degree from an accredited college or university in early childhood education or child development; or
(vii) if approved prior to June 1, 2004, the provider may continue to meet this criteria if the provider maintains 120 hours of job-related Tier I, II, or III training within the last five years, five years of full-time experience in a licensed or legally exempt child care setting, and every two years a minimum score of 5.0 on the Family Day Care Rating Scale. □ 11

(B) Program evaluation. All methods of program evaluation as described in (i) through (v) of this paragraph are scheduled within the first six months of receiving the two star certification and must be completed within one year of receiving two star status.

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

(ii) An approved self-assessment tool is completed every two years and kept on file in the home.

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

(iv) The program is assessed every four years using an assessment tool approved by OKDHS to determine the day-to-day quality of care provided to children. This assessment is not required for programs accredited through the National Association of Family Child Care. □ 10

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

(4) Criteria for three star homes. To be approved as a three star home, the owner or designated agent must complete Form OCC-27, not have numerous, repeated, or serious non-compliance with requirements, and meet all two star home criteria, except for the assessment in (c)(3)(B)(iv) of this Section, and be accredited through the National Association of Family Child Care.

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

(1) The facility submits Form OCC-25 or Form OCC-27 and required documentation to the stars outreach specialist. □ 12 & 13
(2) The stars outreach specialist determines whether the certification criteria have been met by reviewing the case record and the documentation submitted by the facility. If it has been four months since the last monitoring visit, the stars outreach specialist requests licensing staff to make a monitoring visit. The stars outreach specialist reviews all information and consults with the licensing staff and stars program manager as needed prior to approval.

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

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

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

(i) If a one star plus facility fails to submit Form OCC-25 or OCC-27 with supporting documentation at least 30 days prior to the end of the certification period, the star status expires and the database is updated to show the facility has returned to a one star level. This does not constitute a reduction in certification level as set forth in (h) of this Section. The stars outreach specialist sends a letter documenting the reduction in certification level to one star.

(ii) If a one star plus facility is denied at 24 months for failure to meet additional quality criteria, and has not requested and received an extension of time to comply from OKDHS, the star status expires and the database is
updated to show the facility has returned to a one star level. ■ 17

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

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

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

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

(1) Written notice. The facility is required to notify the licensing staff in writing within five working days of any change in the information provided on Forms OCC-25 or OCC-27. If the facility has not notified the licensing staff of changes in the information provided on the certification request and certification requirements have not been met for over 90 days, the certification level is reduced according to (h) of this Section.

(2) Periodic monitoring visits. During a minimum of three periodic monitoring visits annually, the licensing staff completes Form OCC-26, Periodic Certification Review - Center Star Certification, or OCC-28, Periodic Certification Review - Home Star Certification, and verifies that certification documentation is still current and accurate and that the facility has not developed serious non-compliance with licensing requirements.

(A) Only two periodic stars monitoring visits are required annually for licensing programs that

(i) operate less than a full year;

(ii) are approved for reduced visits according to OAC 340:110-1-9(a); or

(iii) have a cooperative licensing agreement with a tribal program.
(B) Licensing programs that are inactive according to OAC 340:110-1-9(n) have one periodic stars monitoring visit annually. ■ 18

(3) **Non-compliance.** If a provider has serious non-compliance with licensing requirements, the star level of a facility may be reduced. ■ 15

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

(A) The facility submits a written plan for correcting the violations within an agreed-upon time frame, not to exceed 90 days from the date the violation occurred or the date a facility is notified of a substantiated complaint. ■ 19 & 20

(B) Licensing staff provides written notification to the director and owner or designated agent of a facility documenting the violations and including a statement that a reduction in the star certification level may occur when:

(i) violations are not corrected in the agreed upon time frame;

(ii) the facility has serious non-compliance with licensing requirements;

(iii) a serious incident occurs resulting in injury or imminent risk of injury to a child; or

(iv) an Emergency Order or notice of proposed denial or revocation of license is issued.

(C) The statement advises the provider of the right to request an extension of time to comply, as outlined in (g) of this Section.

(g) **Extension of time to comply.**

(1) The provider has the right to request an extension of time to comply when:

(A) a center or home fails to maintain the criteria for the certification level; and

(B) two star criteria cannot be met after 24 months of one star plus status.

(2) The owner, designated agent, or director submits the request for an extension in writing to the stars program manager or designee 30 days prior to the expiration of the one star plus certification or the agreed-upon time frame for the correction of the
violations.

(3) One or more discretionary extensions of time to comply may be granted. The applicant must demonstrate that the violation of the criteria was not foreseeable and was beyond the applicant's control.

(4) The provider is notified of the decision in writing.

(h) **Reduction in certification level.** The procedures in this subsection are followed when violations are not corrected within the agreed-upon time frame; the facility has serious non-compliance with licensing requirements; a serious incident occurs resulting in injury or imminent risk to a child; OKDHS has issued an Emergency Order; a notice of proposed denial or revocation of license has been issued; or an injunction is obtained. Certification is reduced to the level at which the provider meets criteria.

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

(2) If a reduction is warranted and approval has been obtained from the stars program manager or designee, the stars outreach specialist sends a certified letter to the licensed home provider or director documenting the reduction in certification level.

(A) A copy of the letter notifying the provider of the right to request an administrative review of the decision is sent to the owner or designated agent of the facility.

(B) The certified mail delivery receipt card is addressed to return to the Director of Child Care Services.

(C) In order to receive an administrative review, the provider must submit a request in writing to the Director of Child Care Services within 15 calendar days of receipt of the OKDHS letter notifying the provider of the reduction.

(D) The request must include written documentation stating the provider's grounds for appeal.

(3) The stars outreach specialist enters the recommended reduction on the database and the stars program manager approves the action. State Office licensing staff update any changes in the star status level and star payment rate.
following verification of the provider's receipt of the certified letter and the administrative review, if requested. ■ 21

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

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

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

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

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

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

(i) Change in ownership. When there is a change in ownership or change in form of business entity of a family child care home, child care center, part-day children's program, or school-age program, the case is closed and the star status is removed. To be approved for a higher star level, the new owner or designated agent must complete and submit Form OCC-25 or Form OCC-27 and meet all the requirements applicable to
the star level for which application is made.

(j) **Change in location.** If the location of a facility changes, the licensing staff completes Form OCC-26 or Form OCC-28 to verify compliance with the criteria at the new location.

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

**INSTRUCTIONS TO STAFF**

1. The months that a one plus facility is inactive, according to OAC 340:110-1-9(n), will apply toward the 24-month total unless the facility requests a reduction to one star status during that time period.

2. A non-compliance may qualify in more than one category in determining numerous, repeated, or serious non-compliance with licensing requirements. Example: An understaffing is considered serious but may be part of repeated or numerous non-compliance. If a non-compliance is documented a second time during an agreed-upon plan of correction for licensing, it is not considered again in determining numerous, repeated, or serious non-compliance. Example: Licensing staff documents on the visit report that one of the toilets is not working and the provider agrees to have it repaired within two weeks. Due to other follow-up or a complaint, licensing staff returns in one week and the toilet is not yet repaired. The second observation of the non-compliance would not count toward determining numerous or repeated non-compliance for star certification.

3. Military child care programs located in Oklahoma with a provider contract may apply for star certification and submit copies of monitoring visits for the last year to demonstrate compliance with the applicable child care requirements. A visit is made prior to approval to verify compliance with certification criteria. An annual visit is made to the facility to determine continued compliance, including a review of the monitoring visits for the last 12 months. Out-of-state child care programs are not eligible for star certification.

4. Each numbered item marked non-compliant on the monitoring report is counted once even when there is more than one non-compliance included in that item.
5. When converting from certification year to employment year, there may be an overlap in training hours. Training counted during the employee's last 12 months may be counted again when reviewing training for the employment year.

6. The approved national accrediting bodies are the:

   (1) Association of Christian Schools International's Preschool Accreditation (ACSI);

   (2) National Academy of Early Childhood Programs (NAEYC);

   (3) National Early Childhood Program Accreditation (NECPA);

   (4) National AfterSchool Association (NAA) formerly National School-Age Care Alliance (NSACA);

   (5) Council on Accreditation (COA); and

   (6) National Accreditation Commission for Early Care and Education Programs (NAC).

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

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

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

      (2) has staff records on file; and

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

8. An accredited college or university is a college or university whose accreditation is accepted by the U.S. Secretary of Education.

9. A facility licensed for less than 30 children must also have a full-time master teacher. To determine the number of children upon which to calculate the
number of master teachers required, utilize the equipment inventory, floor plan, and prior monitoring reports to determine the number of school-age children expected to be in care before and after school. School-age children are at least five years of age and attending or completed kindergarten. This number is subtracted from the licensed capacity.

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

   (1) Early Childhood Environment Rating Scale (ECERS);
   
   (2) Infant/Toddler Environment Rating Scale (ITERS);
   
   (3) Family Day Care Rating Scale (FDCRS); and
   
   (4) School-Age Care Environment Rating Scale (SACERS).

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

12. It is the facility's responsibility to initiate the process and provide required documentation. After 24 months of one star plus certification, the facility must complete Form OCC-25, Request for Child Care Center Star Certification, OCC-27, Request for Family Child Care Home Star Certification, or OCC-74, Request for Extension of Time to Comply. Facilities are not required to have a current provider contract to request certification.

13. The stars outreach specialist notifies the licensing staff that an application has been received. Within 30 days of receipt of the application, the stars outreach specialist determines whether the certification criteria have been met by reviewing the case record and the documentation submitted by the facility.

14. A facility is not required to be in operation 12 months to apply, but the facility's licensing record of up to 12 months is considered when such a record exists.
15. When the stars outreach specialist makes a determination to deny or reduce the certification, the stars outreach specialist considers the duration of the non-compliance, the degree of risk to children, whether the provider could have prevented the non-compliance, the timeliness and effectiveness of the provider's response, and whether notice was given. Numerous non-compliances during the initial licensing visit, prior to permit, may be disregarded when evaluating compliance if all items were corrected in a timely manner.

16. The application and training summary must be maintained in the official licensing file, but other documentation may be returned to the facility.

17. A copy of the documentation upon which the decision for denial of the application was made is kept and the originals are returned to the facility.

   (1) If the provider contacts the licensing supervisor to discuss concerns regarding the denial of the application, the licensing staff attempts to resolve the matter by making the appropriate referrals based on the reason for denial.

   (2) If the matter is not resolved, the staff advises the provider of the right to file a grievance following the procedure in OAC 340:110-1-15. The staff sends a copy of the procedure to the provider.

   (3) If it is determined that the facility meets a different certification level than applied for, the stars outreach specialist notifies the director or licensed provider and documents the conversation on a page 4. The director, owner, or designated agent may also update the current application or complete a new application for the different certification level.

18. (a) The licensing staff takes a copy of the facility request form to the facility to determine if there are any staff changes in the director and master teacher positions. Forms OCC-26, Periodic Certification Review - Center Star Certification and OCC-28, Periodic Certification Review - Home Star Certification are completed during a complaint investigation only when a violation of the criteria is noted, such as a change in director or a serious non-compliance.

   (b) If the director is not present and the staff in charge is unwilling to complete Form OCC-26, licensing staff leaves a copy at the facility for the director to
complete and mail to the licensing staff.

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

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

   (2) When serious violations of licensing requirements occur, the stars outreach specialist may reduce the certification level before the full 90 days.

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

21. In accordance with Form CCDF-1-E, Child Care Provider Contract, the rate of payment is reduced to the appropriate star level at the expiration of four months from the first day of the month immediately following receipt of the certified letter.
340:110-1-9. Case management

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

(b) **Ongoing monitoring.** During each monitoring visit, the licensing staff observes the entire facility, including outdoor play space and vehicles used for transportation, if available. At or subsequent to each visit, licensing staff checks:

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

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

1. technical assistance to licensees to assist them in meeting minimum requirements; and
2. consultation on various aspects of quality child care.

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

1. Within 30 calendar days of receipt of Form K-13, the licensing staff mails a packet of information to the caregiver. The packet includes information on child growth and development, health and safety issues, training opportunities, and other resources.
(2) Upon request, licensing staff provides consultation to in-home caregivers.

