Understanding the Licensing Process

Rights and Responsibilities
Dear Child Care Operator,

The mission of Child Care Services is to ensure that children and their families have access to licensed, affordable, quality child care. We accomplish this mission by adhering to the quality standards set forth by our agency to display compassion, professionalism, safety and integrity while offering support and guidance, as well as monitoring almost 4,000 licensed child care programs.

The importance of your role in the lives of Oklahoma’s children is immense. Research indicates children who experience quality care in an early childhood education program are better prepared to enter school and have more positive outcomes throughout their lives.

This brochure was developed as a resource to answer your questions about the licensing process and the Quality Rating and Improvement System (QRIS) program, as well as explain your rights. We value your partnership and commitment to Oklahoma’s children and families.

Sincerely,
Lesli Blazer
Child Care Services Director

Kristi Simpson
Statewide Licensing Coordinator
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History of Licensing

In 1953, the state of Oklahoma passed the Oklahoma Child Care Facilities Licensing Act. At that time, few programs fell under the jurisdiction of the law and there was virtually no enforcement.

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

In 1963, the lack of substance to the original law prompted the state legislature to give the Oklahoma Department of Human Services the authority to develop minimum requirements for child care and the authority to regulate care. The sub-standard living conditions for Oklahoma’s children witnessed at Miracle Hill were no longer acceptable.

To request a copy of a brochure or video on these events, call 1-844-834-8314.
Today, Child Care Services licenses and monitors almost 4,000 programs operating as family child care homes, child care centers, day camp, drop-in, out-of-school time, part-day, programs for sick children, residential programs, children’s shelters and child-placing agencies.

Licensing staff assist programs by ensuring:

- The maintenance of minimum requirements for care and supervision of children away from their own home
- Encouraging and assisting child care programs toward higher quality of care
- Working for the development of sufficient and adequate services for child care through joint work of public and private agencies

Requirements for operating a child care program may be obtained through your local Department of Human Services or by visiting our website at www.okdhs.org.

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

Child care is an evolving field. We are constantly learning of new research, educational tools, and issues impacting children’s health and safety. To ensure requirements are current and relevant, a committee of professionals has been appointed by the DHS director. The Child Care Advisory Committee includes child care operators who listen to your suggestions and concerns, and act on your behalf. Duties include providing advice to CCS regarding concerns brought by child care programs and assisting in the development of minimum licensing requirements. Refer to the flow chart regarding the development and administrative approval of licensing requirements.
# Developing Requirements

## Child Care Advisory Committee Appoints Subcommittee

Members include: Oklahoma State Department of Health, state fire marshal, licensing specialists, licensed facilities, and other interested community members

## Subcommittee Develops or Revises Requirements

Based upon facility and provider suggestions, change in law, research in child development, etc.

## Public Hearing

Child Care Advisory Committee approves draft requirements for hearing; input from providers, parents and licensing goes to the subcommittee

## Subcommittee

Reviews information gathered from public hearing and makes revisions

- **Approved**
  - Final Approval from Child Care Advisory Committee
    - **Not Approved**
      - Proposed revisions reviewed by DHS Office of Intergovernmental Relations and Policy and DHS director
          - **Not Approved**
          - Goes to governor for signature approval

  Should any requirement not be approved at this level, it is returned to Child Care Advisory Committee for further consideration
Request for License

If you are interested in becoming licensed, the first step in the process is to request a license. Prior to caring for children, a state license is required for those programs meeting the following definitions. Some cities and towns may also require a local license or zoning approval. Contact your local Human Services office and ask the licensing staff assigned to your area for assistance.

CCS licenses the following types of children’s programs:

- **Family Child Care Homes:**
  A family home where care and supervision are provided for seven or fewer children for part of the 24-hour day.

- **Large Family Child Care Homes:**
  A residential family home that provides care and supervision for eight to 12 children for part of the 24-hour day.

- **Child Care Centers:**
  A program that operates 30 or more hours per week.

