

**COMMENT DUE DATE: February 10, 2022**

**Date: January 31, 2022**

**Mitzi Lee, Programs Manager, Child Care Services      405-521-3561**  
**Holli Kyker, Policy Specialist                              405-982-2217**  
**Brandi Smith, Legal Secretary III                        405-982-2703**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to \*STO.LegalServices.Policy@okdhs.org. The proposed policy is **EMERGENCY**.

**SUBJECT:**

**CHAPTER 110. LICENSING SERVICES**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-1 [REVOKED]

340:110-1-3 [REVOKED]

340:110-1-5 [REVOKED AND RENUMBERED]

340:110-1-6 [AMENDED]

340:110-1-8.3 through 340:110-1-8.10 [AMENDED]

340:110-1-8.11 [NEW]

340:110-1-9 [ITS ONLY]

340:110-1-9.2 [AMENDED]

340:110-1-10.1 [AMENDED]

340:110-1-15 [AMENDED]

340:110-1-21 [AMENDED]

Part 3. Licensing Services – Residential Care and Agencies

340:110-1-40 through 340:110-1-42 [REVOKED]

340:110-1-44 through 340:110-1-45 [REVOKED AND RENUMBERED]

340:110-1-47.1 [AMENDED]

340:110-1-54 [REVOKED AND RENUMBERED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 5. Requirements for Family Child Care Homes and Large Family Child  
Care Homes

340:110-3-81 [AMENDED]

340:110-3-85 through 340:110-3-88 [AMENDED]

340:110-3-89.1 through 340:110-3-94 [AMENDED]

340:110-3-97 through 340:110-97.1 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-152 [AMENDED]

340:110-3-153.1 [AMENDED]

340:110-3-154 [AMENDED]

340:110-3-157 [AMENDED]

340:110-3-163 [AMENDED]

340:110-3-165.1 [AMENDED]

Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs, and Programs for Sick Children

340:110-3-277 through 340:110-3-281.1 [AMENDED]

340:110-3-281.4 [AMENDED]

340:110-3-283 through 340:110-3-284 [AMENDED]

340:110-3-284.2 [AMENDED]

340:110-3-286 through 340:110-3-289 [AMENDED]

340:110-3-292 through 340:110-3-293 [AMENDED]

340:110-3-297 through 340:110-3-305 [AMENDED]

Part 16. Requirements for Community Hope Centers

340:110-3-400 [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-6 [AMENDED]

340:110-5-8 [AMENDED]

340:110-5-12 [AMENDED]

Part 5. Requirements for Foster Homes Agencies

340:110-5-57 [AMENDED]

340:110-5-60 [AMENDED]

APPENDIX EE Oklahoma Director's Credential [REVOKED]

APPENDIX EE Oklahoma Director's Credential [NEW]

APPENDIX FF Oklahoma Professional Development Ladder [REVOKED]

APPENDIX FF Oklahoma Professional Development Ladder [NEW]

APPENDIX II Immunizations [REVOKED]

APPENDIX II Immunizations [NEW]

**(Reference WF 21-12)**

## **SUMMARY:**

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3, Subchapter 3, Parts 5, 9, 15 and 16, Subchapter 5, Parts 1 and 5 reflect Oklahoma Human Services (OKDHS) Child Care Services (CCS) 200 day review of division policy and licensing requirements. The purpose of the review was to: (1) improve services to licensed facilities; (2) clarify needed enforcement of regulation; (3) remove barriers to compliance for licensing requirements; (4) improve health and safety of children; (5) improve Quality Rating and Improvement System (QRIS) criteria and provide for additional quality rating levels; (6) and comply with the Child Care Development Fund (CCDF) and House Bill (HB) 1797. In addition to internal CCS division review, CCS conducted licensing requirement roundtable reviews with stakeholders, including participants of the child care industry, including; Child Care Advisory Committee (CCAC), parent representatives, Oklahoma State Department of Health (OSDH), Office of State Fire Marshall, and experts with national child care technical assistance and research. Child Welfare Services (CWS) was consulted for necessary licensing requirement amendments to assist with improved health and safety and services to residents in

residential facilities and child-placing agencies serving adoptive and foster parents and children.

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3, Subchapter 3, Parts 5, 9, 15, and 16, Subchapter 5, Part 1 reflect compliance with HB 1797 passed during the 2021 legislative session. This legislation amended the Oklahoma Child Care Facilities Licensing Act, Section 404.1 and 406 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 404.1 and 406) to prohibit individuals with substantiated heinous and shocking abuse, and also require parent and legal guardian notification of the abuse.

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3 amend CCS policy by improving procedures for: (1) licensing inquiries and requests for license processes; (2) QRIS criteria, including implementing additional quality rating levels; (3) complaint investigations; (4) Restricted Registry; (5) grievance processes; and (6) CCS quality assurance reviews. Proposed amendments also provide for revocation of unnecessary Oklahoma Administrative Code (OAC) Sections.

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend CCS policy and procedures for QRIS. QRIS provides a framework for building strong early care and education programs. In efforts for continuous improvement of quality child care environments, and aligning with OKDHS True North goals for being a trauma-informed and hope-centered agency, CCS and the QRIS standing subcommittee considered QRIS program criteria revisions. Input, research, and resources were obtained from national and federal technical assistance experts, other states' QRIS programs, CCS stakeholders, child care providers, and state partners. Data from surveys obtained from child care programs, parents, and CCS personnel were reviewed. Proposed transition of quality rating levels and implementing additional rating levels provides program recognition of services currently provided to children and families and improves children's learning environments. Proposed amendments to QRIS criteria addresses critical issues impacting Oklahoma's children and the child care industry in the areas of: (1) personnel professional development and retention; (2) education in children's social and emotional well-being; (3) enriched learning environments by enhancing curriculum and children's learning activities; and (4) improved family partnerships.

Proposed amendments to Chapter 110, Subchapter 3, Parts 5, 9, 15, and 16 amend licensing requirements for: (1) family child care homes; (2) residential child care facilities; (3) child care centers; (4) day-camps; (5) drop in programs; (6) out-of-school time programs; (7) part-day programs; (8) programs for sick children; and (9) community hope centers. Subchapter 5, Parts 1 and 5, amend licensing requirements for child-placing agencies. Proposed amendments to licensing requirements were reviewed by CCAC, licensing requirement roundtable members, and standing subcommittees representing residential facilities and child-placing agencies.

Proposed amendments to Chapter 110, Subchapter 3, Part 5 amend licensing requirements for family child care homes to provide needed clarification regarding age-appropriate cardio-pulmonary resuscitation (CPR) and first aid and health and safety training for compliance with CCDF. Proposed amendments to Subchapter 3, Part 15 amend licensing requirements to provide needed clarification regarding orientation training for CCDF compliance for: (1) child care centers; (2) day-camp programs; (3) drop-in programs; (4) out-of-school time programs; (6) part-day programs; (7) and programs for sick children.

**EMERGENCY APPROVAL:** Emergency rulemaking approval is requested.

**LEGAL AUTHORITY:**

Director of Human Services; 56 O.S. § 162; 10 O.S. §§ 401, 404, 404.1, 405, and 406 of the Oklahoma Child Care Facilities Licensing Act.



## OKLAHOMA DEPARTMENT OF HUMAN SERVICES



### Rule Impact Statement

**To:** Programs administrator  
Legal Services - Policy

**From:** Brittany Lee  
Director of Child Care Services

**Date:** October 18, 2021

**Re: TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 110. LICENSING SERVICES**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-1 [REVOKED]

340:110-1-3 [REVOKED]

340:110-1-5 [REVOKED AND RENUMBERED]

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340:110-1-47.1 [AMENDED]

340:110-1-54 [REVOKED AND RENUMBERED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 5. Requirements for Family Child Care Homes and Large Family Child  
Care Homes

340:110-3-81 [AMENDED]

340:110-3-85 through 340:110-3-88 [AMENDED]

340:110-3-89.1 through 340:110-3-94 [AMENDED]

340:110-3-97 through 340:110-97.1 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-152 [AMENDED]

340:110-3-153.1 [AMENDED]

340:110-3-154 [AMENDED]

340:110-3-157 [AMENDED]

340:110-3-163 [AMENDED]

340:110-3-165.1 [AMENDED]

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340:110-3-277 through 340:110-3-281.1 [AMENDED]

340:110-3-281.4 [AMENDED]

340:110-3-283 through 340:110-3-284 [AMENDED]

340:110-3-284.2 [AMENDED]

340:110-3-286 through 340:110-3-289 [AMENDED]

340:110-3-292 through 340:110-3-293 [AMENDED]

340:110-3-297 through 340:110-3-305 [AMENDED]

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APPENDIX II Immunizations [NEW]

**(Reference WF 21-12)**

**Contact:** Mitzi Lee, Programs Manager II, 405-202-7449

**A. Brief description of the purpose of the proposed rule:**

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3, Subchapter 3, Parts 5, 9, 15 and 16, Subchapter 5, Parts 1 and 5 reflect Oklahoma Human Services (OKDHS) Child Care Services (CCS) 200 day review of division policy and licensing requirements. The purpose of the review was to: (1) improve services to licensed facilities; (2) clarify needed enforcement of regulation; (3) remove barriers to compliance for licensing requirements; (4) improve health and safety of children; (5) improve Quality Rating and Improvement System (QRIS) criteria and provide for additional quality rating levels; (6) and comply with the Child Care Development Fund (CCDF) and House Bill (HB) 1797. In addition to internal CCS division review, CCS conducted licensing requirement roundtable reviews with stakeholders, including

participants of the child care industry, including; Child Care Advisory Committee (CCAC), parent representatives, Oklahoma State Department of Health (OSDH), Office of State Fire Marshall, and experts with national child care technical assistance and research. Child Welfare Services (CWS) was consulted for necessary licensing requirement amendments to assist with improved health and safety and services to residents in residential facilities and child-placing agencies serving adoptive and foster parents and children.

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3, Subchapter 3, Parts 5, 9, 15, and 16, Subchapter 5, Part 1 reflect compliance with HB 1797 passed during the 2021 legislative session. This legislation amended the Oklahoma Child Care Facilities Licensing Act, Section 404.1 and 406 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 404.1 and 406) to prohibit individuals with substantiated heinous and shocking abuse, and also require parent and legal guardian notification of the abuse.

Proposed amendments to Chapter 110, Subchapter 1, Parts 1 and 3 amend CCS policy by improving procedures for: (1) licensing inquiries and requests for license processes; (2) QRIS criteria, including implementing additional quality rating levels; (3) complaint investigations; (4) Restricted Registry; (5) grievance processes; and (6) CCS quality assurance reviews. Proposed amendments also provide for revocation of unnecessary Oklahoma Administrative Code (OAC) Sections.

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend CCS policy and procedures for QRIS. QRIS provides a framework for building strong early care and education programs. In efforts for continuous improvement of quality child care environments, and aligning with OKDHS True North goals for being a trauma-informed and hope-centered agency, CCS and the QRIS standing subcommittee considered QRIS program criteria revisions. Input, research, and resources were obtained from national and federal technical assistance experts, other states' QRIS programs, CCS stakeholders, child care providers, and state partners. Data from surveys obtained from child care programs, parents, and CCS personnel were reviewed. Proposed transition of quality rating levels and implementing additional rating levels provides program recognition of services currently provided to children and families and improves children's learning environments. Proposed amendments to QRIS criteria addresses critical issues impacting Oklahoma's children and the child care industry in the areas of: (1) personnel professional development and retention; (2) education in children's social and emotional well-being; (3) enriched learning environments by enhancing curriculum and children's learning activities; and (4) improved family partnerships.

Proposed amendments to Chapter 110, Subchapter 3, Parts 5, 9, 15, and 16 amend licensing requirements for: (1) family child care homes; (2) residential child care facilities; (3) child care centers; (4) day-camps; (5) drop in programs; (6) out-of-school time programs; (7) part-day programs; (8) programs for sick children; and (9) community hope centers. Subchapter 5, Parts 1 and 5, amend licensing requirements for child-placing agencies. Proposed amendments to licensing requirements were reviewed by CCAC, licensing requirement roundtable members, and standing subcommittees representing residential facilities and child-placing agencies.

Proposed amendments to Chapter 110, Subchapter 3, Part 5 amend licensing requirements for family child care homes to provide needed clarification regarding age-appropriate cardio-pulmonary resuscitation (CPR) and first aid and health and safety training for compliance with CCDF. Proposed amendments to Subchapter 3, Part 15 amend licensing requirements to provide needed clarification regarding orientation training for CCDF compliance for: (1) child care centers; (2) day-camp programs; (3) drop-in programs; (4) out-of-school time programs; (6) part-day programs; (7) and programs for sick children.

### **Strategic Plan Impact.**

The proposed amendments achieve OKDHS goals by continuously improving systems and processes impacting licensed child care programs, residential child care facilities, and child-placing agencies.

### **Substantive changes.**

#### Subchapter 1. General Provisions

#### Part 1. Licensing Services - Child Care

OAC 340:110-1-1 is revoked as language in applicable OAC Sections provide the purpose and description of Subchapters.

OAC 340:110-1-3 is revoked as legal base and authority language is included in 10 O.S. 401 §§ et seq. and applicable OAC Sections.

OAC 340:110-1-5 is revoked and renumbered to OAC 340:110-1-6 to combine inquiry and request for licensing processes.

OAC 340:110-1-6 is amended to: (1) provide for the combination of child care and residential and child-placing inquiry and license processes; (2) reflect revised requests for license processes and timeframes; and (3) align CCS terminology.

OAC 340:110-1-8.3 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) clarify CCS processes and procedures; and (4) align CCS terminology.

OAC 340:110-1-8.4 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) clarify CCS processes and procedures; and (4) align CCS terminology.

OAC 340:110-1-8.5 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) implement additional personnel policy topics; (4) increase frequency of personnel staff meetings in center-based programs; (5) provide options of personnel benefits and resources to be offered in four- and five-star child care center-based programs; (6) require family child care homes to register as direct-care organizations; (7) clarify CCS processes and procedures; and (8) align CCS terminology.

OAC 340:110-1-8.6 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) clarify master teacher responsibilities; (4) provide master teacher ratio language for additional rating levels; (5) clarify family child care home primary



caregiver qualifications; (6) clarify CCS processes and procedures; and (7) align CCS terminology.

OAC 340:110-1-8.7 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) implement QRIS orientation for directors and primary caregivers; (4) clarify CCS processes and procedures; and (5) align CCS terminology.

OAC 340:110-1-8.8 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) implement curriculum guidelines and availability to families; (4) include teacher-led physical activities with children; (5) provide options for four- and five-star programs regarding lesson plans, enrichment concepts, and curriculum enhancements; (6) clarify CCS processes and procedures; and (7) align CCS terminology.

OAC 340:110-1-8.9 is amended to: (1) reflect language for transition of one-star plus, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) clarify family partnership, communication, and resources; (4) implement practices for cultural inclusion; (5) implement additional family involvement and events for four- and five-star programs; (6) clarify CCS processes and procedures; and (7) align CCS terminology.

OAC 340:110-1-8.10 is amended to: (1) reflect language for transition of one-, two- and three-star rating levels; (2) implement additional four- and five-star rating levels; (3) clarify approved assessment tools; (4) clarify CCS processes and procedures; and (5) align CCS terminology.

OAC 340:110-1-8.11 is issued to provide additional criteria options for four- and five-star programs regarding: (1) professional development; (2) family involvement; (3) health and safety; (4) continuity of children's care; and (5) child assessment.

OAC 340:110-1-9.2 is amended to: (1) establish CCS processes for compliance with HB 1797; and (2) reflect a summary of facts used in determining complaint investigation findings is provided to program operators upon investigation completion without written request.

OAC 340:110-1-10.1 is amended to: (1) clarify the removal process of individuals from the Restricted Registry; and (2) align CCS terminology.

OAC 340:110-1-15 is amended to: (1) provide for the combination of child care and residential and child-placing grievance processes; (2) clarify grievance review; and (3) align CCS terminology.

OAC 340:110-1-21 is amended to: (1) clarify the CCS quality assurance review process and procedures; and (2) align CCS terminology.

### Part 3. Licensing Services – Residential Care and Agencies

OAC 340:110-1-40 is revoked as language in applicable OAC Sections provide the purpose and description of Subchapters.

OAC 340:110-1-41 is revoked as definition language is provided in applicable OAC Sections.

OAC 340:110-1-42 is revoked as legal base and authority language is included in 10 O.S. 401 §§ et seq., and applicable OAC Sections.

OAC 340:110-1-44 and 340:110-1-45 are revoked and renumbered to OAC 340:110-1-6 as CCS inquiry and request for license processes are similar with all types of licensed facilities.

OAC 340:110-1-47.1 is amended to: (1) establish CCS processes for compliance with HB 1797; and (2) reflect a summary of facts used in determining complaint investigation findings is provided to program operators upon investigation completion without written request.

OAC 340:110-1-54 is revoked and renumbered to OAC 340:110-1-15 as CCS grievance process is similar with all types of licensed facilities.

### Subchapter 3. Licensing Standards for Child Care Facilities

#### Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes

OAC 340:110-3-81 is amended to: (1) reflect hazards, inaccessible and locked definitions; and (2) align CCS terminology.

OAC 340:110-3-85 is amended to: (1) reflect licensing notification also includes phone number changes, unscheduled temporary or permanent program closure or relocation, and incidents of exposing children to imminent risk of harm; (2) list additional diseases requiring OSDH prompt notification; (3) remove good judgment phraseology; (4) require primary caregivers obtain and maintain Level 1 or higher on the Oklahoma Professional Development Ladder (OPDL); (5) clarify age-appropriate CPR and first aid training and clarify health and safety training topic for CCDF compliance; (6) define formal and informal training; (7) clarify reading and television no longer qualifies for professional development hours; (8) comply with HB 1797 by prohibiting individuals with substantiated heinous and shocking abuse and requiring parent and legal guardian notifications; and (9) align CCS terminology.

OAC 340:110-3-86 is amended to reflect: (1) addition of phone requirement language from OAC 340:110-3-86.1; (2) prohibited tobacco products include simulated tobacco; (3) furnishings do not pose tipping hazards; (4) deletion of trampoline restriction language and placement in OAC 340:110-3-91; and (5) CCS terminology alignment.

OAC 340:110-3-86.1 is amended to reflect: (1) additional types of situations included in emergency plans; (2) emergency plans include reporting to poison control center, when necessary; (3) emergency number posting may be in a prominent place or by the phone; (4) clarified non-glass and non-mercury thermometers; (5) first aid kit and additional supplies required in the vehicle; and (6) CCS terminology alignment.

OAC 340:110-3-87 is amended to reflect: (1) driving prohibitions when driving offenses occurred within the last five years; (2) children do not share a seat belt; (3) car seats are not used when expired or previously involved in an vehicle accident; (4) adult passengers must be secured in a seat belt, unless medically exempt; (5) prohibition against exceeding vehicle capacity; (6) transportation prohibition in areas of vehicle not designed for transport; (7) requirement that vehicles meet all state laws and are maintained in safe operating condition; (8) requirement of child safety checks to ensure no children remain in the vehicle; (9) an operable phone is in each vehicle; (10) navigational and communication device usage; (11) clarification of no tobacco use while transporting; and (12) CCS terminology alignment.

OAC 340:110-3-88 is amended to reflect: (1) personnel information forms are submitted to CCS within two weeks; (2) personnel and children records are maintained for 12 months; (3) clarification of compliance file items; and (4) CCS terminology alignment.

OAC 340:110-3-89.1 is amended to reflect: (1) parent policy also includes the days the program is closed, relevant emergency plan and procedure information, and a description of infant safe sleep environment; and (2) CCS terminology alignment.

OAC 340:110-3-90 is amended to reflect: (1) inclusion of Appendix II-Immunizations and revisions to immunization information; (2) inclusion of over the counter medication in medication requirements; (3) diaper cream is considered a medication; however, insect repellants and sunscreens are not considered medications; (4) 12 month medication permissions for chronic conditions; (5) documentation for diaper cream no longer required after each use; (6) additional diseases requiring reporting to OSDH and following OSDH guidance and recommendations; (7) prompt parent notification of suspected allergic reaction; and (8) CCS terminology alignment.

OAC 340:110-3-91 is amended to reflect: (1) allowing use of mini-trampolines and mini-rebounders with specific restrictions; and (2) CCS terminology alignment.

OAC 340:110-3-91.1 is amended to reflect: (1) types of rest equipment also includes play yards; (2) mat thickness revision to one inch; (3) prohibition against pacifiers with attachments or soft toys in cribs; (4) children are not forced to stay on rest equipment after resting; and (5) CCS terminology alignment.

OAC 340:110-3-92 is amended to reflect: (1) time out and time away is used only for children 2 years of age and older and limited to one minute per age; (2) types of acts prohibited also include hitting, striking with an object, forced exercise, rejecting and neglecting children, exposure to extreme temperatures, and tying to restrict movement; (3) prohibitions of punishing or threatening in association with education and withdrawing outdoor play; and (4) CCS terminology alignment.