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

(e) **Agreements with tribal licensing programs and other monitoring agencies.** OKDHS may enter into a cooperative licensing agreement with a tribal licensing program or other monitoring agency. ■ 7

(f) **Equipment inventory.** Licensing staff completes the appropriate Equipment Inventory, Form OCC-6, OCC-20, or OCC-24, prior to a license being issued. The licensing staff or the facility may complete the appropriate Equipment Inventory prior to a change in facility class and prior to an increase in licensed capacity in a child care center, part-day children's program, and school-age program. The purpose of the inventory is to document the equipment available and items needed to comply with the equipment requirements. The licensing staff may conduct a complete inventory any time concern exists about the availability of required equipment. ■ 8

(g) **Change of address.** When a facility moves to a new address, the licensing staff conducts a monitoring visit and completes a monitoring report to verify the new location meets licensing requirements, and obtains an updated application. ■ 9 For child care centers, part-day children's programs, and school-age programs, new fire and health inspections, if applicable, are required. ■ 10 through 12

(h) **Change in name.** When there is a change in name, licensing staff verifies there is no change in ownership, and documents the change in the case record and database. ■ 10

(i) **Change in director.** When there is a change in director, licensing staff:

1. verifies the new director meets qualifications;
2. obtains a completed and signed Form OCC-4, Application for License – Child Care Facility, page 5;
3. obtains from the director a completed appropriate compliance review, Form OCC-69, OCC-72, or OCC-73, if the director has no previous director experience;
4. notifies the new director of current employees that have been granted a waiver; and
5. documents the information on Form OCC-3, Child Care Center Monitoring

(j) **Change in household.** All changes in household members are documented on the monitoring report. When there is a new adult household member in a family child care home or large child care home, the required documentation is:

1. **(1) page 5 of Form OCC-42, Application for License - Family Child Care Home and Large Child Care Home;**
2. **(2) criminal background check;** and
3. **(3) OKDHS computer check.**

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

(l) **Change in facility class.** When a facility requests a change in facility class, the procedures contained in this subsection are followed.

1. The case is closed and a new application is required when a family child care home converts to a child care center, part-day program, or school-age program, or when a child care center, part-day program, or school-age program converts to a family child care home.

2. Any other request for change in class does not require case closure and documentation includes:

   (A) a request in writing from the provider;
   (B) a new application with updated information;
   (C) documentation that the facility meets the requirements for the requested class type;
   (D) an Equipment Inventory, if applicable;
   (E) a current approved fire inspection, if applicable;
   (F) a current approved health inspection, if applicable; and
   (G) database updates to the appropriate class and monitoring frequency plan.
(m) **Procedure for increasing or decreasing capacity.** When a facility requests an increase or decrease in licensed capacity, it is documented on Form OCC-3, Child Care Center Monitoring Report, page 4, and must be approved by the licensing supervisor. If the request to increase capacity is due to additional physical space, the facility must not have a history of numerous, repeated, or serious non-compliance, and must provide:

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

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

1. A provider who wants his or her case to remain open submits a request in writing including a statement that the provider will notify Division of Child Care, Licensing, when care is resumed.
2. The provider is contacted periodically by licensing staff by telephone or letter to update the provider's status, and visited at least once a year to verify and document compliance with licensing requirements.

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

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

(q) **Self-reported incidents.** When a provider self-reports a non-compliance incident, Form OCC-3, page 4 is completed, a copy is sent to the provider, and the data system is updated.
INSTRUCTIONS TO STAFF

1. Monitoring visits.

   (1) Requirements. After each monitoring visit, the licensing staff enters the monitoring frequency plan that reflects the required number of visits per year on the licensing database. Any changes in the monitoring frequency plan must be reviewed with the supervisor. Examples of the required number of visits include:

   (A) one visit per year for inactive cases;
   
   (B) two visits per year for part-year programs;
   
   (C) three visits per year for facilities with a history of compliance;
   
   (D) six visits per year for applications, six-month permits, and changes in facility class except a large family child care home changing to a family child care home; and
   
   (E) twelve visits per year for seriously non-compliant facilities.

(2) Frequency of visits.

   (A) Facilities that operate part-year require only two visits annually.
   
   (B) Facilities that operate a full-year program, including those that offer only part-time care during the week, require three visits annually.
   
   (C) If the licensing staff visits a facility between monitoring visits for purposes such as picking up paperwork, consultation on a specific issue, verifying a repair has been made or needed items have been purchased, a full monitoring visit is not required.

   (i) The visit may be documented on Form OCC-3, Child Care Center Monitoring Report, page 4.

   (ii) This information is entered on the database but the visit is not counted toward the required number of visits.

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

(3) Reduced visits. If caseloads prevent licensing staff from conducting the required number of monitoring visits, the supervisor consults with the staff on case management, and the number of required visits may be reduced if approved by the regional programs manager (RPM). This adjustment is approved and documented in the case record by the supervisor. Required visits to non-problematic licensed facilities may be reduced by one visit per year for no longer than a one year period.

2. Evening monitoring visits to:

   (1) a center are made between 8 and 10 p.m. unless extenuating circumstances exist, such as a complaint regarding a different time period or an unsafe neighborhood. The licensing staff may request that a witness accompany him or her on an evening monitoring visit when:

       (A) the facility is located in a high-crime area; or

       (B) it is determined that a witness is needed to verify licensing staff observations; or

   (2) a family child care home are made only when a complaint has been filed regarding evening care or when only evening care is provided.

3. The licensing staff:

   (1) documents observations and discussions on the appropriate monitoring report, enters the information from the monitoring report onto the licensing database, and files the original in the facility's file in the county office; and

   (2) when visiting a family child care home:

       (A) is cognizant that it is a private home and demonstrates respect for the family's privacy;

       (B) is thorough and asks to be shown throughout the entire house and outdoors; and

       (C) does not routinely look in drawers and closets, flush toilets, or
check water temperature.

4. An assistant or substitute caregiver in a family child care home must have a criminal background check prior to working with children. Center staff must complete Form OCC-41, Child Care Staff Information, and have a criminal background check arranged prior to being hired.

5. Licensing staff check for one time and annual training requirements at the time of their annual training review or when concerns exist. Training is verified for center staff and home providers who have had an employment anniversary since the last monitoring visit. The information in (1) through (4) of this Instruction is used for the purpose of determining employment date.

   (1) A family child care home or large home provider uses the original application date for the current license number.

   (2) A family child care home or large home assistant caregiver uses his or her employment date.

   (3) Child care center employees use their employment date with that organization. When there is a change in location that is not a change in ownership, an employee's employment date does not change.

   (4) If there is a break in service or a change in ownership, a new employment year begins.

6. Annual computer checks to identify prior involvement with the Oklahoma Department of Human Services (OKDHS) are completed on all adults who sign Form OCC-42, Application for License – Family Child Care Home and Large Child Care Home, and on the owner of a child care center, part-day children's program, or school-age program. These are checked on the computer by date of birth and Social Security number. Documentation of the computer check is filed in the confidential section of the facility's case.

7. When there is a cooperative licensing agreement with a tribal licensing program or other monitoring program, the procedures contained in (1) through (5) of this Instruction are followed.

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

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

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

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

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

9. Change of address.

   (1) If the new address is outside of the licensing staff's area, the case is transferred to the appropriate licensing staff that conducts the monitoring visit.

   (2) The new application is for information purposes only. The case is not closed and reopened, and the license number remains the same.

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

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

12. When the licensing staff is notified of the address change, the licensing staff advises the operator to also report the address change to Family Support Services Division, county child care liaison.

13. (a) Types of ownership include:

(1) sole proprietor;
(2) corporation;
(3) partnership;
(4) limited liability company; or
(5) school, faith-based, or government entity.

(b) Licensing staff advises the owner that Form CCDF-1E, Child Care Provider Contract, will be canceled when the facility’s case is closed. The owner is referred to the FSSD county child care liaison to request a new contract so that care provided to children of families receiving child care assistance is not disrupted.

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

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

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

(1) Increase. When a facility requests an increase in capacity, the licensing staff:
(A) notifies the fire department to determine whether another inspection or further evaluation is required. The contact is documented on Form OCC-3, page 4;

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

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

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

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

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

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

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

(A) number of children and staff present;

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

(C) what supervision was provided during this time;

(D) the condition of the crib or playpen;
(E) observations regarding the bedding, pillows, and other items in the sleeping area;

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

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

(H) the names of staff involved.

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

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

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

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

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

18.(a) Serious incidents include, but are not limited to incidents:

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

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

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

(4) where media involvement is anticipated.
(b) A serious incident report includes:

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

(2) the date and time of the incident;

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

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

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

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

(7) the names of staff involved.

19. The response from Licensing to this non-compliance, per OAC 340:110-1-9.3, is based on the degree of risk to children, whether the provider could have prevented the non-compliance, and the timeliness and effectiveness of the provider’s response.
340:110-1-9.1. Certification of child care facilities to receive increased reimbursement rate for the care of children with disabilities

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

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

(2) To qualify for the higher rate the:

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

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

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

      (i) Supplemental Security Income (SSI) benefits;

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

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

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

(1) Upon receipt of Form ADM-123, Certification for Special Needs Child Care Rate, the licensing staff contacts the facility by phone within five working days when a monitoring visit has been made in the last four months. When a monitoring visit has not been made within the last four months the licensing staff visits the child care facility within ten working days.

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

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

   (B) the facility has a previous record of compliance with minimum licensing
requirements. A facility on a six-month permit may be certified if currently in compliance with licensing requirements;

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

(D) the facility staff who work with the child have received on-site consultation regarding the nature of the child’s disability and the development of a child care plan, to include staffing, equipment, and specialized training needs. The consultant provides resource materials to the facility for future reference. After initial certification, the facility staff who work with the child must conduct and document annual conferences with the child’s parent or guardian to review the needs of the child. If the child’s needs have changed, the procedures in (5) of this subsection are followed; and

(E) within six months of certification, appropriate staff obtain six hours of training in areas that address the care of children with disabilities.

(i) The center director and at least one person who works directly with the child must receive training. It is preferable that all staff who work with the child are trained.

(ii) As staff changes occur, a new director or new staff who work directly with the child must obtain training within six months of that assignment.

(iii) First aid, CPR, or informal training is not counted to meet the special training requirement.

(iv) Recommended training includes Special Care’s Unique Environments, Child Care Careers’ Helping Children with Special Needs, Tic-Toc training, SoonerStart training, or specialized workshops or conferences addressing the care of children with special needs.

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

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

   (A) the needs of the child change; or ■ 3
   (B) the child stops attending the facility for more than six months.

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

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

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

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

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

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

   (A) the enrollment status of the child;
   (B) staff present with first aid and CPR training;
   (C) annual conference with the child's parent or guardian;
   (D) director and staff training relative to care of children with disabilities; and
(E) observations that indicate that the program is meeting the individual needs of the child as recorded on Form ADM-123.

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

(d) Withdrawal of certification. Certification continues until a child leaves a facility or unless there is documentation of serious or ongoing violations of certification requirements or when OKDHS has issued an Emergency Order or a notice of proposed denial or revocation of license. Violations of certification requirements are different from non-compliance with licensing requirements, although they may involve the same issue, for example, understaffing. If violations are not corrected and represent a potential risk to the child, such as serious understaffing in the child's room or staff without first aid training, the procedure in this subsection is followed.

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

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

(3) A letter is sent to the provider documenting withdrawal of certification and the right to request an administrative review of the decision. If the provider did not attend the office conference, the letter is sent by certified mail. A copy of the letter is sent to the appropriate county office staff responsible for child care assistance who is responsible for notifying the parent and provider of the rate change and its effective date.

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

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

(6) The facility and FSSD are notified in writing of the decision by the statewide licensing coordinator.
(7) A provider may reapply for certification when compliance with certification requirements has been reestablished.

INSTRUCTIONS TO STAFF

1. Section IV of Form ADM-123, Certification for Special Needs Child Care Rate, is completed and signed with any discussion recorded on the monitoring report.

2. (a) Consultation may be provided by a health professional, a child guidance specialist, a SoonerStart provider if the child is under three years of age, a public school teacher familiar with that child, a Head Start Disabilities Services Coordinator, or a consultant through the Center for Early Childhood Professional Development.

   (b) If the on-site consultation will delay the approval for certification by more than 30 days, the provider may be approved for certification prior to the on-site consultation criteria being met if a reasonable plan of correction has been documented in writing. The provider's attempts to schedule the on-site consultation are documented by licensing staff on Form OCC-3, Child Care Center Monitoring Report, page 4.

3. If licensing staff receives information that the needs of the child as recorded on Form ADM-123 have changed, licensing staff documents the information on page 4 of Form OCC-3 and notifies Family Support Services Division of the change. If the category of disability in Section V of Form ADM-123 increases, a new on-site consultation must be completed.

4. If a facility is certified to provide care to a large number of children, the licensing staff may review certification requirements at a time other than a periodic monitoring visit.

