

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1969

By: Jordan

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6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2011,
8 Section 404, as last amended by Section 1, Chapter
9 377, O.S.L. 2016 (10 O.S. Supp. 2016, Section 404),
10 which relates to establishment of requirements and
11 standards for child care facilities; eliminating
12 specified composition of advisory committees;
13 modifying purpose; requiring that a majority of
14 members on each advisory committee be representatives
15 of child care facilities; and providing an effective
16 date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 10 O.S. 2011, Section 404, as last
19 amended by Section 1, Chapter 377, O.S.L. 2016 (10 O.S. Supp. 2016,
20 Section 404), is amended to read as follows:

21 Section 404. A. 1. The Department of Human Services, ~~in~~
22 ~~consultation with the Oklahoma Commission on Children and Youth,~~
23 shall appoint advisory committees of representatives of child care
24 facilities and others to ~~recommend~~ prepare minimum requirements and
desirable standards for promulgation by the Department and provide
advice regarding concerns brought by child care facilities or

1 referred by the Department to assist facilities in meeting minimum
2 requirements.

3 2. Committee members shall be appointed for a three-year term,
4 with a two-consecutive-term limit. ~~The committee shall include four~~
5 ~~committees with representation for all categories of facilities~~
6 ~~licensed by the Department and shall be comprised as follows:~~

7 a. ~~the Residential Children's Services subcommittee shall~~
8 ~~include at a minimum:~~

9 ~~(1) a representative of a statewide organization~~
10 ~~representing children in care arrangements~~
11 ~~outside their own home,~~

12 ~~(2) a representative of a statewide organization~~
13 ~~providing residential services to youth in state~~
14 ~~custody,~~

15 ~~(3) a recipient or former recipient of youth services~~
16 ~~for children in state custody,~~

17 ~~(4) a representative of a statewide organization~~
18 ~~promoting adoption services,~~

19 ~~(5) a parent or guardian providing foster care to a~~
20 ~~child or children in state custody,~~

21 ~~(6) a representative from a nonpublic, long-term~~
22 ~~residential care facility for children in state~~
23 ~~custody,~~

24

- ~~(7) a representative from an organization promoting the interests of Native American children in state custody,~~
- ~~(8) a practicing pediatrician,~~
- ~~(9) a practicing behavioral health services provider,~~
- ~~(10) a representative from an agency providing child-placing services, and~~
- ~~(11) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,~~

~~b. the Child Care Centers subcommittee shall include at a minimum:~~

- ~~(1) a representative of a statewide organization advocating for children in care arrangements outside their own home,~~
- ~~(2) a representative of a statewide organization conducting programs for school-age children,~~
- ~~(3) a parent or guardian with a child attending a licensed child care facility,~~
- ~~(4) a representative of a licensed child care facility in a rural area,~~
- ~~(5) a representative of a statewide organization advocating for licensed child care facilities owned or operated by Native Americans,~~

- ~~(6) a representative of a licensed child care facility in an urban/suburban area,~~
- ~~(7) a representative of a statewide organization advocating for programs provided under the Head Start program,~~
- ~~(8) a representative with knowledge of child care programs offered by career technology center in this state,~~
- ~~(9) a representative of a statewide organization advocating for early childhood education programs,~~
- ~~(10) a representative of a statewide organization providing resources and referrals to child care facilities,~~
- ~~(11) a practicing pediatrician, and~~
- ~~(12) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth,~~

~~e. the Child Care Homes subcommittee shall include at a minimum:~~

- ~~(1) a representative of a statewide organization advocating for children in care arrangements outside their own home,~~

- 1 ~~(2) a parent or guardian with a child receiving care~~
2 ~~at a licensed child care home,~~
- 3 ~~(4) a representative of a licensed child care home in~~
4 ~~a rural area,~~
- 5 ~~(5) a representative of a statewide organization~~
6 ~~advocating for licensed child care facilities~~
7 ~~owned or operated by Native Americans,~~
- 8 ~~(6) a representative of a licensed child care home in~~
9 ~~an urban/suburban area,~~
- 10 ~~(7) a representative of a statewide organization~~
11 ~~advocating for early childhood education~~
12 ~~programs,~~
- 13 ~~(8) a representative of a statewide organization~~
14 ~~providing resources and referrals to child care~~
15 ~~facilities,~~
- 16 ~~(9) a practicing pediatrician, and~~
- 17 ~~(10) other appropriate representatives at the~~
18 ~~discretion of the Department of Human Services~~
19 ~~and Commission on Children and Youth, and~~

20 d. ~~The Quality Rating and Improvement System subcommittee~~
21 ~~shall include representatives of child care centers~~
22 ~~and child care homes currently licensed by the State~~
23 ~~and other members as determined by the Department of~~
24 ~~Human Services and the Commission on Children and~~

1 ~~Youth~~ A majority of any committee appointed to prepare
2 requirements and standards for child care facilities
3 shall be representatives of child care facilities.

4 3. The advisory committee shall create a Child Care Facility
5 Peer Review Board whose purpose shall be to participate in the
6 Department's grievance process. A majority of the Board shall be
7 representatives of child care facilities. The Department shall
8 promulgate rules specifying the duties of the Child Care Facility
9 Peer Review Board in the grievance process.

10 B. Child care facilities shall not allow children to be left
11 alone in the care of any person under eighteen (18) years of age.
12 Child care centers and family child care homes shall not:

13 1. Use soft or loose bedding, including, but not limited to,
14 blankets, in sleeping equipment or in sleeping areas used only for
15 infants;

16 2. Allow toys or educational devices in sleeping equipment or
17 in a sleeping area used only for infants; or

18 3. Place a child in sleeping equipment or in a sleeping area
19 which has not been previously approved for use as such by the
20 Department.

21 C. The Department shall promulgate rules establishing minimum
22 requirements and desirable standards as may be deemed necessary or
23 advisable to carry out the provisions of the Oklahoma Child Care
24 Facilities Licensing Act.

1 D. Such rules shall not be promulgated until after consultation
2 with the State Department of Health, the State Department of
3 Education, the Oklahoma State Bureau of Investigation, the State
4 Fire Marshal, the Commission on Children and Youth, the Oklahoma
5 Department of Mental Health and Substance Abuse Services and any
6 other agency deemed necessary by the Department. Not less than
7 sixty (60) days' notice, by regular mail, shall be given to all
8 current licensees before any changes are made in such rules.

9 E. In order to improve the standards of child care, the
10 Department shall advise and cooperate with licensees, the governing
11 bodies and staff of licensed child care facilities and assist the
12 staff through advice of progressive methods and procedures, and
13 suggestions for the improvement of services.

14 F. The Department may participate in federal programs for child
15 care services, and enter into agreements or plans on behalf of the
16 state for that purpose, in accordance with federal laws and
17 regulations.

18 SECTION 2. This act shall become effective November 1, 2017.

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