OAC 340:110-3-93 is amended to reflect: (1) children in stationary equipment are moved every 20 minutes; (2) when breast milk and formula may be reused; (3) food safety for infant, toddler, and 2-year-olds regarding types of foods and serving sizes; (4) children not left unattended on diaper changing surfaces; (5) limiting time on potty chairs, not exceeding 10 minutes; (6) rinse water from potty chairs is not emptied in a sink; and (7) CCS terminology alignment.

OAC 340:110-3-94 is amended to reflect: (1) referencing Oklahoma State Department of Education (OSDE) for current meal nutrition guidelines; (2) parents may bring home made baby food; (3) allowing built-in thermometers for refrigerators; and (4) CCS terminology alignment.

OAC 340:110-3-97 is amended to reflect: (1) electrical device charging cords are inaccessible for 3-year-olds and younger; and (2) CCS terminology alignment.

OAC 340:110-3-97.1 is amended to reflect: (1) three caregivers may have 12 children younger than two years of age; (2) primary caregivers maintain an OPDL of Level 4 or higher; (3) primary caregivers receive 20 hours of professional development annually; (4) assistant caregivers obtain and maintain Level 1 or higher on OPDL; (5) formal and informal training definitions; (6) reading and television no longer qualifies

for professional development hours; (7) the home is registered as a direct care organization; and (8) CCS terminology alignment.

#### Part 9. Requirements for Residential Child Care Facilities

OAC 340:110-3-152 is amended to reflect: (1) compliance with HB 1797 by requiring parent and legal guardian notifications of substantiated heinous and shocking abuse; and (2) CCS terminology alignment.

OAC 340:110-3-153.1 is amended to reflect: (1) compliance with HB 1797 by prohibiting individuals with substantiated heinous and shocking abuse; and (2) CCS terminology alignment.

OAC 340:110-3-154 is amended to: (1) clarify resident's admission records; and (2) align CCS terminology.

OAC 340:110-3-157 is amended to: (1) reflect weapons definition; (2) clarify weapon and ammunition storage safety practices; (3) clarify resident safety; and (4) align CCS terminology.

OAC 340:110-3-163 is amended to: (1) reflect current veterinary vaccination timeframes for dogs and cats; and (2) align CCS terminology.

OAC 340:110-3-165.1 is amended to reflect infant safe sleep practices including: (1) mattresses are covered with tight-fitting sheets; (2) infant swaddling safety practices; (3) infants are moved to appropriate rest equipment for sleeping; and (4) prohibition of soft products and other items in a crib; unless approved by a licensed physician. Amendments also include alignment of CCS terminology.

#### Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs, and Programs for Sick Children

OAC 340:110-3-277 is amended to: (1) clarify other businesses sharing the facility do not pose a health and safety risk; and (2) align CCS terminology.

OAC 340:110-3-278 is amended to reflect: (1) program policy also includes protecting children from over-exposure to the sun; and (2) CCS terminology alignment.

OAC 340:110-3-279 is amended to reflect: (1) referencing phone requirements in other OAC sections; and (2) CCS terminology alignment.

OAC 340:110-3-280 is amended to reflect: (1) additional diseases requiring reporting to Licensing; (2) additional diseases requiring reporting to OSDH and following OSDH guidance and recommendations; (3) requirement of prompt parent notification of suspected allergic reaction; (4) compliance with HB 1797 by requiring parent and legal guardian notifications of substantiated heinous and shocking abuse; and (5) CCS terminology alignment.

OAC 340:110-3-281 is amended to reflect: (1) child record accessibility includes authorized individuals as determined by the program; and (2) CCS terminology alignment.

OAC 340:110-3-281.1 is amended to reflect: (1) parent release provides for children's allergies to be posted without confidentiality; and (2) CCS terminology alignment.

OAC 340:110-3-281.4 is amended to reflect: (1) diaper cream documentation is no longer required after each use; and (2) CCS terminology alignment.

OAC 340:110-3-283 is amended to reflect compliance with HB 1797 by prohibiting individuals with substantiated heinous and shocking abuse.

OAC 340:110-3-284 is amended to reflect: (1) good judgment phraseology removal; (2) professional development plans are required at six months; (3) clarified orientation topics for CCDF compliance; (4) clarification of professional development as a course or training event; (5) child passenger safety training references the law for required training; and (6) CCS terminology alignment.

OAC 340:110-3-284.2 is amended to reflect: (1) master teacher educational level clarifications; (2) removal of unnecessary CPR and first aid timeframe language; and (3) CCS terminology alignment.

OAC 340:110-3-286 is amended to reflect: (1) clarification of teaching personnel performing support services; (2) terminology revisions for child with special needs; and (3) CCS terminology alignment.

OAC 340:110-3-287 is amended to reflect: (1) clarifications for restriction of non-job related activities while counting in ratios; (2) supervision exception includes 5-year-olds; (3) supervision during transportation begins with physical custody of the child; (4) language references cell phone use in OAC 340:110-3-305; and (5) CCS terminology alignment.

OAC 340:110-3-288 is amended to: (1) add behavior and guidance to title of OAC section; (2) include additional prohibitions against hitting, striking with an object, and tying to restrict movement; and (3) align CCS terminology.

OAC 340:110-3-289 is amended to reflect: (1) expanded language for play equipment and activities to foster inclusivity of multi-cultures and family diversity; (2) children excluded from outdoor play is based on parent provided written information; (3) clarifications for school-related educational activities being exempt from screen time limitations; (4) clarification for personnel electronic media use for child and classroom related activities, during rest time; and (5) CCS terminology alignment.

OAC 340:110-3-292 is amended to reflect: (1) stray animal clarification; (2) rabies vaccination clarification; (3) restrictions of visiting animal exhibits and habitats from food preparation areas and children's rest areas; and (4) CCS terminology alignment.

OAC 340:110-3-293 is amended to reflect: (1) parent access is for areas used by children; (2) parent resources may be provided electronically; (3) program information options may include a program website or parent portal; and (4) CCS terminology alignment.

OAC 340:110-3-297 is amended to: (1) specify alternative diaper changing includes any age child too heavy to lift; (2) ensure proper hygiene practices and proper supervision; and (3) align CCS terminology.

OAC 340:110-3-298 is amended to: (1) reflect OSDE is referenced for current meal nutrition guidelines; (2) remove requirements for breastmilk storage; (3) specify breastmilk is not re-used after two hours from serving; and (4) align CCS terminology.

OAC 340:110-3-299 is amended to reflect: (1) updated OSDH terminology; (2) parents may bring home made baby food; (3) additional items not to be stored in ice chests; (4) allowing built-in thermometers for refrigerators; (5) removal of unnecessary language implied with general hygiene practices; and (6) CCS terminology alignment.

OAC 340:110-3-300 is amended to reflect: (1) expansion of language addressing location of phones; and (2) CCS terminology alignment.

OAC 340:110-3-301 is amended to reflect: (1) 4-year-olds may play occasionally in unfenced area; and (2) CCS terminology alignment.

OAC 340:110-3-302 is amended to: (1) include tipping over in equipment hazard prevention; (2) reduce mat thickness to one inch; (3) allow use of mini-trampolines and mini-rebounders with specific restrictions; and (4) align CCS terminology.

OAC 340:110-3-303 is amended to reflect: (1) references to inaccessible and locked definitions in OAC 340:110-3-275; (2) standing liquid must be attended at all times or emptied after each use; (3) heater closets are inaccessible and not used for any storage; (4) electrical charging devices are inaccessible for 3-year-olds and younger; and (5) CCS terminology alignment.

OAC 340:110-3-304 is amended to reflect: (1) prior to children being outside, area is free of animal waste and debris; (2) food and diaper trash disposal practices; (3) removal of trash as needed; and (4) CCS terminology alignment.

OAC 340:110-3-305 is amended to reflect: (1) inclusion of vehicle phone requirement language; (2) language provision for navigational devices and communication device usage; and (3) CCS terminology alignment.

#### Part 16. Requirements for Community Hope Centers

OAC 340:110-3-400 is amended to reflect compliance with HB 1797 by prohibiting individuals with substantiated heinous and shocking abuse and requiring parent and legal guardian notifications.

#### Subchapter 5. Requirements for Child-Placing Agencies

##### Part 1. Requirements for Child-Placing Agencies

OAC 340:110-5-6 is amended to reflect compliance with HB 1797 for parent and legal guardian notifications of substantiated heinous and shocking abuse.

OAC 340:110-5-8 is amended to: (1) reflect when personnel references may be obtained by phone interviews; (2) comply with HB 1797 by prohibiting individuals with substantiated heinous and shocking abuse; and (3) align CCS terminology.

OAC 340:110-5-12 is amended to: (1) clarify contents of personnel records; and (2) align CCS terminology.

##### Part 5. Requirements for Foster Homes Agencies

OAC 340:110-5-57 is amended to: (1) clarify individuals residing more than 30-calendar days are considered household members; and (2) align CCS terminology.

OAC 340:110-5-60 is amended to reflect: (1) inclusion of weapons definition in safety requirements; (2) weapon and ammunition storage safety practices; (3) current veterinary vaccination timeframes for dogs and cats; (4) requirement of separate sleeping rooms for children of a different sex older than 7 years of age; (5) requirement that cribs meet Consumer Product Safety Commission standards; (6) prohibition of soft products and other items in a crib; unless approved by a licensed physician; (7) infant swaddling safety practices; (8) infants are moved to appropriate rest equipment for sleeping; and (9) alignment of CCS terminology.

APPENDIX EE is amended to reflect no longer requiring college credit hours or degree programs be earned exclusively from regionally accredited colleges or universities.

APPENDIX FF is amended to: (1) clarify educational requirements for master teachers; and (2) reflect approved college credit hours must also articulate to a two- or four-year college or university.

APPENDIX II is amended to: (1) revise immunization schedule requirements; (2) allow for 30-calendar day exemption for immunization records for all children; and (3)

require a 30-calendar day exemption for foster children and homeless families for compliance with CCDF.

### **Reasons.**

Chapter 110, Subchapter 1, Parts 1 and 3. The proposed amendments address needed clarifications of CCS policy practice and procedures regarding QRIS and provide for additional quality rating levels. Amendments also address improved inquiry and request for license processes, communication to licensed operators during complaint investigations, improved Restricted Registry and grievance processes, and clarify and improve the CCS quality assurance review process. Amendments also address compliance with HB 1797. Subchapter 3, Parts 5, 9, 15, and 16 amend licensing requirements for family child care homes, residential facilities, child care centers, day-camps, drop in programs, out-of-school time programs, part-day programs, programs for sick children, and community hope centers. Subchapter 5, Parts 1 and 5 amend licensing requirements for child-placing agencies. Amendments to licensing requirements: (1) provide improved services to programs; (2) clarify enforcement of regulation, (3) remove barriers to compliance for licensing (4) improve children's health and safety; and (5) provide CCDF and HB 1797 compliance. Licensed programs impacted by the proposed licensing requirement amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) community hope centers; (9) residential child care facilities; and (10) child-placing agencies. Amendments to clarify and improve CCS rules and procedures impact: (1) family child care homes and large family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) community hope centers; (9) residential child care facilities; and (10) child-placing agencies.

### **Repercussions.**

Chapter 110, Subchapter 1, Parts 1 and 3. The proposed amendments: (1) address needed clarifications for CCS practice for inquiry and requests for license processes; (2) improve procedures for QRIS and provide for additional quality rating levels; (3) improve communication to licensed operators during complaint investigations; (4) improve Restricted Registry, grievance and CCS quality assurance review processes; and (5) comply with HB 1797. Subchapter 3, Parts 5, 9, 15, and 16 amend licensing requirements for family child care homes, residential facilities, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, and community hope centers. Subchapter 5, Parts 1 and 5 amend licensing requirements for child-placing agencies. Amendments to proposed licensing requirements: (1) provide consistent interpretation of CCS licensing requirements; (2) improve services for licensed programs and child-placing agencies; (3) improve children's health and safety; and (4) provide CCDF and HB 1797 compliance.

### **Legal authority.**

Director of Human Services; 56 O.S. § 162; 10 O.S. §§ 401, 404, 404.1, 405, and 406 of the Oklahoma Child Care Facilities Licensing Act.

**Emergency rulemaking approval is requested effective June 1, 2022.**

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are CCS staff, licensed family child care homes, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, community hope centers, residential child care facilities, child-placing agencies, and families and children utilizing child care.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons most likely to benefit by the proposed amendments are CCS staff, licensed family child care homes, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, community hope centers, residential child care facilities, child-placing agencies, and families and children utilizing child care.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** There is no anticipated economic impact of the proposed amendments for family child care homes, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, community hope centers, residential programs or child-placing agencies. As required by HB 1797, program cost would occur when programs notify parents and legal guardians of heinous and shocking abuse by certified mail; however this type of abuse is rarely substantiated.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** Estimated costs to the agency associated with the amendments for licensing requirements and QRIS criteria include updates to the licensing database system and distribution to child care programs, residential facilities, and child-placing agencies totaling approximately \$45,000. CCDF will provide funding for costs of distribution and subsidized child care costs for additional star rating levels. The American Rescue Plan Act (ARPA) will provide for implementation costs for additional star rating levels.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in**



**implementing or enforcing the rule:** Proposed amendments provide: (1) consistent application of CCS QRIS rules and procedure; (2) additional quality rating levels; (3) clarification of inquiry and requests for license processes; (4) improved communication with licensed operators during complaint investigations; (5) clarification and improvements to the Restricted Registry, grievance processes, and CCS quality assurance review process; (6) consistent interpretation of licensing requirements; (7) improved children's health and safety; (8) improved services for licensed child care programs, residential child care facilities, and child-placing agencies; and (9) CCDF and HB 1797 compliance.

**G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There is no economic impact to proposed amendments to child care facilities or child-placing agencies. As required by HB 1797, program cost would occur when programs notify parents and legal guardians of heinous and shocking abuse by certified mail; however this type of abuse is rarely substantiated.

**H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly, non-regulatory, or less intrusive methods for achieving the purpose of the proposed amendments.

**I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Implementation of the proposed amendments: (1) allow consistent application of CCS rules and procedures; (2) clarify QRIS processes and provide additional quality rating levels; (3) improve communication with licensed operators during complaint investigations; and (4) improve the Restricted Registry, grievance, and CCS quality assurance review processes. Amendments also reflect improved health and safety requirements for children in care at licensed child care programs, residential facilities, and child-placing agencies. Compliance with CCDF and HB 1797 also ensures children's safety.

**J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented: (1) children's health and safety would be negatively impacted; (2) child care programs would not have additional quality rating levels or receive additional subsidized child care and implementation funding; (3) proposed rules reducing and clarifying licensing requirements could not be implemented; (4) improved communication with licensed operators during complaint investigations would not occur; (5) improved services to licensed child care programs, residential facilities, and child-placing agencies could not occur; (6) CCS rules and

licensing procedures would not be clarified; (7) CCDF funding could be reduced if licensing requirements do not provide CCDF compliance; and (8) licensed child care programs, residential facilities, and child-placing agencies would not be in compliance with state legislation per HB 1797.

**K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared October 18, 2021.

## SUBCHAPTER 1. GENERAL PROVISIONS

### PART 1. LICENSING SERVICES – CHILD CARE

#### **340:110-1-1. Purpose [REVOKED]**

Revised 6-13-94

~~The purpose of this Chapter is to describe the responsibilities and functions of Licensing Services in regard to the licensure of child care facilities.~~

#### **340:110-1-3. Legal base and authority [REVOKED]**

Revised 7-1-07

~~The Oklahoma Department of Human Services (OKDHS) is responsible for implementing the Oklahoma Child Care Facilities Licensing Act (Act). [10 O.S. § 401 et seq.] This Act mandates that a license be obtained from OKDHS to provide care for children away from their own homes. The child care facilities subject to licensing that are addressed in this Part are family child care homes, child care centers, part-day children's programs, and school-age programs. OKDHS responsibilities in relation to these facilities include:~~

- ~~(1) developing minimum requirements for the care and supervision of children cared for in child care facilities;~~
- ~~(2) assisting child care providers in achieving maximum standards;~~
- ~~(3) providing continuing technical assistance and consultation to the facility;~~
- ~~(4) developing sufficient and adequate facilities for child care in the community;~~
- ~~(5) issuing licenses based upon compliance with minimum requirements;~~
- ~~(6) investigating complaints received against child care facilities; and~~
- ~~(7) taking corrective action as authorized by the Oklahoma Child Care Facilities Licensing Act and stated OKDHS policy based upon non-compliance with minimum requirements.~~

#### **340:110-1-5. Inquiries [REVOKED and RENUMBERED 340:110-1-6]**

Revised 12-17-18

~~(a) **Inquiries.** An inquiry regarding Licensing child care facilities is referred to the Licensing staff in the geographical area where the inquirer is located.~~

- ~~(1) The referral includes the name, address, phone number, and type of care the program is providing or planning to provide.~~
- ~~(2) On inquiry receipt, the Licensing staff provides the inquirer with the applicable Licensing requirements and, when appropriate, referrals to other agencies involved in regulating child care facilities, such as the fire department, health department, and local city regulatory offices. ■ 4~~
- ~~(3) When the inquirer is currently providing child care, procedures in Oklahoma Administrative Code (OAC) 340:110-1-13 are followed. Licensing informs the inquirer they are not to provide child care without permission to operate from Child Care Services (CCS).~~

~~(b) **Tribal and federal facilities.** Tribal and federal child care facilities not requiring a state license but may request licensure are:~~

- ~~(1) on Indian tribal land; ■ 2~~

- (2) licensed by a tribe, with a CCS cooperative licensing agreement; and
- (3) operating on military bases or federal property. ■-3
- (c) ~~In-home caregiver.~~ Adult and Family Services (AFS) Child Care Subsidy approves contracted child care when care is provided in the child's own home and no license is required.
- (d) ~~Inquiry records.~~ Inquiry records are maintained in the Licensing staff's office. Inquiry information is provided to the supervisor on request.
- (e) ~~Request for licensure.~~ When the inquirer indicates an interest in becoming licensed, Licensing staff:
  - (1) ~~determines the necessity for a license according to the Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403).~~ Additional exemptions not designed or intended for child care include: ■-4
    - (A) programs operating less than 10 weeks annually;
    - (B) summer programs operating less than eight hours per day;
    - (C) programs serving children 3 years of age and older, offering elementary education in kindergarten through third grade;
    - (D) summer youth camps, summer programs, or after school programs for children who are at least 4 years of age, accredited by a national standard-setting agency or church camp accreditation program or are accredited by, chartered by, or affiliated with a national non-profit organization;
    - (E) programs providing care and supervision for school-aged children only in a center-based program for 21 or fewer hours per week and located in a county with a population of less than 100,000, according to the latest Federal Decennial Census; ■-5
    - (F) programs where children are limited from enrolling in multiple sessions because of the type of activity or ages accepted;
    - (G) programs where children are not enrolled by the parents and are free to come and go;
    - (H) programs including family child care homes providing care and supervision for 15 or fewer hours per week; and
    - (I) sponsors operating two or more programs in the same building when each operates 15 hours or less per week;
  - (2) reviews the Licensing requirements with the inquirer for determining compliance;
  - (3) ascertains the inquirer's qualifications to operate a program; and
  - (4) provides program consultation regarding quality care.

**INSTRUCTIONS TO STAFF 340:110-1-5 [REVOKED and RENUMBERED 340:110-1-6]**

**Revised 12-17-18**

- ~~1. Licensing staff are not responsible for the knowledge or enforcement of local ordinances and refer programs to local officials for specific ordinance information. Referrals are documented on the monitoring summary during the request for license visit or on Form 07LC080E, Licensing Services Supplemental Information.~~
- ~~2. The sheriff's office, district attorney's office, or tribal realty offices, may be of assistance in identifying Indian tribal land boundaries.~~

- ~~3. Military base facilities may obtain a child care subsidy contract; however, they must be a one star plus level or higher. Staff responsible for the quality rating and improvement system (QRIS) coordinate with Adult and Family Services (AFS) Child Care Subsidy. These facilities receive a license number unique to this circumstance.~~
- ~~4. (a) Home schooling is considered a private school and is exempt, including children 3 through 5 years of age. When licensed and home schooling are only parts of the program, all requirements must be met, including capacity. Home schooling of the caregiver's children or others, during child care hours is not considered other employment.  
(b) An out-of-school time program operating two hours per day after school, during school holidays, and/or parent teacher conferences, but not during the summer months is exempt.~~
- ~~5. (a) For programs to be exempt, all definition criteria and specifics in (1) and (2) of this paragraph are met.  
(1) A school-age child is defined as a child, 3 years of age and older, attending or having completed pre-kindergarten or above.  
(2) The program only cares for school-age children in a center-based environment. This exemption does not apply to family child care homes or center-based programs caring for school-age children, as well as other ages.  
(b) Licensing staff verifies county population through the Federal Decennial Census website.~~

### **340:110-1-6. Request Inquiries and request for license process**

Revised 11-1-176-1-22

(a) **Inquiries.** Child care program, residential program, or child-placing agency license inquiries are referred to the appropriate Licensing staff. Licensing determines licensure necessity per, Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403). Programs exempt from licensure may request licensure.

(b) **Licensing exemptions.** Program exemptions include (1) through (3) of this subsection.