- **Part-day Programs:**
  A program that operates for more than 15 but less than 30 hours per week.

- **Out-of-School Time Programs:**
  A program that operates when school is not in session, such as before- and after-school and school breaks, and serves children 3 years old and older who are attending or have completed pre-kindergarten or above.

- **Day Camps:**
  A program that operates during school breaks for 12 hours or less per day, serves children who are 5 years old and older who are attending or have completed kindergarten or above, and uses the outdoors as a major program component for at least 50 percent of the daily hours of operation.
• **Drop-In Programs:**
A program that operates 30 or more hours per week with individual children attending six hours or less per day and 24 hours or less per week, with an allowance for three extra six-hour days per 12 months per child.

• **Programs for Sick Children:**
A program that serves children with illnesses or symptoms preventing them from comfortable participation in activities in a program caring for children who are well. The children require more care than personnel in a program caring for children who are well can provide without compromising the health and safety of other children in care.

• **Residential Child Care Facilities:**
A 24-hour residential facility where children live together with, and are supervised by, adults other than parents or relatives.

• **Child-Placing Agencies:**
An agency that arranges for or places a child in a foster family home, adoptive home or independent living program.

• **Children’s Shelter:**
A non-secure public or private residential program that provides temporary care and supervision for children.

Once you have expressed an interest in opening a child care program, your licensing specialist will provide you with licensing information and guide you through the application and approval process.
This process includes:

- An on-site visit to ensure your program meets all the minimum requirements
- Complete application with all required verification
- Obtaining necessary background checks
- Approval from local fire and health officials, when applicable

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

In most cases, a program is issued a six-month permit upon meeting the minimum requirements. The primary purpose of the permit is to allow the licensing staff time to evaluate the program’s ability to meet licensing requirements prior to issuing a license. Licensing staff will visit your program on at least three unannounced occasions and will discuss with you any concerns and document non-compliance with requirements and plans of correction. Failure to comply with the requirements may result in additional permits or denial of the application.

If eligible, you may also participate in the Child and Adult Care Food Program (CACFP). This is a financial reimbursement program through the Oklahoma State Department of Education for food provided to children while in care.

License

To receive a license, all required paperwork must be provided to licensing. Also, you must have at least three monitoring visits, obtained all required training, and be in compliance with requirements. Now you are eligible to receive your child care license, which does not expire and is nontransferable.

If you are operating a licensed child care program, and have a change in ownership, you must apply for a new license.

If you relocate, you must contact your licensing staff to verify that your new program location meets minimum licensing requirements as well as obtain new health and fire inspections.
If you operate a family child care home, the license is in your name. If you relocate, you must contact your licensing staff to verify that your new home meets minimum requirements. Licensing staff will continue to monitor and be available to consult when needed. You can expect a minimum of three unannounced on-site visits per year at various times of day.
Quality Rating and Improvement System (QRIS)

Once you have decided to pursue a child care license, you may choose to participate in our QRIS program, known as “Reaching for the Stars.” Eligible child care programs include Family Child Care Homes, Large Family Child Care Homes and Child Care Centers (including part-day and out-of-school time). This program encourages you to meet higher-quality criteria including:

- Directors, teachers and family child care home providers receive additional training annually.
- Family child care home providers and master teachers have an early childhood credential or degree with hours in child development.
- Family child care homes and centers involve parents in a variety of ways.
- Center teachers and family child care home providers read to the children daily and utilize the Early Learning Guidelines.

Once you have a permit or license, you will be given a One Star status.

The higher star levels you can apply for are: One Star Plus, Two Star and Three Star. If you qualify for any of these levels and have a contract with DHS, you will receive a higher reimbursement rate for those families who receive assistance.
Open Records Act

Why is it important to meet licensing requirements consistently? First, the requirements are there to protect you and the children in your care. Second, your licensing file is open to the public. Parents have access to this information assisting them in making decisions about child care. A record indicating compliance with requirements may make the difference in the decision making process. In addition, the media and other child care providers can access your file.

