

LICENSING REQUIREMENTS

for

**Family Child Care Homes
and
Large Child Care Homes**



OKLAHOMA DEPARTMENT OF HUMAN SERVICES
Child Care Services

Effective Date: 11/01/2013

FOREWORD

Licensing requirements govern child care facilities in the State of Oklahoma. These rules are minimum requirements for the care and protection of children in care outside their own homes. They were developed by individuals from various professions with expertise in child care, including private providers; the Child Care Advisory Committee; and from input solicited from other providers and the public. The requirements were approved by the Commission for Human Services and the Governor of the State of Oklahoma pursuant to the Oklahoma Administrative Procedures Act.

It is the Oklahoma Department of Human Services' (OKDHS) intent that licensing requirements are clear, reasonable, fair and enforceable. In the interest of serving the public, comments are welcomed and will be considered for future revisions or development of new requirements. Please complete the form below and send it to:

Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125

COMMENTS REGARDING LICENSING REQUIREMENTS

Licensing Requirements for: _____

Reference: *(Please give the cite and topic of the specific requirement to which you are referring, such as Section 2, re. Definitions.)*

- Section _____ re: _____
- Section _____ re: _____

Recommendation:

Because:

Your Name _____ Date _____

*Return address: Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125*

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PART 5. REQUIREMENTS FOR FAMILY CHILD CARE HOMES AND LARGE FAMILY CHILD CARE HOMES

Section 80. Purpose and policy of the law

It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act to ensure maintenance of minimum standards for the care and protection of children away from their own homes, to encourage and assist the child care facility in attaining maximum standards, and to work for the development of sufficient and adequate services for child care. These requirements are presented as minimum requirements and safeguards to ensure the well-being of children. They have been developed from existing knowledge of child development and experience in child care.

Section 81. Definitions

The following words and terms, when used in this Part shall have the following meaning unless the context clearly states otherwise:

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

"Child" means an individual under 18 years of age.

"Child Care Restricted Registry", or "Restricted Registry", also named "Joshua's List" means a registry for registrants who are prohibited from licensure, ownership, employment, having unsupervised access to children, and/or residence in child care facilities per Section 405.3 of Title 10 of the Oklahoma Statutes.

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

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

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

"Large family child care home" means a residential family home that provides care and supervision for eight to 12 children for part of the 24-hour day.

"Parent" means an individual who is legally responsible for the child, such as a mother, father, legal custodian, or legal guardian.

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

"Relative" means an individual with the relationship, whether by marriage, blood, or adoption, of:

- (A) parent;
- (B) grandparent;
- (C) brother;
- (D) sister;
- (E) step-parent;
- (F) step-sister;
- (G) step-brother;
- (H) uncle;
- (I) aunt; or
- (J) cousin.

"Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

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

"Toddler" means a child 12 through 23 months of age.

"Unsupervised access to children" means an individual being present with children without personnel present who has a complete criminal history review.

Section 82. Necessity and issuance of license

(a) **License required.** No child care program may be legally operated or maintained in the State of Oklahoma after June 20, 1964, unless licensed by the Oklahoma Department of Human Services (DHS).

(b) **Application for license.** Application for license is made on DHS provided forms and in the manner prescribed.

(c) **License issued.** In order to provide care for children in a child care program, a license is obtained from DHS that is issued on the basis of meeting minimum requirements essential for the health, safety, and well-being of the children in care.

(1) Children are not accepted into care until DHS permission is obtained.

(2) The license granted applies to the ownership and location specified at the time the license is issued. When ownership or location changes, DHS is notified.

(3) The license is not transferable.

(4) Per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), persons identified as registrants on the Restricted Registry are prohibited from:

(A) licensure as a child care program;

(B) ownership of a child care program;

(C) employment in a child care program;

(D) having unsupervised access to children; and/or

(E) residing in a child care facility.

(d) **Application denied or license revoked.** DHS may deny an application or revoke a license if the applicant or licensee violates any provision of the Licensing Act.

(1) No application is denied or license revoked unless the licensee is given a 30 day notice in writing of the grounds for the proposed denial or revocation.

(2) If the denial or revocation is protested within 30 days of receipt of the written notice, a hearing is conducted.

(3) When DHS denies an application or revokes a license, the owner, business entity, or responsible entity cannot make application for a new child care program license within Oklahoma for five years following notification to the the owner, business entity, or responsible entity of the application denial or license revocation; and during the appeal process.

Section 84. Ages and number of children

(a) **Total number of children.** The maximum number of children in care at one time, whether on or off the premises, does not exceed the number of children

specified on the license. The total number of children in a family child care home is limited to seven that includes:

- (1) children younger than five years of age who live in the home and are present in the home while children are in care;
- (2) foster children 12 years of age and younger who live in the home and are present in the home while children are in care; and
- (3) the children of any substitute or assistant caregiver.

(b) One caregiver.

(1) When only one caregiver is present, the total number and ages of children that may be in care at any one time are:

- (A) seven children, with no more than two children younger than two years of age;
- (B) six children, with no more than three children younger than two years of age; or
- (C) five children of any age.

(2) Examples of number and ages of children are presented in this paragraph.

Total Number of Children in Care	Under 2 Years	2 Years and Older
7	0	7
7	1	6
7	2	5
6	3	3
5	4	1
5	5	0

(c) Two caregivers. Two caregivers must be present and providing care when:

- (1) seven children are in care and more than two children are younger than two years of age; or
- (2) six children are in care and more than three children are younger than two years of age.

(d) Additional staff provisions are made for enrollment of children with disabilities who require individual attention.

Section 85. Requirements for caregivers

(a) Responsibilities of caregivers. Responsibilities of caregivers are specified in this subsection.

(1) **Primary caregiver.** The primary caregiver is present in the home at least 80 percent of weekly operating hours and is responsible for the day-to-day operation of the program. The sole proprietor must be the primary caregiver.

(2) **Care and supervision.** The caregiver provides care and supervision of children at all times, both indoors and outdoors. Supervision of children means observing, overseeing, and guiding a child or group of children including:

- (A) awareness of and responsibility for the ongoing activity of each child and being near enough to intervene when needed; and
- (B) frequent observation of children in cribs and playpens.

(3) **Supervision of outdoor play.** In addition to the requirements in (2) of this subsection, the caregiver remains outdoors with children at all times to ensure safety when:

- (A) there is a potentially hazardous situation, such as a pool on the premises or a trampoline in the outdoor play area;
- (B) there is access to a dog(s) outdoors;
- (C) there are children 3 years of age or younger present; or
- (D) the outdoor area is not completely fenced.

(4) **Supervision of overnight care.** When children are in care overnight and more than one caregiver is required due to the ages and number of children present, at least one caregiver must be awake at all times.

(5) **Assistant and substitute caregivers.** When the primary caregiver employs a person to assist with the care of children or to provide care and supervision in the primary caregiver's absence, the primary caregiver ensures that the assistant or substitute caregiver is qualified and understands and complies with requirements.

(A) **Required records.** Prior to employment, a staff information form provided by Oklahoma Department of Human Services (DHS) is completed and three references are verified. References from relatives are not accepted. Personnel records on all assistant and substitute caregivers are maintained at the home and made available to licensing staff upon request.

(B) **Assistant caregiver.** When an assistant caregiver is employed to meet the required staff to child ratio, the assistant caregiver must be a responsible, mature, and healthy person at least 16 years of age. The caregiver is prohibited from leaving children alone in the care of any person younger than 18 years of age.

(C) **Substitute caregiver.** A substitute caregiver, at least 18 years of age, is available to provide care for short periods of time in the absence of the caregiver.

(i) The substitute caregiver may be used in emergency situations and occasionally in non-emergency situations. In non-emergency situations, the caregiver must notify parents in advance that the substitute will be caring for the child at these times.

(ii) The name, address, and telephone number of the substitute is provided to DHS and is posted with the other required emergency numbers in the family child care home.

(6) **Verification of criminal history investigations.** The family child care owner or primary caregiver is responsible for submitting to the Licensing Records Office (LRO), criminal history investigations and obtaining dispositions on any charges shown on the report that lack dispositions.

(7) **Realistic expectations.** The caregiver demonstrates a capacity for setting realistic expectations for behavior and performance based on the age, abilities, and special needs of the children.

(8) **Constructive influence.** The caregiver's family members and others living in the home accept the children in care and provide constructive influence. There must be indication of a stable and harmonious home life.

(9) **Hazards.** The caregiver recognizes and acts to correct hazards to children's safety, both indoors and outdoors.

(10) **Child abuse reporting.** The primary caregiver, assistant caregiver, and substitute caregiver immediately report any suspicion of child abuse or neglect to the

Statewide Child Abuse and Neglect Hotline, 1-800-522-3511. Failure to report is a misdemeanor offense and upon conviction is punishable by law.

(11) **Notification of Licensing.** The primary caregiver notifies Licensing:

- (A) within 24-hours of the death of a child in care;
- (B) within 24-hours of any accident involving transportation unless there were no injuries and only minor damage to the vehicles;
- (C) within 24-hours of any changes in liability insurance coverage;
- (D) within 24-hours of any injury to a child requiring emergency medical attention;
- (E) within 24-hours of any remodeling, changes, or damage to the physical facility that affect compliance with any requirement;
- (F) within 24-hours of any known arrests, criminal investigations, criminal charges, or child abuse investigations involving persons who live in the home, provide care, or assist with the care of children;
- (G) within 24-hours of any legal action against a caregiver that involves or affects a child in care or the operation of the family child care home;
- (H) within 24-hours when an animal bites a child and the skin is broken;
- (I) within five calendar days when a person moves into the home; and
- (J) at least 30 calendar days in advance of a move from one residence to another unless an emergency exists. The new home must comply with minimum licensing requirements.

(12) **Posting of license.** The permit or license is displayed in the home.

(13) **Other employment.** The caregiver is prohibited from conducting business in the home during the hours children are in care. The primary caregiver is not employed outside the home during the hours of child care.

(14) **Foster care.** The caregiver may not provide therapeutic foster care. The caregiver may provide foster care only with prior written approval from DHS Licensing for each child placement.

(A) The written approval includes the number and ages of foster children.

(B) Foster children 12 years of age and younger are counted in the capacity of the family child care home.

(15) **Inactive care.** A primary caregiver is determined to be in inactive status when care has not been provided for more than 90 consecutive calendar days.

(A) Prior to resuming care, the caregiver must notify Licensing to verify compliance with family child care home requirements.

(B) When care has not been provided for more than 12 consecutive months, the family child care home is closed and must reapply and be approved for a license prior to resuming care.

(b) **Qualifications of caregivers.** Qualifications of caregivers are described in this subsection.

(1) **General.** The caregiver is a responsible, mature, healthy adult who is capable of understanding and complying with minimum licensing requirements and meeting the needs of the children in care. The caregiver demonstrates good judgment, as evidenced by prudent and responsible behavior that reasonably ensures the health, safety, and well-being of children in care.

(A) Primary caregivers applying for a license after October 1, 2007, are at least 21 years of age.

(B) Primary caregivers applying for a license after October 1, 2007, have obtained a high school diploma or General Educational Development credential (GED).

(C) All caregivers left alone with children have the ability to read and write for keeping required records, reading the licensing requirements, and administering medication.

(D) All caregivers cooperate with licensing staff during monitoring visits and DHS investigations.

(2) **Health.** The requirements relating to the health of the caregiver, assistant caregiver and members of the household are specified in (A) - (C) of this paragraph.

(A) **General health.** All caregivers and all members of the household where licensed care is provided must be in good physical, mental, and emotional health. When it is reported or observed that a caregiver or household member has a physical, mental, or emotional condition that could negatively impact the care of children, a physician's statement is requested.

(B) **Tuberculosis testing.** The need for employee tuberculin skin testing is based upon a local identified tuberculosis exposure, the degree of risk of transmission of latent tuberculosis infection, the impact to public health and safety, and Oklahoma State Department of Health specific recommendations.