5. If a child leaves a facility and returns within six months, a new Form ADM-123 is not completed, unless the care needs of the child have changed. A visit to the facility is made within ten days to verify that certification criteria continue to be met.
340:110-1-9.2. Complaint investigations

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

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

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

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

1) non-compliance with licensing requirements;

2) operation of an unlicensed facility in violation of the Act; or

3) abuse or neglect of a child in care. 3

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

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

   (A) alleged physical or sexual abuse;

   (B) use of illegal drugs while children are in care;

   (C) distribution of drugs;

   (D) children left alone in the facility or in a vehicle;
(E) extreme facility temperatures;

(F) an infant placed on the stomach for sleeping;

(G) threatening or impaired behavior of a caregiver; or

(H) severe understaffing or over-capacity.

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

(A) leaving children with an underage staff person;

(B) alleged physical abuse from a staff person no longer working in the facility;

(C) inappropriate discipline where no injury is reported;

(D) broken playground equipment;

(E) injury caused by lack of supervision; or

(F) minor understaffing.

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

(A) inadequate meal service;

(B) lack of play equipment;

(C) inappropriate use of television or videos; or

(D) inadequate cleanliness of the facility.

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

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

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

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

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

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

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

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

   (i) there is insufficient or conflicting information on which to conclude that a violation occurred; or

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

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

1. documents the findings;  ■ 6
2. notifies the provider in writing of the findings;  ■ 7
3. enters the complaint information on the licensing database using complaint key words; and
4. updates and closes the complaint tracking screen.

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

**INSTRUCTIONS TO STAFF**

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

   1. advising the complainant which allegations represent non-compliance and are enforceable;
2. responding to the concerns of the complainant;
3. discussing confidentiality, for example, the identity of the complainant is kept confidential unless legal action or a referral to law enforcement officials becomes necessary;
4. eliciting appropriate information. When subjective terms such as "drunk" or "crazy" are used, the licensing staff tries to obtain and record specific information on the behavior observed by the complainant;
5. informing the complainant about what action will be taken, such as the licensing staff will make an unannounced visit or a referral of child abuse will be made to Child Welfare (CW) for investigation;
(6) requesting a signed, notarized statement from the complainant when serious violations are involved or a negative sanction may result; and

(7) interviewing the complainant's children if necessary and appropriate.

2. The information requested is recorded on page 2 of Form OCC-12, Complaint Report and Complaint Summary, and entered on the complaint tracking system. Allegations are not released to the public until the findings have been determined. The information requested includes:

(1) date and time the complaint was received;

(2) name of the facility, address, and telephone number;

(3) the complainant's name, address, telephone number, and relationship to the facility, such as employee, parent of a child in care, or neighbor;

(4) the complainant's source of information, for example, personal observation or information from another person;

(5) specific information regarding the allegations, including:

(A) a description of the circumstances;

(B) name or identity of staff involved;

(C) child(ren) involved or affected by the alleged non-compliance and their age(s);

(D) date(s) and time(s) the alleged non-compliance(s) occurred;

(E) place where the alleged non-compliance took place;

(F) names of other persons with relevant information; and

(G) whether the complaint has been discussed with the director.

3. The licensing staff makes one of the dispositions in this Instruction.

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

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

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

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

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

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

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

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

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

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

(5) A complaint alleging violation of a person's civil rights is not investigated by licensing and is referred to OKDHS Office for Civil Rights.

Licensing staff:

(A) completes Form OCR-1 and submits to OKDHS Office for Civil Rights; and

(B) obtains mailing information and sends a blank copy of Form OCR-1 to the complainant.

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

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

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

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

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

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

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

4. The investigation generally includes:

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

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

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

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

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

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

(C) is usually conducted in private and with one person at a time. An exception may be made when:

(i) a witness accompanies the licensing staff;

(ii) the parent wishes to be present when the child is interviewed; or
(iii) a person elects to have his or her attorney present;

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

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

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

(ii) When the licensing staff accompanies CW as part of a joint abuse and neglect investigation, interviews are conducted by the CW worker, per OAC 340:75-3-8.2;

(5) observations at the facility.

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

(B) When investigating a complaint at a facility, a complete monitoring visit is not required unless one is due. Staff child ratios and supervision are checked at each visit. Form OCC-3, pages 1 through 4 are used to document any non-compliance observed; and

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

5. Licensing staff procedure.
(1) Whenever possible, the licensing staff accompanies the CW worker on the complaint investigation. However, the licensing staff's role and responsibility is to investigate alleged non-compliance of licensing requirements or the Child Care Facilities Licensing Act.

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

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

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

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

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

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

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

6. The licensing staff enters the findings on the complaint tracking system and completes page 1 of Form OCC-12, Complaint Summary, using specific language that is informative to parents.
(1) On Form OCC-12, page 1, names or identifying information of the complainant, facility staff, children, and their families are not included.

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

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

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

7. If the child care provider was not notified of the findings in writing on the monitoring report, Form OCC-3, page 4 or a letter is mailed to the provider.
340:110-1-9.3. Non-compliance with requirements

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

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

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

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

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

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

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

(c) **Numerous, repeated, and serious non-compliance.**

(1) Numerous non-compliance is any monitoring visit with:

   (A) five or more items documented as non-compliant on the monitoring report for a family child care home or large child care home;

   (B) six or more items documented as non-compliant on the monitoring report for a child care center, part-day children's program, or school-age program with a licensed capacity of less than 60; or

   (C) seven or more items for a child care center, part-day children's program, or
school-age program with a licensed capacity of 60 or more.  ■ 3

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

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

(A) staff-child ratio;

(B) supervision of children;

(C) sleep position;

(D) prohibited disciplinary actions;

(E) licensed capacity;

(F) use of passenger restraints;

(G) water activities;

(H) pools and other water hazards;

(I) multiple hazards;

(J) weapons;

(K) reporting child abuse;

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

(M) administering medication to children;

(N) room temperatures; and

(O) heat sources.
(d) **Case management responses to non-compliant facilities.** When there is numerous, repeated, or serious non-compliance, one or more of the actions in (1) through (11) is taken. ■ 4

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

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

3. **Non-compliance letters.** A non-compliance letter may be written to the operator. A copy of the non-compliance letter is sent to the owner or designated agent, if applicable, with a copy of the monitoring report. ■ 5

4. **Return monitoring visit.** A return monitoring visit may be made if there is numerous, repeated, or serious non-compliance with licensing requirements or when non-compliance places children at imminent risk of harm. ■ 6 If the non-compliance is associated with a specific time of day, such as understaffing after school or a lack of early morning supervision, the return visit is made at that approximate time.

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

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

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

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

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

(10) **Revocation.** The licensing staff recommends that the license be denied or revoked when numerous, repeated, or serious non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children, per OAC 340:110-1-10.  ■ 7

(11) **Voluntary cease care.** With State Office approval, the operator is asked to voluntarily cease caring for children.  ■ 8

(12) **Voluntary closure.** With State Office approval, the operator is asked to voluntarily close the facility, per OAC 340:110-1-11.  ■ 8

(e) **Case management responses when children are at risk.** If the licensing staff documents non-compliance with requirements or is investigating a complaint that may place the health, safety, or well-being of children at imminent risk of harm, options to consider during consultation with the operator and the licensing supervisor are outlined in this subsection. If any of options (2) through (7) are utilized, the local resource and referral agency is notified.  ■ 8

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

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

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

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

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

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

   (A) unlicensed;

   (B) on application status;

   (C) licensed;

   (D) violating an emergency order;

   (E) operating during an appeal following revocation or denial and children are at risk; or

   (F) violating the notice to cease care following revocation or denial of license.

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

(g) **Alternative method of compliance.** DCC may approve an alternative method of compliance to a minimum licensing requirement. An alternative method of compliance may be authorized if DCC determines that the alternative method of compliance offers equal protection of health, safety, and welfare to children, meets the basic intent of the requirements for which the alternative compliance was requested, and does not violate statutory requirements.
(1) An applicant or licensee may submit a written request on Form OCC-61, Alternative Compliance Request, for authorization to the statewide licensing coordinator or designee. A separate request is submitted for each requirement for which an alternative method of compliance is requested.

(2) Approval of an alternative method of compliance does not set a precedent, and is independently evaluated on the merits of each request.

(3) The facility's record of compliance is taken into consideration in determining whether to approve the request.

(4) An alternative method of compliance is not authorized for critical items affecting the health and safety of a child, such as exceeding licensed capacity or staff-child ratios, fire safety violations, or behavior and guidance violations.

(5) Written notice from OKDHS, Form OCC-61-A, Notice of Alternative Compliance, stating the nature of the exception, is posted with the license.

INSTRUCTIONS TO STAFF

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

2. If the time period suggested by the operator for correction of non-compliance is unacceptable to the licensing staff, the staff states the expectation and negotiates an acceptable time period.


   (1) Each numbered item that has been marked as non-compliant on the monitoring report is counted once when there is more than one non-compliance included in that item.

   (2) A non-compliance may qualify in more than one category in determining numerous, repeated, or serious non-compliance.

   (3) If a non-compliance is documented a second time during an agreed-upon plan of correction for licensing, it is not considered again in determining numerous, repeated, or serious non-compliance.
4. Licensing staff must assess both the number and type of non-compliance observed during monitoring visits or substantiated as a result of a complaint investigation.

   (1) The licensing staff response goes beyond documentation of the non-compliance and plan of correction on the monitoring report for any visit that has numerous, repeated, or serious non-compliance.

   (2) The licensing staff advises the supervisor of the planned response and, if the supervisor disagrees, the case history is staffed and a different or additional response may be utilized.

   (3) The response is based on the seriousness of the non-compliance and the demonstrated ability and willingness of the provider to comply.

5. Non-compliance letters are sent within ten working days, and include the date of the monitoring visit and areas of non-compliance. If a critical non-compliance remains uncorrected at the next monitoring visit, a letter documenting both visits and a follow-up visit are required.

6. The timing of return visits is determined by the risk level to children, per OAC 340:110-1-9.2(f). A return visit does not routinely result in a change in the monitoring frequency plan. However, if subsequent visits require a follow-up, increased monitoring is discussed with the supervisor.

7. Procedure and documentation for denial or revocation of license is outlined in (1) through (3) of this Instruction. The licensing staff:

   (1) ensures that the non-compliance and a plan of correction are clearly documented on monitoring reports, as well as the facility's action to implement any previous plans of correction;

   (2) notes on the monitoring report that failure to correct the non-compliance may result in revocation of the license, denial of application, filing of an injunction, or issuance of an emergency order, as applicable; and

   (3) conducts monitoring visits at least monthly if children are in care to monitor compliance and the plan(s) of correction. The same witness accompanies the licensing staff on monitoring visits whenever possible.

8. The local resource and referral agency is notified and notification is
documented by the licensing staff if the provider voluntarily ceases child care until the investigation is completed or voluntarily closes the facility, or if the district attorney issues an injunction. If the license is denied or revoked, or if an emergency order is issued, the resource and referral agency is notified by the statewide licensing coordinator.

9. Situations that might warrant supervisory contact include severe overcapacity, a caregiver is incapacitated or appears under the influence of alcohol or drugs, or children appear to be left alone.

10. An alternative method of compliance does not replace plans of correction negotiated between licensing staff and providers. Providers are not encouraged to request alternative methods of compliance if the non-compliance can feasibly be corrected in a reasonable time frame.
340:110-1-11. Voluntary case closures

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

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

(c) Reopening a closed family child care home. Policy regarding reopening a family child care home is at OAC 340:110-1-6(c).

INSTRUCTIONS TO STAFF

1. If a caregiver is not contacted at home or by telephone after several attempts, a letter is sent stating that the case will be closed if the caregiver does not contact the Division of Child Care (DCC) licensing staff within a specified period of time. A second letter verifying case closure is sent if the caregiver fails to respond.

2. (a) Procedure for closure. When a licensed child care facility closes voluntarily, the licensing staff updates the licensing database as soon as possible and sends a copy of the letter that was sent to the facility verifying closure to the licensing supervisor. The closure effective date may not be backdated. The closure date is written on the case folder file tab.

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

(c) Closed files. A file is marked "Do Not Destroy" and stored in the county office if the case was closed following a history of numerous, repeated, or serious non-compliance, confirmed child abuse, or when the file may be needed in the future for reasons such as a fraud investigation or unresolved lawsuit. All other files are sent to the Oklahoma Department of Human Services Records Management archives one year after closure and after verification of a computer record of the case.
340:110-1-17. Child Care Advisory Committee bylaws

(a) Purpose and function of the Child Care Advisory Committee. The purpose and function of the Child Care Advisory Committee is described in this subsection.

