

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2197

6 By: Randleman of the House

7 and

8 Young of the Senate

9 [child care - requiring certain programs to conduct
10 background checks for employees - effective date]

11 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

12 SECTION 1. AMENDATORY 10 O.S. 2011, Section 403, as last
13 amended by Section 1, Chapter 190, O.S.L. 2018 (10 O.S. Supp. 2018,
14 Section 403), is amended to read as follows:

15 Section 403. A. The provisions of the Oklahoma Child Care
16 Facilities Licensing Act shall not apply to:

- 17 1. Care provided in a child's own home or by relatives;
- 18 2. Informal arrangements which parents make with friends or
19 neighbors for the occasional care of their children;
- 20 3. Care provided by an attorney-in-fact authorized by Section
21 700 of this title who exercises parental or legal authority on a
22 continuous basis for not less than twenty-four (24) hours and
23

1 without compensation for the intended duration of the power of
2 attorney;

3 4. Programs in which school-aged children three (3) years of
4 age and older are participating in home-schooling;

5 5. Programs that serve children three (3) years of age and
6 older and that are operated during typical school hours by a public
7 school district;

8 6. Programs that serve children three (3) years of age and
9 older and that are operated during typical school hours by a private
10 school that offers elementary education in grades kindergarten
11 through third grade;

12 7. Summer youth camps, summer programs or after-school programs
13 for children who are at least four (4) years of age, that are
14 accredited by a national standard-setting agency or church camp
15 accreditation program, or are accredited by, chartered by or
16 affiliated with a national ~~non-profit~~ nonprofit organization.

17 However, programs described in this paragraph shall conduct a
18 national criminal history records search pursuant to paragraph 10 of
19 subsection A of Section 404.1 of this title for every employee of
20 the program. A records search for every employee shall be
21 maintained by the program and subject to review by law enforcement.

22 If an employee does not have a completed records search, the
23 employee is not eligible to work for the program until a records
24 search is completed;

1 8. Programs in which children attend on a drop-in basis and
2 parents are on the premises and readily accessible;

3 9. A program of specialized activity or instruction for
4 children that is not designed or intended for child care purposes
5 including, but not limited to, scouts, 4-H clubs and summer resident
6 youth camps, programs that limit children from enrolling in multiple
7 sessions because of the type of activity or ages accepted and
8 single-activity programs such as academics, athletics, gymnastics,
9 hobbies, art, music, dance and craft instruction;

10 10. Any child care facility that:

11 a. provides care and supervision for fifteen (15) or
12 fewer hours per week,

13 b. operates less than ten (10) weeks annually,

14 c. operates in the summer for less than eight (8) hours
15 per day, or

16 d. provides care and supervision for school-aged children
17 only in a center-based program for twenty-one (21) or
18 fewer hours a week and is located in a county with a
19 population of less than one hundred thousand (100,000)
20 according to the latest Federal Decennial Census;

21 11. Facilities whose primary purpose is medical treatment;

22 12. Boarding schools that have education as their primary
23 purpose and that are recognized as accredited by the State Board of
24 Education. To be exempt, such programs shall:

- 1 a. have classroom facilities that are not used for
2 residential living,
3 b. not have been granted nor have assumed legal custody
4 of any child attending the facility, and
5 c. adhere to standard educational holiday and seasonal
6 recess periods to permit students reasonable
7 opportunities to return to their primary places of
8 residence with parents or legal guardians;

9 13. Day treatment programs and maternity homes operated by a
10 licensed hospital;

11 14. Juvenile facilities certified by the Office of Juvenile
12 Affairs or certified by any other state agency authorized by law to
13 license such facilities;

14 15. A program where children are not enrolled by the parents
15 and are free to come and go;

16 16. A program in tribal land as defined at 25 U.S.C.A. 1903
17 (10); and

18 17. A program on a military base or federal property.

19 B. The provisions of the Oklahoma Child Care Facilities
20 Licensing Act shall be equally incumbent upon all private and public
21 child care facilities.

22 SECTION 2. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 April 8, 2019 - DO PASS AS AMENDED