(C) **Immunizations.** There is documentation verifying all children living in the home have or are in the process of obtaining the required immunizations at the medically appropriate time. The schedule for required immunizations is found in Supplement IX of OKDHS Publication No. 86-104, Licensing Requirements for Family Child Care Homes and Large Child Care Homes.

(3) **References.** The primary caregiver submits to Licensing the names of three references other than relatives that may include a personal or family physician.

(c) **Background investigations - general.**

(1) **Required individuals.** Background investigations are required per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception per (2) or (3) of this subsection applies for:

(A) owners, prior to authorization to operate;

(B) responsible entities, prior to authorization to operate and when there is a change in a responsible entity;

(C) personnel applicants, prior to hire. However:

(i) the program may hire individuals who are only awaiting the national criminal history records search, based upon the submission of fingerprints, provided the:

(I) preliminary criminal history review results from LRO are received by the program. However, until complete results are received, the individual does not have unsupervised access to children; and

(II) completed criminal history review results from LRO are received by the program within 30 calendar days from submission of the fingerprints for employment to continue; and

(ii) personnel who come from another licensed program owned by the same business entity are not required to repeat the background investigation

- process, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity;
- (D) individuals with unsupervised access to children, prior to having access to children, unless an exception per (3) of this subsection applies;
 - (E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children who turn 18 years of age while living in the facility; and
 - (F) individuals who have access to or review of the fingerprint results, prior to access to or review of the results.
- (2) **Existing required individuals as of November 1, 2013.** On or before November 1, 2016, the fingerprinting and criminal history review process of this Section is completed for existing required individuals, with the exception of individuals who have access to or review of the fingerprint results. These individuals complete the process prior to having access to or review of the results.
- (3) **Non-required individuals.** Background investigations are not required for:
- (A) specialized service professionals who are not program personnel, provided parent releases are obtained per Section 88(c);
 - (B) volunteer drivers who transport children on an irregular basis and do not fill another position, provided parent releases are obtained per Section 88(c);
 - (C) contracted drivers who do not fill another position or have unsupervised access to children; and
 - (D) contracted non-personnel who do not have unsupervised access to children, such as when the program contracts for special activities or facility repair.
- (d) **Background investigations - Restricted Registry.** The program conducts a search of the online Child Care Restricted Registry or Restricted Registry, also named Joshua's List, when required per (c) of this Section.
- (1) **Non-registrants.** Non-registrants are individuals who are not recorded on the Restricted Registry.
 - (2) **Registrants.** Registrants are individuals who are recorded on the Restricted Registry, prohibited from licensure, ownership, employment, unsupervised access to children, or residence in the facility and are prohibited individuals per (e) of this Section.
- (e) **Background investigations - criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from LRO when required per (c) of this Section.
- (1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited per (f) of this Section. Criminal history prohibitions include required registration under the:
 - (A) Sex Offenders Registration Act; or
 - (B) Mary Rippy Violent Crime Offenders Registration Act.
 - (2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited per (f) of this Section, unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or convictions of any criminal activity involving:
 - (A) gross irresponsibility or disregard for the safety of others;

- (B) violence against an individual;
- (C) sexual misconduct;
- (D) child abuse or neglect;
- (E) animal cruelty;
- (F) possession, sale, or distribution of illegal drugs; or
- (G) a pattern of criminal activity.

(3) **Criminal history restriction waivers.** Restriction waivers are specified in this subsection.

(A) Restriction waivers may be requested for individuals who have criminal history restrictions. The owner, responsible entity, or primary caregiver completes requests on a DHS form.

(B) Restriction waivers are not requested or granted for:

- (i) Restricted Registry registrants;
- (ii) individuals with criminal history prohibitions; or
- (iii) individuals whose sentence has not expired for any of the criminal history restrictions.

(C) Individuals identified in pending or denied restriction waiver requests are prohibited per (f) of this Section.

(f) **Prohibited individuals.**

(1) **Background investigation of required individuals.** The program does not allow a required individual to be the owner or responsible entity, to be employed, to live in the facility, or have:

(A) access to children, such as being present at the facility during the hours of operation or present with the children in care while off-site, when the individual has criminal history:

- (i) prohibitions; or
- (ii) restrictions, unless a criminal history restriction waiver is granted.

Individuals identified in a pending or denied restriction waiver request are prohibited; or

(B) unsupervised access to children, when the individual is a Restricted Registry registrant.

(2) **Endangerment of children.** A person whose health or behavior would endanger the health, safety, or well-being of children is not permitted to live in the home or be on the premises when children are in care.

(3) **Alcohol, drugs, medication.** When children are in care, no caregiver is under the influence of:

- (A) alcohol or illegal drugs; or
- (B) medication that impairs functioning.

(g) **Child Abuse Registry check.** A Child Abuse Registry check is conducted on all persons who sign the license application. A confirmed or substantiated allegation of child abuse or neglect is considered when evaluating the qualifications of the applicant and the safety and well-being of the children in care.

(h) **Training requirements.** Training requirements for caregivers are specified in (1) - (3) of this subsection. The training specified in paragraphs (2) through (3) of this subsection is required prior to issuance of the initial permit.

(1) **General.** The primary caregiver is required to complete 12 clock hours of training annually through workshops, formal training, videos, or individual position-related readings. Annually, no more than six hours of videos or individual position-related readings is counted toward the required 12 hours.

(2) **CPR and first aid certification.** Prior to permission to operate or issuance of the initial permit, the primary caregiver and any person who cares for children alone, on or off the premises, including during transportation, must have documentation that is maintained by the caregiver at the facility, of current completed certification in age-appropriate first aid and cardio-pulmonary resuscitation (CPR), as approved by CCS licensing. CPR and first aid certification must be kept current with documentation maintained by the program.

(3) **Health and safety training.** Prior to issuance of the initial permit the primary caregiver obtains training in:

(A) disease and injury prevention measures;

(B) use of a fire extinguisher; and

(C) health and safety issues, including:

(i) shaken baby syndrome;

(ii) sudden infant death syndrome (SIDS);

(iii) car seat safety;

(iv) safeguarding the home;

(v) immunizations;

(vi) the definition, identification, and mandatory reporting of child abuse and neglect; and

(vii) behavior and guidance methods.

Section 86. Home environment

(a) Physical conditions.

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

(2) **Indoor space.** There is minimum indoor space available for routine use by children in child care of not less than 35 square feet per child exclusive of hallways, bathrooms, kitchen, and space not intended for children's use. Rooms used exclusively for napping are not counted toward the capacity.

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

(4) **Toilet facilities.** The home has:

(A) a sink with comfortably warm or tempered running water with the temperature not to exceed 120 degrees Fahrenheit;

(B) an operable toilet available for children's use;

(C) soap for hand-washing and individual use towels; and

(D) toilet paper within easy reach of children.

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

- (A) All medicines, cleaning products, hazardous items, and smoking materials are inaccessible to children.
- (B) The premises are free of illegal drugs and paraphernalia.
- (C) Clear glass doors are plainly marked at the child's eye level to avoid accidental impact.
- (D) All stairways with four or more steps have a railing. Indoor stairways are made inaccessible when infants and toddlers are in care.
- (6) **Weapons.** All weapons are stored unloaded in a locked container, cabinet, or closet. Ammunition is stored in a locked area separate from weapons.
- (7) **Trampolines.** The use of trampolines by children in care is prohibited.
- (8) **Lighting and ventilation.** Rooms used by children are lighted enough to accommodate activities with comfort and allow the caregiver to see children's facial features at all times. Rooms used by children are ventilated.
- (9) **Tobacco products.** When children are in care, smoking is prohibited inside the home and in the presence of children. Other tobacco products are not used in the presence of children or in areas designated for children's use. Parents are informed upon enrollment of the presence of smokers in the home.
- (10) **Indoor temperature.** The indoor temperature is maintained between 65 and 80 degrees Fahrenheit.
- (11) **Screens.** When windows or doors are kept open, screens are maintained to minimize the entry of insects.
- (12) **Outdoor play safety.** There is an outdoor play area on the premises of not less than 75 square feet per child.
 - (A) This area must be hazard free, away from traffic, water, and other dangers.
 - (B) A fence beginning at ground level that is in good repair is required. OKDHS may grant an exception when the safety of children can be ensured.
- (13) **Outdoor play.** Children play outdoors daily when weather conditions do not pose a significant health risk.
- (14) **Fire safety.** The home complies with all fire safety requirements, per Section 97.
- (15) **Water supply and waste disposal.** Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.
- (16) **Water testing.** When not on a public water supply, water is tested initially and annually for lead, bacteria, and nitrates.
- (17) **Questionable conditions.** If the fire, safety, or health conditions are questionable, the appropriate state or local agency is requested to inspect the home.
- (b) **Water safety.**
 - (1) **Supervision.** Any play activity that involves water is supervised constantly.
 - (2) **Accessibility of ponds, pools, and hot tubs.** No ponds, pools, or hot tubs are left accessible to children.
 - (3) **Fencing.** Pools are fenced to prevent unsupervised access. All doors and gates leading to the pool are locked. There is:
 - (A) a sturdy fence at least four feet high that cannot be easily climbed; or
 - (B) a fence that connects to the top of an above-ground pool and extends two feet above the pool.
 - (4) **Wading pools.** The use of portable wading pools is prohibited.

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

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

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

(C) the adult to child ratio for:

(i) infants and toddlers is one adult to one child. This adult is not counted in any other adult-child ratios. The adults remain in direct physical contact with infants at all times during swimming or wading; and

(ii) children two years and older is in accordance with Section 84(a) through (d) for family child care homes and Section 97.1(f) for large family child care homes. When four or more children are two years of age through three years of age, one additional adult is required.

(6) **Restrictions.**

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

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

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

(1) Patrons are advised of the presence of animals.

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

(3) All contact between animals and children is supervised by a caregiver who is close enough to remove the child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) Documentation of current rabies vaccinations administered by a licensed veterinarian for dogs and cats is filed on the premises.

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

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

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

(8) Animal litter boxes are not located in food preparation areas and are not easily accessible to children in other areas of the home.

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

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

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

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

- (2) The caregiver has emergency transportation available.
- (3) The home has an operable telephone. Emergency information posted next to the telephone includes:
 - (A) address of the home;
 - (B) physician or clinic;
 - (C) fire department;
 - (D) police department;
 - (E) poison control, 1-800-222-1222; and
 - (F) substitute caregiver.
- (4) First aid supplies are available in the home but made inaccessible to children. Supplies include:
 - (A) thermometer;
 - (B) disposable nonporous gloves;
 - (C) blunt-tipped scissors;
 - (D) tweezers;
 - (E) bandage tape;
 - (F) sterile gauze;
 - (G) non-medicated adhesive strips; and
 - (H) current standard first aid text or equivalent first aid guide.
- (5) Fire and tornado drills are conducted monthly. A record of the drills is maintained at the home.
- (6) The primary caregiver has a written plan for reporting and protecting from outside threats, and evacuating in case of fire, flood, tornado, blizzard, power failure, or other natural or man-made disaster that could create structural damage to the facility or pose health hazards. See Supplement IV, Disaster Preparedness.
- (7) Caregiver contacts poison control with any suspected child poisonings.
- (e) **Overnight care.** Overnight care can only be provided by a caregiver who is licensed at his or her primary residence.

Section 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 primary 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 47 O.S. Section 11-1112. See Supplement V, Child Passenger Restraint System.

- (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 are kept locked when the vehicle is moving;
 - (2) a first aid kit as described in Section 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.
 - (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.