(1) **Tribal reservation, Indian country, and federal facilities.** Facilities located on tribal reservations or in Indian country and federal child care facilities not requiring a state license that may request licensure are:

(A) on Indian tribal land; ■ 1

(B) licensed by a tribe, with a Child Care Services (CCS) cooperative Licensing agreement; and

(C) operating on military bases or federal property. ■ 2

(2) **In-home caregiver.** Adult and Family Services (AFS) Child Care Subsidy approves contracted child care when care is provided in the child's own home and no license is required.

(3) **Additional exemptions.** Programs not designed or intended for child care include: ■ 3

(A) programs operating less than 10 weeks annually;

(B) summer programs operating less than eight hours per day;

(C) programs serving children 3 years of age and older, offering elementary education in kindergarten through third grade;

(D) summer youth camps, summer programs, or after-school programs for children who are at least 4 years of age, accredited by a national standard-setting agency or church camp accreditation program or are accredited by, chartered by, or affiliated with a national non-profit organization;

(E) programs providing care and supervision for school-aged children only in a center-based program for 21 or fewer hours per week and located in a county with a population of less than 100,000, per the latest Federal Decennial Census; ■ 4

(F) programs where children are limited from enrolling in multiple sessions because of the type of activity or ages accepted;

(G) programs where children are not enrolled by the parents and free to come and go;

(H) child care facilities including family child care homes providing care and supervision for 15 or fewer hours per week;

(I) sponsors operating two or more programs in the same building when each operates 15 hours or less per week; and

(J) programs where children attend on a drop-in basis and parents are on the premises and readily accessible.

(c) **Request for licensing information.** When the inquirer indicates an interest in becoming licensed or licensure is required, Licensing staff:

(1) documents the name, address, phone number, and type of care the program is providing or planning to provide; and

(2) provides the inquirer with:

(A) the applicable Licensing requirements;

(B) appropriate request for license packet; and ■ 5

(C) referrals to other agencies involved in regulating child care facilities, such as the fire department, health department, and local city regulatory offices, when applicable; ■ 6

(3) follows procedures in Oklahoma Administrative Code (OAC) 340:110-1-13 or 340:110-1-54.1, when the program is currently providing child care, residential care, or child-placing activity. Licensing informs the inquirer not to provide child care, residential care, or child-placing activity without permission to operate from CCS, per (h) of this Section; and

(4) ascertains the inquirer's qualifications for program or agency operation.

(d) **Request for license.** When Form 07LC004E, Request for License - Child Care Program; or Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care, is received, Licensing staff:

(1) verifies Form 07LC004E or Form 07LC040E is complete; ■ 7

(2) verifies proof of ownership is provided, per OKDHS Appendix L-7, Ownership Proof Chart; and ■ 8

(3) when appropriate, issues a permit within 45-calendar days or completes Form 07LC080E, Licensing Services Supplemental Information, documenting timeframe extension circumstances. ■ 9

(e) **Incomplete request for license.** An incomplete request for license is returned to the applicant. ■ 10

**(f) Withdrawal of request for license.** When an applicant:

(1) requests to withdraw the request for license request prior to initial permit issuance, Licensing staff:

(A) documents the withdrawal request on Form 07LC080E, Licensing Services Supplemental Information;

(B) confirms no children or residents are in care or no child-placing activity is conducted; and

(C) may close the case, unless negative action is warranted; and

(2) has not had children or residents in care or no child-placing activity for more than 12 months, the applicant is requested to withdraw the request for license. When the applicant:

(A) agrees to withdraw the request, Licensing staff:

(i) documents this discussion on Form 07LC080E;

(ii) provides a letter confirming the discussion and notifying the applicant of request for license withdrawal; and

(iii) proceeds with case closure; or

(B) does not agree to withdraw the request, Licensing staff:

(i) documents this discussion on Form 07LC080E;

(ii) provides a letter notifying the applicant of case closure within 10-calendar days of receipt of letter; and

(iii) proceeds with case closure. ■ 11 & 12

~~(a)(g) **Request for license Application monitoring visit.** The licensing Licensing staff provides Form 07LC004E, Request for License – Child Care Program, to individuals interested in licensure conducts a monitoring visit to determine compliance with requirements. Licensing staff: ■ 413~~

~~(1) When requested a license may be issued to a primary caregiver and spouse. References are obtained for both individuals, and both must demonstrate compliance with requirements. A primary caregiver must be identified and meet all primary caregiver requirements. ■-2~~

~~(2) Proof of ownership must be provided according to Oklahoma Department of Human Services (DHS) Appendix L-7, Ownership Proof Chart. ■-3~~

~~(3) Care may be provided in a location other than the primary caregiver's residence. ■-4 through-6~~

~~provides program consultation regarding quality care and quality rating and improvement (QRIS) criteria;~~

~~(2) discusses Oklahoma Human Service (OKDHS) subsidy contract opportunities and documents that contract information was provided to the applicant, when applicable; and ■ 14~~

~~(3) issues a permit, per OAC 340:110-1-8 or 340:110-1-46, when applicable.~~

**(b)(h) Permission to operate.** The program may be granted permission to operate on application status when the licensing Licensing staff determines an applicant is temporarily unable to comply with all licensing Licensing requirements, but the services are needed and the non-compliance does not place children or residents at risk of imminent harm.

(1) These situations are staffed discussed with the regional programs manager for permission to operate or programs manager.

(2) Permission to operate cannot exceed 30-calendar days. ■ 715

(3) When permission to operate is or was not granted, phone contact is made every two months and documented on Form 07LC080E, Licensing Services Supplemental Information.

~~(c) **Child care provider contract.** The licensing staff advises the child care program of the opportunity to contract with DHS for the care of children whose families receive subsidized child care benefits, per Oklahoma Administrative Code (OAC) 340:40-13-5. The licensing staff documents a child care contract promotional flyer is provided to the program. ■ 8~~

(i) **Primary caregiver and spouse license issuance.** When requested, a license may be issued to a primary caregiver and his or her spouse. References are obtained for both individuals, and both must demonstrate requirement compliance. A primary caregiver must be identified and meet all primary caregiver requirements. ■ 16

(j) **Alternative residence.** Care may be provided in a location other than the primary caregiver's residence. ■ 17 through 19

~~(d)(k) **Reopening a family child care home.** When a family child care home has been was closed for less than 12 months and had a record of compliance prior to closure, the licensing Licensing staff obtains a new Form 07LC004E, Request for License - Child Care Program, and may recommend license issuance after one compliant monitoring visit. Previous references ~~may be~~ are utilized. Prior to ~~issuance of the license~~ issuance, background investigations ~~must be~~ are conducted, per OAC 340:110-1-8.1.~~

~~(e)(l) **Reopening a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children.** When a program ~~has been~~ was closed and the same owner requests to reopen, a new Form 07LC004E, Request for License - Child Care Program, is completed. ■ 920~~

~~(1) Fire and health inspections completed within the last 12 months ~~may be used~~, are utilized unless concerns exist.~~

~~(2) When the program ~~has been~~ was closed less than 12 months:~~

~~(A) previously obtained director references ~~may be used~~ are utilized;~~

~~(B) background investigations ~~must be~~ are conducted, per OAC 340:110-1-8.1; and~~

~~(C) with a record of compliance prior to closure, ~~the licensing~~ Licensing staff may recommend license issuance after one compliant monitoring visit.~~

~~(f) **Computer checks on license applicants.** Computer checks to identify prior involvement with DHS are completed on required individuals per OAC 340:110-1-8.1(g). ■ 10~~

~~(m) **Reopening a residential program or child-placing agency.** When a residential program or child-placing agency was closed and the same owner requests to reopen, a new Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care, is completed. ■ 20~~

~~(1) Fire and health inspections completed within the last 12 months, are utilized unless concerns exist.~~

~~(2) When the program was closed less than 12 months:~~

~~(A) background investigations are conducted, per OAC 340:110-1-8.1; and~~

~~(B) with a record of compliance prior to closure, the Licensing staff may recommend license issuance after one compliant monitoring visit.~~



~~(g)(n)~~ **Family child care homes approved to provide foster care.** A primary caregiver approved to provide foster care may be licensed as a family child care home. The primary caregiver cannot be licensed when approved for therapeutic foster care, per OAC 340:75-7-19. The approval for dual service is made by the ~~licensing~~ Licensing supervisor prior to each child placement, based ~~upon~~ on the recommendation of the ~~licensing~~ Licensing staff and DHS OKDHS foster care staff. Licensing staff ~~complete~~ completes Form 07LC099E, Dual Approval Request for Foster Care Placement. When a joint consensus is not achieved, either division may request a review by the dual approval committee for a final decision. ■ ~~4421~~

- The decision for approval is:
- (1) based ~~upon~~ on the number, ages, and children's specific needs of ~~children~~ potentially eligible for child care and foster care and ~~receipt of~~ a written agreement from the primary caregiver stating the individual(s) from whom the child was removed will not be present during the ~~hours of child care~~ hours;
  - (2) documented in the case record; and
  - (3) reviewed with the primary caregiver and foster care worker at least once every 12 months or when concerns exist.

~~(h) **Withdrawal of request for license.** When an applicant:~~

~~(1) requests to withdraw the request for license prior to issuance of an initial permit the licensing staff:~~

~~(A) documents this request on Form 07LC080E, Licensing Services Supplemental Information;~~

~~(B) confirms no children are in care; and~~

~~(C) may close the case, unless negative action is warranted.~~

~~(2) upon had children in care for more than 12 months, the applicant is requested to withdraw the request for license. When the applicant:~~

~~(A) agrees to withdraw the request, licensing staff:~~

~~(i) documents this discussion on Form 07LC080E;~~

~~(ii) provides a letter notifying the applicant of withdrawal of request for license; and~~

~~(iii) proceeds with case closure; or~~

~~(B) does not agree to withdraw the request, licensing staff; or~~

~~(i) documents this discussion on Form 07LC080E;~~

~~(ii) provides a letter notifying the applicant of case closure within 10-calendar days of receipt of letter; and~~

~~(iii) proceeds with case closure. ■ 12 & 13~~

## **INSTRUCTIONS TO STAFF 340:110-1-6**

**Revised ~~11-1-196-1-22~~**

**1. The sheriff's office or tribal realty offices may assist with identifying Indian tribal land boundaries.**

**2. Military base facilities may obtain a child care subsidy contract; however, they must be a one star plus level or higher. Quality Rating and Improvement System (QRIS) staff coordinates with Adult and Family Services (AFS) Child Care Subsidy. These facilities receive a license number unique to this circumstance.**

**3. (a) Home schooling is considered a private school and is exempt, including children 3 through 5 years of age. When licensed and home schooling are only**

parts of the program, all requirements must be met, including capacity. Home schooling of the caregiver's children or others, during child care hours is not considered other employment.

(b) An out-of-school time program operating two hours per day after school, during school holidays, or parent teacher conferences, but not during the summer months is exempt.

4. (a) For exemption, all definition criteria and (1) and (2) of this subsection are met.

(1) A school-age child is defined as a child, 3 years of age and older, attending or having completed pre-kindergarten or above.

(2) The program only cares for school-age children in a center-based environment. This exemption does not apply to family child care homes or center-based programs caring for school-age children, as well as other ages.

(b) Licensing verifies county population through the Federal Decennial Census website.

5. Child Care Services (CCS) application packets are provided to applicants. Residential programs and child-placing agencies are provided:

(a) Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care;

(b) Form 07LC041E, Personnel Information;

(c) Form 07LC043E, Child Placing Agency Compliance Review, or Form 07LC056E, Compliance Review-Residential Child Care Facility, as applicable; and

(4) Appendix L-7, Ownership Proof Chart.

6. Licensing is not responsible for local ordinance knowledge or enforcement and refers programs to local officials for specific ordinance information. Referrals are documented on the monitoring summary during the application monitoring visit or on Form 07LC080E, Licensing Services Supplemental Information.

47.(a) Licensing staff enters information in the Licensing database, including a monitoring frequency plan of six and obtains a case number. A request for license is considered complete when:

(1) necessary information is complete on Form 07LC004E, Request for License - Child Care Program; and

(2) supporting documentation was is provided.

(b) Licensing staff verifies family child care home applicants' identification by observing photo identification. A photo identification copy is requested and placed in the Licensing case file with confidential information purged.

(c) For a family child care home sole proprietor, the license reflects the primary caregiver's legal name as it appears and is verified by Licensing on the primary caregiver's Social Security card.

(d) When child care centers, day camps, drop-in, out-of-school time, part-day programs, or programs for sick children operate in multiple buildings, (1) through (3) of this subsection apply.

(1) Licensing staff consults with the supervisor for separate license issuance based on:

(A) building proximity;

- (B) street traffic;
  - (C) playground accessibility; and
  - (D) director responsibility.
- (2) When one license is issued for multiple buildings:
- (A) license capacity is determined for each building by computing square footage and toilet/sink ratios per building; and
  - (B) required posted items are displayed in each building, per applicable Licensing requirements.
- (3) Programs currently licensed do not require license issuance changes.
- ~~2. When the license is issued to a primary caregiver and spouse, it is not required both caregivers be present and providing care at all times, unless two adults are needed for the required adult-child ratio.~~
- ~~38. An individual may own more than one family child care home. Each home may be identified as a different ownership type, such as sole proprietor for one home and limited liability company for another home.~~
- 9. Licensing staff:**
- (1) for child care programs and family child care homes documents pending request for license and consults with the:
- (A) supervisor when pending request for license exceeds 45-calendar days;
  - (B) regional program manager when pending request for license exceeds 60-calendar days; and
  - (C) assistant licensing coordinator when pending request for license exceeds 90-calendar days; and
- (2) utilizes standardized applicant notification correspondence, when applicable: or
- (3) for residential or child-placing agencies documents when pending request for license exceeds 45-calendar days and consults with the program manager for appropriate action.
10. Licensing staff utilizes applicable standardized applicant notification correspondence.
11. When a withdrawal is requested, Licensing staff provides a copy of Form 07LC004E, Request for License - Child Care Program, or Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care, to the program or agency and the original is maintained in the case file.
12. When a request for license cannot be approved, due to a program not meeting Licensing requirements, Licensing staff discusses the withdrawal request with the program or agency. When a program or agency declines to withdraw, Licensing staff consults the supervisor or program manager. Written request from the program or agency for withdrawal is not required; however, in a letter or on Form 07LC080E, Licensing Services Supplemental Information, Licensing staff documents:
- (A) specific Licensing requirements not met;
  - (B) Licensing's request for the withdrawal; and
  - (C) the program's or agency's response to the withdrawal request.
13. Residential and child-placing agency Licensing staff schedule a visit to measure the square footage, draw a floor plan, and determine the licensed

capacity. When the program or child-placing agency does not begin operating within six months, Licensing staff contacts the program or child-placing agency regarding application status. A monitoring frequency plan of six is entered in the database.

**14. AFS provides claims process training and may offer a program contract.**

**15. Licensing staff conducts an Oklahoma Human Services (OKDHS) database search for prior involvement with OKDHS on required individuals prior to permission to operate. A monitoring frequency plan of 12 is entered in the Licensing database.**

**16. When the license is issued to a primary caregiver and spouse, it is not required both caregivers be present and providing care at all times, unless two adults are needed for the required adult-child ratio.**

**417. When care is provided in a structure on the same property as the primary caregiver's residence, an alternative compliance is not required. When part of the main residence is used for child care, the monitoring visit includes the main residence.**

**518. When a primary caregiver requests to provide care in a location that is not a residential family home, an alternative method of compliance ~~must be~~ is requested.**

**619. When a primary caregiver requests to provide care in a residential family home other than the primary caregiver's residence, an alternative method of compliance is not required, and the procedures in (1) through (7) of this Instruction apply.**

(1) The primary caregiver provides Form 07LC004E, Request for License - Child Care Program, indicating the care location and the primary caregiver's permanent resident address.

(A) Household members residing at the care location are ~~listed~~ documented on Form 07LC004E, Request for License - Child Care Program, and all adults are required to sign. The primary caregiver's spouse residing at the primary caregiver's residence is not required to sign Form 07LC004E.

(B) When the spouse's signature is obtained, ~~a computer check an~~ OKDHS computer search identifying prior OKDHS involvement with ~~Oklahoma Department of Human Services (DHS)~~ is completed.

(C) When the request for license is an address change for an existing license; refer to Oklahoma Administrative Code (OAC) 340:110-1-9(f).

(2) Licensing staff documents an explanation of this alternative care arrangement on Form 07LC080E, Licensing Services Supplemental Information.

(3) The primary caregiver signs an agreement stating child care will not be provided at the primary caregiver's residence.

(4) Documentation of criminal background ~~checks~~ searches is obtained on all adults residing in the home where child care is provided and on other adults having access to children in care on a regular basis.

- (5) Children 12 years of age and younger not living in the home where care is provided are counted in the capacity when present during the hours of child care.
- (6) When the family child care home is also approved for foster care, dual approval procedures, per OAC 340:110-1-6(g) apply.
- (7) Overnight care is not approved in a residence other than the primary caregiver's permanent residence.
- ~~7. A monitoring frequency plan of 12 is entered in the Licensing database.~~
- ~~8. Adult and Family Services (AFS) provides claims process training and may offer a contract to the program.~~
- ~~920.~~ (a) When the location and the ownership remain the same, the same case number may be used is utilized. The Licensing case file and database reflect program closure and reopening.
- (b) When a day camp utilizes an outdoor remote location during summer and an indoor location during winter and spring, Licensing staff:
  - (1) ~~close~~ closes and ~~reopen~~ reopens the case when the indoor location is not the alternate site during summer; and
  - (2) ~~do~~ does not close and reopen the case when the indoor location is the alternate site for inclement weather during the summer. However, a monitoring visit is conducted and a fire inspection required.
- ~~10. Licensing staff conducts a DHS computer check on required individuals prior to permission to operate.~~
- ~~1121.~~ The dual approval committee consists of State Office representatives from Child Welfare Services, AFS, and Child Care Services CCS.
- ~~12. When a withdrawal is requested, Licensing staff provides a copy of Form 07LC004E, Request for License – Child Care Program, to the program and the original is maintained in the Licensing file.~~
- ~~13. When a request for license cannot be approved, due to a program not meeting Licensing requirements, Licensing staff discusses the withdrawal request with the program. When a program declines to withdraw, Licensing staff consults the supervisor. Written request from the program for withdrawal is not required; however, in a letter or on Form 07LC080E, Licensing Services Supplemental Information, Licensing staff documents:~~
  - ~~(A) specific Licensing requirements not met;~~
  - ~~(B) Licensing's request for the withdrawal; and~~
  - ~~(C) the program's response to the withdrawal request.~~

**340:110-1-8.3. Certification of programs to receive a differential quality rating and improvement level**

Revised ~~3-13-206-1-22~~

(a) **Purpose.** The differential quality rating and improvement system was developed to improve the overall quality of care by increasing the professional development and education of child care providers and to provide the public with a method to evaluate child care. Certification is required for a program to receive a differential quality rating for children whose families are receiving subsidized child care benefits through the Oklahoma Department of Human Services (DHS) (QRIS) provides a framework for

building strong early care and education programs. This systematic approach assesses, improves, and communicates quality levels in early care and out-of-school time education programs. The QRIS quality components include:

- (1) management and administration;
- (2) workforce qualifications and professional development;
- (3) learning and development;
- (4) family partnerships; and
- (5) program evaluation and continuous quality improvement.

(b) **Criteria for child care centers and homes certification levels.** The certification process and quality rating and improvement criteria for child care programs are described in Oklahoma Administrative Code (OAC) 340:110-1-8.3 through ~~340:110-1-8.10~~ 340:110-1-8.11.

(c) **Request for star certification process.** The process in (1) through (4) of this subsection is required for certification.

(1) ~~Criteria for one star centers and homes~~ **One-star center and home criteria.** A program operating on a permit or license is automatically designated as a ~~one star~~ one-star program.

(2) ~~Criteria for one star plus centers and homes~~ **Two-star center and home criteria.** For approval as a ~~one star plus~~ two-star program, the owner and director or primary caregiver, when applicable, complete and submit Form 07LC025E, Request for Child Care Center Star Certification, or Form 07LC027E, Request for Family Child Care Home Star Certification, and:

- (A) meet all criteria described in (b) of this Section; and
- (B) when licensed as a child care center, meet at least the minimum ~~required~~ number of master teachers as required, per applicable ~~Licensing requirements~~ star level and are not eligible for master teacher probationary periods.

(3) ~~Criteria for two star centers and homes~~ **Three-star center and home criteria.** For approval as a ~~two star~~ three-star program, the owner and director or primary caregiver, when applicable, complete and submit the appropriate request for star certification, and meet:

- (A) all ~~one star plus and two star~~ criteria described in (b) of this Section; or
- (B) Licensing status and compliance, per OAC 340:110-1-8.4, and provide documentation the program is:
  - (i) accredited by a Child Care Service (CCS)-approved national accrediting organization ~~approved by Child Care Services (CCS);~~ or **■ 1**
  - (ii) a Head Start grantee and compliant with Head Start Program Performance Standards.