(1) Purpose. The purpose of the Child Care Advisory Committee is to:

(A) carry out the provisions of the Oklahoma Child Care Facilities Licensing Act, Section 404 of Title 10 of the Oklahoma Statutes to:

(i) ensure maintenance of minimum standards for the care and protection of children away from their homes that include:

(I) constructive programs and services to meet the needs of each child and family;

(II) staff of good moral character and ability to care for children;

(III) adequate and safe housing, sanitation, and equipment;

(IV) good health care;

(V) full educational and religious opportunities;

(VI) good community relationships;

(VII) essential records and administrative methods; and

(VIII) sufficient funds for sound operation;

(ii) encourage and assist child care facilities toward maximum standards; and

(iii) work for the development of sufficient and adequate services for child care through joint work with public and private agencies;

(B) prepare minimum requirements and recommend desirable standards for child care facilities for adoption by the Oklahoma Department of Human Services, hereinafter referred to as OKDHS;

(C) serve in an advisory capacity to OKDHS for developing quality child care programs and services; and
(D) educate the public and consumers regarding quality child care.

(2) Function. The function of the Child Care Advisory Committee is to:

(A) become informed on OKDHS programs and policies regarding children;

(B) express the needs and concerns of the community and the State of Oklahoma as they relate to the care and treatment of children;

(C) bring recommendations for change, including the adoption of minimum requirements and encouraging maximum standards for child care; and

(D) interpret and support the recommended policies.

(b) Membership. The membership of the Child Care Advisory Committee is detailed in this subsection.

(1) Representation. The Director of Child Care Services makes recommendations for membership to the director of OKDHS who appoints members. Members are invited to serve on the Child Care Advisory Committee based on their expertise, experience, and leadership in the field of child care.

(A) The Child Care Advisory Committee at a minimum consists of 18 members.

(B) The majority are representatives of child care facilities.

(C) Other members include at least one representative from:

(i) Oklahoma State Department of Health;

(ii) Oklahoma Department of Education;

(iii) Office of the State Fire Marshal;

(iv) Division of Child Care; and

(v) other associations and agencies as recommended to the Director of OKDHS, such as the Oklahoma Child Care Association, Oklahoma Children's Agencies and Residential Enterprises Incorporated (OK-CARE), Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Association of Youth Services, Office of Juvenile Affairs, Early Childhood Association of Oklahoma, and Head Start.
(D) A representative from the Oklahoma Commission on Children and Youth serves as an ex-officio member.

(2) Terms of office.

(A) The terms of committee members are for three years.

(B) Members receive orientation to the goals and practices of the committee.

(C) Members may be recommended for reappointment after completing their terms of office.

(3) Officers. The officers of the committee are chairperson, vice-chairperson, and secretary.

(A) Chairperson. The chairperson is responsible for:

(i) presiding over all meetings;

(ii) in coordination with the Division of Child Care, planning the meeting agenda at least two weeks in advance; and

(iii) with the director of Child Care Services or representative, appointing members of subcommittees.

(B) Vice-Chairperson. The vice-chairperson works closely with the chairperson and assumes the responsibilities of the chairperson in his or her absence.

(C) Secretary. The position of secretary is held by the Division of Child Care representative. The secretary is responsible for accurately recording the minutes of each meeting and making them available to the members prior to the next meeting. A permanent copy of the minutes is maintained by OKDHS.

(D) The chairperson and vice-chairperson are elected by a majority vote of members present during the fourth quarterly meeting of even-numbered years. They take office on January 1.

(E) Terms of office are for two years. Officers may be elected to serve in one office for a maximum of four terms.

(4) Subcommittees. The rules pertaining to subcommittees contained in this paragraph are met.
(A) Subcommittees are appointed by the chairperson with consultation from the Division of Child Care and are designated to:

   (i) draft licensing requirements for child care programs and services;

   (ii) study committee concerns; and

   (iii) address special issues of the committee.

(B) The chairperson of the subcommittee is a member of the Child Care Advisory Committee.

(C) Subcommittee members include representatives of child care programs and services with experience and expertise in the field of child care and children's services.

(D) Subcommittees appointed to draft licensing requirements for child care programs:

   (i) present their recommendations to the Child Care Advisory Committee for approval prior to being approved by the Commission for Human Services and the Governor;

   (ii) have a majority of members that represent private child care programs affected by the requirements; and

   (iii) include representatives from licensing, including supervisory and field staff.

(E) Standing Subcommittees expand the opportunity for child care program operators to identify quality improvement resources, express concerns facing the industry, and recommend issues for consideration by the Child Care Advisory Committee.

   (i) The chairpersons of four Standing Subcommittees, representing family child care, child care centers, residential child care, and child-placing agencies, are appointed by the Child Care Advisory Committee chairperson from the Advisory Committee membership.

   (ii) Subcommittee members are identified and recruited by the subcommittee chairpersons with consultation from the Division of Child Care.
(iii) Subcommittees meet at the call of the chairperson.

(iv) The subcommittee chairperson provides a report to the Child Care Advisory Committee at least annually and more often as needed.

(c) **Child Care Advisory Committee meetings.** The rules pertaining to the Child Care Advisory Committee meetings are contained in (1) through (6) of this Subsection.

(1) **Frequency of meetings.** The Child Care Advisory Committee meets quarterly.

(2) **Quorum.** A minimum of one third plus one of the membership must be present for a quorum.

(3) **Voting.** Members or their designees vote only after completing orientation.

(4) **Attendance.** Committee members or their designees must attend at least two Child Care Advisory Committee meetings a year or may be removed from the committee.

(5) **Guidelines.** The committee adheres to established Guidelines for Organization and Function. The practices of the committee are compatible with the Child Care Facilities Licensing Act.

(6) **Rules of order.** Roberts Rules of Order, as amended, are used to govern the meetings.

(d) **Change of bylaws.** Bylaws may be altered, amended, or repealed only by a majority vote of the Child Care Advisory Committee, provided that written notice of the proposed action is given in the call to the meeting and a quorum is present.
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.

(6) Effective June 2007, programs providing transportation for children younger than six years of age must have one staff person with current documentation of training in an Oklahoma Department of Human Services (OKDHS) approved child passenger safety course.

   (A) Information from the training is shared with all other staff who transport children.

   (B) After May 2007, any staff used to meet this requirement has 60 days to obtain this training.

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

(1) be at least 21 years old;

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

(3) have no conviction within the last three years of driving under the influence of alcohol or drugs or other impaired driving offense; and
(4) if driving a vehicle designed to transport ten or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transportation to children.

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

(1) When transporting children 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) **Safety procedures.**

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

(e) Passenger restraints. Children transported 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, per Section 11-1112 of Title 47 of the Oklahoma Statutes.

(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:

(A) is properly anchored to the vehicle; and

(B) 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 individual seat belts unless the driver or passenger has written verification from a doctor licensed in Oklahoma that the person is unable to use a seat belt for medical reasons.
(5) Children 12 years of age and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or the vehicle has airbags equipped with weight sensitive devices. If a child 12 years of age or younger must be placed in front of an air bag because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

(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 and telephone number 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 65 degrees Fahrenheit in the vehicle, and a ventilation system.

9. A first aid kit described in OAC 340:110-3-27(h) is available in the vehicle at all times.
(10) Written documentation is kept of regular maintenance of all facility vehicles to include quarterly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.
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 are met.

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

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

(3) Parents are provided 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 is 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 obtains written instructions and approval from the parent for such a plan.

(6) Effective June 2007, programs providing transportation for children younger than six years of age must have one staff person with current documentation of training in an Oklahoma Department of Human Services (OKDHS) approved child passenger safety course.

(A) Information from the training is shared with all other staff who transport children.

(B) After May 2007, any staff used to meet this requirement has 60 days to obtain this training.

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

(1) be at least 21 years old;

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

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

(4) if driving a vehicle designed to transport ten or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transportation to children.

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

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

(A) the 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) **Safety procedures.**

(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.

(2) The driver is 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 is provided to protect the 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 **may not** 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 may extend 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 transported **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, **per Section 11-1112** of Title 47 of the Oklahoma Statutes.

(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:

   (A) **is properly** anchored to the vehicle; and

   (B) **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 person is unable to use a seat belt for medical reasons.

(5) Children age 12 years and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or if the vehicle has airbags equipped with weight sensitive devices. If a child 12 years of age or younger must be placed in front of an air bag, because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

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

(1) The vehicle is not 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 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 if thrown about as a result of a collision.

(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) Each vehicle has door locks. Doors are kept locked when the vehicle is moving.

(6) The transporting vehicle is 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) is available in the vehicle at all times.

(8) Vehicles owned by the program:

   (A) are visibly marked with the name and telephone number of the facility or sponsoring organization; and
(B) have an operable heater, capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

(9) Written documentation is kept of regular maintenance of all facility vehicles to include quarterly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.
340:110-3-87. Transportation

(a) **Driver qualifications.** All drivers must:

   (1) be at least 21 years old;

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

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

   (4) if driving a vehicle designed to transport ten or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transportation to children.

(b) **Written permission.** The caregiver maintains on file written permission from the parent or guardian to transport children.

(c) **Verifications.** The vehicle is covered by liability insurance.

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

(e) **Passenger restraints.** Children transported are properly secured in a child passenger restraint system (car seat) or individual seat belt, in compliance with applicable state law, per Section 11-1112 of Title 47 of Oklahoma Statutes.

   (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:

      (A) is properly anchored to the vehicle; and
(B) fits snugly across the child's hips or securely anchors the car seat.

(3) Children age 12 years and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or if the vehicle has airbags equipped with weight sensitive devices. If a child 12 years of age or younger must be placed in front of an air bag, because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

(f) **Vehicle requirements.** All vehicles used to transport children have:

1. door locks. Doors kept locked when the vehicle is moving;

2. a first aid kit as described in OAC 340:110-3-86(d)(4); and

3. an operable heater, capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

(g) **Supervision and safety.**

1. Children are **never** left unattended in the vehicle.

2. 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.
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;
3. has written documentation of regular maintenance of all facility vehicles to include quarterly inspection of tire wear and pressure, brakes, lights and functioning seat belts;
4. has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving; and
5. has an operable heater that is capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

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

1. are 21 years of age or older;
2. possess a valid driver's license appropriate for that type of vehicle;
3. do not transport more persons than the manufacturer's designated capacity for the vehicle;
4. have no conviction within the last three years of driving under the influence of alcohol or drugs or other impaired driving offense; and
5. for drivers of vehicles designed to transport 10 or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transporting to children.

(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 are properly secured in a child passenger restraint system or individual 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 individual 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) Effective June 2007, programs providing transportation for children younger than six years of age must have one staff person with current documentation of training in an OKDHS approved child passenger safety course. Information from the training is shared with all other staff who transport children. After May 2007, any staff used to meet this requirement has 60 days to obtain this training.

(6) Vehicles containing residents younger than age 12 years are never left without adult supervision.

(7) Children age 12 years and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or if the vehicle has airbags equipped with weight sensitive devices. If
a child 12 years of age or younger must be placed in front of an air bag, because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

(8) A first aid kit is available in the vehicle at all times.

(9) 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.

(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.
340:110-3-239. 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 and maintained on file by the program.

(6) Effective June 2007, programs providing transportation for children younger than six years of age must have one staff person with current documentation of training in an Oklahoma Department of Human Services (OKDHS) approved child passenger safety course.

   (A) Information from the training is shared with all other staff who transport children.

   (B) After May 2007, any staff used to meet this requirement has 60 days to obtain this training.

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

(1) be at least 21 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;

(3) have no conviction within the last three years of driving under the influence of alcohol or drugs or other impaired driving offense; and
(4) if driving a vehicle designed to transport ten or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transportation to children.

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

(d) **Safety procedures.**

(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 transported are properly secured in a child passenger restraint system (car seat) or individual seat belt, in compliance with applicable state law, per Section 11-1112 of Title 47 of the Oklahoma Statutes. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(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:

(A) is properly anchored to the vehicle; and

(B) fits snugly across the child's hips or securely anchors the car seat.

(3) Children age 12 years and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or if the vehicle has airbags equipped with weight sensitive devices. If a child 12 years of age or younger must be placed in front of an air bag, because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

(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 and telephone number 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) The vehicle used to transport children has an operable heater, capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

(9) A first aid kit, in accordance with OAC 340:110-3-237(h), is available in the vehicle at all times.