Section 88. Records

- (a) **General requirements.** Children's records are kept on Oklahoma Department of Human Services (DHS) provided forms or on forms containing the same information. Records are kept current and easily accessible. DHS staff are allowed access to all records.
- (b) **Caregiver records.** Records on all caregivers, including the primary caregiver, assistant caregivers, and substitute caregivers, are completed and maintained in the home. Records include:
- (1) staff information forms provided by DHS;
 - (2) criminal history investigations with records maintained in a confidential manner;
 - (3) training documentation;
 - (4) attendance records for each caregiver that reflect days and hours worked and are maintained on file for 120 calendar days; and
 - (5) documentation of requests and/or results of criminal history reviews.
- (c) **Children's records.**
- (1) Identification and health records include:

- (A) the child's name, birth date, parents' names, home addresses, places of employment, and telephone numbers;
- (B) the names and telephone numbers of responsible persons to contact in an emergency when a parent cannot be located promptly;
- (C) permission of a parent authorizing the caregiver to transport the child to emergency medical care;
- (D) names and relationships of persons authorized to pick up the child;
- (E) health information, including immunization records;
- (F) name, address, and telephone number of the child's physician;
- (G) when applicable, medication and transportation permission; and
- (H) date child began care.

(2) When a volunteer driver or specialized service professional does not have a criminal history review per Section 85(c), parent releases indicating this understanding are signed and dated prior to unsupervised access to children for each volunteer driver or professional.

(3) Daily attendance records, including arrival and departure times for each child, are maintained and on file a minimum of 120 calendar days.

(d) Public access to records - Compliance Posting.

(1) Items posted within clear view of the main entrance are:

- (A) DHS provided, "Notice to Parents"; and
- (B) child welfare investigative summary with confirmed or substantiated findings for 120 calendar days from the completion of the investigation.

(2) The granted criminal history restriction waiver notification for individuals who have criminal histories as defined in Section 85 are posted in a prominent place for as long as they are employed by the program or living in the facility.

(e) Compliance file. A compliance file is accessible to staff, parents, and others contains:

- (1) the most recent child care licensing monitoring report provided by the licensing specialist;
- (2) the following documents issued by Licensing within the last 120 calendar days:
 - (A) child care licensing monitoring reports and licensing correspondence;
 - (B) notice to comply;
 - (C) licensing complaints;
 - (D) and child welfare investigative summary with findings of unconfirmed or unsubstantiated to include findings of services not needed, ruled out, or services recommended; and
- (3) child welfare investigative summary with findings of confirmed or substantiated, for one year from the completion of the investigation.

Section 89.1. Parent communication

(a) Policy. A written statement of the caregiver's business policy is provided to parents, including:

- (1) the location and accessibility of the licensing compliance file;
- (2) days and hours of operation, including holidays the program is closed;
- (3) procedure for:

- (A) receiving and releasing a child from care, including a method of verifying the identity of a caller or person who picks up a child;
 - (B) notifying parents if a concern exists when a child does not arrive as scheduled;
 - (C) handling illness and injuries; See Supplement VI, Injury Report Form – Sample.
 - (D) storing and administering children's medication;
 - (E) notifying parents of field trips; and
 - (F) transporting children;
- (4) care of ill children;
 - (5) mandatory reporting of child abuse or neglect; and
 - (6) behavior and guidance policy.
- (b) **Well-being of the child.** The caregiver informs parents of the child's physical and emotional well-being.
- (c) **OKDHS child care information.** OKDHS Publication No. 87-91, The Parents' Guide to Selecting Quality Child Care, is made available to parents upon their child's enrollment.
- (d) **Access to the home.** Parents are provided access to all areas of the home used for child care during the hours that children are in care.
- (e) **Insurance.** A child care facility shall maintain liability insurance in accordance with Section 404.3 of Title 10 of the Oklahoma Statutes.
- (1) When liability insurance is maintained, Form 07LC092E, Insurance Verification, that includes a certificate of insurance obtained from the insurance agent is completed annually, maintained at the facility, and made available to licensing.
 - (2) When liability insurance is not maintained or the facility reports they are self-insured, Form 07LC093E, Insurance Exception Notification, is posted in clear view of the main entrance to the facility.

Section 90. Child health

- (a) **Immunizations.** Children have or are in the process of obtaining all required immunizations at the medically appropriate time. See Supplement III, Minimum Immunization Requirements.
- (b) **Medication.**
- (1) **Original container.** Medications must be provided by the parent in the original container and clearly labeled with the child's name and directions.
 - (2) **Parental permission.** Medication is accompanied with written dated permission from the parent giving the exact dosage and times to be administered.
 - (3) **Records.** To avoid duplication, each dosage administered is recorded by the caregiver and the record is readily available to parents.
 - (4) **Storage.** All medications are properly stored separately from food and kept in a safe place out of children's reach.
 - (5) **Medication injections.** When medication is administered by injection, the requirements in this paragraph apply.
 - (A) Syringes, needles, and lancets are only used one time.
 - (B) Approved sharps containers are used for any medical waste that is sharp or could cause a cut or wound. Examples include syringes, needles, and lancets used to administer insulin or test blood sugar.

(C) When the container is full, arrangements for disposal are made with the local pharmacy, county health department, or personal physician.

(c) **Ill children.**

(1) **Contagious illness.** Any child showing symptoms of contagious illness is separated from the group.

(2) **Disease control.** The local or state health department is notified upon discovery of any case of hepatitis, meningitis, Shigellosis, Giardiasis, measles, rubella, whooping cough, tuberculosis, E coli 0157:H7, Salmonellosis, or any Haemophilus influenza invasive disease in any person associated with the family child care home.

(3) **Notification of parents.** Parents of the ill child are notified as symptoms develop or change.

(4) **Decision to provide care.** When symptoms of illness are present, the primary caregiver determines whether to provide care for the child, based upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.

(d) **Cleanliness.**

(1) **Handwashing - caregivers.** Caregivers wash their hands with soap and running water:

(A) prior to food preparation;

(B) before feeding children, or eating;

(C) after diapering or toileting;

(D) after touching or cleaning up body fluids, including wiping noses; and

(E) after handling or feeding pets.

(2) **Handwashing - children.** Caregivers ensure that children wash their hands with soap and running water:

(A) before eating;

(B) after toileting;

(C) after handling pets;

(D) after playing outdoors; and

(E) after wiping their noses.

(3) **Handwashing supplies.** Soap and clean individual or paper towels are easily accessible to the caregiver and children for handwashing.

(4) **Children's clothing.** A child's clothing is changed immediately following a toileting accident or in other situations when clothing becomes unsanitary. Soiled clothing is placed in a sealed, moisture-proof bag and sent home.

Section 91. Daily routine and equipment

(a) **Program.** The caregiver provides a balanced program of opportunities for learning, indoor and outdoor play, rest periods, and meals.

(b) **Media use.** Television, videos, computers, and video games, if used, are age-appropriate and used with discretion and selectivity.

(c) **Play equipment.** A variety of indoor and outdoor play equipment that meets the varied developmental needs and interests of children in care is readily accessible. See Supplement VII, Play Equipment – Recommended.

(1) Equipment must be available from the categories of:

(A) art supplies;

- (B) books;
- (C) large muscle equipment;
- (D) musical equipment;
- (E) blocks and accessories;
- (F) dramatic play materials;
- (G) manipulative toys; and
- (H) science materials.

(2) Equipment is maintained in good working condition and is clean, safe, and free from rough edges, sharp corners, pinch and crush points, splinters, and exposed nails or bolts.

(3) Outdoor equipment, such as swings, slides, and climbing apparatus is not located on a hard surface.

(4) Equipment not designed to be portable is anchored firmly to the ground.

(5) All equipment is placed in a safe location.

(d) **Tables and chairs.** Tables and chairs that ensure children's safety and comfort are provided for meals and snacks.

Section 91.1. Rest time

(a) Place to rest.

(1) Each child has an appropriately sized, individual place to rest, such as a crib, playpen, bed, cot, or mat, with clean, individual bedding. The place to rest is maintained in a clean and sanitary condition and in good repair.

(2) Waterbeds, sofas, soft mattresses, bassinets, stacked cribs, pillows, beanbag chairs, and other soft surfaces are prohibited as infant sleeping surfaces.

(b) Mats. Mats are not used for overnight care. When used for napping, each mat is:

(1) at least two inches thick and covered with a fitted, durable, washable, waterproof material; and

(2) only used on clean carpeted surfaces.

(c) **Cribs and playpens.** A crib, port-a-crib, or playpen with a firm waterproof mattress or pad and a tight-fitting sheet is used for each child younger than one year of age.

(d) Crib, port-a-crib, and playpen safety features.

(1) Cribs, including portable cribs that can be folded or collapsed without being disassembled, meet the current Consumer Product Safety Commission (CPSC) full-size and non-full size crib standards per Sections 1219 and 1220 of Title 16 of the Code of Federal Regulations.

(2) Verification of compliance with CPSC standards is maintained for duration of crib use.

(3) Mattresses are tight-fitting with no more than one inch between the mattress and crib.

(4) Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not permitted in infant cribs, playpens, or port-a-cribs.

(e) Sleep positioning.

(1) To reduce the risk of Sudden Infant Death Syndrome (SIDS), infants younger than 12 months of age are placed on their back for sleeping unless a medical reason is documented by a doctor that the infant should not sleep in this position. Documentation is maintained at the facility.

- (2) Infants who are able to turn themselves over are placed initially on their back for sleeping but allowed to sleep in a position they prefer.
- (3) Children's heads and faces are not covered.

Section 92. Behavior and guidance

(a) **Positive guidance.** Discipline is constructive and educational in nature and appropriate to the child's age and circumstances. See Supplement VIII, Child Guidance Principles. The caregiver:

- (1) recognizes and encourages acceptable behavior; See Supplement IX, Ages and Stages of Child Development.
- (2) teaches by example and uses fair and consistent rules in a relaxed atmosphere with discipline that is relevant to the child's behavior;
- (3) supervises with an attitude of understanding and firmness;
- (4) redirects children by stating alternatives when behavior is unacceptable;
- (5) when necessary, intervenes as quickly as possible to ensure the safety of all children;
- (6) gives clear directions and provides guidance appropriate to the child's level of understanding;
- (7) speaks so that children understand they and their feelings are acceptable but unacceptable action or behavior is not;
- (8) encourages children to control their own behavior, cooperate with others, and solve problems by talking things out;
- (9) uses safe, natural, and logical consequences to address inappropriate behavior; and
- (10) uses "time-out" periods only as necessary to enable the child to gain control of himself or herself. Time-out periods do not exceed five minutes. No more than one minute of time-out for each year of a child's age is recommended. Time-out periods are not required to be completed should the child regain control.

(b) **Acts prohibited.** The caregiver is prohibited from:

- (1) subjecting children to punishment of a physical nature, such as shaking, striking, spanking, biting, swatting, thumping, pinching, popping, shoving, spitting, yanking, hair pulling, slamming, excessive exercise, or any cruel treatment that may cause pain;
- (2) subjecting children to punishment of a psychological nature, such as humiliation, making derogatory or sarcastic remarks about them or their families, or using harsh or profane language, or making actual or implied threats of physical punishment;
- (3) punishing or threatening children in association with food, rest, or toilet learning;
- (4) putting anything in or on a child's mouth as punishment;
- (5) seeking or accepting parental permission to use any punishment or act prohibited by this subsection;
- (6) restraining a child by any means other than holding. The child is only held as long as is necessary for the child to regain control;
- (7) isolating a child without supervision or placing the child in a dark area;
- (8) permitting a child to discipline other children; and
- (9) punishing an entire group due to the actions of a few children.