If you would like to review your file, you may view it during normal business hours at your local county Human Services office.

Compliance File

For family child care homes and child care centers, all public documents are placed in a public file at the program. This allows parents and the general public an opportunity to view your public history. Refer to your programs specific requirement book to review required compliance file documents and postings.

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

Child Care Locator

The Child Care Locator is an online database that provides the public access to search for child care and a summary of the monitoring visits and any substantiated complaints for at least the previous 12 months. You can access the Child Care Locator at www.okdhs.org.

“It takes a village to raise a child.”
-African proverb
Non-Compliance

Numerous, Repeated and Serious (NRS) Non-Compliances

Numerous, repeated and serious non-compliances can directly affect your Stars status, your contract with DHS status, or your permit or license status.

Numerous non-compliances are any monitoring visit with with any of the following:

- Five or more items documented as a non-compliance on the monitoring report in a family child care home or large child care home
- Six or more items documented as a non-compliance on the monitoring report for child care center, part-day children’s program or out-of-school time program with a licensed capacity of less than 60
- Seven or more items for a child care center, part-day children’s program, or out-of-school time program with licensed capacity of 60 or more

Repeated non-compliances are:
- Three or more documented incidents of non-compliance with the same requirement within the last 12 months

Serious non-compliance is:
- Non-compliance with licensing requirements that exposes children to conditions that present an imminent risk of harm. Imminent risk of harm must be assessed based on the age of the child, the amount of time the caregiver was out of compliance, and the caregiver’s efforts to mitigate the risk.

Serious non-compliances are identified through licensing observations, confirmed or substantiated complaint investigations, and/or self-reported incidences.
Some examples of non-compliance that may be considered serious are:

- Staff-child ratio
- Supervision of children
- Sleep position; infant sleep environments
- Prohibited disciplinary actions
- Licensed capacity
- Use of passenger restraints
- Water activities
- Pools and other water hazards
- Multiple hazards
- Weapons
- Reporting child abuse
- Knowingly permitting access to children by people identified as restricted or registrants
- Failure to obtain background investigations or child care restricted registry searches
- Administering medication to children
- Room temperatures
- Heat sources and loss of any utility service
- Compliance file and/or posting
- Cardio-pulmonary resuscitation and first aid training
- Liability insurance and vehicle liability insurance
Revocation and Denial Process

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

- Denial of an application
- Revocation of a license

The licensing staff prepare a detailed summary and notify the program in writing that the case has been referred to the statewide licensing coordinator and DHS Legal Services for review and appropriate action.

The notice of pending action is mailed to the owner by certified mail at least 30 days prior to the effective date of action. Included in the notice is a sign that is to be posted in the program for parents and the public to view, a letter of explanation or written summary, and information about the right to appeal the decision. Also included is a statement of law requiring the notification of parents and a request for the names and addresses of currently enrolled children. The statewide licensing coordinator will forward the recommendation to DHS Child Care Subsidy, which may result in cancellation of your contract.

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

Emergency Order

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

Licensing

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

If the DHS decision is upheld to close your program you have the right to appeal this decision in district court. A program may remain open during the appeals process unless an emergency order, injunction or restraining order is in effect. Once all appeals have been exhausted, the recommendation of the district court judge is to be followed.

If the DHS decision is upheld, the program must cease operation or face possible criminal proceedings. In addition, the owner or operator cannot make an application for another program within the state for five years from the date of closure.

Reducing Star Status

The Star status of a program may be reduced when the program has serious non-compliance with licensing requirements, a serious incident occurs resulting in injury or imminent risk of harm to a child, violations are not corrected within the agreed-upon time frame, a program fails to employ a qualified director for a period of six months, or does not meet criteria for the designated level. If there is evidence of extenuating or revised circumstances, you may propose an alternative settlement option prior to the date of the reduction letter or administrative review by contacting the regional programs manager.

If a reduction is warranted, the Quality Rating and Improvement Systems (QRIS) program administrator sends a certified letter documenting the reduction and notifying the program and owner of the right to request an administrative review.
The purpose of the administrative review process is to determine if the reduction was in accordance with DHS policy and whether the reduction is substantially supported by evidence.