(10) Written documentation is kept of regular maintenance of all program vehicles to include quarterly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.
SUBCHAPTER 5. REQUIREMENTS FOR CHILD-PLACING AGENCIES

PART 1. REQUIREMENTS FOR CHILD-PLACING AGENCIES

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PART 1. REQUIREMENTS FOR CHILD-PLACING AGENCIES

340:110-5-1. Purpose

It is the declared purpose of the Oklahoma Child Care Facilities Licensing Act as expressed in this Subchapter to:

(1) ensure maintenance of minimum requirements for the care and protection of children away from their own homes;

(2) encourage and assist the child care facility toward attaining maximum standards; and

(3) work for the development of sufficient and adequate services for children.
340:110-5-2. Legal base

The legal base for licensing requirements in this Subchapter is Section 401 et seq. of Title 10 of the Oklahoma Statutes, the Oklahoma Child Care Facilities Licensing Act.
340:110-5-3. Definitions

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

"Child-placing agency" means a private agency that is licensed by 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 Oklahoma Department of Human Services (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.

"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.

"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.
340:110-5-4. License

Application for a license is made on forms provided by the Oklahoma Department of Human Services (OKDHS) and in the manner prescribed. A license to operate a child-placing agency is granted on the basis that the agency meets minimum requirements for child-placing agencies. The license is not transferable.
LICENSING SERVICES

340:110-5-6. Organization and administration

(a) **Purpose.** The purpose or function of the child-placing agency (agency) is clearly defined in a statement filed with the Oklahoma Department of Human Services (OKDHS). This includes the philosophy, goals and objectives, ages and characteristics of children accepted for care, geographical area of service, and types of services provided.

(b) **Organizational structure.** The legal basis or ownership of the agency is fully documented and submitted to OKDHS with the initial application for a license.

   (1) **Publicly operated agency.** Documentation of a publicly operated agency identifies the statutory basis of the agency and the administrative framework of the governmental entity that operates the agency.

   (2) **Privately operated agency.** A privately operated agency submits:

      (A) as applicable, the charter, partnership agreement, constitution, and articles of incorporation resolution authorizing the agency operation;

      (B) the names, titles, addresses, and telephone numbers for:

         (i) association members or corporate officers for nonprofit agencies; or

         (ii) owners, partners, or corporate officers of for-profit agencies;

      (C) the physical address in Oklahoma where child-placing business is conducted; and

      (D) a notification informing OKDHS of any change in the legal basis for operation or ownership before the change occurs.

(c) **Governing and advisory boards.** Private nonprofit agencies establish a governing board and may also have an advisory board. Private for-profit agencies without a governing board have an advisory board.

   (1) The governing board:

      (A) meets at least twice a year and maintains accurate minutes of each meeting;

      (B) maintains ultimate responsibility for governing and delegates responsibility for administration of the agency to the executive director;
(C) specifies in the constitution and bylaws the responsibilities of and relationship between the governing board and executive director, and submits them to OKDHS;

(D) submits to OKDHS a current list of names, titles, addresses, and telephone numbers of the members of the governing board;

(E) members receive an orientation to board responsibilities upon appointment; and

(F) is composed of a minimum of five members, the majority of whom:

   (i) may not be made up of agency staff members; and

   (ii) reside in Oklahoma. Multi-state operations may have a governing board outside Oklahoma if they establish local advisory boards that meet the requirements in this subsection.

(2) The advisory board:

(A) meets at least twice a year;

(B) is comprised of members, the majority of whom:

   (i) reside in Oklahoma; and

   (ii) may not be staff members of the agency;

(C) provides advice and counsel to the agency on the policies and operation of the agency, reflects local concerns, and represents the program to the community; and

(D) submits to OKDHS a current list of names, addresses, and telephone numbers of the members of the advisory board.

(d) **Policy.**

(1) Agency policy:

   (A) is clearly written and kept current;

   (B) includes, but is not limited to, areas governing personnel, admission,
program, behavior management, and care of children; and

(C) is available at the agency for Division of Child Care Licensing staff to review.

(2) The agency maintains current written policy and procedure:

(A) regarding a child who is absent without permission. If a child is not located, the agency immediately notifies the child's custodian and the appropriate law enforcement agency. Efforts to locate the child and notify appropriate persons are documented;

(B) regarding grievance issues related to children. Grievance policy and procedure are explained, and a copy is provided to each child and the child's parents or custodian;

(C) regarding religious training that is made known to the child and family prior to admission or placement. All children are provided an opportunity to participate in religious services;

(D) for the care of children, including medical services and safe transportation by staff, volunteers, and foster parents, that complies with all applicable state laws; and

(E) for reporting child abuse and neglect.

(e) Notifications. The agency:

(1) notifies Licensing:

(A) on the next working day when:

(i) the agency is temporarily or permanently closed;

(ii) the executive director is changed; or

(iii) damage to the premises caused by fire, accident, or the elements seriously affects the provision of services; and

(B) prior to making any program change;

(2) submits a detailed written report for any serious incident involving staff or children, including, but not limited to:
(A) suicide attempts;

(B) injuries requiring medical treatment;

(C) runaways;

(D) commission of a crime; and

(E) allegations of abuse, neglect, or mistreatment. The date and time of the incident, name(s) of the staff and children involved, the nature of the incident, and the circumstances surrounding it are included in the report.

(i) In accordance with Section 7103 of Title 10 of the Oklahoma Statutes, any person who has reason to believe a child has been abused or neglected is required to report the matter promptly to the county office of OKDHS or the statewide toll-free Child Abuse Hot Line, 1-800-522-3511.

(ii) Failure to report abuse or neglect of a child is a misdemeanor offense and upon conviction is punishable by law.

(f) Records. Agency records pertaining to child-placing activity are maintained within the state of Oklahoma and are made immediately accessible to authorized representatives of OKDHS.

(g) Legal compliance. The agency follows all applicable state and federal laws, including:

(1) The Oklahoma Adoption Code Sections 7501-1.1 through 7505-7.2 of Title 10 of the Oklahoma Statutes;

(2) The Interstate Compact on the Placement of Children Section 571 of Title 10 of the Oklahoma Statutes; and

(3) Federal and state Indian Child Welfare Acts, Section 1901 et seq. of Title 25 of the United States Code and Sections 40 through 40.9 of Title 10 of the Oklahoma Statutes.
340:110-5-7. Finances

(a) Evidence of sufficient funds. The child-placing agency (agency) has evidence of sufficient funds.

(1) New agencies submit a letter from a licensed public accountant with the application for an initial license. In the letter, the accountant documents that procedures are in place for operating the fiscal management system so that the agency’s financial statements can be audited at the end of the first fiscal year of operation.

(2) New agencies also submit a budget for the first year of operation with the application for an initial license which includes a written plan to document predictable funds for the first year of operation as well as reserve funds or documentation of reserve funds.

(3) Existing and new agencies have a written plan of financing which projects sufficient funds to enable them to carry out their defined purposes and provide proper care for children.

(b) Fiscal responsibility. The executive director of the agency is responsible for:

(1) maintaining complete financial records of all income and disbursements; and

(2) ensuring the person responsible for receiving cash funds is bonded.

(c) Accountability. The agency is financially accountable.

(1) All financial records pertaining to the agency are audited annually:

(A) by a licensed public accountant who is not a staff or board member of the agency; or

(B) in accordance with the governmental funding source.

(2) A copy of the auditor's letter:

(A) is submitted annually to the Oklahoma Department of Human Services (OKDHS); and

(B) includes a statement that the agency's financial records accurately reflect the financial operations, according to generally accepted accounting principles.
(d) **Insurance.** The agency is covered by property casualty insurance and liability insurance unless operated by a government entity that is self-insured in accordance with state statute.

(a) **Required staff.** The child-placing agency (agency) employs:

(1) an executive director or administrator. In the absence of the executive director or administrator, a person is designated in charge who is immediately accessible in person or by phone to authorized representatives of the Oklahoma Department of Human Services (OKDHS);

(2) a child placement supervisor responsible for all placements in out-of-home care and final approval of all home studies;

(3) social services staff responsible for providing social services, including, but 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;

(4) child care workers, if applicable; and

(5) sufficient clerical staff to keep correspondence, records, bookkeeping, and files current and in good order.

(b) **Volunteers.** If volunteers have contact with children in care, the agency:

(1) has current written volunteer policy to protect the children’s health, safety, and well-being that includes:

   (A) selection and screening criteria, including a criminal history investigation in accordance with Section 404.1 of Title 10 of the Oklahoma Statutes; and

   (B) requirements for:
(i) orientation; and

(ii) supervision; and

(2) provides orientation before volunteers have contact with children.

(c) **Personnel policy.** Written personnel policy defining staff, job responsibilities, qualifications, and lines of authority is available to staff.

(1) The executive director or administrator is responsible for employment and dismissal of personnel.

(2) Agency policy includes availability of on-call and substitute staff.

(3) The agency obtains a minimum of three written references to include the most recent employer, if applicable, for all staff prior to employment.

   (A) When written references cannot be obtained prior to employment, telephone interviews are conducted and documented which include dates, interview questions, responses, and the interviewer's signature. Written references are required after 30 days.

   (B) Copies of references are maintained on file.

(4) **Tuberculosis skin testing is not required to qualify for employment.** The agency requires employees to comply with the Oklahoma State Department of Health recommendations regarding tuberculosis skin testing when a local tuberculosis exposure is identified.

(d) **Criminal history investigations.**

(1) **Required persons.** A criminal history investigation is required for:

   (A) all applicants for employment prior to being hired;

   (B) other caregivers who have unsupervised access to children or who are counted to meet staff-child ratios, such as volunteers; and

   (C) all adults who live in the facility, including providers' spouses and adult children.

(2) **Exceptions.** Criminal history investigations are not required for:
(A) new staff who have documentation of criminal history investigations within the previous 12 months;

(B) staff who move to a new facility operated by the same organization; and

(C) parent volunteers who transport children on an irregular basis.

(3) Authorized agencies. A criminal history investigation is obtained from:

(A) the Oklahoma State Bureau of Investigation (OSBI); and

(B) the authorized agency in a person's previous state of residence if the person has resided in Oklahoma less than one year.

(4) Sex Offenders Registry. A criminal history investigation conducted by OSBI includes a search of Department of Corrections files maintained by OSBI pursuant to the Sex Offenders Registration Act.

(e) Prohibitions. The agency is prohibited from knowingly employing or allowing any person to provide services to children for whom there is documented evidence or reason to believe that the person would endanger the health, safety, or well-being of children or other persons. Included is any person who has been:

(1) convicted of, whether by verdict or plea of guilty or nolo contendre, no contest, or received a suspended sentence for a sex crime pursuant to Section 581 of Title 57 of the Oklahoma Statutes;

(2) convicted of, whether by verdict or plea of guilty or nolo contendre, no contest:

   (A) any criminal activity involving violence against a person;

   (B) child abuse or neglect;

   (C) possession, sale, or distribution of illegal drugs;

   (D) sexual misconduct; or

   (E) gross irresponsibility or disregard for the safety of others; or

(3) identified by a court as a perpetrator of child abuse or neglect or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.
(f) **Request for waiver.** The agency may request a waiver from the requirements contained in OAC 340:110-5-8(e)(2) and (3). A waiver may not be requested or granted to any person who has been convicted of a sex offense pursuant to the Sex Offenders Registration Act.

(1) The waiver request is submitted in writing to OKDHS and considered by the residential licensing programs supervisor and includes:

- **(A)** the type of crime or offense for which the person was convicted or a finding was made;

- **(B)** the nature of the offense(s);

- **(C)** the age of the person at the time of the offense(s);

- **(D)** circumstances surrounding commission of the offense(s) that demonstrate the likelihood of repetition;

- **(E)** the number of offenses for which the person was convicted or findings made;

- **(F)** the length of time since the last conviction or finding;

- **(G)** the relationship of the offense(s) and the ability to care for children;

- **(H)** evidence of rehabilitation, such as activities and education since the offense was committed;

- **(I)** a statement from the person with the criminal history; and

- **(J)** opinions of reliable community members concerning the person in question.

(2) The person for whom the waiver is requested may not be employed by the agency or have access to children until a decision is made and written notification is received.

(g) **Restrictions.** The restrictions contained in this subsection apply to employees and persons who provide services to the agency.

(1) A person who is employed by the agency or provides services to the agency may not use or be under the influence of alcohol or illegal drugs during hours of work.

(2) If a staff member is alleged to have committed an act described in subsection (e)
of this Section, a determination is made and documented as to whether the staff member is to be removed from contact with children until the allegation is resolved. If criminal charges are filed, the accused is removed from contact with children until the charges are resolved.