Section 93. Infants, toddlers, and two-year-olds

- (a) **Responding to needs.** The caregiver holds, cuddles, talks to, and sings to infants and toddlers and understands and responds to their particular needs.
- (b) **Daily routine.** The daily routine is adapted to the individual needs of each infant and toddler and fits as much as possible into the schedule set up by the parent.
 - (1) The daily schedule is accessible and followed with reasonable regularity.
 - (2) Children are not left for more than 30 minutes while awake in playpens, swings, high chairs, or stationary activity centers.
- (c) **Bottle-feeding.** Bottles are not propped by any means at any time.
 - (1) Infants up to the age of six months are held while bottle-fed.
 - (2) Infants of more than six months are held while bottle-fed until they are able to hold their own bottle securely.
 - (3) Children are not given bottles in cribs or moving swings due to increased risk of choking, ear infections, and tooth decay.
 - (4) Breast milk is refrigerated or frozen until immediately before feeding.
 - (5) Bottles of premixed formula are refrigerated until immediately before feeding.
 - (6) Unused breast milk or formula left in the bottle is disposed of after feeding.
 - (7) Bottles of formula or breast milk are not warmed in a microwave oven.
- (d) **Diaper-changing.** Diapers are changed promptly when wet or soiled.
 - (1) A clean nonporous surface or pad is used for diaper changes and sanitized after each use. Care is taken to prevent spread of germs. See Supplement X, Bleach Solution.
 - (2) Caregivers wash their hands thoroughly with soap and warm water after each diaper change.
- (e) **Availability and disposal of diapers.**
 - (1) Sufficient quantities of clean diapers are available.
 - (2) A closed container for soiled diapers is provided and used.
- (f) **Toilet learning.** Toilet learning is a relaxed, pleasant activity.
 - (1) The caregiver shares the child's toilet learning progress with the parent.
 - (2) Training pants or underwear are changed promptly when wet or soiled.
 - (3) Fecal content may be disposed of in a toilet, but soiled diapers or training pants are not rinsed in the toilet.
- (g) **Potty chairs.** Potty chairs are emptied and sanitized after each use.

Section 94. Food and nutrition

- (a) **Daily requirement.** A child remaining in the family child care home for longer than a four-hour period is served a balanced meal that provides at least one-third of the child's total daily nutritive requirement. See Supplement XI, Minimum Meal Pattern Plan For Children.
- (b) **Snacks.** Snacks are provided at mid-morning and mid-afternoon when the interval between regular meals is four hours or longer.
- (c) **Provision of food.**
 - (1) The caregiver provides the food for all children who are able to eat regular food. The caregiver may require the parent to provide food for an infant or child requiring a special diet.
 - (2) Second servings are available for children.

- (d) **Encouragement to children.** Children are encouraged to try new food but are not forced to eat or punished for not eating.
- (e) **Menus.** Weekly menus are planned in advance, readily available, and closely followed. Reasonable substitutions are permissible.
- (f) **Water.** Water is offered to children at various times throughout the day.
- (g) **Prohibited foods.** Foods that may not be served or offered to children are:
 - (1) home-canned foods;
 - (2) raw seed sprouts;
 - (3) prepackaged unpasteurized juices, milk, or juices that have a warning label;
 - (4) unpasteurized milk from animals;
 - (5) raw or undercooked animal foods, such as hamburger, fish, or eggs;
 - (6) lightly cooked or uncooked foods containing raw shell eggs, such as meringue, eggnog, ice cream, or egg beverages.
- (h) **Food storage.** Food is covered and protected from contamination and spoilage while being obtained, stored, prepared, or served. See Supplement XII, Safe Food Handling Recommendations.
 - (1) All equipment and surfaces are maintained in a clean and sanitary condition.
 - (2) Refrigerated foods are maintained at 41 degrees Fahrenheit or below. Stored frozen foods are maintained frozen. A thermometer is located in the refrigerator.
 - (3) Chemicals and toxins are not stored in the food storage area.
 - (4) Dishes washed by hand are sanitized and air-dried. See Supplement X, Bleach Solution.
- (i) **Dishes, cups, and eating utensils.** Each child is provided with clean individual dishes, cups, and eating utensils. Disposable items are used only one time.

Section 97. Fire safety

- (a) **General requirements.** It is the responsibility of the primary caregiver to ensure compliance with the construction and equipment requirements contained in this subsection. State or local fire officials are consulted as needed.
 - (1) Any building used as a family child care home meets local minimum building codes. In localities where a building code does not exist, construction conforms to the current state adopted building code.
 - (2) If care is provided on the second floor of a multi-family dwelling, the structure meets the life safety code provisions for multi-family occupancies.
 - (3) Electrical wiring is installed in accordance with state and local codes or ordinances.
 - (4) All heating and air conditioning equipment is installed in accordance with state and local building codes.
 - (5) Water heaters are equipped with a pressure-relief valve.
- (b) **Exits.**
 - (1) Each room used for child care 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 not less than 820 square inches and large enough to allow all adults and children to escape.
 - (2) Security bars, when present, must be hinged with a quick release mechanism inside the home that requires one motion to operate, or be unlocked during the hours of child care.

(3) Care of children, including naptime, is not provided for children three years or younger on any floor above ground level.

(4) No story above the second level, excluding basements, is used for child care.

(5) When care is provided on the second level, the second route of escape must be a safe means to ground level.

(6) Space that is accessible only by a ladder, folding stairs, or through a trap door is not used for child care.

(7) When care of children is permitted on the floor below ground level, basement, at least one exit is a door leading directly to the outside at ground level. The second means of escape may be an unobstructed, operable window not less than 820 square inches and large enough to allow all adults and children to escape. Care of children is not provided more than one story below the ground.

(8) Every stairway is maintained free of obstructions and provides safe passage.

(9) Stairways within the exits with four or more steps have a railing.

(c) Doors.

(1) Each door that is a means of exiting the home opens without a key and is no less than 28 inches wide.

(2) Every closet door latch is such that children can open the door from inside the closet.

(3) Every bathroom door lock is designed to permit opening of the locked door from the outside with a readily accessible opening device.

(d) Smoke detectors.

(1) There is at least one operable smoke detector on each level of the home located at the top of any stairs.

(2) Any room used by children for playing or sleeping, except the kitchen, has a smoke detector.

(3) Smoke detectors are tested monthly and a record of the date is documented.

(e) Carbon monoxide detectors.

(1) One operable carbon monoxide detector is installed according to manufacturer instructions when there is a fuel burning appliance in the home.

(2) Carbon monoxide detectors are tested monthly and a record of the date is documented.

(f) Fire extinguishers.

(1) A portable fire extinguisher, Class ABC or BC, with a gauge is provided for the cooking area. It is readily accessible.

(2) Disposable fire extinguishers with a gauge are acceptable.

(3) Extinguishing devices are UL-approved.

(4) All fire extinguishers are replaced or serviced and tagged by a competent authority every three years or when the seal is broken.

(g) Heating equipment.

(1) Unvented, ventfree, or open-face heaters are not used while children are in care.

(2) Portable heaters are not used while children are in care, with the exception of electric oil-filled space heating units.

(3) A guard is provided to protect children from hot surfaces and open flames.

(4) Fireplaces in use while children are in care have solid doors that are kept closed.

(5) A stove or combustion heater is not located where it would prevent escape in case of malfunctioning of the stove or heater.

(6) Heating equipment not specifically designed or installed as a normal heating source is not used for that purpose.

(h) **Electrical services.**

(1) The use of temporary wiring or extension cords as permanent wiring is prohibited.

(2) Electrical outlet covers are used in all areas occupied by children.

(3) An operable flashlight is available at all times.

(i) **Mobile homes.**

(1) Documentation is maintained that a mobile home, when used as the family child care home and manufactured after June 25, 1976, is in compliance with the current Housing and Urban Development (HUD) standards.

(2) The mobile home is anchored and enclosed to ground level with a wind-resistant material.

Section 97.1. Requirements for large family child care homes

(a) **Large family child care home.** A large family child care home is a residential family home that provides care and supervision for eight to 12 children for part of the 24 hour day.

(b) **Requirements.** Large family child care homes are required to meet the rules specified in Section 81 through 97, except as otherwise provided in this Section.

(c) **Mobile homes.** Large family child care homes operated in a mobile home are required to obtain an approved fire inspection by the state or local fire official prior to caring for children.

(d) **Capacity.** Large family child care homes are required to meet the rules found in Section 84(a), except the total number of children in care in a large family child care home is limited to 12.

(e) **Supervision of outdoor play.** Large family child care homes are required to meet the rules specified in Section 85(a)(3) pertaining to supervision of outdoor play, except when two or more staff are needed to meet the required child to staff ratio, at least one staff is present with children outdoors at all times.

(f) **Required number of caregivers.** Large family child care homes are exempt from the requirements regarding the number of caregivers per Section 84(b) and (c). The number of caregivers required in a large family child care home is described in this subsection.

(1) **One caregiver.** One caregiver may care for:

(A) up to five children of any age;

(B) up to six children, with no more than three children younger than 2 years of age;

(C) up to seven children, with no more than two children younger than 2 years of age;

(D) up to seven children, when the children are 2 years of age and older;

(E) up to eight children, when the children are 3 years of age and older;

(F) up to 10 children, when the children are 4 years of age and older; or

(G) up to 12 children, when the children are 5 years of age and older.

(2) **Two caregivers.** Two caregivers may care for up to:

(A) eight children younger than 2 years of age; or

(B) 12 children, with no more than six children younger than 2 years of age.

(3) **Three caregivers.** Three caregivers may care for up to 12 children, with no more than eight children younger than 2 years of age.

(g) **Qualifications of caregivers.** Primary, assistant, and substitute caregivers at large family child care homes are required to meet qualifications per Section 85(a) and (b), except as otherwise described in this subsection.

(1) **Primary caregiver.** The primary caregiver or any person substituting for the primary caregiver must be at least 21 years of age. For any person applying after October 1, 2007, the primary caregiver must:

(A) have six months of satisfactory experience as the primary caregiver in a licensed family child care home in Oklahoma; and

(B) meet one of the requirements specified in (i) through (iv):

(i) a high school diploma or General Educational Development (GED) credential and 12 college credit hours in child development or early childhood education;

(ii) a vo-tech occupational child care program diploma;

(iii) a Child Development Associate (CDA) credential; or

(iv) an associate or bachelor's degree in child development or early childhood education.

(2) **Assistant caregiver.** The assistant caregiver or any person substituting for the assistant caregiver must be at least 16 years of age. Children are not left alone in the care of any person younger than 21 years of age.

(3) **Substitute caregiver.** Any person substituting for the primary caregiver is required to be at least 21 years of age and have current documentation of cardiopulmonary resuscitation (CPR) and first aid training.

(h) **Training requirements.** The primary caregiver and assistant caregiver at large family child care homes are required to meet the training requirements specified in Section 85(h), except as otherwise described in this subsection.

(1) The primary caregiver is required to complete 15 clock hours of training annually.

(2) The assistant caregiver is required to complete 12 clock hours of training annually.

(3) No more than six hours of videos or individual position-related readings is counted toward the annual required training hours for the primary caregiver or assistant caregiver.

(4) Within two years prior to license application, the primary caregiver must have completed and documented all health and safety training specified in Section 85(h)(3)(A) - (C).

(5) The primary caregiver must have documentation of current completed training in CPR and first aid prior to initial permit issuance.

(6) The assistant caregiver completes and documents all health and safety training specified in Section 85(h)(3)(A) - (C) within six months of employment. CPR and first aid training are completed before the assistant caregiver is left alone with children.

(i) **Outdoor play space.** The requirements regarding outdoor play space per Section 86(a)(12) must be met. The outdoor play space must be enclosed by a building or a fence that is in good repair, begins at ground level, and is at least four feet high. The Oklahoma Department of Human Services does not grant exceptions.

