An Act

ENROLLED SENATE
BILL NO. 1211

By: Griffin, Floyd and Dossett of the Senate

and

Roberts (Sean), Munson, Henke and Cockroft of the House

An Act relating to child care facilities; amending 10 O.S. 2011, Section 404, as last amended by Section 2 of Enrolled Senate Bill No. 1273 of the 2nd Session of the 55th Oklahoma Legislature, which relates to requirements and standards; directing certain consultation with Oklahoma Commission on Children and Youth; specifying inclusion and membership of certain subcommittees; requiring a majority of certain board consist of certain persons; directing consultation with certain state agencies; deleting provisions relating to functions and procedures of certain committee; and providing an effective date.

SUBJECT: Child care facilities

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

SECTION 1. AMENDATORY 10 O.S. 2011, Section 404, as last amended by Section 2 of Enrolled Senate Bill No. 1273 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 404. A. 1. The Department of Human Services, in consultation with the Oklahoma Commission on Children and Youth,

shall appoint advisory committees of representatives of child care facilities and others to~~:~~

~~a. prepare~~ recommend 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~~. The committee shall include four committees with representation for all categories of facilities licensed by the Department and shall be comprised as follows:

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

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

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

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

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

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

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

(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,

c. 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,

(2) a parent or guardian with a child receiving care at a licensed child care home,

(4) a representative of a licensed child care home 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 home in an urban/suburban area,

(7) a representative of a statewide organization advocating for early childhood education programs,

(8) a representative of a statewide organization providing resources and referrals to child care facilities,

(9) a practicing pediatrician, and

(10) other appropriate representatives at the discretion of the Department of Human Services and Commission on Children and Youth, and

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

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. A majority of the Board shall be representatives of child care facilities. 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. Child care centers and family child care homes shall not:

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

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

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

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, the Commission on Children and Youth, the Oklahoma Department of Mental Health and Substance Abuse Services 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 2. This act shall become effective November 1, 2016.

Passed the Senate the 23rd day of May, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2016.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th

day of May, 2016, at 11:00 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of June, 2016, at 3:58 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 2016, at 4:53 o'clock P. M.

By: Chris Benge