(4) ~~Criteria for three star centers and homes~~ **Four- and five-star center and home criteria.** For approval as a ~~three star~~ program, the owner and director or primary caregiver, when applicable, must:

- ~~(A)~~ complete and submit the appropriate request for star certification; and;
- ~~(B)~~(A) meet ~~one star plus and two star~~ all criteria described in (b) of this Section; and ~~be;~~ or
- (B) meet all criteria described in OAC 340:110-1-8.3 through 340:110-1-8.10 and specified criteria described in OAC 340:110-1-8.11; and be:

(i) accredited by a CCS-approved national accrediting organization approved by CCS; or ■-4

(ii) a Head Start grantee and compliant with Head Start Program Performance Standards.

(d) Effective June 1, 2022. Programs certified as one-star plus or higher prior to June 1, 2022, are required to reapply for star level certifications.

(1) Applications must be received by December 1, 2022.

(2) On February 1, 2023, programs will be reassigned;

(A) the appropriate star level based on the criteria being met; or

(B) a one-star level when an application is not received by December 1, 2022.

~~(d)~~(e) Approval for certification for centers and homes Center and home certification approval. The procedures in this subsection are followed for initial approval and requests for higher star certification level.

(1) The owner and director or primary caregiver, when applicable, submit the appropriate request for star certification and required documentation to CCS. ■ 2 & 3

(2) The stars outreach specialist determines when certification criteria are met by reviewing the case file and submitted documentation. When it has been four months since the last monitoring visit, the stars outreach specialist requests Licensing staff conducts a full-monitoring visit. Prior to approval, the stars outreach specialist reviews all information consulting with Licensing staff and the stars program administrator or designee as needed.

(A) The monitoring visits and substantiated complaints for the last 24 months of operation are reviewed for criteria compliance determination. ■ 4 The request may be denied when the program has:

(i) numerous, repeated, or serious non-compliance, per OAC 340:110-1-8.4;

(ii) a single serious incident resulting in injury or imminent risk of harm to a child within the 24-month period;

(iii) an Emergency Order or notice of proposed request for license denial or license revocation issued;

(iv) a serious substantiated complaint;

(v) failed to employ a qualified director for six months or more; or

(vi) a consent agreement, per OAC 340:110-1-9.5. ■ 5

(B) When the program meets the criteria, the stars outreach specialist provides a letter confirming the approval and the effective date, and updates the database. ■ 6 When numerous, repeated, or serious non-compliance was identified during case review for the star certification request, the letter states these non-compliances are considered, and may result in star certification reduction when subsequent serious non-compliances occur.

(C) When the program fails to meet the criteria, the stars outreach specialist provides a letter identifying criteria not met. The request for star certification is also reviewed determining when another star certification level can be met and updating the database accordingly. ■ 7

(D) The owner and director or primary caregiver, when applicable, may reapply when criteria are met. When the request for a higher star certification level is denied due to numerous, repeated, or serious non-compliance with Licensing

requirements, the program is not approved for a higher star certification level prior to six months after the program receives the denial letter by certified mail. The regional programs manager (RPM) may reduce the six-month waiting period based on case file evaluation, corrective action written documentation, and Licensing staff observation and documentation of substantial compliance improvement. The RPM provides the program written notification regarding reduced timeframes.

(E) The owner may withdraw the request for star certification prior to denial.

(F) The owner may request a reduction in star certification level. The request is made in writing to CCS. Quality rating and improvement system (QRIS) personnel or the designee provides a letter to the owner documenting the reduction request, including the new star certification level effective date, and updates the database with the program's new star certification level. A reduction request does not constitute a reduction in star certification level, per (h) of this Section, and the right to request an administrative review is waived.

~~(e)~~(f) **Complaint investigations.** Pending complaint investigations may impact star certification request approval. ■ 4 & 5

~~(f)~~(g) **Ongoing review.** The procedures in this subsection are followed for ongoing review.

(1) **Program notification to CCS.** The owner, director, or primary caregiver is required to notify CCS within five program-business days of changes affecting the program's star certification level. The case is reviewed by Licensing staff, determining whether criteria continue being met. ■ 8

(2) **Periodic certification reviews.** Licensing staff completes a minimum of three reviews annually, ~~using Form 07LC026E, Child Care Center Star Certification Review, or Form 07LC028E, Family Child Care Home Star Certification Review.~~ The three reviews consist of two partial- and one full-star certification criteria reviews.

(A) For programs having a licensed capacity of fifty or more, the annual criteria review may be scheduled at least one week in advance, when requested by the program owner or director.

(B) Programs:

(i) operating less than a full-year or having a cooperative licensing agreement with a tribal program are required to have a minimum of one partial- and one full-star certification reviews annually; and

(ii) exempt from state licensure including federal or tribal programs, have all applicable stars criteria reviewed at least annually. ■ 9

(3) **Master teacher change.** When an individual not meeting master teacher educational qualifications replaces a master teacher:

(A) Form 07LC031E, Probationary Master Teacher Agreement, is completed;

(B) the probationary master teacher is granted a one-year probationary period to fulfill the master teacher educational qualifications per applicable Licensing requirements and QRIS criteria; and

(C) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on Form 07LC031E. ■ 10

(4) **Non-compliance.** The star certification level of a ~~one star plus, two, or three star~~ program may be reduced, when a program has:



- (A) serious non-compliance with Licensing requirements, within a 24-month period;
- (B) a serious incident resulting in injury or imminent risk of harm to a child;
- (C) an Emergency Order or notice of proposed request for license denial or license revocation issued;
- (D) a serious substantiated complaint;
- (E) failed to employ a qualified director for six months or more; or
- (F) other star certification criteria violations. ■ 4 & 5

(5) **Violations.** When violations of certification criteria are documented, or the program notifies CCS of criteria changes, the procedures in (A) through (E) of this paragraph are followed.

(A) Licensing staff provides written notification documenting the violations, including a statement that a reduction in the star certification level may occur, when the program has:

- (i) serious non-compliances with Licensing requirements;
- (ii) a serious incident occurs resulting in injury or imminent risk of harm to a child;
- (iii) an Emergency Order or notice of proposed request for license denial or license revocation issued;
- (iv) a serious substantiated complaint;
- (v) failed to employ a qualified director for six months or more; or
- (vi) star criteria violations not corrected in the agreed on time frame.

(B) Licensing staff documents a plan of correction indicating a specific agreed on correction time frame:

- (i) for each star criteria violation documented during a criteria review; or
- (ii) when a program notifies Licensing of star criteria violations.

(C) When previous star criteria violations were not corrected in the agreed on time frame, an additional plan of correction may be documented indicating a reduced correction time frame.

(D) When the program fails to meet additional plans of correction, Licensing staff may submit a referral for star certification reduction or notify the program of a request for extension of time to comply, including timeframes.

(E) When the program does not apply for an extension of time to comply, there is no acceptable plan of correction; Licensing staff may submit a referral for star certification reduction. ■ 11 & 12

(6) **Follow-up of star criteria violations.** Licensing staff is responsible for verifying star certification criteria violations are corrected as determined by the approved plan of correction.

(7) **Written notice.** Licensing staff provides written notice that star certification criteria are not being met, when a program has: ■ 13

- (A) serious non-compliance with requirements, per OAC 340:110-1-8.4;
- (B) a serious incident resulting in injury or imminent risk of harm;
- (C) a serious, substantiated complaint ~~that may place the children's health, safety, or well-being at imminent risk of harm;~~
- (D) failed to employ a qualified director for six months or more; or
- (E) star criteria violation.

~~(g)~~**(h) Extension of time to comply.**

- (1) A request for an extension of time to comply may be submitted when violations of star criteria cannot be corrected within the agreed on plan of correction time frame.
- (2) A request for an extension of time to comply to meet Licensing requirements, such as director qualifications, is not approved.
- (3) The owner, director, or primary caregiver submits Form 07LC074E, Request for Extension of Time to Comply, no later than 10-calendar days after the plan of correction expires.
- (4) The decision to approve or deny an extension of time to comply is made by the stars program administrator or designee. One or more discretionary extensions of time to comply may be granted. Approval of an extension of time to comply does not set a precedent and each request is independently evaluated. The owner and director or primary caregiver, when applicable, is notified in writing of the decision. ■ 14

~~(h)~~**(i) Reduction in one star plus, two, and three star certification levels.**

- (1) A reduction occurs when CCS issued a written Emergency Order or notice of proposed request for license denial or license revocation. ■ 15
- (2) A reduction may occur, when the program has:
  - (A) numerous, repeated, or serious non-compliance with Licensing requirements within a 24-month time frame; ■ 4 & 5
  - (B) a serious incident resulting in injury or imminent risk of harm to a child;
  - (C) a serious, substantiated complaint;
  - (D) violations not corrected within the agreed on time frame; or
  - (E) failed to employ a qualified director for six months or more. ■ 16
- (3) The procedures in this subsection are followed when a reduction is warranted.
  - (A) Licensing staff reviews the case with the supervisor and RPM. The decision to make a referral to the stars program administrator or designee is made by the RPM and referrals are made in writing to the stars program administrator or designee. The RPM may offer or accept a request from the owner of a licensed program for an alternative settlement in lieu of reduction. The alternative settlement documents how the program will go above and beyond minimum Licensing requirements and ensure a higher standard or quality of care. It is the RPM's decision to accept or deny the alternative settlement. ■ 17
  - (B) When a reduction is warranted, the stars program administrator or designee provides the owner and director or primary caregiver, when applicable, a letter sent by certified mail documenting the reduction in star certification level and notifying the program of the right to request an administrative review of the decision.
  - (C) The certified mail delivery receipt card is addressed to return to the CCS director or designee.
  - (D) In order to receive an administrative review, the owner submits a written request to the CCS director or designee within 15-calendar days of reduction notification letter receipt.
  - (E) The request includes written documentation stating the program's grounds for ~~appeal~~ administrative review.
- (4) QRIS personnel or a designee updates changes in the star certification level and payment rate following verification of certified letter receipt and the administrative review, when requested. ■ 18

(5) The administrative review process includes determining when a star certification level reduction was in accordance with ~~DHS~~ Oklahoma Human Services (OKDHS) rules and substantially supported by the evidence. The procedures in (A) through (C) of this paragraph are followed when an administrative review is requested.

(A) Within 30-calendar days of receiving the request for an administrative review, a letter is provided notifying the owner and program of the administrative review. Prior to the administrative review, the owner is provided at least a 14-calendar day written notice. All correspondence indicates the administrative review date, time, and location. The owner may submit written documentation prior to, or at the beginning of the administrative review, with copies provided to all representatives.

(B) The administrative review panel:

(i) provides review;

(ii) consists of one ~~DHS~~ OKDHS staff not involved in the decision to reduce the star certification level; and

(iii) includes two Child Care Advisory Committee (CCAC) members, one being a center owner or operator, per OAC 340:110-1-17.

(C) The stars review panel makes a determination affirming or reversing the CCS decision at the administrative review. Time constraints or the complexity of issues may require the panel to take a matter under advisement. The determination decision is completed within 10-calendar days from the panel review date.

(6) The owner and director or primary caregiver, when applicable, may reapply for a higher star certification level when criteria are met. When the star certification level is reduced due to serious non-compliance with Licensing requirements, the program is not approved for a higher star certification level for six months after receiving the reduction letter, sent by certified mail.

~~(j)~~**(i) Change in ownership.** When there is a change in program ownership or form of business entity, the case is closed and the star certification level is removed, unless otherwise determined, per OAC 340:110-1-9. For approval as a higher star certification level, the new owner and director or primary caregiver, when applicable, completes and submits the appropriate star certification request, meeting all the criteria applicable to the requested star certification level.

~~(k)~~**(k) Transitional change of ownership.** When a program requests a transitional change of ownership (1) through (7) of this subsection are followed.

(1) Licensing staff conducts a full-star criteria review within ~~five DHS business~~ five-OKDHS business days:

(A) verifying all applicable criteria are met; and

(B) obtaining the appropriate request for star certification completed by the prospective owner and director or primary caregiver, when applicable. ■ 19 & 20

(2) The stars outreach specialist reviews the request for star certification completed by the prospective owner and verifies star level certification criteria are met, per (d) of this Section.

(3) Transitional change of ownership procedures are followed, per OAC 340:110-1-9.

(4) Periodic and ongoing criteria reviews are conducted and maintained, per (f) of this Section.

(5) All star certification criteria reviews and correspondence are provided to both the current and prospective owners.

(6) Change of ownership procedures are followed, per (i) of this Section by the end of 90-calendar days, when applicable.

(7) When programs notify Licensing that transitional change of ownership is no longer proceeding, Licensing staff verifies program operation status and consults with the supervisor for appropriate action.

~~(k)~~(l) **Inactive status.** When a program is determined inactive, per OAC 340:110-1-9, all applicable star certification criteria is reviewed prior to resuming care. ■ 21

~~(j)~~(m) **Address change.** When the program's address changes, Licensing staff completes the appropriate star certification review, verifying compliance with criteria at the new address. Licensing staff determines when a partial- or full-star certification review is conducted.

~~(m)~~(n) **Record-keeping.** Periodic certification review, request forms, and supporting documentation are maintained in the case file or in a separate open-record file. ~~When maintained, any~~ Any confidential information, including children's photographs is ~~kept confidential~~ maintained, per OAC 340:110-1-14.

### **INSTRUCTIONS TO STAFF 340:110-1-8.3**

**Revised ~~3-13-206~~1-22**

**1. (a) Approved national accrediting bodies are the:**

- (1) Association of Christian Schools International's Preschool Accreditation (ACSI);**
- (2) National Association for the Education of Young Children (NAEYC), Early Learning Program Accreditation;**
- (3) National Early Childhood Program Accreditation (NECPA);**
- (4) Council on Accreditation (COA);**
- (5) National Accreditation Commission for Early Care and Education Programs (NAC);**
- (6) Accredited Professional Preschool Learning Environment (APPLE);**
- (7) Commission on Accreditation of Rehabilitation Facilities (CARF);**
- (8) National Association of Family Child Care (NAFCC); and**
- (9) Cognia.**

**(b) Program accreditation may be transferable.**

- 2. It is the program owner's responsibility to initiate the certification process and provide required documentation. Programs are not required to have a current provider contract to request certification.**
- 3. The stars outreach specialist notifies Licensing staff when Form 07LC025E, Request for Child Care Center Star Certification, or Form 07LC027E, Request for Family Child Care Home Star Certification, is received. Licensing staff notify the stars outreach specialist (SOS) when concern exists. The SOS determines when certification criteria are met by reviewing the case file and documentation submitted by the program.**
- 4. The program's case file of up to 24 months is considered, including the case file from previous licenses. When a program files a grievance, per Oklahoma Administrative Code (OAC) 340:110-1-15, the violation is not considered as part of an approval or reason for denial or reduction while pending an Oklahoma Department of Human Services (~~DHS~~) (OKDHS) decision.**

5. (a) When making the determination to deny or reduce the certification, Licensing staff considers:
  - (1) the number of serious non-compliances or substantiated complaints;
  - (2) the non-compliance duration;
  - (3) the degree of risk to children;
  - (4) if non-compliances could have been prevented;
  - (5) the response timeliness and effectiveness; and
  - (6) if notice was given regarding denial or reduction of star certification.
- (b) Numerous and repeated non-compliance are included with reduction referrals only in problematic case situations and when the case is being reviewed for denial or license revocation.
- (c) Numerous non-compliances during the initial Licensing visit prior to permit, may be disregarded when evaluating compliance, when all items were corrected in a timely manner.
- (d) The certification request may be denied even though there are more than six months of compliant monitoring history, while on a consent agreement.
6. The appropriate request for star certification and the professional development documentation is maintained in the official case file, but other documentation may be returned to the program.
7. When a request for star certification is denied, copies of documentation supporting the denial are maintained in the case file. Originals are returned to the program.
  - (1) When the program contacts Child Care Services (CCS) to discuss concerns regarding the star certification denial, attempts are made to resolve the matter by making the appropriate referrals based on the denial reason.
  - (2) When the matter is not resolved, Licensing staff advises the program of the right to file a grievance, per OAC 340:110-1-15 providing grievance procedure policy, when requested.
  - (3) When it is determined the program meets a different star certification level other than requested, the stars outreach specialist notifies the owner and director or primary caregiver, when applicable, documenting the discussion on Form 07LC080E, Licensing Services Supplemental Information. The owner and director or primary caregiver, when applicable, also updates or completes and submits a new, appropriate request for star certification for the different star certification level.
8. Licensing staff complete a plan of correction when star certification criteria are not met.
9. Periodic certification reviews.
  - (1) At the two partial-stars certification criteria reviews, criteria in (A) through (G) of this Instruction are reviewed, when applicable:
    - (A) compliance with minimum Licensing requirements;
    - (B) master teacher qualifications and review of Form 07LC031E, Probationary Master Teacher Agreement, when applicable;
    - (C) required number of master teachers;
    - (D) primary caregiver qualifications;

- (E) interest and activity areas;
  - (F) professional development for a director hired since the last review;
  - and
  - (G) star criteria violations from the previous review.
- (2) All applicable stars certification criteria are reviewed annually.
  - (3) Licensing staff documents in discussion the names of program personnel that the review or follow-up is conducted with, including any witnesses.
  - (4) Star reviews may be reduced when the required number of minimum monitoring visits is reduced.
  - (5) Stars certification criteria is reviewed when the program is monitored for a consent agreement, per OAC 340:110-1-9.5.
  - (6) Quality rating and improvement system staff reviews programs exempt from state licensure, verifying all applicable criteria are met.
  - (7) ~~Programs approved as two star by meeting Licensing status and compliance, with current accreditation or Head Start grantee and compliant with Head Start Program Performance Standards are monitored for these two criteria only.~~ Two star Three-star programs meeting criteria with accreditation or Head Start Performance Standard compliance are only monitored for licensing compliance and approved accreditation or performance standards.
10. When replacing a master teacher, actively pursuing educational qualifications include, completing at least:
    - (1) three college credits toward a Certificate of Mastery, Child Development Associate (CDA) or Certified Childcare Professional (CCP);
    - (2) three college credits in Early Childhood Education (ECE), Child Development (CD), or School Age (SA); or
    - (3) 40-clock hours of professional development toward CDA or CCP.
  11. The time frame for correcting violations is negotiated between the director, primary caregiver, owner, or personnel in charge, and Licensing staff. Time frames are based on the time needed to correct the violation and level of risk to children. Licensing staff is responsible for tracking and follow-up on the plan of correction.
  12. When information is received regarding a program not meeting certification criteria, and no written documentation exists, CCS staff documents the violation on Form 07LC080E. Licensing staff contacts the program, documenting the violation and plan of correction.
  13. Documentation considered a notice for star criteria not being met include:
    - (1) the appropriate star certification review;
    - (2) Form 07LC037E, Notice to Comply; or
    - (3) the statement regarding star reduction in a letter or in office conference documentation: "A reduction in star certification may occur, when:
      - (A) the program had serious non-compliance with Licensing requirements;
      - (B) serious substantiated complaints or a serious incident occurs resulting in injury or imminent risk of harm to a child;
      - (C) violations are not corrected in the agreed on time frame; or

- (D) an Emergency Order, proposed request for license denial, or license revocation is issued."
14. Criteria considered when determining approval or denial of an extension request, includes the:
    - (1) request timeliness;
    - (2) program's compliance record;
    - (3) length of time needed to meet the criteria;
    - (4) program's evidence of effort or actions to correct violations or meet criteria;
    - (5) impact on available care in the area for children whose care is subsidized; and/or
    - (6) program's proximity to services, classes, and resources.
  15. When reduction in ~~one star plus, two, or three~~ star certification level is initiated due to either Emergency Order issuance, request for license denial, or license revocation, a separate star certification level reduction appeal request may not be made. Procedures in OAC 340:110-1-9.4 and 340:110-1-10 are followed for requests or appeals addressing the action taken regarding the license.
  16. The star level is reduced to the criteria level the program currently meets.
  17. Licensing staff is responsible for monitoring alternative settlement compliance. When the decision to refer the case to the stars program administrator or designee is made, documentation made available in the database includes:
    - (1) an appropriate request for star certification copy, Form 07LC004E, Request for License Child Care Program, and supporting proof of ownership;
    - (2) copies of monitoring visits and complaints documenting serious non-compliance and substantiated complaints;
    - (3) pertinent or applicable documentation including letters, notices to comply, supplemental pages, and complaint summaries; and
    - (4) additional information needed to make a decision.
  18. Per Form 08CC001E, Child Care Provider Contract, the payment rate is reduced to the appropriate star certification level at the expiration of four months, from the first day of the month, immediately following certified receipt of letter or notice of reduction sent to program.
  19. Transitional change of ownership.
    - (1) Criteria reviews are conducted under the current owner's program and copies are filed in the prospective owner's case file.
    - (2) All Licensing correspondence copies are filed in both the current and prospective owners' case files.
    - (3) All of the current owner's criteria review information is available to the prospective owner on request, including reduction of star certification levels.
  20. Program accreditation may be transferable between the current and prospective owner depending on the accrediting organization.
  21. Inactive status.
    - (1) During inactive status, star certification reviews are not conducted. However, Licensing contacts the program every four months verifying inactive status and Professional Development Ladder (PDL) certification. Licensing

discusses ongoing PDL certification maintenance, alleviating future non-compliance upon resuming care. Program contacts and discussions are documented on Form 07LC080E, Licensing Services Supplemental Information.