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OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

Sections 401 through 418 of Title 10 of the Oklahoma Statutes (Amended May 16, 2013)

Section 401 - Purpose and Policy - Minimum Standards

- A. Sections 401 through 418 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act".
- B. It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act, to:
 - 1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;
 - 2. Encourage and assist the child care facility toward maximum standards; and
 - 3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.
- C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.
- D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

Section 402 - Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

- 1. "Adult" means an individual eighteen (18) years of age or older;
- 2. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;
- 3. "Child care center" means a program which operates thirty (30) or more hours per week;
- 4. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;
- 5. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;
- 6. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;
- 7. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records

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search based upon the submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

8. "Department" means the Department of Human Services;
9. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;
10. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;
11. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;
12. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;
13. "Part-day child care program" means a program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;
14. "Program" means the business entity that provides care, supervision, and learning opportunities for children;
15. "Rap back" means a notification from the Oklahoma State Bureau of Investigation to the Department of subsequent criminal activity of individuals whose criminal background checks have been completed pursuant to the requirements of the Oklahoma Child Care Facilities Licensing Act;
16. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;
17. "Responsible entity" means an individual who is authorized to obligate the business; and
18. "Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapist.

Section 403 - Exemptions

- A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:
 1. Care provided in a child's own home or by relatives;
 2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;

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3. Programs in which school-aged children three (3) years of age and older are participating in home-schooling;
 4. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;
 5. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
 6. Summer youth camps for children who are at least five (5) years of age, that are accredited by a national standard-setting agency or church camp accreditation program;
 7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
 8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
 9. Any child care facility that:
 - a. provides care and supervision for fifteen (15) or fewer hours per week,
 - b. operates less than eight (8) weeks annually, or
 - c. operates in the summer for less than eight (8) hours per day;
 10. Facilities whose primary purpose is medical treatment;
 11. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:
 - a. have classroom facilities that are not used for residential living,
 - b. not have been granted nor have assumed legal custody of any child attending the facility, and
 - c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;
 12. Day treatment programs and maternity homes operated by a licensed hospital;
 13. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;
 14. A program where children are not enrolled by the parents and are free to come and go;
 15. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and
 16. A program on a military base or federal property.
- B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

Section 404 - Minimum Requirements and Desirable Standards

- A. 1. The Department of Human Services shall appoint advisory committees of representatives of child care facilities and others to:

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- a. prepare minimum requirements and desirable standards for promulgation by the Department, and
- b. provide advice regarding concerns brought by child care facilities or referred by the Department to assist facilities in meeting minimum requirements.
2. Committee members shall be appointed for a three-year term, with a two-consecutive-term limit. A majority of any committee appointed to prepare requirements and standards for child care facilities shall be representatives of child care facilities.
3. The advisory committee shall create a Child Care Facility Peer Review Board whose purpose shall be to participate in the Department's grievance process. The Department shall promulgate rules specifying the duties of the Child Care Facility Peer Review Board in the grievance process.
- B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age.
- C. The Department shall promulgate rules establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of the Oklahoma Child Care Facilities Licensing Act.
- D. Such rules shall not be promulgated until after consultation with the State Department of Health, the State Department of Education, the Oklahoma State Bureau of Investigation, the State Fire Marshal, and any other agency deemed necessary by the Department. Not less than sixty (60) days' notice, by regular mail, shall be given to all current licensees before any changes are made in such rules.
- E. In order to improve the standards of child care, the Department shall advise and cooperate with licensees, the governing bodies and staff of licensed child care facilities and assist the staff through advice of progressive methods and procedures, and suggestions for the improvement of services.
- F. The Department may participate in federal programs for child care services, and enter into agreements or plans on behalf of the state for that purpose, in accordance with federal laws and regulations.

Section 404.1 - Criminal History Records Search and Child Care Restricted Registry for Individual Applying to Establish or Operate Child Care Facility

- A. On and after November 1, 2013:
 1. Prior to the issuance of a permit or license, owners and responsible entities making a request to establish or operate a child care facility shall have:
 - a. an Oklahoma State Courts Network search conducted by the Department,
 - b. a Child Care Restricted Registry search conducted by the facility,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act and conducted by the Department of Human Services;

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2. Prior to the employment of an individual:
 - a. an Oklahoma State Courts Network search, conducted by the Department, shall be requested and received by the facility; provided however, if twenty-four (24) hours has passed from the time the request to the Department was made, the facility may initiate employment, notwithstanding the provisions of this paragraph,
 - b. a Child Care Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search pursuant to paragraph 10 of this subsection shall be submitted,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, shall be submitted to the Department, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility;
3. Prior to allowing unsupervised access to children by employees or individuals, including contract employees and volunteers and excluding the exceptions in paragraph 8 of this subsection:
 - a. Oklahoma State Courts Network search results, conducted by the Department, shall be received by the facility,
 - b. a Child Care Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
 - c. national criminal history records search results pursuant to paragraph 10 of this subsection shall be received by the facility,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years shall be submitted to the Department, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility;
4. Prior to the issuance of a permit or license and prior to the residence of adults who subsequently move into a facility, adults living in the facility excluding the exception in paragraph 7 of this subsection shall have:
 - a. an Oklahoma State Courts Network search conducted by the Department and the facility shall be in receipt of the search results,
 - b. a Child Care Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;

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5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:
 - a. an Oklahoma State Courts Network search conducted by the Department,
 - b. a Child Care Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
 - d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;
6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;
7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;
8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal history records search. The provisions in paragraph 3 of this subsection shall not be required for specialized service professionals who are not employed by the program and have unsupervised access to a child when a release is signed by the parent or legal guardian noting his or her understanding of this exception. These exceptions shall not preclude the Department from requesting a national fingerprint or an Oklahoma State Bureau of Investigation name-based criminal history records search or investigating criminal, abusive, or harmful behavior of such individuals, if warranted;
9. A national criminal history records search pursuant to paragraph 10 of this subsection shall be required on or before November 1, 2016, for existing owners, responsible entities, employees, individuals with unsupervised access to children, and adults living in the facility, as of November 1, 2013 unless paragraph 6 of this subsection applies;
10. The Department shall require a national criminal history records search based upon submission of fingerprints that shall:
 - a. be conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and the federal National Child Protection Act and the federal Volunteers for Children Act with the Department as the authorized agency,
 - b. be submitted and have results received between the Department and the Oklahoma State Bureau of Investigation through secure electronic transmissions,
 - c. include Oklahoma State Bureau of Investigation rap back, requiring the Oklahoma State Bureau of Investigation to immediately notify the Department upon receipt of subsequent criminal history activity, and
 - d. be paid by the individual or the facility;

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11. The director of the Department, or designee, shall promulgate rules that may authorize an exception to the fingerprinting requirements for individuals who have a severe physical condition which precludes such individuals from being fingerprinted; and
 12. The Office of Juvenile Affairs may directly request national criminal history records searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history of any employee or applicant who has resided in Oklahoma for less than three (3) years for which a search is required.
- B. 1. a. On and after September 1, 1998:
- (1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:
 - (a) a foster parent eligibility assessment for the foster care provider except as otherwise provided by divisions (2) and (4) of this subparagraph, and
 - (b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes, except as otherwise provided by divisions (2) and (4) of this subparagraph,
 - (2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,
 - (3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,
 - (4) provided, however, the Director of Human Services or the Director of the Office of Juvenile Affairs, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and
 - (5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 2-7-905 and 2-7-308 of Title 10A of the Oklahoma Statutes, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1,

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1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions (2) and (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Office of Juvenile Affairs, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions (2) and (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.
 - (2) The Department of Human Services and Office of Juvenile Affairs may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least (5) years immediately preceding such placement.
 - (3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.
 - (4) The Director of Human Services or the Director of the Office of Juvenile Affairs or their designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.
 - b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
3. The Department of Human Services or the Office of Juvenile Affairs shall provide for a juvenile justice information system review pursuant to Section 2-7-308 of Title 10A of the Oklahoma Statutes for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.
- C. The Department or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.
 - D. Except as otherwise provided by the Oklahoma Children's Code and subsection F of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

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- E. Information received pursuant to this section by an owner, administrator, or responsible entity of a child care facility, shall be maintained in a confidential manner pursuant to applicable state and federal laws.
- F.
 - 1. It shall be unlawful for individuals who are required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with individuals who are required to register pursuant to the Sex Offenders Registration Act. Individuals required to register pursuant to the Sex Offenders Registration Act who violate any provision of Section 401 et seq. of this title shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.
 - 2. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:
 - b. an emergency order,
 - c. license revocation or denial,
 - d. injunctive proceedings,
 - e. an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
 - f. referral for criminal proceedings.
 - 3. In addition to the penalties specified by this section, the violator may be liable for civil damages.

Section 404.2 – Demarion's Law

This act shall be known and may be cited as "Demarion's Law".

Section 404.3 - Mandatory Liability Insurance Requirement for Child Care Facility

- A. A child care facility shall maintain liability insurance coverage of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.
- B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.
- C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this section, should the policy limits be exhausted, or if the

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child care facility reports self-insurance in accordance with state law the child care facility shall:

1. Post a notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law; and
 2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law.
- D. The Department shall promulgate rules providing for a standard form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.
- E. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.
- F. The requirements for posting shall not apply to:
1. Licensed child-placing agencies;
 2. Licensed residential child care facilities; or
 3. Department-certified child care facilities.
- G. The Department may promulgate rules requiring liability insurance for facilities listed in subsection F of this section.
- H. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

Section 405 - License and Permit Requirements for Child Care Facilities - Application - Issuance

- A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services, except for the shelters certified by the Office of Juvenile Affairs pursuant to Section 2-7-202 of Title 10A of the Oklahoma Statutes; No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.
- B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:
1. All background investigation requirements are met pursuant to Section 404.1 of this title; and
 2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.
- C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of Sections 401 through 418 of this title.
- D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the

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Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in Sections 401 through 418 of this title. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

Section 405.1 - Comprehensive Oklahoma State Plan for Child Care

- A. The Department of Human Services shall collaborate with other appropriate agencies to develop a comprehensive Oklahoma state plan for child care.
- B. The comprehensive plan shall:
 - 1. Meet all requirements for child care state plans as periodically determined by the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau; and
 - 2. Be submitted to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Senate on a biannual basis.

Section 405.2 - Public Online Database - Licensed Child Care Centers and Child Care Homes

- A. The Department of Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:
 - 1. The name, address, and phone number of all child care centers licensed by the Department of Human Services, and the name, address, and phone number of all child care homes licensed by the Department; and
 - 2. A summary of substantiated complaint records and inspection reports generated by the Department.
- B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to individuals pursuant to the licensing requirements promulgated by the Department.

Section 405.3 - Public Online Database - Child Care Restricted Registry

- A. On or before July 1, 2010, the Department of Human Services shall promulgate rules to establish and maintain the Child Care Restricted Registry, accessible to the public through an online database, to address:
 - 1. A procedure for recording individuals on the restricted registry resulting from:
 - a. a finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to children while in the care of a child care facility licensed by the Department,
 - b. a revocation or denial of a child care facility license, and
 - c. a specified criminal history of an individual, as defined by rules promulgated by the Department;
 - 2. A procedure to provide notice and an opportunity for review prior to recording an individual on the restricted registry;
 - 3. Disclosure requirements for information on the restricted registry; and

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4. A procedure to prohibit licensure, ownership, employment, unsupervised access to children, or residence in a child care facility licensed by the Department of individuals recorded on the restricted registry.
- B. The Child Care Restricted Registry shall include, but not be limited to:
 1. The full name of the individual;
 2. Information necessary to identify the individual; and
 3. The date the individual was recorded on the restricted registry.

Section 406 - Investigations and Visitation

- A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.
- B.
 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.
 2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.
- C.
 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:
 - a. document the complaint,
 - b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and
 - c. document the facility's plan for correcting any substantiated violations.
 2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.
 3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.
 4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single

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violation of this act, or the rules of the Department as provided in Section 404 of this title.