(3) A person who received a deferred sentence for any charge in (e)(2) of this Section is removed from contact with children for the duration of the deferment.
340:110-5-9. Executive director qualifications

(a) The executive director or administrator hired after August 1, 1998 has a:

   (1) bachelor's degree, knowledge in personnel management, and five years experience in children's services; or

   (2) master's degree, knowledge in personnel management, and two years experience in children's services; or

   (3) doctorate, knowledge in personnel management, and one year of experience in children's services.

(b) In an agency where the executive director:

   (1) operates primarily as an administrator and is not directly involved in child-placing activities, there is a child placement supervisor; or

   (2) places children, he or she meets the requirements of a child placement supervisor.
340:110-5-10. Child placement supervisor qualifications

(a) The child placement supervisor hired after August 1, 1998 has a:

(1) master's degree in social work and one year of experience in children's services;

(2) master's degree in a behavioral or social science or a related field and two years experience in children's services; or

(3) doctorate in a behavioral or social science or a related field and one year of experience in children's services.

(b) The child-placing agency (agency) has written policy and procedure for the duties and responsibilities of the child placement supervisor.

(1) If the position is contracted, the agency has a written contract with the child placement supervisor to include duties and responsibilities and frequency of service delivery.

(2) Documentation of contracted services is maintained by the agency.
340:110-5-11. Social services staff qualifications

Social services staff hired after August 1, 1998 who provide casework services has a:

(1) bachelor's degree in social work; or

(2) bachelor's degree in a behavioral or social science or a related field and one year of experience in children's or family services.
340:110-5-11.1. Contracted staff qualifications and requirements

The child-placing agency (agency) may contract for services with another licensed child-placing agency or with a licensed mental health professional. The agency that initiates the contract:

(1) maintains all applicable records for services provided; and

(2) shares any applicable information with the contracted staff to guarantee quality of services provided.
340:110-5-12. Personnel records

(a) The child-placing agency (agency) keeps on file a written personnel record for every staff person working at the agency. The personnel record includes:

(1) an application, resume, or staff information sheet provided by the Oklahoma Department of Human Services (OKDHS) that documents qualifications for the position;

(2) health records as required by the agency;

(3) three written references obtained prior to employment. References:

   (A) include the date, interview questions, responses, and the interviewer's signature; and

   (B) are maintained in the employee's personnel record;

(4) reports and notes relating to the person's employment with the agency and job performance evaluations;

(5) dates of employment; and

(6) date and reason for leaving employment.

(b) Personnel records are maintained for a minimum of five years after a staff member's separation.

(c) Records of criminal history investigations are maintained in a confidential manner and kept separate from the person's personnel record.

(d) Licensing has access to personnel and any other confidential records relevant to the facility's employees.
340:110-5-13. Training for executive director or administrator and social services staff

The executive director or administrator and social services staff obtain and document continuing education:

(1) consisting of a minimum of 12 clock hours per employment year; and

(2) relevant to the role and responsibility of the position.
340:110-5-14. Placement policy

The child-placing agency (agency):

(1) writes an individual service plan for every child placed out-of-home by the agency, in accordance with clearly defined intake and release policy;

(2) assumes responsibility for the general care and planning for each child in the program;

(3) clarifies the child's relationship to the agency;

(4) makes known to the parents or custodian and the child the terms upon which the child is accepted for care;

(5) works together with the parents, custodian, and child to set definite goals that serve the child's best interest for placement and permanency;

(6) provides orientation to each child upon acceptance by the agency; and

(7) maintains appropriate placement records.
PART 3. REQUIREMENTS FOR ADOPTION AGENCIES


The adoption agency (agency) has on file written policy and procedure that is current and available for parents, staff, and licensing staff to review. Policy includes areas governing:

(1) confidentiality of records;
(2) disposition of records;
(3) services provided to birth parents;
(4) services provided to adoptive parents;
(5) services provided to adoptive children;
(6) services provided to older children being relinquished to the agency;
(7) openness in adoption;
(8) search and reunion;
(9) financial assistance to birth parents;
(10) grievances;
(11) adoptive home recruitment;
(12) placement of children in adoptive homes;
(13) fees for adoption;
(14) international adoption;
(15) interstate adoption;
(16) legal risk placements;
(17) post-adoption services; and
(18) procedures for advising adoptive parents about the Adoption Assistance program.
340:110-5-25. Services for birth parents

(a) Policy. Written adoption agency (agency) policy and procedure regarding birth parents includes, but is not limited to:

(1) the scope of services for birth parents;

(2) prohibiting coercion of the birth parents;

(3) birth parents who decide not to relinquish parental rights; and

(4) provisions for avoiding conflict of interest between the birth parents, adopting parents, and agency.

(b) Services. Services for birth parents include, but are not limited to:

(1) helping the birth parents reach a decision regarding plans for the child. When such counseling is not possible or is contraindicated, the reasons are documented in the case record. The birth parents indicate they understand the meaning of relinquishment of parental rights by signing the agency's form;

(2) documenting, by the birth parents' signatures on the agency's form, that birth parents understand the agency's policy on open and closed adoptions;

(3) documenting that birth parents have been provided with search and reunion resources;

(4) documenting, by the birth parents' signatures, that the birth parents understand the financial assistance policy; and

(5) helping the birth parents meet their physical, emotional, and financial needs. As appropriate, the agency develops a service plan to assist birth parents in locating community resources to meet needs, such as:

(A) living arrangements;

(B) medical care, including prenatal, obstetrical, dental, and hospital care;

(C) psychiatric and psychological services;

(D) vocational planning;
(E) legal aid;

(F) financial assistance;

(G) transportation; and

(H) other services needed prior to and following relinquishment.

(c) Documenting expenses. The agency documents all expenses paid on behalf of the birth parents by the agency or by agency clients. The agency obtains prior court approval for living and transportation expenses that exceed statutory limits.
340:110-5-27. Adoptive child study background information

(a) An adoptive child history is completed for each child. The adoptive child history is documented and available for licensing staff to review. The history includes:

(1) all information as required by Section 7504-1.1 of Title 10 of the Oklahoma Statutes, the Medical and Social History Report;

(2) legal documents that reflect the child’s eligibility for adoption;

(3) desires of the birth parents regarding the potential adoptive family, for example, religious preference and family composition;

(4) documentation as to whether the child is an Indian child as defined by the Indian Child Welfare Act; [10 O.S. § 40.2]

(5) a medical examination report completed by a health professional no more than three months prior to placement;

(6) documentation of participation by the child in the adoption process, consistent with the child's ability to understand and according to state law;

(7) photocopy of the child's original and any supplementary birth certificate; and

(8) documentation of current legal custody.

(b) When any information in this Section is not available or does not apply, the agency documents attempts to obtain the information or the reasons it does not apply.
340:110-5-29. Adoptive home orientation and screening

(a) **Eligibility.** The adoption agency (agency) determines in the initial contact(s) if there is any reason the adoptive applicants do not meet agency eligibility requirements. If the family is ineligible, this is communicated to the family in a timely manner. The agency may offer assistance in helping applicants adjust to this decision and identify other alternatives available to them.

(b) **Orientation.** The agency provides orientation about agency services and the adoption process to prospective adoptive parents. Orientation includes the:

1. agency’s eligibility requirements;
2. characteristics of children available;
3. agency’s policy on openness in adoptions;
4. adoptive family assessment procedure;
5. approximate time for the approval process;
6. agency fees, refund policy, and other related fees;
7. availability of the Adoption Assistance Program administered through the Oklahoma Department of Human Services (OKDHS);
8. adoption risks;
9. confidentiality policy; and
10. overview of the legal process of adoption.

(c) **Education.** The agency provides information to adoptive families regarding:

1. coping with the particular behaviors of the child's developmental history;
2. the child's psychological needs that are related to the child's racial, ethnic, or cultural background;
3. how to help the child understand adoption;
4. the birth parents' perspective;
(5) coping with loss; and

(6) search and reunion issues.

(a) An adoptive family assessment is completed for each family before a child is placed in the home. The assessment is documented and available for licensing staff to review, and includes:

(1) one individual face-to-face interview with each parent;
(2) one individual face-to-face interview with each school-age child;
(3) one individual face-to-face interview with any other adult household member;
(4) one joint face-to-face interview with both parents;
(5) one contact by phone, in person, or by letter with each adult child of the adoptive applicants no longer living in the home;
(6) documentation of a home visit to assess the safety and adequacy of the home environment; and
(7) three written references for the applicants.

(b) The written report of the adoptive family assessment includes:

(1) information regarding the adoptive parents' family of origin, significant family experiences, and how the adoptive parents were parented;
(2) the adoptive parents' marital history and significant adult relationships;
(3) the adoptive parents' ability to handle stress individually and jointly;
(4) parenting experiences, parenting style, and philosophy of discipline of adoptive parents;
(5) the family's adjustment to previous adoptions;
(6) motivation for adoption;
(7) attitudes of extended family regarding adoption;
(8) attitudes toward birth parents;
(9) attitudes and expectations about openness in adoption and search issues;

(10) plans for helping children understand adoption;

(11) expectations for the adopted child;

(12) family lifestyle, including social, cultural, and religious orientation;

(13) educational background of adoptive parents;

(14) a summary of health information on the adoptive parents, including health history, date of medical exam, and name of physician;

(15) adjustment to and acceptance of infertility, if applicable;

(16) financial information, including employment, income, financial obligations, and access to health care services;

(17) verification of employment, income, adequate insurance, and any other resources, such as subsidized adoption and Temporary Assistance for Needy Families (TANF);

(18) plans for child care;

(19) summary of family strengths and weaknesses;

(20) preferences of the adoptive applicants regarding the age, gender, health, and other characteristics of the child they wish to adopt; and

(21) specific recommendations regarding the appropriateness of the family, specific reasons for the recommendation, and characteristics of children the family is approved to adopt.

(c) In addition to the written family assessment, information placed in the adoptive family file includes:

(1) documentation of medical exams by a health professional, dated not more than 12 months prior to the completion of the adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair their ability to care for the adopted child;
(2) verification of marriage, if applicable, income and expenses, employment, and medical insurance;

(3) the names and addresses of at least three references who have knowledge of the applicants as a family unit; and

(4) documentation of a criminal and Child Welfare background check in accordance with the Oklahoma Adoption Code, [10 O.S. § 7501-1.1 et seq.] along with the agency summary of any findings.

(d) The adoptive family assessment is current within 12 months prior to the date of child placement. Documentation related to the updated family assessment includes:

(1) medical exams by a health professional, dated not more than 12 months prior to the completion of the updated adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair their ability to care for the adopted child;

(2) criminal and Child Welfare background check;

(3) at least three written references from persons who have knowledge of the applicants as a family unit;

(4) financial information including employment, income, and financial obligations; and

(5) access to health care services.
340:110-5-31. Notification to adoptive parents

The adoption agency provides written notification to applicants of the acceptance, delay, or denial of their application.
340:110-5-32. Disposition of records and confidentiality

The adoption agency (agency):

(1) establishes policy and procedure to ensure permanent retention of all finalized adoption records. If the agency ceases to operate in the state of Oklahoma, adoption records are transferred to the Oklahoma Department of Human Services (OKDHS) or, after giving notice to OKDHS, to a transferee agency that assumes responsibility for the preservation of the records;

(2) maintains all records in locked storage facilities; and

(3) provides adult adoptees and birth parents information concerning the circumstances of adoptees' origins and adoption, in accordance with the Oklahoma Adoption Code, Section 7501-1.1 et seq. of Title 10 of the Oklahoma Statutes.
340:110-5-33. Placement

The adoption agency (agency):

(1) has on file written policy and procedure governing the placement of children in adoptive homes;

(2) places children in foster homes under the supervision of a licensed child-placing agency, when temporary placement is necessary;

(3) selects adoptive parents best able to meet the needs of the particular child;

(4) studies and approves the prospective adoptive home in accordance with OAC 340:110-5-30;

(5) discusses the selection of the child with the adoptive family and prepares the adoptive family for the placement of the child.

(A) The parents have the opportunity to decide whether they consider themselves suitable for that child.