(2) Upon resuming care, a partial-star certification review is conducted and may be combined with the Licensing monitoring visit.

(3) When a full-star certification review was due during inactive status, Licensing conducts a full-star certification review upon resuming care. Criteria not applicable during inactive status, such as parent surveys and conferences, and personnel evaluations, are not documented as violations. Licensing consults with the program regarding appropriate time frames for completing applicable criteria.

#### **340:110-1-8.4. Licensing status and compliance for ~~differential quality rating and improvement certification~~ criteria**

Revised ~~11-1-206-1-22~~

(a) ~~Licensing status criteria for one star plus, two star, and three star levels~~ Two-, three-, four-, and five-star licensing status criteria. For star certification, programs have a license or permit. ■ 1

(b) ~~Compliance criteria for one star plus, two star, and three star levels~~ Two-, three-, four-, and five-star compliance criteria. The monitoring visits and substantiated complaints for the last 24 months of operation are reviewed. The Licensing file from the applicant's previous licenses is considered. Numerous, repeated, and serious non-compliance, per Oklahoma Administrative Code (OAC) 340:110-1-9.3 are considered when approving or denying star certification. ■ 1 & 2 The request for star certification may be denied or the level reduced, when:

- (1) there are numerous, repeated, or serious non-compliance with applicable Licensing requirements; ■ 3
- (2) a serious incident occurs resulting in injury or imminent risk of harm to a child;
- (3) an Emergency Order or notice of proposed request for license denial or license revocation is issued;
- (4) a serious substantiated complaint occurs;
- (5) the program fails to employ a qualified director for six months or more; or
- (6) star certification level criteria are not met.

#### **INSTRUCTIONS TO STAFF 340:110-1-8.4**

Revised ~~11-1-206-1-22~~

1. ~~Numerous non-compliances during the initial Licensing visit prior to permit, may be disregarded when evaluating compliance when all items were corrected in a timely manner.~~ Military and tribal child care programs located in Oklahoma, and exempt from state licensure, may request star certification and submit copies of monitoring visits for the last 12 months to demonstrate compliance with applicable child care Licensing requirements. Prior to certification approval, quality rating and improvement system (QRIS) personnel or a designee conducts a visit, verifying compliance with certification criteria. QRIS personnel or a designee conducts an annual criteria review including



monitoring visits. Out-of-state child care programs are not eligible for star certification.

2. ~~Military and tribal child care programs located in Oklahoma and, exempt from state licensure, may request star certification and submit copies of monitoring visits for the last 12 months to demonstrate compliance with applicable child care Licensing requirements. Prior to certification approval, quality rating and improvement system (QRIS) personnel or a designee conducts a visit, verifying compliance with certification criteria. QRIS personnel or a designee conducts an annual criteria review including monitoring visits. Out-of-state child care programs are not eligible for star certification. Numerous non-compliances during the initial Licensing visit prior to permit, may be disregarded when evaluating compliance when all items were corrected in a timely manner.~~
3. Numerous or repeated non-compliance may be used for reduction when the program is submitted for denial or revocation.

**340:110-1-8.5. Administrative ~~differential quality rating and improvement certification criteria~~**

Revised ~~11-1-18~~6-1-22

(a) ~~Criteria one star plus centers~~ Two-, three-, four-, and five-star center criteria.

Administrative criteria listed in (1) – ~~(4)~~(6) of this subsection are required.

(1) At least annually, the director or supervising personnel evaluates personnel in writing utilizing the Oklahoma Core Competencies and assists personnel in developing the educational professional development plan.

(2) Personnel policies are provided to personnel upon employment and when revisions are made. These policies include information on:

(A) personnel hiring and firing, termination;

(B) job duties and responsibilities, for each position;

(C) professional development requirements, including minimum professional development hours required, and;

(D) personnel attendance policy;

(E) the program's mission or vision statement;

(F) organizational structure;

(G) professional and ethical conduct;

(H) children's transition plans for:

(i) daily activity transitions;

(ii) new teaching personnel or classroom; and

(iii) transition to a new child care program, Head Start, or school; and

(I) continuity of care plans, per Oklahoma Administrative Code (OAC) 340:110-1-8.8(b)(5).

(3) Personnel policies are maintained on site.

~~(3)~~(4) Programs are registered as a direct care organization with the Oklahoma Professional Development Registry (OPDR) by following and maintaining all items listed in the Direct Care Facility ~~Guide~~ Handbook.

~~(4)~~(5) Program personnel counted in staff-child ratio and the director are OPDR members having current Professional Development Ladder (PDL) certificates. New

personnel counted in staff-child ratio and directors must be verified on OPDR having current PDL certificates within 12 months of employment. ■ 1

~~(b) **Criteria two and three star centers.**~~ Administrative criteria listed in ~~(a)~~ of this Section and ~~(1) – (2)~~ of this subsection are required.

~~(1) The personnel policy and procedure manual is maintained on-site for personnel and includes the program's mission or vision statement, information on organizational structure, and code of professional conduct.~~

~~(2)(6) A minimum of two personnel meetings are conducted annually including time discussing quality and its impact on the program. Personnel meetings are conducted, at least:~~

~~(A) twice annually for two-star programs;~~

~~(B) quarterly for three-star programs;~~

~~(C) every other month for four-star programs; and~~

~~(D) monthly for five-star programs.~~

~~(b) **Three-, four-, and five-star center criteria.**~~ In addition to administrative criteria in ~~(a)~~ of this Section, programs maintain a written policy regarding children's assignments to teaching personnel, per OAC 340:110-1-8.8.

~~(c) **Four- and five-star center criteria.**~~ Programs implement personnel benefits and resources for well-being and personnel retention. Four-star programs implement at least two benefits, and five-star programs implement at least four benefits. Benefits are listed in the personnel policy, and examples may include:

~~(1) personnel salary scale based on PDL level, position responsibilities, experience, or longevity;~~

~~(2) fully- or partially-paid health insurance;~~

~~(3) on-going employee wellness activities;~~

~~(4) paid sick and vacation days;~~

~~(5) coaching and reflection release time;~~

~~(6) employer contribution to retirement plan;~~

~~(7) designated break and lunch times away from program responsibilities;~~

~~(8) personnel break room;~~

~~(9) free or discounted child care;~~

~~(10) professional development or educational financial aid;~~

~~(11) annual Adverse Childhood Experience and resiliency training;~~

~~(12) health and wellness education presented quarterly at personnel meetings; or~~

~~(13) paid gym memberships.~~

~~(e)(d) **Criteria one star plus homes Two-, three-, four-, and five-star home criteria.**~~ Administrative criteria listed in ~~(1) – through (2)(3)~~ of this subsection are required.

~~(1) The primary caregiver is an OPDR member having a current PDL certificate. ■ 2~~

~~(2) Programs are registered as a direct care organization with the OPDR by following and maintaining all items listed in the Direct Care Facility Handbook.~~

~~(2)(3) Assistant caregivers are OPDR members having current PDL certificates. New assistant caregivers are verified on OPDR having current PDL certificates within 12 months of employment. ■ 1~~

~~(d)(e) **Criteria two and three star homes Three-, four-, and five-star home criteria.**~~ Administrative criteria listed in ~~(c)~~ of this Section and ~~(1) – through (2)(3)~~ of this subsection are required. The owner or primary caregiver:

- (1) ~~The owner or primary caregiver has~~ maintains a written job description for assistant caregivers caregivers' written job descriptions and defining the assistant's responsibilities;
- (2) ~~Assistants are evaluated~~ evaluates assistant caregivers in writing annually ~~by the owner or primary caregiver,~~ including developing the educational professional development plan; and
- (3) maintains a written policy regarding children's transition plans, for:
  - (A) daily activity transitions;
  - (B) new caregivers; and
  - (C) transition to a new child care program, Head Start, or school.

### **INSTRUCTIONS TO STAFF 340:110-1-8.5**

**Revised 11-1-186-1-22**

- 1. ~~Verification of Oklahoma Professional Development Registry (OPDR) registration occurs as~~ Licensing staff reviews Oklahoma Professional Development Registry (OPDR) records for compliance with professional development criteria. Program personnel and assistant caregiver OPDR registration is due by the end of the 12th month of the first employment year.**
- 2. ~~Verification of OPDR registration occurs as~~ Licensing staff reviews OPDR records for compliance with professional development criteria. OPDR registration for primary caregiver/owner is due prior to approval for a higher star certification level. When employing a new primary caregiver, ~~who is not an owner,~~ OPDR registration is due prior to qualifications approval.**

### **340:110-1-8.6. Director, personnel, and primary caregiver ~~qualifications for differential quality rating and improvement certification~~ qualification criteria**

**Revised 11-1-206-1-22**

- (a) Master Two-, three-, four-, and five-star master teacher and primary caregiver qualifications for two and three star levels.** Required criteria include: ~~■ 4~~
  - (1) a current Oklahoma Professional Development Ladder (OPDL) certificate of Level 3, ~~specifically met by an Oklahoma Competency Certificate with a Master Teacher emphasis, or~~ Level 4 or higher;
  - (2) completed training in Oklahoma's Early Learning Guidelines (ELG); however, new master teachers, or probationary master teachers, ~~or primary caregivers~~ hired or assuming the responsibilities after certification are trained within 90-calendar days; and
  - (3) employment on-site, full-time; however, out-of-school time master teachers are on-site at least 50 percent of weekly-operating hours. ~~■ 21~~
- (b) Master teachers required for two and three star centers teacher ratio for two-, three-, four-, and five-star centers.** There is a full-time master teacher for every 30 children of the licensed capacity:
  - (1) 50 children of the licensed capacity for two-star centers;
  - (2) 40 children of the licensed capacity for three-star centers;
  - (3) 30 children of the licensed capacity for four-star centers; or
  - (4) 20 children of the licensed capacity for five-star centers.

~~(1)(c)~~ Out-of-school time programs and programs licensed as day camps have a master teacher for every 40 children of the licensed capacity. **Master teacher ratio for two-, three-, four-, and five-star programs licensed as out-of-school time programs and day camps.** There is a full-time master teacher for every:

(1) 60 children of the licensed capacity for two-star out-of-school time programs and day camps;

(2) 50 children of the licensed capacity for three-star out-of-school time programs and day camps;

(3) 40 children of the licensed capacity for four-star out-of-school time programs and day camps; or

(4) 30 children of the licensed capacity for five-star out-of-school time programs and day camps.

~~(2)(d)~~ **Additional master teacher requirements for two-, three-, four- and five-star centers.** An individual is not counted as a master teacher, probationary master teacher, or primary caregiver in more than one program, unless the scheduled hours of employment in each program do not overlap at any given time.

~~(3)(1)~~ When an individual replaces a master teacher and does not meet educational qualifications, refer to Oklahoma Administrative Code (OAC) 340:110-1-8.3(f)(g)(3).

■ 32

~~(4)(2)~~ When approved, a probationary master teacher must also complete ~~completes~~ training in ELG in (a)(2) of this Section.

~~(e)(e)~~ **Director as master teacher.** The director may be counted as a master teacher when meeting master teacher qualifications in (a) of this Section, regardless of the program's licensed capacity.

~~(d)(f)~~ **Master teacher responsibilities.** Master teachers ~~work directly with children and support other teaching personnel with responsibilities, such as program development, weekly lesson plans, use of space and equipment, interactions with parents, and program evaluation~~ are responsible for-:

(1) direct care of children; and

(2) supporting other teaching personnel and program management with:

(A) planning and implementing lesson plans;

(B) classroom arrangement;

(C) planning and implementing family communication and engagement; and

(D) providing program development and evaluation feedback.

~~(e)(g)~~ **Director responsibilities.** An individual is not counted as director in more than one program.

~~(h)~~ **Three-, four-, and five-star primary caregiver qualifications.** Required criteria include:

(1) a current OPDL certificate of Level 4 or higher;

(2) completed training in ELG; however, new primary caregivers hired or assuming the responsibilities after certification are trained within 90-calendar days; and

(3) employment on-site, full-time. ■ 3

~~(i)~~ **Additional primary caregiver requirements for two-, three-, four-, and five-star homes.** An individual is not counted as a primary caregiver, master teacher, or probationary master teacher in more than one program, unless the scheduled hours of employment in each program do not overlap at any given time.

**INSTRUCTIONS TO STAFF 340:110-1-8.6**

**Revised ~~12-17-186-1-22~~**

1. ~~(a) Prior to June 1, 2004, primary caregiver qualifications included obtaining:  
(1) 120 hours of job-related professional development within the last five years;  
(2) five years of full-time experience in a licensed or legally exempt program;  
and  
(3) a minimum score of 5.0 on the Family Child Care Environment Rating Scale Revised (FCCERS-R).  
(b) When approved as outlined in (a) of this Instruction, qualifications may continue being met by maintaining 160 hours of professional development every five years.  
(c) When an existing two or three star home closes, is reduced, or obtains another primary caregiver qualification, the primary caregiver may not use the 120/5/5 option to meet qualifications.  
(d) FCCERS-R scores are not transferable from one program to another.~~
2. (a) Employment on a full-time basis is generally 30 hours per week during a program's operating hours. However, for full-time employment at family-child care homes, use 80 percent of weekly operating hours and part-day and out-of-school time programs, use is calculated at 50 percent of the weekly operating hours for part-day and out-of-school time programs.  
(b) In collaborations between Head Start, public schools, or child care programs, personnel is counted as a master teacher when the individual:
  - (1) meets employment outlined in (a) of this Instruction;
  - (2) has personnel records on file; and
  - (3) fills the role of master teacher, per Oklahoma Administrative Code (OAC) 340:110-1-8.6(d).
3. Licensing staff reviews the identified educational goals on Form 07LC031E, Probationary Master Teacher Agreement.
  - (1) When the first year probationary educational goals identified are:
    - (A) not met, Licensing staff may consult with supervisor regarding:
      - (i) second probationary year approval; and
      - (ii) master teacher non-compliance documentation and appropriate action; or
    - (B) met, Licensing staff extends the probationary period for a second year.
  - (2) When the second probationary year educational goals identified on Form 07LC031E are not met, Licensing staff consults with the supervisor and program operator for acceptable plans of correction and extension of time to comply, per two and three star participation.
3. Full-time employment at family child care homes is calculated at 80 percent of weekly operating hours.

**340:110-1-8.7. Professional development for differential quality rating and improvement certification criteria**

Revised 11-1-186-1-22

(a) ~~Director professional development criteria for one star plus, two star, and three star centers~~ **Two-, three-, four-, and five-star center director professional development criteria.** No more than six hours of informal professional development, per Professional Development Ladder (PDL) certification may be counted in total hours. Director qualifications listed in (1) – ~~through (3)~~(4) of this subsection are required.

(1) ~~The Prior to star certification, the director must have~~ has documentation of:  
(A) ~~at least two college credits or 30-clock hours of job-related professional development within the last 12 months prior to request for star certification. or within current PDL certification, when applicable; and~~  
(B) Quality Rating and Improvement System (QRIS) orientation.

(2) When a new director is hired, the director ~~must have~~ has documentation of at least two college credits or 30-clock hours of job-related professional development within the last 12 months prior to employment. A new director also completes QRIS orientation within 90-calendar days of hire date.

(3) When the new director does not have two college credits or 30-clock hours of professional development, the program is required to submit a written plan to Licensing staff for correcting the violation within 90-calendar days of ~~the new director's~~ hire date.

~~(3)~~(4) In subsequent years of ~~star certification~~, the director ~~must have~~ maintains documentation of at least two college credits or 30-clock hours of job-related professional development, per PDL certification.

(b) ~~Personnel professional development criteria for one star plus, two star, and three star centers~~ **Two-, three-, four-, and five-star center personnel professional development criteria.** No more than six hours of informal professional development, per PDL certification may be counted in total hours. Personnel qualifications listed in (1) – ~~through (3)~~ of this subsection are required for all programs, ~~in addition one star plus programs must meet criteria listed in (4) of this subsection~~ centers.

(1) At application, ~~center~~ personnel employed at the program for at least 12 months and counted ~~toward meeting the~~ in staff-child ratio ~~must have~~ has at least two college credits or 20-clock hours of job-related professional development, per PDL certification.

(2) After initial ~~approval for certification~~ approval, the professional development criteria of at least two college credits or 20-clock hours of job-related professional development ~~must be~~ is met within the personnel's PDL certification.

(3) ~~The professional development requirement applies to part-time~~ Part-time personnel and substitutes having worked at the program more than ~~a total of~~ 80 hours meet professional development requirements. Personnel performing only auxiliary duties, such as cooking, transportation, or maintenance are exempt from this professional development requirement.

~~(4) One personnel for every 30 children of the licensed capacity must actively work toward the educational criteria to obtain master teacher qualifications. For out-of-school time programs, one personnel for every 40 children of the licensed capacity must actively work toward the educational criteria to obtain master teacher qualifications.~~ ■ 4

~~(c) Primary caregiver professional development criteria for one star plus, two star, and three star homes Two-, three-, four-, and five-star primary caregiver professional development. No more than six hours of informal professional development, per PDL certification may be counted in total hours. Primary caregiver qualifications listed in (1) – through (3) of this subsection are required for all homes and, in addition primary caregivers in one star plus homes must also meet criteria listed in (4) of this subsection.~~

~~(1) At request for Prior to star certification request, the primary caregiver must have has documentation of:~~

~~(A) at least two college credits or 20-clock hours of job-related professional development per PDL certification within the last 12 months or within current PDL certification, when applicable; and~~

~~(B) QRIS orientation. New primary caregivers also complete QRIS orientation within 90-calendar days of hire date.~~

~~(2) After approval for certification approval, the professional development criteria must be is met within the primary caregiver's PDL certification.~~

~~(3) The primary caregiver has a written educational professional development plan reviewed annually, updated as needed, and maintained on file in the home at the program.~~

~~(4) The primary caregiver must actively work toward the educational criteria to meet primary caregiver qualifications. ■-1~~

~~(d) Assistant caregiver professional development for one star plus, two star, and three star level homes Two-, three-, four-, and five-star home assistant caregiver professional development. No more than six hours of informal professional development, per PDL certification may be counted in total hours. Assistant caregiver qualifications listed in (1) – and (2) of this subsection are required.~~

~~(1) Assistant caregivers employed for at least 12 months have documentation of at least two college credits or 20-clock hours of job-related professional development, per PDL certification.~~

~~(2) The assistant caregiver has a written educational professional development plan reviewed annually, updated as needed, and maintained on file in the home at the program.~~

## **INSTRUCTIONS TO STAFF 340:110-1-8.7 [REVOKED]**

**Revised 12-17-18**

~~1. The potential primary caregiver or master teacher of a one star plus program, within every star certification year or Oklahoma Professional Development Ladder (OPDL) certification, completes at least:~~

~~(1) three college credits toward a Certificate of Mastery, Child Development Associate (CDA), or Certified Childcare Professional (CCP);~~

~~(2) three college credits in Early Childhood Education (ECE), or Child Development (CD), or School-Age (SA); or~~

~~(3) 40-clock hours of professional development toward CDA or CCP.~~

**340:110-1-8.8. Learning environment differential quality rating and improvement certification and development criteria**

Revised 11-1-206-1-22

(a) **Criteria for one star plus centers Two-, three-, four-, and five-star center criteria.** Learning environment criteria Criteria in (1) – through ~~(3)~~(5) of this subsection are required for all star levels.

~~(1) Space is arranged in clearly defined and well-equipped interest areas in each classroom facilitating a variety of activities including music and movement for children 2 years of age and older.~~

~~(2) Television or other screen time is not used for children 1 year of age and younger.~~

■ 1

~~(3)~~(2) Out-of-school time programs and programs licensed as day camps may have required interest areas set up throughout the program as long as children are supervised and have accessible free choice to all required areas.

(3) At least two interest areas are available outdoors for children 2 years of age and older. ■ 2

(4) Classroom schedules are predictable and responsive to children's needs, balancing child-initiated play and teacher-guided activities.

(5) Teaching personnel prepare children for transitions. A written plan is maintained, per Oklahoma Administrative Code (OAC) 340:110-1-8.5.

(b) **Criteria for two and three star centers Three-, four-, and five-star center criteria.** Learning environment criteria Criteria in (a) of this Section and (1) – through ~~(4)~~(5) of this subsection are required. Programs licensed as out-of-school programs are exempt from (5) of this subsection.

~~(1) Space is arranged in clearly-defined and well-equipped interest areas in each classroom facilitating a variety of activities also including math and science or nature for children 2 years of age and older.~~

~~(2) Out-of-school time programs and programs licensed as day camps may have required interest areas set up throughout the program as long as children are supervised and have accessible free choice to all required areas.~~

~~(3) At least two learning centers are available outdoors for children's use.~~ ■ 2

(4) The program utilizes implements developmentally appropriate Oklahoma Early Learning Guidelines as a resource for lesson and curriculum planning curriculum in each classroom aligning with Oklahoma Early Learning Guidelines (ELG) or Oklahoma Academic Standards. ■ 3 Curriculum may be self-developed, published, or lesson plans.

(A) Curriculum or lesson plans:

(i) reflect the program philosophy and goals;

(ii) are based on child development and appropriate practice;

(iii) provide for children's various ages, abilities, developmental stages, and special needs;

(iv) provide for children's physical, cognitive, language, literacy, and social-emotional development; and

(v) incorporate music and songs into children's activities at multiple times of the day.