- D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.
- E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

Section 406 .1 - Indian Tribal Child Care Facility Electing Licensure Under Oklahoma Child Care Facilities Licensing Act - Agreement for State Inspection

- A. If an Indian tribe in this state that operates a child care facility elects to apply for a license for the facility pursuant to the Oklahoma Child Care Facilities Licensing Act, the Department of Human Services, the State Department of Health, and the State Fire Marshal may enter into an agreement with the Indian tribe to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.
- B. As part of the agreement authorizing the state to conduct inspections as provided in this section, the state and the Indian tribe may agree to a payment of a fee by the Indian tribe to the state in an amount not to exceed the reasonable cost to the state to conduct the inspections.

Section 407 - Revocation or Denial of Issuance of License

- A. The Department of Human Services may revoke or deny issuance of the license of any child care facility found to be in violation of any provision of this act or the rules of the Department, as provided in Section 404 of this title.
- B.
 - 1. No license shall be revoked or issuance denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds of the proposed revocation or denial.
 - 2. At the time the facility is given notice in writing of the revocation or denial of a license, the Department shall also advise parents of children attending the facility and the child care resource and referral organization within one (1) business day of such action by verbal, electronic, or written notification and the posting of an announcement in the facility.

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3. If the revocation or denial is protested within thirty (30) days of receipt of notice, by writing addressed to the Department, the Department, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses.
 4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.
 5. If notice of the proposed revocation or denial of a license is not protested, the license shall be revoked or denied.
- C.
1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.
 2. For the purposes of this subsection, "emergency" means a situation that poses a direct and serious threat to the health, safety, or welfare of any child cared for by the facility.
 3. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed, authorized, or providing unlicensed care except as exempted by the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.
 - a. An emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.
 - b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
 - c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within ten (10) days. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.
- D. The Department shall establish a process to review the initial determination of the closure of a facility due to an emergency pursuant to the licensing requirements promulgated by the Department.
- E. The Department shall continue to monitor any facility whose license has been revoked, denied, or who has had an emergency order issued for a period of thirty (30) days after the action becomes final.
- F. In addition to any other remedy authorized by this act, a CLEET-certified officer may issue a citation for a violation of any provision of this act or rules of the Department as provided in Section 404 of this title. The fine shall not be less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for every day the facility maintains and receives children after:
1. An emergency order has been issued; or

SUPPLEMENT I

2. An application for a license has been denied or the license has been revoked.
- G. One-half (1/2) of the funds collected pursuant to subsection F of this section shall be deposited in the Quality of Care Development Fund established in Section 10 of this act and one-half (1/2) shall be retained by the law enforcement agency represented by the CLEET-certified officer.

Section 408 - Appeals

- A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title may, within ten (10) days after the revocation or denial of the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.
- B. The licensee or applicant shall, within twenty (20) days of the filing of the appeal, file with the clerk of such court a transcript of the proceedings held pursuant to Section 407 of this title. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or denying the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

Section 409 – Injunction

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

Section 410 - Violations - Punishment

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of the Oklahoma Child Care Facilities Licensing Act shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the entity's license.

SUPPLEMENT I

Section 410.1 - Quality of Care Development Fund

There is established in the State Treasury a revolving fund to be known as the "Quality of Care Development Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fines collected by the Department of Human Services pursuant to Section 407 of this title and shall, in addition to any other monies made available for such purpose, be available to the Director solely to support the continued improvement of the child care facilities in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Section 411 - Certificate of Immunization as Condition for Admission to Day Care Facility - Waiver

- A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.
- B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

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Section 412 - Manner and Frequency of Immunizations - Enforcement of Act

- A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.
- B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

Section 413 - Exemptions

Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.

Section 414 - Administration of Immunizations - Persons Eligible - Indigent Persons

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

Section 415 - Child with Reportable Contagious Disease to be Excluded from Day Care Facility

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

Section 418 - Authority to Obtain Evidence - Administration of Oaths

When conducting investigations of complaints as provided in this article, the Department of Public Welfare shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The Department shall have the power to administer oaths to such persons as may be summoned and to enforce all such powers as are given to notaries public when they are taking depositions.

SUPPLEMENT II

WHAT IS CHILD ABUSE?

What is the Law? Oklahoma statutes define child abuse as harm or threatened harm to a child's health or welfare by a person responsible for the child. This includes non-accidental physical or mental injury, sexual abuse or neglect (10 O.S. Section 7102).

- Physical abuse is non-accidental physical injury to a child.
- Mental injury is an injury to a child's psychological growth and development. It is caused by a chronic pattern of behaviors, such as belittling, humiliating and ridiculing a child.
- Sexual abuse, in general terms, includes any sexual activity between an adult and a child for the purpose of sexually stimulating the adult, the child or others. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or is in a position of power or control over the child.
- Neglect is the failure of the parent or caretaker to provide a child with basic needs such as food, clothing, shelter, medical care, protection and supervision.
- Threatened harm means a substantial risk of harm to the child. It may include acts or expressions of intent to inflict actual harm presently or in the future.

Who must report? Every person, private citizen or professional, who has reason to believe that a child has been abused, is mandated by law to promptly report suspected abuse. Failure to do so is a misdemeanor. A person making a report in good faith is immune from civil or criminal liability. The name of the reporter is kept confidential.

When to report? A report should be made when there is reasonable cause to believe that a child has been abused or neglected or is in danger of being abused. A report of suspected abuse is a request for an investigation. Investigation of child abuse reports is the responsibility of Child Welfare workers and, when a crime may have been committed, law enforcement officials.

If other incidents of abuse occur after the initial report has been made, another report should be made.

How is abuse reported? A report may be made to 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

SUPPLEMENT III

MINIMUM IMMUNIZATION REQUIREMENTS

Section 411 of Title 10 of the Oklahoma Statutes mandates that children attending child care obtain, at the medically appropriate time, the following vaccines: DTaP (diphtheria, tetanus and pertussis vaccine), Hib vaccine (*Haemophilus influenzae* type B), PCV (pneumococcal vaccine) MMR (measles, mumps, rubella vaccine) Hepatitis A vaccine, Hepatitis B vaccine, Varicella (chickenpox) vaccine and IPV (inactivated polio vaccine). The Oklahoma State Board of Health's recommended immunization schedule is found on the following page.

EXEMPTIONS FROM THE LAW

Exemptions from the immunization requirements are authorized in the law for medical, religious and personal reasons. Following is a summary of information concerning these exemptions, including procedures for their authorization.

Medical. Section 413 of Title 10 of the Oklahoma Statutes states that any minor child, through his parent or guardian, may submit to the health authority charged with the enforcement of the required immunization program, a certificate signed by a licensed physician stating that the immunization would endanger the life or health of the child. The child would be exempt from the immunization.

Religious or Other. Exemptions based on religious or other objections to immunizations are also allowed. The parent or guardian must present a signed written statement briefly summarizing his or her objections.

Personal. Exemptions may also be authorized for children whose parent or guardian objects to immunizations on philosophical grounds but is not necessarily a member of a church or group, which subscribes to religious beliefs contrary to the practice of immunization. As with religious exemptions, the parent or guardian must present a Certificate of Exemption complete with a brief statement summarizing his or her objections to immunizations. Lost or unobtainable immunization records are not grounds for personal exemptions.

Exemption Procedures. Certificate of Exemption forms (ODH 216A) are available to child care centers and schools from the Immunization Service of the Oklahoma State Department of Health for parents and guardians claiming an exemption for their children. In documenting a medical exemption, the parent or guardian is responsible for obtaining the signature of the physician. For other exemptions and for family emergencies, the parent or guardian must complete the form.

FAMILY EMERGENCIES

This provision applies in those rare instances where a true family emergency exists, such as a death in the family. A childcare operator may allow a child to enter and remain for up to 30 calendar days without an immunization record. Ideally, the record should be presented at the earliest possible opportunity. If at the end of the 30-day period the parent or guardian has not produced an acceptable record, the childcare operator should exclude the child.

SUPPLEMENT III

REQUIRED IMMUNIZATION SCHEDULE

Late Doses = Revised Due Dates

When a dose(s) is given late, the remaining doses **may** have a different due date than shown on the Required Immunization Schedule.

- Next dose is due 1-2 months after the previous dose, **unless** schedule allows more time or if one of the below exceptions apply:
 - **DTaP 4** is due 6 - 12 months after 3rd dose.
 - **Hep A 2** is due 6 - 18 months after 1st dose.

Late Doses = Revised Number of Doses

When a dose(s) is given late, **usually** the same number of doses is required. However, **fewer Hib and PCV** doses **may** be required once a child reaches a certain age.

Hib

- If one dose is given at 12 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

PCV

- If two doses are given at 12 months or older, regardless of previous doses received, no more doses are required.
- If one dose is given at 24 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

Vaccine Names and Combination Vaccines

Use the chart below, as needed, to determine what vaccines have been received. Combination vaccines have two or more vaccines in one shot.

Vaccine	Disease	Vaccine Brand Names
Hep B	Hepatitis B	Comvax, HBV, Hep B Pediatric, Engerix-B, Pediarix, Recombivax
DTaP	Diphtheria, Tetanus, & Pertussis (Whooping Cough)	Daptacel, DT, DTP, Infanrix, Kinrix, Pediarix, Pentacel, TriHIBit
Hib	Haemophilus Influenzae Type B	ActHIB (PRP-T), Comvax, HbCV, HbOC, Hib conjugate, Hiberix, Pedvax HIB (PRP-OMP), Pentacel, TriHIBit
IPV	Polio	Kinrix, OPV, Pediarix, Pentacel
MMR	Measles, Mumps, & Rubella	M-M-R II, MMRV, ProQuad
Varicella	Chickenpox	MMRV, ProQuad, VAR, Varivax
PCV	Pneumococcal	PCV 7 or 13, Pneumococcal Conjugate, Prevnar
Hep A	Hepatitis A	HAV, Havrix, Vaqta

SUPPLEMENT IV

DISASTER PREPAREDNESS

Child care providers must be prepared to respond to a wide variety of emergency situations. It may be evacuating children and taking them to a safe place or protecting them from outside threats by keeping them safe inside the facility. You can make sure your families know what you would do in the event of an emergency. A Disaster Plan is critical and should be in place at all times.

Disaster Plan - some things to consider:

- Identify the type of hazards that could affect your facility (tornado, terrorism, gas leaks, flooding, fire, etc.)
- Develop a step-by-step plan to respond to each situation.
- Ensure that all staff have been trained in how to respond to each situation.
- If evacuation is necessary, know where you will go off the premises (examples include designated shelter sites such as elementary schools, local community centers, churches, etc.)
- Know how you will account for each child in a disaster. Including procedures for 2 year olds and younger, children with limited mobility, and children who otherwise may need assistance in an emergency, including a child who is mentally, visually, or hearing impaired.
- If it is safest to remain in the facility, determine how you will communicate the emergency situation with parents and necessary authorities.

Disaster Kit suggestions - keep in a plastic tub or container

- Emergency contact information
- Children's record cards
- First aid kit
- Water and paper cups
- Food (examples: infant formula, animal crackers, saltines, etc.)
- Special items for babies or children with special needs (examples: diapers, baby wipes, medication)
- Toilet paper, tissues, waterless hand sanitizer
- Flashlight
- Radio - battery operated or NOAA weather radio
- Extra batteries
- Toys, books, games
- Plastic garbage bags

SUPPLEMENT V

CHILD PASSENGER RESTRAINT SYSTEM - WHEN REQUIRED

Oklahoma Statute
47 O.S. Section 11-1112
(Amended 2005)

A. Every driver when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section and section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 C.F.R. §571.213.

B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
2. The driver of an ambulance or emergency vehicle;
3. The driver of a vehicle in which all of the seat belts are in use;
4. The transportation of children who for medical reasons are unable to be placed in such devices; or
5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

SUPPLEMENT V

F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

G. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

SUPPLEMENT V

CHILD PASSENGER SAFETY IN OKLAHOMA

Most Frequently Asked Questions

1. What is the purpose and intent of the child passenger restraint law?

The law helps to protect children during transportation. A 45-lb. child in a 30-mph crash will be thrown with a force of 1,350 lbs. Fortunately, child safety seats provide a 45-70 percent reduction in significant injuries, depending on the type of seat that is used (booster seat, convertible seat, infant seat, etc.).