If you wish to appeal your Star reduction, you must submit a request in writing to the Child Care Services director within 15 calendar days of the receipt of the DHS letter that notified you of your Star reduction. The request must include written documentation that states your grounds for requesting an administrative review. You will be notified within 30 days of when the administrative review will take place. If the decision made by DHS to reduce your Star status is upheld at the administrative review, your Star level will be reduced and the lower Star level subsidy payment will be implemented four months from the lower Star effective date.

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

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

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

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

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

An investigation of the complaint may include:

- A review of the allegations
- An unannounced visit to the program
- A review of available records, such as attendance, injury logs, medication and transportation permission forms, police reports, and more
- Observations at the program
- Obtaining documentary evidence
- Interviews with the complainant, the children, child care staff and others who might have relevant information

Interviews are generally face-to-face and conducted in private, usually one individual at a time. Interviews may take place outside the program and a witness may accompany a licensing staff. When interviewing children, the licensing staff will leave
an interview notification card at the program to be given to the parents of the child interviewed.

Abuse or neglect concerns are referred to Child Welfare, or the Office of Child Advocacy, who will take the lead in the investigation. Whenever possible, the licensing staff will accompany the child welfare worker on a complaint investigation.

The licensing staff may ask the owner to voluntarily cease care or prohibit the alleged perpetrator from having any contact with the children pending the outcome of the investigation. There is a possibility of an injunction or emergency order if the owner refuses to cooperate and children are considered to be at risk.

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

“Childhood is not just clowns and balloons.”
- Fred Rogers
Grievance Process

The owner or director of a licensed child care program may file a grievance or complaint regarding the application of any written or unwritten policy, rule or regulation, or any decision by an employee of DHS which affects the program. A grievance or complaint will not be accepted concerning an Emergency Order, denial or revocation of a child care program license. Individuals wanting to file a grievance or complaint are encouraged to seek informal resolution of his or her concerns by contacting the appropriate licensing supervisor, who attempts to resolve the matter.

When a resolution cannot be reached at the local level or through verbal conversation with State Office staff, the grievant or complainant is requested to file a written request with the licensing supervisor. The licensing supervisor notifies the licensing regional programs manager (RPM) and statewide licensing coordinator that a formal grievance or complaint was filed and efforts were made to resolve the issue.

The licensing supervisor responds to written grievances or complaints within 10 DHS business days of receipt. When the grievant or complainant is not satisfied with the proposed resolution, he or she may appeal to the RPM. The RPM responds to written grievances or complaints within 10 DHS business days of receipt.

When the grievant is not satisfied with the proposed resolution, he or she may appeal to the Child Care Advisory Committee (CCAC) through the statewide licensing coordinator. The CCAC responds within 10 DHS business days to the statewide licensing coordinator with advisement for resolution.

The statewide licensing coordinator notifies the grievant or complainant of the Child Care Service (CCS) decision within 10 DHS business days of receipt of the CCAC advisement. When the grievant is not satisfied with the proposed resolution, he or she may appeal to the CCS director, Adult and Family Services (AFS) director, and the DHS director, respectively.
The CCS director, AFS director and DHS director each respond within 10 DHS business days of receipt and the DHS director’s decision is final. The grievant or complainant is requested to file only one written complaint. Referrals for resolution are made by DHS staff involved in the response.

“Babies are such a nice way to start people.”
- Don Herold
Child Care Restricted Registry

The Department of Human Services is required to establish and maintain a Child Care Restricted Registry, also named Joshua’s List. Individuals identified as registrants are prohibited from licensure, ownership, employment, unsupervised access to children, and/or residence in a licensed child care program. The Restricted Registry search is required.