(B) Programs establish methods for providing curriculum information to families. Methods may include:

(i) parent handbooks;



- (ii) newsletters;
- (iii) orientation; or
- (iv) family meetings.

(C) Curriculum and goals for children are reflected in every day practice, as indicated on written lesson plans.

(3) All lesson plans are reviewed by the director, master teacher, or other program personnel trained in ELG. ELG standards or Oklahoma Academic Standards are identified on lesson plans.

(4) Teaching personnel lead and participate in at least two developmentally-appropriate physical activities daily for all children.

(5) For continuity of care, children remain with specific teaching personnel throughout the majority of the day, and are not regularly assigned to another group. A written plan is maintained, per OAC 340:110-1-8.5.

(c) **Four- and five-star center criteria.** Criteria in (a) and (b) of this Section and (1) through (3) of this subsection are required.

(1) Criteria includes (A) through (E) of this paragraph. Programs licensed as out-of-school time programs are exempt from (A) and (B) of this paragraph.

(A) Learning opportunities are planned for each child using observation documentation.

(B) Lesson plans are individualized for each child's needs, including age, ability, developmental stage, social-emotional development, special needs, and interests.

(C) Master teachers and teaching personnel evaluate lesson plans for effectiveness after implementation.

(D) Teaching personnel have weekly scheduled, paid, planning time outside of the classroom.

(E) Children have access to visual or pictorial classroom schedule.

(2) In addition to interest areas, curriculum, and lesson plans, children 2 years of age and older are given the opportunity to join enhancement activities promoting basic skills and higher level thinking.

(A) Enhancement activities:

(i) are conducted routinely throughout the year;

(ii) are documented on the lesson plan; and

(iii) may be rotated based on children's needs and interests.

(B) Four-star programs implement two or more enhancement activities, and five-star programs implement four or more enhancement activities. Examples may include:

(i) additional outdoor interest areas;

(ii) additional indoor interest areas;

(iii) invitations to play helping children reflect on and extend their learning;

(iv) nature-related activities;

(v) social studies;

(vi) community involvement;

(vii) health and physical wellness;

(viii) nutrition;

(ix) foreign language;

(x) theater;

- (xi) sign language;
- (xii) child- or adult-led clubs;
- (xiii) cooking lessons;
- (xiv) science, technology, engineering, art, and math (STEAM);
- (xv) on-site contracted activities, such as dance lessons, gymnastics lessons, or sports;
- (xvi) life skills; or
- (xvii) activities promoting Native American culture and language.

~~(c)~~**(d) Criteria for one star plus homes Two-, three-, four-, and five-star home criteria.**

~~Learning environment criteria~~ Criteria in (1) – through (4) of this subsection are required.

- (1) A written daily schedule reflecting a balanced program of opportunities for learning, physical activity, indoor and outdoor play, rest periods, and meals is followed with flexibility meeting children's individual needs. Learning activities balance child-initiated play and caregiver-guided activities.
- (2) The daily schedule is posted.
- (3) Children are read to for a minimum of 15 minutes each day.
- (4) Television or other screen time is not used for children 1 year of age and younger.
- 1
- (5) Caregivers prepare children for transitions. A written plan is maintained, per OAC 340:110-1-8.5.

~~(d)~~**(e) Criteria for two and three star homes Four- and five-star home criteria.**

~~Learning environment criteria~~ Criteria in ~~(c)~~(d) of this Section and in (1) – through ~~(2)~~(6) of this subsection are required.

- (1) Children have opportunities during the day to access to art, block building, book reading, dramatic play, manipulative play, and music and movement.
- (2) The program has a plan for transition times implements lesson plans with developmentally appropriate activities aligning with ELG or Oklahoma Academic Standards. Lesson plans identify ELG or Oklahoma Academic Standards and are shared with families.
- (3) Curriculum or lesson plans provide for the children's various ages, abilities, developmental stages, social-emotional development, special needs, and interests.
- (4) Caregivers lead and participate daily in at least two developmentally-appropriate physical activities for all children.
- (5) In addition to curriculum or lesson plans, children 2 years of age and older are given the opportunity to join enhancement activities promoting basic skills and higher level thinking.

(A) Enhancement activities:

- (i) are conducted routinely throughout the year;
- (ii) documented on the lesson plan; and
- (iii) may be rotated based on children's needs and interests.

(B) Four-star homes implement one or more enhancement activities, and five-star homes implement two or more enhancement activities. Examples may include:

- (i) outdoor interest areas;
- (ii) indoor interest areas;
- (iii) invitations to play helping children reflect on and extend their learning;
- (iv) nature-related activities;

- (v) social studies;
- (vi) community involvement;
- (vii) health and physical wellness;
- (viii) nutrition;
- (ix) foreign language;
- (x) theater;
- (xi) sign language;
- (xii) cooking lessons;
- (xiii) science, technology, engineering, art, and math (STEAM);
- (xiv) on-site contracted activities, such as dance lessons, gymnastics lessons, or sports;
- (xv) life skills; or
- (xvi) activities promoting Native American culture and language.

### **INSTRUCTIONS TO STAFF 340:110-1-8.8**

**Revised 11-1-18**

- 1. Screen time is defined as viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time includes viewing screens while others use the media. Exceptions to screen time include:**
  - (1) electronic media involving physical activity participation;**
  - (2) electronic media when used for children's homework;**
  - (3) e-readers when used for reading;**
  - (4) smart boards and tables when used for hands-on learning activities, such as drawing or puzzles;**
  - (5) occasional special activities, such as watching a movie; and**
  - (6) assistive or adaptive technology for children with disabilities.**
- 2. It is not required that outdoor learning centers be permanently set up outdoors or made available during special group activities.**
- 3. Out-of-school time programs may use Oklahoma Academic standards as a resource for lesson and curriculum planning.**

### **340:110-1-8.9. Family engagement differential quality rating and improvement certification partnership criteria**

**Revised 11-1-2016-1-22**

**(a) ~~Criteria one star plus centers~~ Two-, three-, four-, and five-star center criteria. Family engagement partnership criteria in (1) – through (7) of this subsection are required for all star levels.**

**(1) A system is established and maintained for sharing ~~with,~~ and communicating ~~to~~ with families the happenings, activities, and related issues about a any confidential information specific to the child's physical and emotional state.**

**(2) A system is established and maintained for sharing and communicating program information to families. Programs inform families using at least two methods in (A) through (E) of this paragraph. Methods are:**

- (A) a bulletin board;**
- (B) a newsletter;**

(C) a parent handbook;

(D) a website, specific to each program location; or

(E) email, social media, or other electronic communication.

~~(2)~~(3) Families are welcomed in the center program at all times, such as, eating with a child mealtimes, observing, or volunteering in the and classroom observation or volunteering.

~~(3)~~(4) Individual parent family conferences are arranged and documented to discuss and set goals regarding the child's accomplishments and challenges, at least annually and as needed are offered and encouraged, at least annually, discussing children's progress, challenges, and accomplishments, and establishing goals. Documentation is maintained with the child's records. Out-of-school time programs offer conferences when needed or requested.

~~(4)~~(5) The program provides Programs provide a family resource area with books, pamphlets, or articles on parenting articles and community resources accessible to families, and, provide referral information, when indicated. When provided electronically, resources are easily accessible and printable. Resources are available in languages representing the program's families.

~~(5)~~(6) At least two family meetings events with guest speakers or special events activities are held conducted annually, such as open houses, brown bag lunches, family pot-luck dinners, and children's programs. These events may be held in conjunction with individual family conferences.

~~(6)~~ The program informs families using, at a minimum, two of these methods:

~~(A) bulletin board;~~

~~(B) newsletter;~~

~~(C) parent handbook;~~

~~(D) website, specific to each center location; or~~

~~(E) email, social media, or other electronic communication.~~

~~(7) Families participate in program and policy development through board involvement and planning meetings or are given an opportunity to complete annual questionnaires. Children and families' home languages and cultures are respected by adapting communication methods.~~

~~(b) **Criteria two and three star centers** **Four- and five-star center criteria.** Family engagement partnership criteria in (a) of this Section are required. In addition,;~~

~~(1) individual parent family conferences are held offered and encouraged at least twice annually. Programs operating only part-year, offer and encourage at least one individual parent conference, per calendar year annually. A written report about regarding the child is provided to parents families and maintained in the child's file. Out-of-school time programs offer conferences when needed or requested; and~~

~~(2) at least four family events with guest speakers or special activities are conducted annually, such as open houses, brown bag lunches, family pot-luck dinners, and children's programs. These events may be held in conjunction with individual family conferences.~~

~~(c) **Criteria one star plus homes** **Two-, three-, four-, and five-star home criteria.** Family engagement partnership criteria in (1) – through (6)(7) of this subsection are required. The primary caregiver:~~

- (1) maintains a signed contract on file for each family including, but not limited to, policy concerning hours, fees, payment schedules, vacations, and terminations;
- (2) encourages families to visit family visitation when his or her children are present and provides access to all parts of the home used for child care areas;
- (3) ~~arranges for, and documents~~ offers and encourages individual parent family conferences at least annually, to discuss and set goals regarding his or her child's discussing children's progress, accomplishments, and challenges, at least annually and as needed and establishing children's goals. Documentation is maintained with the child's records;
- (4) provides opportunities for at least two family involvement in the program's activities opportunities annually;
- (5) has information available ~~about~~ regarding common childhood issues and ~~resources~~ including health care, education, nutrition, and family counseling services for families and children, and ~~makes referrals as needed~~ provides referral information when indicated; and
- (6) ensures applicable Licensing requirements are available to families; and
- (7) respects children's and families' home languages and cultures by adapting communication methods.

(d) ~~Criteria two and three star homes~~ Four- and five-star home criteria. Family engagement partnership criteria in (c) of this Section and (1) – and (2) of this subsection are required. The primary caregiver:

- (1) provides ~~parents a minimum of~~ families at least two non-relative references, including contact information; ~~and~~
- (2) ~~has and uses~~ establishes and maintains a system to ~~communicate~~ for sharing and communicating with families the happenings, activities, and related issues regarding his or her information specific to the child's physical and emotional state; and
- (3) provides at least three family involvement opportunities annually.

**340:110-1-8.10. Program evaluation ~~differential quality rating and improvement certification for continuous quality improvement~~ criteria**

Revised 11-1-206-1-22

(a) ~~Criteria one star plus centers and homes~~ Two-, three-, four-, and five-star center criteria. Program evaluation criteria in (1) through (2) of this subsection are required for family child care homes. Program evaluation criteria in (2) of this subsection are required for all child care programs centers. In addition, program evaluation criteria in (3) of this subsection are required for part-day programs.

- (1) ~~Health and safety checklists for both indoor and outdoor spaces are completed annually and maintained on file at the facility.~~
- (2) Personnel and ~~parents~~ families are surveyed annually identifying program strengths and weaknesses and evaluating effectiveness in meeting children's, parents' families', and personnel's needs.
- (3)(2) An equipment inventory is conducted Part-day programs annually conduct an equipment inventory using the appropriate Oklahoma Department of Human Services (DHS) (OKDHS) form and kept on file at the center. Equipment inventories are maintained on file at the program.

(b) ~~Criteria two and three star centers and homes~~ Three-, four-, and five-star center criteria. Program evaluation criteria in (a) of this Section are required. In addition, program evaluation methods described in (1) through (4) of this subsection are completed within one year of receiving ~~two star~~ three-, four-, or five-star level and repeated as required.

(1) The program is assessed annually using an assessment tool approved by Child Care Services (CCS). ■ 1 This assessment is not required for:

- (A) programs accredited by a CCS-approved, national accrediting organization; or
- (B) Head Start grantees compliant with Head Start Program Performance Standards. ■ 2

(2) Program goals are established and updated annually considering information gathered from completed ~~health and safety checklists, parent family and personnel surveys, equipment inventories, physical environment checklists, and a CCS-approved assessment tool, or approved national accreditation assessment tool, when applicable.~~ The program may also use any program-completed needs assessments.

(3) The program has a written plan and program policy and procedures for meeting established goals, including professional development and educational needs for personnel ~~or the provider and assistant.~~

(4) Personnel participate in program evaluation and the established goals for continuous quality improvement are shared with personnel.

(c) Two-, three-, four-, and five-star home criteria. Program evaluation criteria in this subsection are required for family child care homes.

(1) Health and safety checklists for both indoor and outdoor spaces are completed annually and maintained on file at the program.

(2) Personnel and families are surveyed annually identifying program strengths and weaknesses and evaluating effectiveness in meeting children's, families', and personnel's needs.

(d) Three-, four-, and five-star home criteria. Program evaluation criteria in this subsection are completed within one year of receiving three-, four-, or five-star level and repeated as required.

(1) The program is assessed annually using an assessment tool approved by Child Care Services (CCS). ■ 1 This assessment is not required for programs accredited by a CCS-approved, national accrediting organization. ■ 2

(2) Program goals are established and updated annually considering information gathered from completed health and safety checklists, family and personnel surveys, and a CCS-approved assessment tool, or approved national accreditation assessment tool, when applicable. The program may also use any program-completed needs assessments.

(3) The program has a written plan and program policy and procedures for meeting established goals, including professional development and educational needs for the primary caregiver and assistant.

(4) Personnel participate in program evaluation and the established goals for continuous quality improvement are shared with personnel.

**INSTRUCTIONS TO STAFF 340:110-1-8.10**  
**Revised 11-1-206-1-22**

1. Verification is a completed, dated Form 07LC011E, Oklahoma Quality Child Care Program Scale: Self-assessment, Oklahoma Quality Out-of-school Time Program Scale, or a Child Care Services (CCS)-approved assessment tool. Out-of-school time programs may use the School-Age Program Quality Assessment (School-Age PQA) tool.

2. Approved national accrediting bodies are the:

- (1) Association of Christian Schools International's Preschool Accreditation (ACSI);
- (2) National Association for the Education of Young Children (NAEYC), Early Learning Program Accreditation;
- (3) National Early Childhood Program Accreditation (NECPA);
- (4) Council on Accreditation (COA);
- (5) National Accreditation Commission for Early Care and Education Programs (NAC);
- (6) Accredited Professional Preschool Learning Environment (APPLE);
- (7) Commission on Accreditation of Rehabilitation Facilities (CARF);
- (8) National Association of Family Child Care (NAFCC); and
- (9) Cognia.

### **340:110-1-8.11. Additional four- and five-star criteria**

Issued 6-1-22

(a) Center criteria. Centers accredited by a Child Care Services (CCS)-approved national accrediting organization or a Head Start grantee and compliant with Head Start Program Performance Standards complete (1) of this subsection. All other programs complete (1) and (2) of this subsection.

(1) Additional four- and five-star center professional development criteria. Professional development criteria in this subsection are required for centers. Four-star centers implement one additional professional development criteria, and five-star centers implement two additional professional development criteria.

(A) The director obtains three college credits or 40-clock hours of job-related professional development annually, per Professional Development Ladder (PDL) certification year.

(B) The director has a current gold or higher level certificate, per Oklahoma Director's Credential.

(C) The director obtains at least one additional certification, such as:

(i) Director's Leadership Academy;

(ii) Oklahoma Director's Certificate of Mastery;

(iii) National Administrator Credential;

(iv) Director's Advanced Training;

(v) Oklahoma Director's Certificate of Completion; or

(vi) Oklahoma Director's Pathway to Program Administration.

(D) Required number of master teachers obtain two college credits or 30-clock hours of job-related professional development annually, per PDL certification year.

(E) The program utilizes ongoing, evidence-based classroom coaching.

(F) Director and required number of master teachers complete all Pyramid Model Infant/Toddler, Preschool, or Birth to Five modules.

(2) **Additional four- and five-star center program criteria.** Four-star centers implement three program criteria, and five-star centers implement five program criteria. Out-of-school time four-star centers implement two program criteria, and five-star out-of-school time centers implement three program criteria.

(A) **Curriculum coordinator.** The center utilizes a curriculum coordinator assisting with lesson plan implementation and mentoring classroom teachers. Curriculum coordinators may be assigned other program responsibilities.

(B) **Family orientation.** The center conducts a formal intake process for new families, and the process is addressed in the parent policy. Four-star centers implement one program criteria, and five-star centers implement (A) and (B) of this paragraph. Family orientation includes:

(i) parent orientation; and

(ii) child orientation to teaching personnel, classroom, and routine.

(C) **Family partnership.** The center implements a written process involving families in children's education and development. Family partnership examples may include:

(i) participation on family advisory board;

(ii) volunteering in classroom; or

(iii) program-conducted home visits at least twice annually.

(D) **Continuity of care.** A written plan ensures children 3 years of age and younger are placed with consistent teaching personnel for at least one year, promoting stronger personnel and child relationships.

(E) **Child learning assessment.** Programs implement child learning assessment and document children's progress annually.

(F) **Health and safety.** Four-star centers implement two health and safety criteria, and five-star centers implement four criteria. The program:

(i) utilizes a health consultant as needed;

(ii) implements daily playground safety checklists;

(iii) conducts annual personnel emergency plan and procedure training;

(iv) participates in Child and Adult Care Food Program (CACFP) or National School Lunch Program (NSLP);

(v) obtains quality initiative certifications, such as Oklahoma State Department of Health Certified Healthy Early Childhood Program; or

(vi) collaborates with schools, with parental permission, regarding individual children's health and wellness, such as developmental screenings and individualized educational plans (IEP).

(G) **Child developmental assessment.** Programs offer evidence-based child developmental assessments or screenings by trained personnel. Programs communicate results with families, and provide referral information when indicated.

(b) **Home criteria.** Homes accredited by a CCS-approved national accrediting organization complete (1) of this subsection. All other programs complete (1) and (2) of this subsection.

(1) **Additional four- and five-star home professional development.** Professional development criteria in this subsection are required for homes. Four-star homes implement one additional professional development criteria, and five-star homes implement two additional professional development criteria.



- (A) The primary caregiver maintains a current PDL Level 5 or higher.
- (B) The primary caregiver obtains two college credits or 30-clock hours of job-related professional development annually, per PDL certification year.
- (C) The primary caregiver completes Family Child Care Home Leadership Academy.
- (D) The assistant caregiver obtains two college credits or 30-clock hours of job-related professional development annually, per PDL certification year.
- (E) The program utilizes ongoing, evidence-based coaching to caregiving practices.
- (F) The primary caregiver completes all Pyramid Model Infant/Toddler, Preschool, or Birth to Five modules.

(2) **Additional four- and five-star home criteria.** Homes implement additional program criteria.

(A) **Family orientation.** The program conducts a formal intake process for new families. Four-star homes implement one family orientation criteria, and five-star programs implement (i) and (ii) of this subparagraph. Family orientation includes:

- (i) parent orientation; and
- (ii) child orientation to caregiver, home, and routine.

(B) **Health and safety.** Four-star homes implement two health and safety criteria, and five-star homes implement four criteria. The program:

- (i) offers evidence-based developmental assessments or screenings by trained personnel. The program communicates results with families, and provides referral information when indicated;
- (ii) utilizes a health consultant as needed;
- (iii) implements daily playground safety checklists;
- (iv) conducts annual personnel emergency plan and procedure training, when applicable;
- (v) participates in CACFP;
- (vi) obtains quality initiative certifications, such as Oklahoma State Department of Health Certified Healthy Early Childhood Program; or
- (vii) collaborates with schools, with parental permission, regarding individual children's health and wellness, such as developmental screenings and IEPs.

**340:110-1-9. Case management ITS ONLY**

Revised 12-17-18

(a) **Periodic monitoring visits.** Licensing staff conducts a minimum of three, unannounced monitoring visits to programs operating a full-year, and two, unannounced monitoring visits annually to programs operating less than a full-year. ■ 1 Licensing staff varies the monitoring visit times, including a lunch observation and an evening visit to child care centers with extended hours. ■ 2

(b) **Ongoing monitoring.** During monitoring visits, Licensing staff observes the entire facility, including the outdoor play space and transportation vehicles, when available. ■ 3 through 5 At, or subsequent to each monitoring visit, Licensing staff verifies:

- (1) compliance with Licensing requirements;
- (2) compliance with stars criteria, per Oklahoma Administrative Code (OAC) 340:110-1-8.3;

- (3) new personnel records including personnel sheets and compliance with background investigations, per OAC 340:110-1-8.1; ■ 6 & 7
  - (4) personnel professional development records; ■ 8
  - (5) the Oklahoma Department of Human Services (DHS) database on applicable individuals, per OAC 340:110-1-8.1;
  - (6) fire and health inspections within the last 24 months, when applicable; ■ 9
  - (7) Form 07LC092E, Insurance Verification, within the last 12 months, or posting of Form 07LC093E, Insurance Exception Notification; and
  - (8) other documentation requiring renewal.
- (c) **Technical assistance and consultation.** Licensing staff provides:
- (1) technical assistance to licensees assisting them in meeting minimum requirements; and
  - (2) consultation on various aspects of quality child care.
- (d) **Agreements with tribal licensing programs and other monitoring agencies.** DHS may enter into a cooperative licensing agreement with a tribal licensing program or other monitoring agency. ■ 10
- (e) **Equipment inventory.** Licensing staff completes Form 07LC006E, Equipment Inventory for Child Care Programs, prior to license issuance. Licensing staff or the program may complete the appropriate equipment inventory prior to a change in class and prior to a capacity increase in a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children. Inventories document the available equipment and the items needed to comply with the equipment requirements. Licensing staff may conduct a complete inventory when concern exists about the availability of required equipment. ■ 11
- (f) **Address change.**
- (1) When a program moves to a new address, Licensing staff: ■ 12
    - (A) obtains an updated Form 07LC004E, Request for License Child Care Program;
    - (B) conducts a monitoring visit verifying that the new location meets Licensing requirements;
    - (C) obtains new fire and health inspections for a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children, when applicable;
    - (D) obtains Oklahoma Department of Environmental Quality approval, when applicable;
    - (E) completes Form 07LC057E, Physical Plant, with required calculations; and
    - (F) requests a permit or license issuance reflecting the address change.
  - (2) When an address change involves care provided in a location other than the primary caregiver's residence, refer to OAC 340:110-1-6(a)(3).
- (g) **Program name change.** When there is a program name change, Licensing staff verifies there is no ownership change, and documents the name change in the case file and database. A new Form 07LC004E, Request for License Child Care Program, reflecting the program name change is completed. Licensing staff requests a permit or license issuance reflecting the new program name. ■ 13
- (h) **Director change.** When there is a director change, Licensing staff:
- (1) verifies the new director meets qualifications;

- (2) obtains the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new director;
- (3) obtains references;
- (4) obtains an appropriate, completed Form 07LC117E, Compliance Review for Child Care Programs, from the director, when the director has no previous director experience;
- (5) notifies the new director of current personnel, who are granted waivers; and ■ 14
- (6) documents the information on Form 07LC080E, Licensing Services Supplemental Information.