2. What are the statistics on death or serious injuries in Oklahoma?

More than 20 children under 6 years of age die each year in motor vehicle crashes, and more than 1,100 children are injured, many permanently. More than 70 percent of children who die are not in a child safety seat. Unfortunately, less than 24 percent of all 4-year olds rode in a booster seat prior to the passage of this law.

3. What does the law require?

Children under the age of 6 must be transported using a “child passenger restraint system” which has met federal standards. A child age 6 and up to the age of 13 may be transported using either a “passenger restraint system” or a seat belt.

4. Are there exemptions to the law that affect child care facilities?

- a. school buses, or any vehicle not required by law to be equipped with seat belts.
- b. children weighing over 40 pounds being transported in a back seat using only a lap belt. A lap belt only is acceptable when the back seat of the vehicle is not equipped with lap/shoulder belts OR when the lap/shoulder belts are being used by other children over 40 pounds.
- c. medical issues prohibiting use of belt or restraint system.

5. What about older vehicles that do not have shoulder belts in the back seat? What about the center back seat position, which usually does not include a shoulder belt?

The vast majority of booster seats on the market require the use of a lap/shoulder belt. There are only a few seats that do not. For this reason, an exemption was included in the law. The law “shall not apply to . . . the transportation of a child who weighs more than 40 lbs. and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than 40 lbs.”

SUPPLEMENT V

While lengthy, the exemption was worded this way in part to prevent a motorist from placing a 4- or 5-year-old child in the center lap belt with no booster seat, with empty lap/shoulder belts on either side. This wording closes that loophole for motorists who would deliberately attempt to skirt the law.

6. Are there different types of booster seats?

Booster seats for children over 40 lbs. (about 4 years old) generally fall into two categories: backless boosters and high-back boosters. Both are considered “belt-positioning” boosters, because they help to properly position the lap belt on the child's lap and hip bones, rather than the abdomen.

High-back boosters are recommended for positions in vehicles that do not have head rests (usually older vans and pickup trucks). Backless boosters are sufficient for positions that do have head rests (new vans and trucks and virtually all sedans). Both seats achieve the same thing: they boost the child high enough so that the seat belt fits properly.

Both require the use of a lap/shoulder belt.

7. What are some important facts to remember considering the transportation of children?

Be sure that any booster seat, car seat or infant seat is used according to the manufacturer's instructions.

Ensure that the type of passenger restraint system is used properly with the type of seat belt system that is installed in your vehicle.

Remember to verify the particular car seat is appropriate for the specific height and weight of the child that is being transported.

8. What resources are available to help low-income families obtain booster seats?

- a. EMSA distributes at least 100 free seats in Oklahoma City and 100 in Tulsa at child safety seat checks each month.
- b. All county health departments distribute free seats, mostly to WIC-eligible clients.
- c. Contact SAFE KIDS to find out other resources in your area.
- d. SAFE KIDS offers subsidized seats to families who receive some type of public assistance. The cost to the client is between \$5-\$10, depending on the type of booster seat. In addition, a limited number of free seats are distributed at each child safety seat check. Call SAFE KIDS for more information.

9. Where can I receive more information regarding transportation safety of children?

For more information, call Oklahoma SAFE KIDS Coalition at 405-945-6709 or visit their website at <http://www.safekidsok.org/>.

SUPPLEMENT VI

INJURY REPORT FORM - SAMPLE

Name of injured: _____

Sex: _____ Age: _____

Date when injury occurred: _____

Time where injury occurred: _____

Location where injury occurred: _____

Description of how injury occurred: _____

Description of injury and its location: _____

Action taken on behalf of the injured: _____

Was parent/legal guardian specifically advised of injury? _____

Was parent/legal guardian specifically advised to obtain medical attention?

Other witness to injury: _____

Name of individual(s) involved in supervision at time of injury:

Name of person completing this report form: _____

Date of completion of form: _____

SUPPLEMENT VII

PLAY EQUIPMENT - RECOMMENDED

Since sturdy, safe play materials are the "tools" that help children grow, develop, and learn, each caregiver must have adequate toys and play equipment to meet the needs of all the children in care.

Any toy given to a baby should be sturdy enough that it will not splinter or break, large enough so it cannot be swallowed and have no sharp points or rough edges. Toys given to infants and toddlers should not have any parts that can come loose to be swallowed (such as whistles, small rubber toys, buttons or eyes on stuffed animals), and be painted with non-toxic paint.

Play equipment must be provided for each age group in care, from the categories below.

INFANTS AND TODDLERS

Art Supplies

- non-toxic art materials e.g., play-dough, finger paint and paint with large brushes on large paper, thick crayons, washable markers

Large Muscle Equipment

- infant activity center, crawl-through apparatus, push-pull toys, infant/toddler rocking horse, small riding toys, small gym and slide, large hollow blocks, balls - different sizes and textures, climbing steps, wagon

Blocks and Accessories

- soft and textured blocks, large connecting blocks, large hollow blocks

Manipulative Toys

- baby rattles, soft squeeze toys, infant activity gym, jumbo pop beads, nesting cups, stacking toys and rings, pounding toys, play-dough, connecting blocks and links, simple pegboards and puzzles

Books

- sturdy books to handle and simple story books and poems for provider to read aloud

Musical Equipment

- tape or CD player and tapes or CDs of assorted music, toddler drum, xylophone, tambourine, plastic maracas, hand bells, little player piano, and musical mobiles

Dramatic Play Materials

- shatterproof, unbreakable mirror, clothing, e.g., hats, capes, jackets, vests, purses, shoes and boots, scarves and mittens. Play kitchen with dishes, play tool set, small table and chairs, play telephone, soft dolls, animal figures, puppets

Science Materials

- textured surfaces to touch, water play equipment, e.g., dishpans, sponges, floating toys, spoons or scoops and containers, science related books and posters

SUPPLEMENT VII

PRE-SCHOOL CHILDREN

Art Supplies

- various sizes and colors of paper, crayons, markers, colored pencils, scissors, glue sticks, non-toxic finger paints and paints with brushes and sponges, chalk, play-dough, clay

Large Muscle Equipment

- gym set, balance beam, jump ropes, stilts, ring toss, hula hoops, frisbees, hopscotch, and sports equipment, e.g., soccer, softball, basketball, tetherball, badminton

Blocks and Accessories

- connecting blocks, large hollow blocks, soft unit blocks, hardwood unit blocks and accessories, e.g., animals, people, cars and trucks and traffic signs

Manipulative Toys

- pegboards and pegs, interlocking links and shapes, pop beads, puzzles, beads and buttons to string with thick string or yarn, nesting and stacking toys, dressing skills dolls, play-dough, writing materials, e.g., paper, pencils, crayons, markers and stencils, magnetic or flannel board with accessories, simple card games and board games

Books

- storybooks, easy to read books for beginning readers, chapter books, books of poetry, science and fact books, comic books, child-oriented magazines and a children's dictionary

Musical Equipment

- tape or CD player and a variety of tapes or CDs, e.g., classical, jazz, rock-n-roll, children's songs, country, gospel, multicultural. A variety of musical instruments, e.g., drums, rhythm sticks, cymbals, tambourines, castanets, hand bells, maracas, xylophone, rhythm rain stick and small player piano

Dramatic Play Materials

- tent, tool set, doctor kit, playhouse with furniture and accessories, child-size kitchen with dishes, pots and pans and play foods, child-size table and chairs, cash register and play groceries, telephones, dress-up clothes, costumes, mirrors, dolls, doll clothes, cradles, strollers, puppets, masks, and play centers with toy figures and accessories, e.g., farm, ranch, fire station, school

Science Materials

- aquarium, terrarium, growing plants, sandbox, water play equipment, e.g., dishpans, sponges, floating toys, eye droppers, spoons and containers, magnets and magnetic items, large unbreakable magnifying glass, collections of rocks, shells, seeds or other nature items

SUPPLEMENT VII

SCHOOL-AGE CHILDREN

Art Supplies

- various sizes and colors of paper, material and scraps, yarn, scissors, glue, crayons, markers, colored pencils, paints, paintbrushes and sponges, chalk, clay and play-dough

Large Muscle Equipment

- gym set, balance beam, jump ropes, stilts, ring toss, hula hoops, frisbees, hopscotch, and sports equipment, e.g., soccer, softball, basketball, tetherball, badminton

Blocks and Accessories

- small interlocking blocks, log builder sets, wood blocks and accessories, e.g., animals, people and vehicles

Manipulative Toys

- beads and buttons to string, puzzles, small interlocking toys and blocks, card games, board games, dominoes, video game systems, materials for sewing and weaving, play-dough and clay, writing materials, e.g., paper, pencils, crayons, markers and stencils

Books

- storybooks, easy to read books for beginning readers, chapter books, books of poetry, science and fact books, comic books, child-oriented magazines and a children's dictionary

Musical Equipment

- tape or CD player and a variety of tapes or CDs, e.g., classical, jazz, rock-n-roll, children's songs, country, gospel, multicultural. A variety of musical instruments, e.g., drums, rhythm sticks, cymbals, tambourines, castanets, hand bells, maracas, xylophone and keyboard.

Dramatic Play Materials

- tent or playhouse, dress-up clothes and accessories, costumes, masks, dolls and accessories, doctor kit, typewriter or computer, prop boxes, e.g., office, barber/beauty shop, carpentry fix-it shop, post office, pizza parlor, garden center and grocery store

Science Materials

- globe of the world, magnets, magnifying glass, growing plants, gardening and watering materials, aquarium, terrarium, ant farm, scales, children's microscope, indoor/outdoor thermometer, books and posters on science topics and activities

SUPPLEMENT VIII

CHILD GUIDANCE PRINCIPLES

As a caregiver, you have a unique opportunity to positively influence the children in your care. It is important that they learn to handle situations of life in ways that are socially acceptable and personally satisfying. The primary goal of guidance is to help children behave well, not to stop misbehavior.

Below are some general principles of child behavior and guidance:

1. **Children need rules.** Give children the security of clear, consistent rules. Present rules as directions, not orders or commands.
2. **Use a positive approach.** Telling a child what not to do does not prepare him for what to do. Translating the Don'ts into Do's shows a child a more acceptable way to act.

Do's

Just look.

Hold the kitten gently.

Don'ts

Don't touch.

Don't squeeze the kitten.

3. **Build feelings of confidence.** A feeling of confidence enables a child to try new things, to develop life skills and talents. Encouragement and praise build self-confidence. Belittling and criticism damage self-confidence.

Situation

Child spills a food tray.

Do's

"That's hard to do. Next time try carrying it this way."

Don'ts

"Can't you do anything right?"

4. **Change the environment to change behavior.** Look for the cause of the behavior. It may be because of the environment, and a small change will remedy the situation. (If a child spills her milk at every meal, give her a cup with a lid. If children kick each other at lunch, put them at opposite ends of the table.)
5. **Give choices.** Allow children to have choices when you can accept their decisions. Arrange the choices so that either one is acceptable. This gives the child some freedom and an opportunity for decision-making. (Do you want orange juice or apple juice?)