(B) The agency provides information regarding the child's background, medical history, legal status, progress, and development to assist adoptive parents with their decision;

(6) has a written agreement between the agency and the adoptive parents at the time of placement that includes verification of:

(A) a specified time frame for completing the adoption;

(B) participation and supervision of adoptive parents by the agency during the time prior to the completion of the adoption;

(C) adoptive parents' agreement not to remove the child from Oklahoma without the agency's permission prior to finalization of the adoption;

(D) agreement that the child may be removed and returned to the agency at the discretion of either the adoptive parents or the agency before the adoption is finalized;

(E) agreement regarding any adoption fees and schedule of payments; and
(F) notification by the agency to the adoptive parent about the Adoption Assistance Program administered by the Oklahoma Department of Human Services (OKDHS) and the procedure for making application for eligible children with special needs;

(7) has written documentation verifying adoptive parents' acceptance of legal risk placement;

(8) provides to the adoptive parents at the time of the child's placement in the home a consent form for medical care of the child signed by an authorized agency representative and files a copy of the signed medical consent form in the records; and

(9) complies with the Interstate Compact on the Placement of Children, Section 571 of Title 10 of the Oklahoma Statutes, when interstate placements are planned.
340:110-5-34. Adoption of older children and children with special needs

The adoption agency (agency) that places older children and children with special needs meets the additional requirements in this Section and all other requirements in this Part. The agency:

(1) has on file a written policy defining children with special needs, pre-placement and placement procedures, visitation requirements, and post-placement support;

(2) makes every effort to place siblings with the same adoptive parents. When it is not in the best interest of the siblings to be placed together:

(A) the records document what efforts were made and the reasons supporting separate placement; and

(B) the agency prepares a written statement, signed by the adoptive parents and an agency representative, verifying that the family will encourage and allow ongoing contact with the siblings unless it is not in the best interest of the children; and

(3) has casework services to help:

(A) children meet their physical and emotional needs; and

(B) older children resolve issues related to the loss of their parents and adjustment to their adoptive families.
340:110-5-35. Placement of Indian children

340:110-5-36. International adoptions

The adoption agency (agency) that provides international adoptions meets the additional requirements in this Section and all other requirements in this Part. When the agency accepts children born outside the United States who are not United States citizens, the agency:

1. complies with all applicable adoption laws of the child's country of origin and United States immigration laws;
2. maintains on file at the agency a verified English language translation of the child's legal documents;
3. has a contract or memorandum of agreement with an entity authorized by the foreign government to receive custody and to place the child;
4. documents in English the medical and social history of the child. When unavailable, the agency documents efforts to obtain the medical and social history;
5. conducts a minimum of three post-placement supervisory visits within six months; and
6. complies with applicable provisions of the Intercountry Adoption Act, Public Law 106-279.
340:110-5-37. Post-placement supervision

(a) The adoption agency (agency) having legal custody is responsible for the welfare of the child until a decree of adoption is granted. The agency:

(1) provides the investigative report to the court as required by state law, including a recommendation for finalization of the adoption;

(2) sends a copy of the final decree of adoption to the court in which relinquishment of parental rights took place, unless otherwise indicated; and

(3) maintains a copy of the final decree of adoption on each child.

(b) Prior to the final decree of adoption, the agency:

(1) provides a six-month period of post-placement services between the time of placement and completion of the legal adoption, unless otherwise ordered by the court;

(2) conducts and documents a minimum of three face-to-face visits, including one visit in the home with the adoptive family and child. This documentation includes a narrative report indicating the health of the child and assimilation into the family;

(3) assists the adoptive family and child in developing a parent-child relationship, resolving problems, and evaluating the placement;

(4) maintains a record of changes in the adoptive family in matters regarding health, financial condition, family composition, or other relevant information that may affect the child; and

(5) removes the child from the home if the placement is unsatisfactory.

(c) The agency has on file a written description of its plan for dealing with disrupted placements, including a provision for counseling with the child and family.
340:110-5-37.1. Post-adoption services

The adoption agency (agency) provides post-adoption services to birth parents, adoptees, and adoptive parents. The services may include referrals or direct services to community resources.
340:110-5-38. Subsequent adoptive placements

The adoption agency (agency) ensures that before a subsequent placement is made into the adoptive family, the adoptive family assessment is current within 12 months prior to the date of placement of the child. The adoptive family assessment for a subsequent placement meets all the requirements in this Part, and documents:

(1) one family interview in the home with all household members present;

(2) one face-to-face interview with each adoptive parent, school-age child, and other adult household members;

(3) medical examination reports for all members of the household current within one year;

(4) at least three references from persons who have known the family since the last child was adopted;

(5) updated financial information including employment, income, and financial obligations;

(6) access to health care services; and

(7) criminal and Child Welfare background checks.
PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES

340:110-5-55. Requirements

This Part contains minimum requirements for the certification of foster homes and the care by foster home agencies of children who live in the foster home. The requirements apply to all categories of foster care unless otherwise noted.
340:110-5-56. Categories of foster care

The categories of foster care are:

(1) emergency foster care - the initial placement plan does not exceed 30 calendar days;

(2) long-term foster care - the initial placement plan exceeds 30 calendar days; and

(3) infant foster care – the foster home provides care to infants only.
340:110-5-57. Requirements for foster home agencies

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

(1) **Criminal history investigations.** The agency conducts a criminal history investigation for each member of the foster family who is 18 years of age or older.

   (A) **Authorized agencies.** A criminal history investigation is obtained from:

   (i) the Oklahoma State Bureau of Investigation (OSBI); and

   (ii) the authorized agency in a person's previous state of residence if the person has resided in Oklahoma less than one year.

   (B) **Sex Offenders Registry.** The OSBI report includes a search of Department of Corrections files maintained by OSBI pursuant to the Sex Offenders Registration Act.

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

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

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

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

(4) **Medical services.** The agency ensures the child in foster care receives appropriate medical services.

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

(6) **Supervision.** The agency provides supervision at least once a month to each child in foster care, including private visits with the child in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment.
(7) **Written agreement.** The agency has a written agreement with the foster family, and provides the foster parents a copy of the agreement. The agreement includes statements:

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

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

(C) that the agency has the right to remove the child at its discretion;

(D) that the child in foster care is discharged from foster care only with the consent of the agency;

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

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

(G) that the foster parents agree to cooperate with agency staff in evaluating the foster home and in the ongoing supervision of the foster home; and

(H) that the foster parents agree to contact the agency when a household member is alleged to have committed an act described in OAC 340:110-5-8(e).

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

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

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

(2) appropriate immunizations for the foster parents' children;
(3) a statement from a health professional certifying that all members of the household have had a physical examination within one year prior to application, verifying that they:

(A) are in good health; and

(B) do not have a condition that would interfere with their ability to care for children;

(4) three written references from non-relatives who have knowledge of family functioning;

(5) a current, completed foster home study before the home is approved; and

(6) 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 prepares a written home study before approving the foster home and prior to placement of a child that contains, at a minimum, information regarding:

(1) interviews and home visits. Interviews and home visits include documentation of at least one:

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

(B) joint face-to-face interview; and

(C) home visit;

(2) household composition. Information regarding household composition includes each person residing in the home;

(3) criminal history investigation. A criminal history investigation is conducted by the OSBI on each household member who is 18 years of age or older, per OAC 340:110-1-57(a)(1), prior to initial approval of the home and when a new household member, age 18 or older, moves into the home;

(4) foster child preferred. The foster home study includes statements regarding the applicant's preference for age, gender, and special needs of the child;
(5) **motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding children in foster care.

(6) **health.** Health information for each household member includes:

   (A) present physical health;

   (B) emotional stability;

   (C) medical history; and

   (D) any history of drug or alcohol use.

(7) **family functioning.**

(8) **foster parents’ marital status.** The foster home study includes 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 includes the employment history of family members.

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

(11) **education.** The foster home study includes information regarding the education of family members.

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

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

   (A) type of dwelling and physical description; and

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

(14) **weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and an explanation of safety precautions.
(15) **transportation.** Information regarding transportation includes the family's means of transportation and verification of:

- **(A)** a valid driver's license for each family member who will transport a child in foster care;
- **(B)** license tag;
- **(C)** insurance; and
- **(D)** an agreement to transport all children and adults in compliance with applicable state law, per 47 O.S. § 11-1112;

(16) **family history.** The foster home study includes 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 includes three written references from persons who have information relative to the family's ability to provide foster care that include:

- **(A)** name, address, and telephone number;
- **(B)** when and how the person 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 children in foster care; and
(18) **recommendation.** The foster home study includes the recommendation whether to approve the home that:

(A) is signed and dated by the person who conducted the foster home study and the child placement supervisor; and

(B) if approved, contains the type of child preferred and number of children for which the home is approved.

(d) **Annual home study updates.** The foster home study is updated annually to include:

(1) documentation of a home visit;

(2) documentation of a face-to-face interview with each parent, school-age child, and any other household member;

(3) current vehicle insurance verification; and

(4) reports of any significant changes from the initial home study.

(e) **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.
340:110-5-58. Requirements for foster parents

(a) General. Foster parents provide the foster home agency (agency) any information related to compliance with all requirements and allow representatives of the agency access to any member of the household and into all rooms within the home. Foster parents:

(1) are responsible, mature, healthy adults capable of meeting the needs of the children in care;

(2) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and special needs of the children;

(3) may be married couples, single persons, or family members with a stable living arrangement; and

(4) ensure that all members of the household are informed of and agree to accept the child into the home.

(b) Age. Foster parents are at least 21 years of age.

(c) Income and employment. Foster parents have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments if applicable.

(1) Foster parents who both work outside the home obtain approval from the agency for their plan of care for the children during their absence.

(2) Foster parents obtain approval from the agency to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the children.

(d) Notifications. Foster parents comply with the requirements pertaining to notifications. Foster parents notify the agency:

(1) in writing prior to allowing any person to take up residence for more than two weeks in the foster home;

(2) immediately of the occurrence of:

(A) the death of a child;
(B) a serious injury or illness involving medical treatment of the child;

(C) unauthorized absence of the child from the home as defined by agency policy;

(D) removal of the child from the home by any person or agency other than the placing agency or attempts at such removal;

(E) loss of income that affects the family's ability to meet the needs of the children in foster care;

(F) any involvement of a child with legal authorities;

(G) any fire or other emergency requiring evacuation of the home; and

(H) lack of heat, water, or electricity; and

(3) as soon as possible of:

(A) any serious illness or death in the household;

(B) the departure or return of any member of the household;

(C) a move to another residence; and

(D) any other circumstance or incident seriously affecting the child or care of the child; and

(E) any allegations of child abuse.

(e) Cooperation. Foster parents work cooperatively with agency representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each child. Foster parents:

(1) fully disclose all information related to a child's problems or progress to agency representatives;

(2) treat any personal information about a child or the child's family in a confidential manner; and

(3) participate in an annual mutual review with the agency to evaluate the strengths and weaknesses of the foster home and of agency representatives' relationships
with foster parents.
340:110-5-59. Number of children

The foster home agency complies with requirements regarding placement of children in the foster family home.

(1) No more than five foster children are placed in the home.

(2) The number, ages, and needs of foster children placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.
340:110-5-60. Foster home requirements

(a) General requirements. The foster home:

(1) is clean, safe, and in good repair;

(2) and the exterior around the home is free from objects, materials, and conditions that constitute a danger to the children served;

(3) is accessible to or able to arrange transportation to school, church, recreational and health facilities, and other community resources, as needed; and

(4) is in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) Safety requirements.

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

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

(3) All weapons and firearms are 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, have railings. Safety gates at stairways are 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 is supervised constantly. Ponds or pools are not left accessible to children. Wading pools are emptied after each use.

(c) Fire safety requirements.

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

(2) The foster home is equipped with at least one operable smoke detector in the
vicinity of the sleeping areas, or more as required by the foster home agency (agency).

(3) Each floor used as living space has at least two means of escape, at least one of which is 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 is installed in accordance with state and local mechanical codes and manufacturer's instructions.

(d) Health requirements.

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

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

(3) Windows and doors used for ventilation are screened.

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

(5) One operable sink, one operable toilet, and one operable tub or shower are available in the home.

(6) Each child is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.

(7) Linens are changed when needed.

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

(9) Testing for tuberculosis is not required on a routine basis. The agency requires the foster family to comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.
(e) **Sleeping arrangements.** A separate bed is 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 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 are provided for children older than four years who are of different sex.

3. Children in foster care older than one year of age do not share sleeping quarters with adults in the household unless an emergency exists and the agency is informed.

4. Children in foster care do not share a sleeping surface with adults in the household.

(f) **Rest arrangements for infants.**

1. **Bedding.** A crib, port-a-crib, or playpen with a firm waterproof mattress or pad is used for each child younger than one year of age.

   A. Cribs, port-a-cribs, and playpens with more than 2 and 3/8 inches between slats or between the side and end panels are not allowed.

   B. Cribs with decorative cutout areas in crib end panels or tall decorative knobs on the corner posts, which can entrap a child's head or catch clothing, are not allowed.

   C. Mattresses are tight-fitting with no more than one inch between the mattress and crib.

   D. Mattress and crib sheets fit snugly.

   E. Drop-side latches hold sides securely and are not accessible by the child in the crib.

   F. Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not allowed in the infant crib or playpen.