(i) **Master teacher change.** When an individual replaces a master teacher:

- (1) Form 07LC031E, Probationary Master Teacher Agreement, is completed;
- (2) the probationary master teacher is granted a one-year probationary period to fulfill the master teacher educational qualifications per applicable Licensing requirements and Quality Rating and Improvement System (QRIS) criteria, when applicable; and
- (3) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on Form 07LC031E. ■ 15

(j) **Primary caregiver change.** When there is a primary caregiver change, Licensing staff:

- (1) verifies the primary caregiver meets qualifications; ■-16
- (2) obtains the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new primary caregiver;
- (3) obtains references;
- (4) notifies the new primary caregiver of current personnel, who are granted waivers; and
- (5) documents the information on Form 07LC080E, Licensing Services Supplemental Information.

(k) **Facility household change.** Facility household changes are documented on the monitoring summary. Form 07LC096E, Criminal History Review Request for Programs, must be submitted prior to a new adult residing in the facility. When there is a new adult residing in a facility, the required documentation includes:

- (1) the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new adult;
- (2) background investigations, per OAC 340:110-1-8.1; and
- (3) a DHS database search.

(l) **Change in ownership.** When there is a change in ownership or a change in the form of business organization of a child care program, the case is closed and a new Form 07LC004E, Request for License Child Care Program, is obtained. Prior to permit or license issuance, the program must be in compliance with background investigations, per OAC 340:110-1-8.1. A permit may be issued when a monitoring visit without numerous, repeated, or serious non-compliances was conducted within the past 60-calendar days. A full-monitoring visit is conducted within 14-calendar days of change of ownership verifying the new owner meets minimum Licensing requirements. ■ 4716

(m) **Transitional change of ownership.** When a program requests a transitional change of ownership (1) through (6) of this subsection are followed.

(1) Licensing staff conducts a monitoring visit within five DHS-business days, verifying compliance with Licensing requirements and, obtains: ■ 4817

(A) Form 07LC015E, Transitional Change of Ownership, completed by the current and prospective owners;

(B) Form 07LC004E, Request for License Child Care Program, completed by the prospective owner; and

(C) updated program personnel information on Form 07LC002E, Personnel Summary, verifying that the prospective owner employs the same personnel as the current owner, at the time of transitional change of ownership.

(2) Transitional change of ownership procedures for star certification are met, per OAC 340:110-1-8.3; when applicable.

(3) Periodic and ongoing monitoring is maintained, per (a) and (b) of this Section.

(4) All Licensing monitoring and correspondence are provided to both the current and prospective owners.

(5) Change of ownership procedures are followed, per (l) of this Section by the end of 90-calendar days, when applicable.

(6) When programs notify Licensing that transitional change of ownership is no longer proceeding, Licensing staff verifies program operation status and consults with the supervisor for appropriate action.

(n) **Change in class.** When a program requests a change in class, procedures in (1) through (2) of this subsection are followed.

(1) The case is closed and a new Form 07LC004E, Request for License Child Care Program, is required, when a:

(A) family child care home converts to a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children; or

(B) child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children converts to a family child care home.

(2) Other requests for change in class do not require case closure and, documentation includes: ■ 4918

(A) a request in writing from the owner;

(B) a new Form 07LC004E, Request for License Child Care Program, with updated information;

(C) documentation that the program meets the requirements for the requested class type; ■ 19

(D) the appropriate equipment inventory, when applicable;

(E) a current, approved fire inspection, when applicable;

(F) a current, approved health inspection, when applicable; and

(G) appropriate class and monitoring frequency plan database updates. ■ 1

(o) **Capacity increase or decrease.** When a program requests a capacity increase or decrease, it is documented on Form 07LC080E, Licensing Services Supplemental Information, and must be approved by the supervisor. The program must not have a history of numerous, repeated, or serious non-compliance, and provide: ■ 2019

(1) the reason for the increase;

(2) an updated floor plan on Form 07LC057E, Physical Plant, reflecting adequate indoor and outdoor space, toilets, and sinks for the increase and other changes;

(3) fire department approval of space not previously inspected;

- (4) health approval of additional food preparation space not previously inspected;
- (5) an updated equipment inventory reflecting adequate equipment for the increase;
- and
- (6) verification of the required number of master teachers. ■ 2420

(p) **Inactive programs.** A program is in inactive status when care was not provided for more than 90-calendar days. ■ 2221

(1) A program remaining open after 90-calendar days submits a request in writing, including a statement that the owner will notify Licensing prior to resuming care. Licensing staff verifies compliance with requirements prior to resuming care.

(2) The program is contacted by Licensing staff, a minimum of every four months by phone, letter, or email to update program status including new household members or other program changes, per (k) of this Section.

(3) Voluntary closure is discussed with the owner and an agreement to close is reached, when possible.

(4) Licensing staff visits the inactive program, at least once during the 12-month timeframe verifying compliance with Licensing requirements until closure is final or the program resumes care.

(5) When an address change occurs when a program is in inactive status, a monitoring visit is required and address change procedures are followed per (f) of this Section.

(q) **Inactive program closure.** Procedures (1) - (4) of this subsection are followed when closing an inactive program.

(1) To verify program status, Licensing staff contacts the owner during the 12th month of inactive status.

(2) Licensing documents program status on Form 07LC080E, Licensing Services Supplemental Information, and notifies the owner the case will be closed when care does not resume, prior to the end of the 12th month.

(3) When care was not provided for 12-consecutive months or more, Licensing staff provides a letter notifying the owner of case closure within 10-calendar days of letter receipt, unless Licensing is notified care resumed.

(4) The case is closed and the owner must reapply and be approved for a new license prior to resuming care, per OAC 340:110-1-6.

(r) **Response to a child death.** When notified of a child death while in child care, Licensing staff:

(1) completes Form 07LC079E, Child Death Report, and forwards it to the statewide licensing coordinator or designee: andz

(2) visits the program as soon as possible, unless advised otherwise by law enforcement officials. ■ 2322

(s) **Serious incident reports.** The supervisor submits serious incident reports to the regional programs manager, county director, and statewide licensing coordinator. ■ 2423

(t) **Self-reported incidents.** When a provider self-reports a non-compliance incident, Form 07LC080E, Licensing Services Supplemental Information, is completed and the Licensing database is updated. ■ 2524

**INSTRUCTIONS TO STAFF 340:110-1-9**  
**Revised 12-17-186-1-22**

**1. Monitoring visits.**

**(1) Staff safety.** Supervisors are consulted for appropriate action regarding program monitoring safety concerns. Appropriate action may include the utilization of a witness ~~and/or~~ or coordination with law enforcement officials.

**(2) Requirements.** After each monitoring visit, Licensing staff enters the monitoring frequency plan reflecting the required number of annual monitoring visits on the Licensing database. Monitoring frequency plan changes ~~must be~~ are reviewed with the supervisor. Examples of the required number of monitoring visits annually, include:

**(A)** one for inactive child care centers, day camp, drop-in, out-of-school time, part-day program, programs for sick children, or family child care home;

**(B)** two for part-year programs;

**(C)** three for programs with a history of compliance;

**(D)** six for request for licenses, six-month permits, and changes in class, except for large family child care homes changing to family child care homes; and

**(E)** 12 for programs with a pattern of numerous, repeated, or serious non-compliances.

**(3) Frequency of monitoring visits.**

**(A)** Programs operating part-year require only two visits annually.

**(B)** Programs operating a full-year program, including those offering only part-time care during the week, require three visits annually.

**(C)** When Licensing staff visits a program between monitoring visits for purposes, such as picking up paperwork, consultation on a specific issue, verifying repairs were made, or needed items were purchased, a full-monitoring visit is not required.

**(i)** The monitoring visit is documented on Form 07LC080E, Licensing Services Supplemental Information.

**(ii)** This information is entered on the Licensing database, but the monitoring visit is not counted toward the required number of visits.

**(iii)** A full-monitoring visit is conducted when numerous, repeated, or serious non-compliance is observed during this visit.

**(D)** Partial-monitoring visits also include, documentation regarding:

**(i)** completion of the first page, including staff-child ratios;

**(ii)** weapons;

**(iii)** Child Welfare Services (CWS) involvement, criminal history, and new household members;

**(iv)** involvement with tribal agencies; and

**(v)** special needs certifications.

**(E) Scheduled annual star criteria reviews are not counted towards the required number of monitoring visits.**

**(4) Reduced monitoring visits.** When caseloads prevent Licensing staff from conducting the required number of monitoring visits, the supervisor consults with Licensing staff on case management and the number of required visits may be reduced, when approved by the regional programs manager (RPM). This

adjustment is approved and ~~documented in the case file~~ by the supervisor and documented in the case record.

(5) Verifying staff-child ratio. When the only purpose of a monitoring visit is providing or receiving materials, staff-child ratios may not need verification. Staff-child ratios are verified during partial- and full-monitoring, and other visits involving follow-up, complaint investigations, equipment inventories, or stars monitoring.

(6) Documentation of requirements not reviewed during monitoring visits. Licensing staff indicates on the monitoring checklist areas of requirements not reviewed during partial- or full-monitoring visits.

(7) ~~Case files records.~~ ~~Case files are maintained in the Oklahoma Department of Human Services (DHS) office where Licensing staff is located. Files are complete and information is filed in the appropriate order.~~ Case record information is accurately maintained within the Licensing database.

(8) ~~Confidential information.~~ Confidential information, such as identifying child information, including initials, is documented on Form 07LC080E, Licensing Services Supplemental Information, and ~~filed~~ maintained in the ~~confidential section of the case file~~ record's confidential section.

2. Monitoring visits to:

(1) a center with extended hours, are made conducted between 8 p.m. and 10 p.m. unless extenuating circumstances exist, such as a complaint regarding a different time period or an unsafe neighborhood. Overnight child care is care provided between midnight and 6 a.m.;

(2) programs for lunch observation, typically occur between 11 a.m. and 1 p.m.; however, lunch may be observed outside of these timeframes; and

(3) programs with limited hours of operation, such as weekends or evenings, are made only during program hours of operation, unless complaint allegations require other observation times, or concerns exist. Varying times of visits is not required. Specific hours of operation are documented on the monitoring checklist.

3. When monitoring all licensed programs, Licensing staff:

(1) documents observations and discussions on the appropriate monitoring checklists, enters the information from the monitoring checklists in the Licensing database, and provides monitoring summary copies to the program's owner/operator;

(2) may receive documents from programs, other agencies and outside sources. Licensing notations are made on a copy of the received document;

(3) documents non-compliances for missing immunization records.

However, for missing immunizations:

(A) non-compliance is not documented;

(B) a recommendation for programs to refer parents to the Oklahoma State Department of Health (OSDH) or to the child's licensed physician is documented in monitoring summary discussion area; and

(C) for confidentiality, documentation of children's names, when applicable is recorded on Form 07LC080E, Licensing Services Supplemental Information;

- (4) monitors weapons, per (A) through (D) of this ~~Instruction~~ paragraph.
- (A) During the initial program visit or when Licensing staff has not previously visited the program, Licensing observes weapon and ammunition storage, per Licensing requirements.
- (B) During subsequent visits, Licensing staff ask about weapons and verify storage is locked.
- (C) Weapons and ammunition are not removed from locked containers for Licensing observation.
- (D) Storage locations are not viewed in children's presence and for confidentiality are documented on Form 07LC080E, Licensing Services Supplemental Information;
- (5) follow photographing procedures in (A) through (C) of this paragraph.
- (A) When photographs are needed for non-compliance determination:
- (i) Licensing documents discussion of the photographs with the operator; and
- (ii) photographs are:
- (I) not enhanced or altered; and
- (II) ~~printed, attached to Form 07LC080E, Licensing Services Supplemental Information, documenting discussion with supervisor~~ scanned, and placed in the case file record, along with Form 07LC080E, Licensing Services Supplemental Information, documenting discussion with supervisor.
- (B) Photographs are deleted from cell phone devices.
- (C) When the operator is uncooperative, do not proceed with taking photographs, discuss the alternatives, and consult with supervisor for appropriate action;
- (6) follow (A) through (D) of this ~~Instruction~~ paragraph when observation of an Electronic Benefits Transfer (EBT) card occurs. Licensing staff:
- (A) documents the observation on Form 07LC080E, Licensing Services Supplemental Information;
- (B) photographs the front and back of the EBT card;
- (C) ~~makes a referral~~ refers information to the Office of Inspector General (OIG), including Adult and Family Services (AFS) Child Care Subsidy at [childcarecontracts@okdhs.org](mailto:childcarecontracts@okdhs.org), with the EBT card photograph attachment; and
- (D) deletes photographs from the cell phone device; and
- (7) consults with the supervisor and RPM when required documentation includes names of all children present, such as, programs with a pattern of over-capacity, numerous complaints and non-compliances, or are considered for negative sanction. For confidentiality, children's names are documented on Form 07LC080E, Licensing Services Supplemental Information.
4. In addition to Instruction # 3 of this Section, when monitoring a family child care home, Licensing staff:
- (1) is cognizant of the home environment and demonstrates respect for the family's privacy;



- (2) is thorough and asks to be shown throughout the entire house and outdoors;
  - (3) looks in drawers and closets, flushes toilets, or verifies water temperature when concerns exist;
  - (4) monitors immunizations for children present, regardless of age;
  - (5) monitors vehicles and refrigerator temperature, annually and, when concerns exist;
  - (6) documents the full names of all adults present during the monitoring visit in the monitoring summary discussion area; and
  - (7) monitors visiting children other than children in care, per (A) through (C) of this Instruction paragraph.
    - (A) A caregiver's child's visiting friend, 5 years of age and older and able to go home is not counted toward licensed capacity.
    - (B) Children under 5 years of age with no parent present are counted toward licensed capacity.
    - (C) Licensing staff discuss with the caregiver how he or she will meet the children's needs and provide proper supervision. The discussion is documented on the monitoring summary.
5. In addition to Instruction # 3 of this Section, when monitoring a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children, Licensing staff monitors immunizations by:
    - (A) reviewing a sample of immunizations for children birth through 2 years of age, unless (B)(ii) of this Instruction applies; or
    - (B) not reviewing immunization records:
      - (i) for children attending school; or
      - (ii) when an OSDH representative responsible for immunization monitoring reviewed the records within the last six months. Licensing documents an OSDH review on the monitoring summary.
  6. Licensing maintains program personnel sheets in the case file record for 12 months after employment ends. Personnel sheets must be purged prior to case file public viewing.
  7. Licensing staff documents personnel's Social Security name changes on Form 07LC080E, Licensing Services Supplemental Information, ~~attaches it to the personnel sheet~~, and notifies the Office of Background Investigations (OBI) to update the database. A new personnel information sheet is not required. When the director's name changes, due to director credential implications, Licensing notifies the Center for Early Childhood Professional Development.
  8. Licensing staff reviews the one-time and annual professional development requirements when concerns exist and at the annual professional development review. Professional development is verified for program personnel and home providers, per specific Licensing requirements.
  9. Procedures for monitoring fire and health inspections in (1) through (3) of this Instruction are followed.
    - (1) Licensing reviews on-going fire and health inspections and copies are not required for the case file record.

- (2) When the inspection ~~has~~ indicates Licensing violations, it is documented as non-compliance and a copy is maintained in the case file record. However, when health inspections are not conducted timely, Licensing staff notify an appropriate Child Care Services (CCS) designee and it is not documented as a non-compliance.
- (3) Licensing staff consults with the supervisor and RPM when OSDH representatives report immunization record concerns ~~and/or~~ or the program is not cooperating with immunization reviews.
10. Cooperative licensing agreement. When there is a cooperative licensing agreement with a tribal licensing program or other monitoring program, the procedures in (1) through (5) of this Instruction are followed.
- (1) After each monitoring visit, Licensing staff provides a ~~copy of the~~ completed monitoring checklist and summary copy to the assigned tribal licensing staff or other monitoring program representatives.
- (2) Monitoring visit reports conducted by the tribal licensing staff or other monitoring program representatives are provided to Licensing staff who enters the visit in the Licensing database identifying it as a visit conducted by the tribe or other monitoring program representatives. The monitoring visits count toward the required number of program visits.
- (A) All tribal monitoring visits are considered case history. A minimum of two visits annually must be conducted by CCS staff.
- (B) Case action approvals are based only on CCS Licensing monitoring information.
- (3) ~~All information in the case file~~ case record information including confidential information, ~~except for CWS reports,~~ is available to the tribal licensing staff or other monitoring program representatives on request.
- (4) Licensing staff coordinates, when appropriate, with the tribal licensing staff or other monitoring program representatives to conduct complaint investigations, complaint follow-up, non-compliance follow-up, and office conferences.
- (5) The RPM is responsible for evaluating the ~~effectiveness of the agreement~~ agreement's effectiveness and ensuring collaboration.
11. Equipment inventory. The inventory date and needed equipment is documented on the monitoring checklist. Only the initial inventory of a new program and a subsequent inventory increasing capacity are ~~filed~~ maintained in the case file record.
12. Address change.
- (1) When the new address is outside of Licensing staff's area, the case is transferred to appropriate Licensing staff, conducting the monitoring visit.
- (2) When Licensing staff is notified of the address change, Licensing staff advises the owner to also report the address change to AFS Child Care Subsidy at [childcarecontracts@okdhs.org](mailto:childcarecontracts@okdhs.org).
- (3) The new Form 07LC004E, Request for License Child Care Program, is for information purposes only. The case is not closed and reopened and the license number remains the same.

- (4) ~~A narrative report reflecting the new~~ New address information is submitted to the Licensing staff's supervisor, the supervisor of the receiving Licensing staff, and AFS Child Care Subsidy, at [childcarecontracts@okdhs.org](mailto:childcarecontracts@okdhs.org). ~~The address, Licensing staff, and supervisor are changed on the Licensing database by the receiving Licensing staff~~ enters the new address, Licensing staff, and supervisor information on the Licensing database. Critical information on non-compliant cases is shared with the receiving Licensing staff and supervisor.
- (5) Licensing staff notifies the statewide licensing coordinator of the address change. The statewide licensing coordinator or designee issues a new program license reflecting initial license date and a copy is provided to Licensing staff.
- (6) When a child care center, day camp, drop-in, out-of-school time, part-day program, program for sick children, or family child care home ~~has~~ reports an address change, current program personnel do not acquire new employment dates or require a new background checks.
13. Licensing staff notifies the statewide licensing coordinator of the name change. The statewide licensing coordinator or designee issues a new license reflecting initial license date to the program and a copy is provided to Licensing staff.
14. When requested, directors are provided a waiver notice copy and it is filed maintained in the program's compliance file.
15. Licensing staff reviews the identified educational goals on Form 07LC031E, Probationary Master Teacher Agreement.
- (1) When the first year probationary educational goals identified are:
- (A) not met, Licensing staff may consult with supervisor regarding:
- (i) second probationary year approval; and
- (ii) master teacher non-compliance documentation and appropriate action; or
- (B) met, Licensing staff extends the probationary period for a second year.
- (2) When the second probationary year educational goals identified on Form 07LC031E are not met, Licensing staff consults with supervisor and program operator for acceptable plans of correction and extension of time to comply, when applicable, per ~~two and three~~ two and three star level participation.
16. ~~Large family child care home primary caregiver educational qualifications may also include a Certified Childcare Professional (CCP) credential.~~
47. (a) The RPM is consulted for appropriate action regarding ownership changes.
- (b) Licensing staff advises the owner that Form 08CC001E, Child Care Provider Contract, is canceled when the program's case is closed. The owner is referred to AFS Child Care Subsidy, at [childcarecontracts@okdhs.org](mailto:childcarecontracts@okdhs.org) to request a new contract so child care is not disrupted for families receiving subsidized child care benefits.
- (c) When a family child care home changes business entity, Licensing staff consults with a supervisor to determine when a six-month permit is required.
- (d) When an ownership change results in six-month permit issuance, fire and health inspections conducted within the last 12 months are accepted.