SUPPLEMENT VIII

6. **Work with a child instead of against him.** Recognize each child's needs in relation to his developmental level. Keep in mind that each child grows and develops in his own time and way. Provide opportunities for learning that are appropriate for that particular child.
7. **Teach by example.** Children learn by example. As you model positive behaviors, you show children the behaviors you expect of them. (If you want children to speak softly, you speak softly. If you want children to sit quietly, model sitting quietly.)
8. **Don't always rush to the rescue.** Children need to learn to solve problems. Allow children to work out their own problems whenever possible.
9. **Avoid trouble.** Remember to guide desirable behavior and avoid trouble before it arises. As you get to know the children, you will be able to predict how they will behave.
10. **Recognize and encourage acceptable behavior.** If appropriate behaviors are given attention, they are likely to continue. The same is true when inappropriate behaviors are given attention.
11. **Guide children with concern and understanding.** Show an attitude of affection. Use language that children understand to explain why some behavior is inappropriate and what behavior is appropriate. Redirect the child when behavior is inappropriate.
12. **Prepare children for activities.** Give clear directions. Provide a range of activities and allow some choice. Help children to feel successful at a task. Allow children to wind down from one activity before beginning another.
13. **Use fair and consistent rules.** The atmosphere should be relaxed and pleasant. Rules should be easily understood.
14. **Use positive discipline.** Positive discipline is training that teaches self-control. Your task is to guide children in ways that allow them to control themselves.

Adapted from curriculum developed through Child Care Careers Inc.

SUPPLEMENT IX

AGES AND STAGES OF CHILD DEVELOPMENT

Planned daily activities are important because they provide an opportunity for children to learn and have fun. They also provide structure so children will know what to expect.

A schedule of daily activities should be appropriate to each child's developmental level. Infants and toddlers need to be talked to, held and rocked. School-age children enjoy opportunities for team sports, collecting and table games. All children need to be helped to grow one step at a time at a pace that is comfortable for each of them.

Although each child grows and develops at his or her own rate, there are predictable patterns of child development. Caregivers should be familiar with the developmental patterns of children's growth. Below are some of the ages and stages of development for the typical child.

Infants

- Gain muscle strength and body control;
- Use their senses and movements to explore their surroundings;
- Develop eye and hand coordination;
- Learn to respond to and remember people, objects and activities; and
- Learn to be individuals and begin relationships with other people.

Toddlers

- Walk, run, climb;
- Want to do things "all by themselves;"
- Take the initiative in social situations;
- Change quickly from tears to smiles;
- Explore large and small spaces;
- Begin to talk, to use words, to learn the names of things; and
- Usually play alone (solitary play).

Two-Year-Olds

- Gain better muscle control of their bodies;
- Learn to say "no," (the beginning of choice making);
- Will probably be ready for toilet learning;
- Enjoy make-believe;

SUPPLEMENT IX

- Play near or side-by-side (parallel play); and
- Are interested in other children.

Three- and Four-Year-Olds

- Are learning many new physical skills;
- Are beginning to understand concepts of numbers, space and time;
- Have an active imagination and are interested in fantasy and make-believe;
- Enjoy playing with other children (associative play);
- Develop feelings about their abilities to do things ("When I do things they often turn out well" or "I always seem to do things wrong");
- Are increasing their vocabulary and using more advanced language;
- Are trying to make sense of things they learn;
- Are aware of whether they are "boys" or "girls;" are interested in what is expected of their gender and may begin to develop some modesty;
- Begin to learn the rules of playing together (cooperative play);
- May have fears and anxieties; and
- Begin to develop some inner controls which help them avoid dangerous situations and choose right from wrong.

Five-Year-Olds

- Are interested in the real world;
- Can manage a project that continues over several days;
- Like to please; can often settle arguments by themselves;
- Are sociable; like to play together; take part in group activities and cooperate (cooperative play);
- Have a beginning conscience, want to know the "right" way to do things;
- Can do small chores and tasks; are pleased with responsibility;
- Can use many words, ask lots of questions; enjoys jokes and humor; and
- Still may have troubling fears and dreams.

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Six-Year-Olds

- Are eager to learn, exuberant, restless and easily fatigued;
- Learn best through active participation;
- Enjoy spontaneous dramatization;
- Like to pretend;
- Like school;
- Are becoming competitive, but have trouble losing;
- Like group activities; and
- Are proud of themselves and their skills.

Seven-Year- Olds

- Are sensitive to the reactions of others;
- Need adults' approval;
- Are concerned about right and wrong;
- Are involved in more solitary play;
- Like jigsaw puzzles and magic tricks;
- Begin collecting things, e.g., cards, rocks;
- Like active play;
- Play more with children of their own gender;
- May take things from others (still don't fully understand the concept of ownership);
- Are beginning to ride bicycles;
- Play pretend and like to use props, e.g., post office, kitchen. grocery store items, costumes; and
- Are learning hopscotch, jump rope and bounce balls.

Eight-Year-Olds

- Are outgoing and interested in people;
- Have a new awareness of individual differences;
- Enjoy team games, comics, television and adventure stories;
- Are sensitive to criticism;
- Begin to form a group of friends; their best friends are of the same sex;

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- Are beginning to read well enough to enjoy many books;
- Like table games, e.g., checkers, cards, jigsaw puzzles;
- In dramatic play, like to arrange and produce shows; and
- Enjoy collecting and arranging their collections.

Nine- and Ten-Year-Olds

- Are capable of prolonged interest;
- Often argue over fairness in games; have bursts of emotion;
- Play more complicated table games;
- May be involved with Lego sets and/or chemistry sets;
- Have a strong sense of right and wrong;
- Want to do well, but become discouraged by pressure;
- May read and/or watch television more;
- Enjoy pets; and
- Enjoy active play, e.g., running and hiding games, skating, swimming.

Eleven- and Twelve-Year-olds

- Have a wide range of individual differences in their maturity level;
 - Are unsure of bodily changes; may be moody;
 - Need to feel a sense of belonging, acceptance by their peers; are subject to peer pressure;
 - Are interested in earning money;
 - Like to socialize;
 - Frequently are overly critical, changeable, rebellious, uncooperative;
 - Are interested in team games, pets, television, radio, movies;
 - Have frequent arguments with those in authority; and
- Enjoy competitive games and games that involve problem-solving and thinking skills.

SUPPLEMENT X

BLEACH SOLUTION

REMEMBER TO MIX FRESH SOLUTION DAILY

TO SANITIZE DIAPER CHANGING TABLE

$\frac{1}{4}$ cup bleach to 1 gallon of water = 800 ppm
2 tablespoons (1 oz.) bleach to $\frac{1}{2}$ gallon of water = 800 ppm
1 tablespoon (1/2 oz.) bleach to 1 qt. of water = 800 ppm
2 teaspoons (1/4 oz.) bleach to 1 pt. of water = 800 ppm

TO SANITIZE COTS, TABLES, COUNTERS & EQUIPMENT

1 tablespoon (1/2 oz.) bleach to 1 gallon of water = 200 ppm
2 teaspoons (1/4 oz.) bleach to $\frac{1}{2}$ gallon of water = 200 ppm
1 teaspoon (1/8 oz.) bleach to 1 qt. Of water = 200 ppm
 $\frac{1}{2}$ teaspoon bleach to 1 pt. of water = 200 ppm

TO SANITIZE DISHES & UTENSILS

2 teaspoons (1/4 oz.) bleach to 1 gallon of water = 100 ppm.
DISHES & UTENSILS MUST BE SUBMERGED IN SANITIZING
SOLUTION FOR AT LEAST ONE MINUTE.

Example:

If sink will hold 3 gallons then mix 6 teaspoons bleach to 3 gallons of water.
Mix fresh with each dishwashing –
the solution should be replaced when the bleach concentration falls below 50 ppm.

MEASUREMENT EQUIVALENT

1 teaspoon = 1/8 fl. oz.
2 tablespoons = 1 fl. oz.
1 cup = 8 fl. oz.

1 pint = 16 fl. oz.
1 qt. = 2 pts. = 32 fl. oz.
1 gal = 4 qts. = 128 oz.

SUPPLEMENT XI

MINIMUM MEAL PATTERN PLAN FOR CHILDREN

MEAL	1-2 YEAR OLDS	3-5 YEAR OLDS	6-12 YEAR OLDS
BREAKFAST (These choices are recommendations only)			
Milk, fluid	½ cup	¾ cup	1 cup
Juice or fruit	¼ cup	½ cup	½ cup
Cereal or bread product			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cereal (cold, dry) or	¼ cup	⅓ cup	¾ cup
Cooked cereal or cereal grains or	¼ cup	¼ cup	½ cup
Cooked pasta or noodle	¼ cup	½ cup	¼ cup
MIDMORNING OR MIDAFTERNOON SNACK (These choices are recommendations only)			
Milk, fluid; or juice; or fruit; or vegetable	½ cup	½ cup	1 cup
Cereal or bread			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cereal	¼ cup	⅓ cup	¾ cup
LUNCH OR SUPPER			
Milk, fluid	½ cup	¾ cup	1 cup
Meat and/or meat alternate			
Meat, poultry or fish or	1 ounce	1 ½ ounce	2 ounces
Cheese or	1 ounce	1 ½ ounce	2 ounces
Cooked dry beans or	¼ cup	⅜ cup	½ cup
Peanut butter or	2 tbsp.	3 tbsp.	4 tbsp.
Egg	1 egg	1 egg	1 egg
Vegetables and fruit - 2 kinds	¼ cup	½ cup	¾ cup
Bread and bread alternates			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cooked pasta or noodle or	¼ cup	¼ cup	½ cup
Cooked cereal grains	¼ cup	¼ cup	½ cup
*1 pound of meat or cheese meets minimum serving for:	16 children	11 children	8 children

Recommended Daily Dietary Allowances
of the National Research Council/National Academy of Sciences

SUPPLEMENT XII

SAFE FOOD HANDLING RECOMMENDATIONS

1. **Hands** should be washed with soap and running after any contamination, such as: after using the bathroom, after changing diapers, after coughing or sneezing, after handling raw meat and after handling pets.
2. **Cooking temperatures** - beef roasts and steaks - 145°F; poultry - 165°F; ground beef and pork - 160°F. If a thermometer is not available, do not eat ground beef that is still pink inside. A **clean thermometer** should be used to make sure foods are cooked all the way through.
3. **Eggs** should be cooked until the yolk and white are firm. Don't use recipes in which eggs remain raw or only partially cooked.
4. **Fish** should be opaque and flake easily with a fork.
5. **Microwave ovens** - make sure there are no cold spots in food where bacteria can survive. For best results, cover food, stir and rotate for even cooking, and let stand for 2 minutes after cooking.
6. **Refrigerator temperature** - set no higher than 41°F. Check these temperatures occasionally by securing an appliance thermometer in the refrigerator where it is visible.
7. **Raw meat products, poultry, or fish** should be stored below other food in the refrigerator so that it can not drip into any food below.
8. **Refrigerate or freeze** perishables, prepared foods and leftovers within two hours or sooner. Don't pack the refrigerator; cool air must circulate to keep food safe.
9. **Thaw food** in the refrigerator, under cold running water or in the microwave. Marinate foods in the refrigerator.
10. **Leftovers** should be divided into small, shallow containers for quick cooling in the refrigerator.
11. **Reheat** sauces, soups and gravy to a boil and other leftovers to at least 165°F.
12. **Food** should come from approved sources; **no home-canned food**.
13. **Cutting boards (plastic or non-porous), dishes, utensils and counter tops** should be sanitized after preparing each food item. If possible, use a different cutting board for raw meat products.
14. **Paper towels** should be used for cleaning surfaces and drying hands.
15. **Raw meat, poultry, and seafood** should be separated from other foods in the grocery cart and refrigerator.
16. **Cooked food** should never be placed on a plate or surface which previously held raw meat, poultry or seafood.

**REVISIONS TO REQUIREMENTS FOR
FAMILY CHILD CARE HOMES AND LARGE CHILD CARE HOMES**

Below is the time-frame reflecting the most recent legislative revisions to Licensing Requirements for Family Child Care Homes and Large Child Care Homes:

October 15, 2013	Governor approves proposed requirement revisions.
November 1, 2013	Effective date of revisions.

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LICENSING REQUIREMENTS

for

Family Child Care Homes and Large Child Care Homes



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