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

- A finding of abuse or neglect by an individual when the abuse or neglect occurred to children while in the care of a licensed child care program
- A denial or revocation of a child care program license
- A specified criminal history for individuals who have entered a plea of guilty, nolo contendere (no contest), or a conviction for the following felony offenses:
  - Child abuse or neglect
  - A crime against a child
  - A crime involving violence, including, but not limited to rape, sexual assault, or homicide
- A specified criminal history for individuals who have entered a plea of guilty, nolo contendere (no contest), or a conviction within the five-year period preceding the application date for licensure and ownership, prior to employment
- No unsupervised access to children, and residence, for any of the following felony offenses:
  - (A) Domestic abuse
  - (B) Drug-related offense
  - An individual required to register pursuant to Sex Offender Registration Act or Mary Rippy Violent Crime Offenders Act
The restricted registry review committee consists of five DHS staff who make a determination of registration within 30 calendar days of receipt of all necessary information from Office of Background Investigations (OBI, formerly known as LRO).

The determination is based upon a majority decision of the committee members when registration is recommended by the review committee, registration information is forwarded to Restricted Registry personnel. The Restricted Registry personnel then submits registration information to DHS Legal Services requesting legal review for registration. Within five DHS business days of receipt of DHS Legal Services review, Restricted Registry personnel notifies the potential registrant.

A registrant may request removal after 60 months from the date of being recorded on the Restricted Registry. A request for removal from the registry is forwarded to the Restricted Registry personnel for submission to the Restricted Registry review committee.
Quality Standards

In demonstration of our commitment to the Quality Service Standards set forth by DHS, we strive to follow these standards in all aspects of our work and to serve as a role model to our co-workers, colleagues, partners and customers.

Safety
We will ensure that employees, customers and workplaces are free from harm or danger.

Integrity
We will be consistent in living the values, principles and expectations of our agency in relationships with coworkers, customers, partners and stakeholders, and I will act with only the highest ethical standards.

Professionalism
We will exhibit the skill, good judgment and behaviors that are expected from a person who is trained to do a job well.

Compassion
We will be aware of others’ needs and have a desire to help without passing judgment.

In addition to our commitment of quality service, we also adhere to our division practice standards. These standards not only build upon the quality standards of our agency, but they also focus on our vision: Assuring Oklahoma families have access to licensed, affordable, quality child care by developing sufficient and adequate services for child care in the community and assisting child care facilities in achieving maximum standards.
Child Care Services Practice Standards

We value cultivating relationships both internally and externally:

- We collaborate with others to advocate for the protection of children, quality of care, and accessibility of resources for families.
- We listen to and encourage input when developing policies and requirements.
- We engage in honest, effective communication to foster mutual respect.
- We convey realistic expectations with clarity, intention and purpose.
- We act with integrity and transparency to achieve shared goals.
- We recognize we are stronger working together while appreciating the diversity of individuals.

We value behaving in a professional and ethical manner:

- We take initiative to accomplish the mission of Child Care Services.
- We utilize research and public policy to provide consultation and support quality child care.
- We provide timely, accurate and fiscally responsible service.
- We safeguard confidential information.
- We engage in and pursue ongoing professional development and leadership opportunities.
- We are knowledgeable, consistent, and courteous as we carry out our responsibilities.
Please sign your child in/out daily.
... Thank you!
Whom to Call

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

**State Offices:**
Child Care Services Director
405-521-3561 or
1-844-834-8314

Statewide Licensing Coordinator
405-521-2152 or
1-844-834-8314

Office of Background Investigations (OBI, formerly known as LRO)
405-521-2355 or
1-800-347-2276

QRIS Program Administrator
1-844-834-8314
Licensing Offices:

Regional Programs Manager

Licensing Supervisor

Licensing Specialist

Local Human Services County Office

If you do not know the name of your licensing specialist, call your county human services center, listed under the government pages in the phone book or on our website at www.okdhs.org.

Child Care Services
www.okdhs/org

Child Care Policy
okdhs.org/library/policy/340/110/

Other Resource Numbers
Center for Early Childhood Professional Development
1-888-446-7608

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

Scholars for Excellence in Child Care
1-888-343-3881