2. **Sleep position.** To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant:
(A) younger than 12 months of age is placed on the back for sleeping, unless there is a medical reason the infant should not sleep in this position, as documented by a health professional. Documentation is maintained by the foster parent and the agency; and

(B) who is able to turn over is placed initially on the back for sleeping but allowed to sleep in the position preferred by the infant.

(g) Emergency plans. The foster home complies with the requirements pertaining to emergency plans contained in this subsection.

1. The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.

2. The home has a telephone with emergency numbers posted nearby for the health professional or clinic, fire department, police department, ambulance service, and substitute caregiver.

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

4. First aid procedures and supplies are readily available.

5. The foster parent ensures 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.

(h) Equipment. Equipment and furniture is safe for children. The foster home has child care equipment, such as bedding, high chairs, proper auto restraints, and toys appropriate for children placed in the home.

(i) Transportation. Children in foster care are transported in compliance with applicable state law, Section 11-1112 of Title 47 of the Oklahoma Statutes. The foster family has emergency transportation available.

1. Driver qualifications. Drivers transporting children in foster care have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

2. Passenger restraints. Children who are transported are properly secured in a child passenger restraint system (car seat) or individual seat belt.
(A) 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.

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

(3) Vehicle requirements.

(A) The transporting vehicle is covered by liability insurance as required by Oklahoma laws.

(B) Each vehicle used for transportation of foster care children has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

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

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

(2) Instructions for feeding infants, including the use of formula, recommended by the physician are followed.
340:110-5-61. Children’s rights

The foster home agency (agency) ensures that the child in foster care is:

(1) not forced to participate in publicity or promotional activities;

(2) not publicly identified as a ward of the agency;

(3) provided an opportunity to participate in religious services;

(4) supplied with facilities and supplies for personal care, hygiene, and grooming;

(5) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other children in the community;

(6) provided individual space in the foster home for the child's personal possessions and a reasonable degree of privacy.

   (A) The child has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the child's service plan.

   (B) Personal belongings are sent with the child when the child leaves the home;

(7) expected to perform only household tasks that are within the child's abilities, reasonable for the child's age, and similar to those expected of other household members of comparable age and ability;

(8) given guidance in managing money.

   (A) Money earned by the child or received as a gift or allowance is the child's personal property.

   (B) The child is not required to use earned money to pay for room and board, unless it is a part of the service plan and approved by the parent or custodian and the agency;

(9) allowed privacy in writing, sending, or receiving correspondence unless restricted by the service plan;

(10) not denied meals as punishment;
(11) not subjected to remarks that belittle or ridicule the child or the child's family;

(12) allowed to visit with the child's family, in accordance with the service plan;

(13) not forced to acknowledge dependency on the agency or foster home or gratitude to them;

(14) given the opportunity, at the child's or agency's request, for private conversation with the agency's staff members who are responsible for the child's supervision; and

(15) provided educational opportunities in accordance with the child's plan of care.
340:110-5-61.1. Alternative care arrangements

(a) Informal arrangements or babysitting. The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the child, including before and after school hours, and not to exceed 24 consecutive hours.

(1) The foster parent:

(A) ensures that informal care providers possess the maturity and skills to address the needs of the child in foster care;

(B) secures prior authorization for informal care from the foster home agency (agency). Prior authorization may apply to multiple events when the same informal provider is used;

(C) does not utilize a child in foster care to babysit a younger child unless approved by the agency; and

(D) provides the informal provider information for contacting the foster parent and other emergency contacts.

(2) The informal provider who is living:

(A) outside the home must be at least 18 years of age; or

(B) in the home must be at least 16 years of age and related to the foster parent.

(b) Alternate care. The foster family is encouraged to develop a relationship with another family as an alternate provider who can provide care for the child in foster care in case of family emergencies, family vacations, or when the provider needs respite care. The agency must approve the alternate care and have documentation that the alternate provider:

(1) is at least 21 years of age;

(2) has obtained a criminal history investigation within the last 12 months conducted by:

(A) the Oklahoma State Bureau of Investigation (OSBI) that includes a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act for each household member who is 18 years of age or older; and
(B) the authorized agency in the previous state of residence if the person has resided in Oklahoma less than one year;

(3) meets the foster home requirements listed in OAC 340:110-5-60;

(4) provides one reference; and

340:110-5-62. Discipline and behavior management

(a) **Objective.** Discipline contributes to the development of a capacity within the child for self-control and self-direction. The objective of discipline and behavior management is to provide a positive learning experience for the child to grow and develop and to learn acceptable standards of social behavior.

(b) **Expectations of foster parents.** Foster parents:

1. recognize, encourage, and regard acceptable behavior;
2. teach by example and use fair and consistent rules with logical consequences;
3. use methods of discipline that are relevant to the behavior;
4. supervise with an attitude of understanding, firmness, and discipline;
5. give clear directions and provide guidance consistent with the child's level of understanding;
6. redirect the child by stating alternatives when behavior is unacceptable;
7. express themselves so the child understands that the child's feelings are acceptable but certain actions or behavior are not;
8. help the child learn what conduct is acceptable in various situations;
9. encourage the child to control the child's own behavior, cooperate with others and solve problems by talking things out;
10. communicate with the child by showing an attitude of affection and concern; and
11. encourage the child to consider others' feelings.

(c) **Discipline and behavior management policy.** The foster home agency (agency) complies with the requirements regarding discipline and behavior management contained in this subsection. The agency's discipline policy:

1. is maintained in writing and current;
2. is provided to foster parents.
(3) is available to the child and the child's parent or custodian;

(4) includes:

(A) the goal and purpose of the agency's discipline and behavior management program;

(B) approved methods of discipline and behavior management;

(C) a list of persons authorized to administer discipline and behavior management methods to children in foster care; and

(D) the agency's method of monitoring and documenting implementation of the policy; and

(5) prohibits punishment:

(A) of a physical nature, such as shaking, striking, spanking, or physical abuse;

(B) that constitutes emotional abuse, such as humiliation, name-calling, cursing, or degrading remarks regarding the child or the child's family;

(C) administered by one child to another child;

(D) that denies meals, sleep, or mail; and

(E) that places a child in a locked room.
340:110-5-63. Records

(a) **Child's case record.** Records maintained by the foster home agency (agency) for children in placement include, but are not limited to:

1. an intake form that includes the child's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;

2. history of previous placements and dates;

3. reason for the present placement;

4. a description of the circumstances that led to the child's present placement;

5. a description of the child's relationship with other significant adults and children;

6. admission assessment that includes the child's current level of functioning and medical history, including:
   - (A) medications the child is currently taking;
   - (B) immunizations;
   - (C) allergies; and
   - (D) childhood diseases;

7. current court order(s) documenting legal custody of the child and other applicable court orders;

8. certified birth verification;

9. child's medical information, including:
   - (A) child's medical authorization number, if applicable;
   - (B) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
   - (C) written authorization to provide medical care;
(D) disabilities;

(E) psychosocial information;

(F) name of the child's last doctor, if known; and

(G) documentation of medical services;

(10) history of the child's family of origin;

(11) information regarding the physical health of the child's family, including father, mother, and grandparents;

(12) information regarding the emotional stability of family members;

(13) reports from schools, specialists, and other agencies;

(14) documentation that the child's rights have been explained to the child;

(15) documentation that the grievance policy has been explained to the child;

(16) a service plan per OAC 340:110-5-3 completed within 30 days of placement and signed and dated by the child, staff, foster parents, and parent or guardian;

(17) revision of the service plan every six months;

(18) case notes that have been signed and dated;

(19) a discharge plan that includes anticipated length of placement and future placement;

(20) a discharge summary that includes an assessment of the child's progress in placement, the child's continuing needs and plans, and recommendations for follow-up services, if any; and

(21) documentation of inability to obtain any of the information contained in this Section and efforts to obtain it.

(b) Foster home record. The agency maintains a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:
(1) certification form and documents verifying certification, per OAC 340:110-5-57(b);

(2) a complete report of the home study with evaluation and recommendations as required;

(3) records of all children placed in the home with dates, names, ages, and rates of payment for services, if applicable;

(4) records of all children removed from the home with dates, names, ages, and reasons for removal;

(5) financial agreements, if applicable;

(6) signed and dated case notes, visits or contacts, and conferences;

(7) a copy of the placement agreement on each child;

(8) correspondence;

(9) records of the home study, updated annually, per OAC 340:110-5-57(d);

(10) documentation of training; and

(11) written agreements and contracts between the agency and the foster parents.
PART 9. REQUIREMENTS FOR INDEPENDENT LIVING PROGRAMS

340:110-5-115. Independent living

An independent living program is a program in which youth, who are at least 16 years of age, are placed in living situations supervised by a licensed child-placing agency to prepare the youth to live independently without supervision.
340:110-5-117. Program description

The child-placing agency (agency) has a written statement describing:

(1) the agency's philosophy on and approach to independent living placements;

(2) the criteria used to select youth for independent living placement;

(3) the approach used to assess the appropriateness of independent living placement;

(4) the nature and frequency of supervision provided to youth in the program;

(5) programs and services available to the youth during placement;

(6) living environments provided by the agency; and

(7) a crisis response system that ensures youth have 24-hour access to agency staff.
340:110-5-118. Responsibilities of the agency

 Responsibilities of the child-placing agency (agency) are to:

(1) evaluate each youth's ability to assume responsibility and work towards the goal of independence within a specified time frame;

(2) obtain written approval from:

   (A) the parents or custodian regarding the youth's participation in the program; or

   (B) the court if the youth's placement is court-ordered;

(3) release the youth who is discharged from the program prior to the age of 18 to the youth's custodian with notification to the court when appropriate;

(4) review the service agreement every three months and revise and update as necessary;

(5) develop a monthly budget with the youth and meet monthly with the youth to review the budget. Budget reviews may occur less frequently after the first six months if the youth demonstrates ability to maintain the budget; and

(6) provide counseling and support to the youth at least twice a month through face-to-face contact, which includes at least one meeting per month at the youth's residence.
340:110-5-119. Training and life-skills assessment

(a) General. Prior to placement of the youth in an independent living program, appropriate training and a life-skills assessment are required and documented.

(b) Life-skills assessment. The assessment identifies potential areas of risk associated with independent life in the community and includes:

   (1) money management and consumer awareness;
   (2) food management;
   (3) personal appearance and hygiene;
   (4) health services;
   (5) housekeeping and personal belongings;
   (6) housing search skills;
   (7) transportation skills and issues;
   (8) educational planning, if appropriate;
   (9) vocational training;
   (10) job seeking skills;
   (11) skills in emergency situations;
   (12) drug and alcohol use;
   (13) sexuality;
   (14) interpersonal skills;
   (15) community involvement and knowledge of resources; and
   (16) legal issues and knowledge of legal rights.
340:110-5-120. Service agreement

Prior to placement of the youth in an independent living program, a written service agreement is completed that includes:

(1) respective roles and responsibilities of the child-placing agency (agency), the youth, and other involved parties;

(2) goals and all services to be provided or arranged by the agency, including the plan for contact between the youth and agency staff;

(3) any financial arrangements related to the placement; and

(4) signatures of the youth and a representative of the agency.
340:110-5-121. Physical facility

The child-placing agency approves each living unit based upon written policy.
340:110-5-122. Supervision and support

(a) The ratio of staff to youth is based upon the needs and location of the youth under supervision.

(b) The agency ensures regular contact between agency personnel and each youth as documented in the youth's service agreement or plan.

(c) There is daily contact with youth participating in a transitional living program.

(d) The agency, through routine visits to the living situation, documents that:

   (1) there is no reasonable cause for believing that the youth's residence or lifestyle presents any unacceptable risks to the youth's health or safety;

   (2) the youth is receiving necessary medical care; and

   (3) the current program plan provides appropriate and sufficient services to the youth.
340:110-5-123. Emergency procedures

The child-placing agency documents that training in emergency procedures was provided to each youth within one week of placement in the independent living program. Such training includes:

(1) use of emergency equipment, such as fire extinguishers and smoke detectors, and a plan for evacuation from the living situation;

(2) contacting police, fire, and other emergency services;

(3) fire and accident prevention; and

(4) response to tornados and natural disasters.
340:110-5-124. Conclusion of participation

Participation in the independent living program is concluded when the youth:

(1) achieves independence to the extent that financial support and social services are no longer needed;

(2) makes a voluntary decision to no longer participate in the program; or

(3) demonstrates unwillingness or inability to meet the requirements of the program and terms of the agreement.