(e) When a business entity change results in license issuance, fire and health inspections conducted within the last 24 months are accepted.

(f) New facility construction, additional square footage not previously included in licensed capacity, and kitchen alterations affecting food service, require new fire and health inspections.

(g) Previous inspections copies in (d) and (e) of this Instruction are maintained in the new case file record.

**1817. Transitional change of ownership.**

(1) Monitoring visits are conducted under the current owner's program and copies are filed maintained in the prospective owner's case file record.

(2) All Licensing correspondence copies are filed maintained in both the current and prospective owners' case files records.

(3) All of the current owner's Licensing history is available to the prospective owner on request, including revocation or denial of license information.

(4) Licensing staff follows-up with program when the 90-calendar day timeframe is approaching to ~~verify~~ verifying program operation status in efforts to avoid disruption of care.

**1918. Change in class.**

(1) Change in class includes a family child care home becoming a large child care home or a child care center, day camp, drop-in, out-of-school time, part-day, or program for sick children becoming a different program type.

(2) When a family child care home on a six-month permit requests a change in class to a large family child care home, three monitoring visits must be made after the change and prior to license issuance.

**2019. Capacity change.** The procedure for a capacity increase or decrease is outlined in (1) through (4) of this Instruction.

(1) Increase. Programs must provide a written request for capacity increase. Licensing staff:

(A) verifies current fire and health inspections and notifies the fire department determining when another inspection or further evaluation is required. The contact is documented on Form 07LC080E, Licensing Services Supplemental Information;

(B) ensures the director completes and submits Form 07LC006E, Equipment Inventory for Child Care Programs, reflecting adequate equipment for the increase; and

(C) does not recommend to increase capacity when the program has numerous, repeated, or serious non-compliance with requirements. The RPM is consulted regarding requests for increase when the only serious non-compliance was the facility exceeded capacity.

(2) Decrease. When decreasing capacity, Licensing staff updates the floor plan on Form 07LC057E, Physical Plant, indicating rooms available for children's use.

(3) Capacity increase or decrease recommendations. Capacity increase or decrease recommendations ~~may be made by submitting a narrative report~~ are documented on Form 07LC080E, Licensing Services Supplemental Information, and submitted to the supervisor.

(4) Approval. When capacity change is approved, the statewide licensing coordinator or designee issues the program a license reflecting the new capacity and initial license issuance date. A ~~copy of the license~~ copy is provided to Licensing staff.

**2120.** Programs need the required number of qualified master teachers for capacity increase and applicable star level certification. All required master teachers must meet educational criteria and are not eligible for probationary periods.

**2221.** Inactive programs.

(1) Licensing staff emails:

(A) the appropriate stars outreach specialist; and

(B) AFS Child Care Subsidy at [childcarecontracts@okdhs.org](mailto:childcarecontracts@okdhs.org), regarding the status of inactive care. The email includes:

(i) the reason for inactive status;

(ii) the inactive status effective date;

(iii) the length of time the program anticipates being inactive; and

(iv) a request for AFS Child Care Subsidy to notify CCS of ~~the decision to cancel the contract~~ cancellation or ~~deactivate the point of service machine~~ deactivation; and

(C) AFS Child Care Subsidy regarding the date care resumed.

(2) A full-monitoring visit is conducted 12 months from the last full visit, not from the time the program was considered inactive. This monitoring visit may be announced to ensure someone is present.

(3) When a family child care home primary caregiver is employed outside of the home during inactive status, the case remains open. Licensing staff documents on Form 07LC080E, Licensing Services Supplemental Information, the provider's understanding that when care resumes, employment outside the home, during the hours of care is prohibited.

(4) When programs are certified at a two-star level or higher, procedures, per Oklahoma Administrative Code (OAC) 340:110-1-8.3, are also followed.

**2322.** Child death. When notified of a child's death ~~while he or she was~~ occurring in child care, Licensing staff:

(1) determines and documents what occurred. Documentation includes:

(A) the child(ren)'s names, ages, and number of children and personnel present at time of incident;

(B) what supervision was provided during this time;

(C) when the caregiver last checked on the child;

(D) personnel's response upon finding the child; and

(E) names of personnel involved, when possible; and

(2) obtains pertinent program records, including attendance records for children and personnel present at time of incident;

(3) notifies the supervisor, county director, RPM, statewide licensing coordinator, and CCS ~~director of the death~~ director; and

(4) considers whether the death is possibly related to Sudden Infant Death Syndrome (SIDS) or other sleep related causes and, when related to an infant death:

- (A) documents:
  - (i) how the child was dressed at the time of the incident;
  - (ii) where the child was sleeping and the sleep position;
  - (iii) ~~the condition of the rest equipment~~ equipment's condition;
  - (iv) observations regarding the bedding and other items in the sleeping area; and
  - (v) caregiver or personnel training, such as safe sleep, cardiopulmonary resuscitation (CPR), and first aid certification;
- (B) ~~provides the caregiver DHS Publication No. 94-01, SIDS - What Child Care Providers and Other Caregivers Should Know;~~
- (C) notifies the supervisor, county director, RPM, statewide licensing coordinator, and CCS ~~director~~ director;
- (D)(C) notifies OSDH Maternal and Child Health Safe Sleep/SIDS coordinator; and
- (E)(D) obtains verbal or written verification confirming the cause of death from the appropriate authority.

**2423. Serious incident.**

- (1) Serious incidents include at least, incidents:
  - (A) resulting in a child's serious injury or death, such as a shaken baby, a drowning or near drowning, or a traffic accident resulting in serious injury;
  - (B) placing a child at a high risk for death or injury, such as a child leaving a program without personnel's knowledge, a child left at a location away from the program, a child left unattended in a vehicle, or a child left alone in a program; and
  - (C) such as fire, flood, or tornado resulting in significant facility damage.
- (2) In addition to Instructions to Staff # ~~23~~ 22 (1)(A) and (2) of this Section, a serious incident report also includes:
  - (A) the name and age of the child(ren) seriously injured or killed;
  - (B) the incident date and time;
  - (C) a description of child(ren)'s injuries or facility damage;
  - (D) the caregiver's account of the incident;
  - (E) a summary of other contacts involved in the investigation, such as ~~DHS CWS~~ other OKDHS divisions or law enforcement officials;
  - (F) pertinent information regarding the caregiver's history, such as prior CWS involvement or a history of numerous, repeated, or serious non-compliance with Licensing requirements; and
  - (G) names of involved personnel.

**2524. Only owners, directors, personnel acting in the role of director, or primary caregivers can self-report. When other program personnel self-report non-compliances, the self-reports are considered complaints.**

- (1) ~~When a self-reported incident requires an abuse or neglect referral to CWS, per OAC 340:110-1-9.2(i) and CWS accepts the referral for investigation, Licensing considers the self-reported incident a complaint.~~

~~(2) When a phone conversation discussions with the program operator determines a follow-up monitoring visit is not required as determine a non-compliance did not occur, Licensing staff:~~

~~(A) documents the discussion on Form 07LC080E, Licensing Services Supplemental Information; and~~

~~(B) provides a letter to the program, including a copy of Form 07LC080E, Licensing Services Supplemental Information; and~~

~~(C) enters the phone call in the database as "other contacts."~~

~~(3)(2) Licensing staff's response to a self-reported non-compliance, per OAC 340:110-1-9.3, is based on:~~

~~(A) the degree of risk to children;~~

~~(B) whether the provider could have prevented the non-compliance; and;~~

~~(C) the provider's timeliness and effectiveness of the response; and~~

~~(D) supervisory consultation when self-reporting involves serious non-compliances.~~

~~(4)(3) When a monitoring visit is not required and Licensing determines non-compliance occurred, and the program operator took appropriate action, a monitoring visit is not required. Licensing staff:~~

~~(A) documents the discussion on Form 07LC080E, Licensing Services Supplemental Information;~~

~~(B) provides a letter to the program including a copy of Form 07LC080E, Licensing Services Supplemental Information, stating including the:~~

~~(i) the date of the self-report self-reporting date;~~

~~(ii) the non-compliance description;~~

~~(iii) action taken by the program;~~

~~(iii)(iv) the program's plan of correction;~~

~~(iv)(v) the program is requested to complete request for completion of Form 07LC037E, Notice to Comply, when applicable, per OAC 340:110-1-9.3(d)(7); and~~

~~(v)(vi) statement "a self-reported serious non-compliance may be considered when reviewing the case for an Emergency Order, denial of request for license, license revocation, or a stars reduction"; and~~

~~(C) enters documents the phone call in the database as "other contacts." and the self-reported incident does not appear on the child care locator.~~

~~(5)(4) When a follow-up monitoring visit is required and Licensing determines non-compliance occurred, all and the program operator did not take appropriate action, a monitoring visit is required. All necessary documentation is entered on the monitoring checklist and summary.~~

~~Additional follow-up, including a letter, is based on the seriousness of the non-compliance. The visits are entered as monitoring visits in the database.~~

~~(5) When a self-reported incident requires an abuse or neglect referral to CWS, per OAC 340:110-1-9.2(i), and CWS accepts the referral for investigation, Licensing considers the self-reported incident a complaint.~~

## **340:110-1-9.2. Complaint investigations**

Revised 11-1-2016-1-22

(a) **Legal basis.** The Oklahoma Child Care Facilities Licensing Act (Act), Section 406 of Title 10 of the Oklahoma Statutes (10 O.S. § 406), mandates that ~~the~~ Oklahoma Department of Human Services (~~DHS~~) (OKDHS) conduct a full complaint investigation alleging violation against the Act or Licensing requirements.

(b) **Complaint receipt.** Complaints may be made to Licensing in writing, in person, by phone, or electronically. ■ 1

(c) **Complaint information.** Licensing staff obtains as much relevant information as possible from the complainant. ■ 2

(d) **Screening complaints.** Licensing staff accepts a complaint for investigation when alleging: ■ 3

- (1) non-compliance with Licensing requirements;
- (2) violation of the Act;
- (3) unlicensed facility operation; or
- (4) abuse or neglect of a child in care.

(e) **Complaint risk levels.** Licensing staff determine risk levels based on the degree of harm or danger to children in care. Risk levels are used to ensure investigations occur in a timely manner. ■ 4

(1) **Risk level I complaints.** Risk level I complaints indicate a child is in imminent risk of serious physical harm. The risk level is not influenced by the removal of a child from the facility when other children remain in care. Investigations are initiated immediately or no later than 24 hours after receipt by Licensing unless awaiting a Child Welfare Services (CWS) or local law enforcement investigation; excluding weekends and holidays when the facility is closed. Non-compliances with licensing requirements include, but are not limited to:

- (A) alleged physical or sexual abuse;
- (B) the presence or use of illegal drugs while children are in care;
- (C) drug distribution;
- (D) children left in the facility or in a vehicle without anyone present;
- (E) facility temperatures;
- (F) infant sleep environments and safe-sleep training;
- (G) caregiver's threatening or impaired behavior;
- (H) severe understaffing or severe over licensed capacity;
- (I) child passenger restraints;
- (J) Emergency Order violation;
- (K) required staff without current cardio-pulmonary resuscitation and first aid training;
- (L) failure to obtain background investigations; or
- (M) knowingly permitting access to children by individuals identified as restricted or Restricted Registry registrants.

(2) **Risk level II complaints.** Risk level II complaints do not indicate there is imminent risk of harm, but without intervention, a child may not be safe. Investigations are initiated within 10-calendar days of receipt by Licensing, unless ~~advised~~ requested to delay the investigation by CWS or local law enforcement. Non-compliances with licensing requirements include, but are not limited to:

- (A) leaving children with underage personnel;
- (B) alleged physical abuse from personnel no longer working in the facility;



- (C) inappropriate discipline, when no injury is reported;
- (D) diapering or toileting;
- (E) hazardous equipment;
- (F) transporting without a valid driver license, liability insurance, or parent permissions;
- (G) lack of supervision; or
- (H) minor understaffing or minor over licensed capacity.

(3) **Risk level III complaints.** Risk level III complaints do not indicate imminent risk of harm and there are no injuries alleged. Serious non-compliances, per Oklahoma Administrative Code (OAC) 340:110-1-9.3 are not considered risk level III complaints. Investigations are initiated within 15-calendar days of receipt by Licensing; including when a phone investigation is appropriate, per (g) of this Section. Non-compliances with licensing requirements include, but are not limited to:

- (A) inadequate meal service;
- (B) lack of play equipment;
- (C) quarterly vehicle maintenance;
- (D) program records and documentation;
- (E) inappropriate television or media use; or
- (F) facility cleanliness.

(f) **The investigation.** Licensing staff conducts a full investigation, obtaining sufficient information to determine a finding. ■ 5

(g) **Phone investigation.** With supervisory approval, Licensing staff may investigate a complaint by phone. The investigation discussion is documented on Form 07LC080E, Licensing Services Supplemental Information, including an agreed-upon plan of correction, when necessary. A copy is provided to the operator. A complaint is investigated by phone only when:

- (1) the alleged non-compliance does not place children at risk of harm, such as, the facility did not serve milk one day or children have head lice;
- (2) the facility has not had numerous, repeated, or serious non-compliance within the previous 12 months from complaint receipt; and
- (3) a monitoring visit was conducted in the last three months with substantial compliance documented.

(h) **Unlicensed facility investigations.** When a complaint alleging operation of an unlicensed facility is received, the procedure, per OAC 340:110-1-13, is also followed.

(i) **Child abuse and neglect complaints.** On receipt of abuse or neglect allegations of a child in care, Licensing staff immediately notifies the Licensing supervisor and submits a CWS referral. When the allegation involves child abuse or neglect or a report indicating a child is in imminent risk of serious physical harm, the regional programs manager (RPM) is also notified. ■ 6

(j) **Findings.** After investigation completion, the Licensing staff, in consultation with the supervisor, as appropriate, determines the complaint finding as substantiated or unsubstantiated.

(1) **Substantiated.** A substantiated finding is determined when some credible evidence indicates the facility violated Licensing requirements or the Act.

(2) **Unsubstantiated.** An unsubstantiated finding is determined when:

- (A) insufficient evidence exists to fully determine whether a violation occurred; or

- (B) no violation of Licensing requirements or the Act occurred.
- (k) **Documentation of findings.** Upon investigation completion, Licensing staff:
- (1) documents the findings; ■ 7
  - (2) notifies the provider of complaint allegations and findings by providing:
    - (A) a complaint findings cover letter;
    - (B) Form 07LC081E, Licensing Complaint Report Summary; and
    - (C) Form 04CP004E, Child Welfare Investigative Summary Notification to Child Care Licensing Services, when applicable; and
  - (3) updates the Licensing database and closes the complaint. Licensing staff and a supervisor complete the complaint review checklist.
- (l) **Heinous and shocking abuse findings.** Per 10 O.S. § 406, when Licensing receives notification from CWS of heinous and shocking abuse findings by a person responsible for the child's health, safety, or welfare as defined, per 10A O.S. §1-1-105, Licensing contacts the program by email immediately or not later than one-business day after the substantiated finding notification. ■ 8
- ~~(k)~~(m) **Notice to Comply.** When a complaint allegation is substantiated, Licensing staff advises the facility to correct the violations immediately and requests the facility complete Form 07LC037E, Notice to Comply, per OAC 340:110-1-9.3(d)(7). Licensing staff update  
updates the Licensing database with plan of correction information.
- ~~(m)~~(n) **Summary of facts.** Facility owners, directors, or primary caregivers may submit a written request for  
Licensing provides facility directors and owners or primary caregivers a summary of the facts used to evaluate and determine the complaint findings. ■ 89
- ~~(n)~~(o) **Complaint overview.** Licensing staff completes an overview of completed complaint investigations on Form 07LC080E, Licensing Services Supplemental Information. This overview provides an investigation summary of; how the complaint findings were determined; and is filed  
maintained in the case file's record's confidential section. ■ 910

## **INSTRUCTIONS TO STAFF 340:110-1-9.2**

**Revised 11-1-206-1-22**

1. When the complaint is made in person or by phone, Licensing staff assists the complainant by:
  - (1) advising of allegations representing non-compliance;
  - (2) responding to complainant's concerns;
  - (3) discussing confidentiality, such as, the complainant's identity is kept confidential unless legal action or a referral to local law enforcement officials becomes necessary;
  - (4) eliciting appropriate information. When subjective terms, such as "drunk" or "crazy" are used, Licensing staff tries to obtain and record specific information on the behavior observed by the complainant;
  - (5) informing the complainant about what action will be taken, such as Licensing staff making an unannounced visit or a referral to Child Welfare Services (CWS); and
  - (6) discussing the interviewing of complainant's children, when necessary and appropriate.

2. The information is documented on Form 07LC012E, Licensing Complaint, and entered in the Licensing database by using complaint key words. The information requested includes the:
  - (1) date and time the complaint was received;
  - (2) facility name, address, and phone number;
  - (3) complainant's name, address, phone number, and program relationship, such as employee, parent of a child in care, or neighbor;
  - (4) complainant's source of information, such as, personal observation or information from another individual; and
  - (5) specific information regarding the complaint allegations including:
    - (A) a description of the circumstances;
    - (B) the name or identity of personnel involved;
    - (C) the child's name and age, who was involved or affected by the alleged non-compliance;
    - (D) the date(s), time(s), and place(s) the alleged non-compliance(s) occurred;
    - (E) the names of other individuals with relevant information; and
    - (F) if the complaint was discussed with the director or primary caregiver.
3. Licensing staff determines one of the dispositions in this Instruction.
  - (1) Complaints or concerns not meeting criteria, per Oklahoma Administrative Code (OAC) 340:110-1-9.2(d) are discussed with the complainant, and when appropriate, a referral is made to another entity, such as local law enforcement officials, Adult and Family Services (AFS), or the Office for Civil Rights.
  - (2) A complaint alleging Licensing requirement violation or an unlicensed facility is investigated by Licensing staff. This information is recorded as a complaint regardless of the caller's purpose. Licensing staff in the area where the facility is located, is notified as soon as possible, and Form 07LC012E, Licensing Complaint, is forwarded to Licensing staff.
  - (3) A complaint alleging child abuse or neglect is immediately referred to CWS, with a copy of Form 07LC012E, Licensing Complaint. The referral is documented on the form. When an immediate response to the referral is not received, Licensing staff follows up the next Oklahoma Department of Human Services (DHS)-business day to obtain a response.
    - (A) Complaints referred to CWS include alleging harm or threatened harm to a child's safety occurring through non-accidental physical or mental injury, sexual abuse, neglect, or failure or omission to provide protection from harm or threatened harm.
    - (B) When Licensing staff is unsure a complaint meets CWS investigation criteria, the complaint is referred to CWS and the decision to accept the referral is made by CWS staff.
    - (C) Sex play between children is referred to CWS. Licensing investigates this type of allegation with regard to children's supervision.
  - (4) When a complaint alleging illegal activity is received, all referral information including the complainant's name, is forwarded to appropriate entities. The guidelines in (A) through (D) of this paragraph are met.

**(A) A complaint alleging commission of a crime is immediately referred to local law enforcement officials where the facility is located. The referral is followed up in writing, a copy filed in the, case file, and the supervisor is notified. Licensing staff is responsible for follow up with local law enforcement officials to determine and document the investigation's outcome.**

**(B) When the complaint allegation includes illegal drug activity, Licensing staff obtains as much information as possible from the complainant, including the individual's behaviors when it is alleged he or she was under the influence of drugs. Even when the alleged drug activity occurred when children were not in care, every complaint is referred to local law enforcement officials and, when the program has a provider contract, to the Office of Inspector General (OIG). Licensing staff is responsible for follow-up with local law enforcement officials regarding their involvement prior to complaint submission to OIG. However, when a response is not received from local law enforcement officials within 48-hours from complaint receipt, Licensing staff forwards the complaint to OIG. The OIG referral is documented on Form 19MP001E, Office of Inspector General (OIG) Referral Form, and includes date, contact, including attempted contact, information regarding local law enforcement official referral, and a copy of Form 07LC012E, Licensing Complaint. On receipt of the referral, OIG contacts the local law enforcement officials to determine who conducts the investigation or if a joint investigation will be conducted. Licensing staff is responsible for follow-up with OIG to determine and document the investigation outcome.**

**(C) Prior to facility visits, Licensing staff informs and consults with OIG regarding the restrictions of individuals involved in the allegation.**

**(D) Complaints alleging the use of illegal drugs during child care hours may be addressed with the caregiver after consultation with local law enforcement officials and OIG. Complaints alleging illegal activity of a more serious nature, such as drug trafficking are not investigated by Licensing staff.**

**(5) A complaint alleging discrimination is discussed with the complainant. The complainant is referred to the program in efforts to resolve the issue. When the complaint remains unresolved, Licensing staff refers the complainant to the Office for Civil Rights documenting the referral on Form 07LC080E, Licensing Services Supplemental Information.**

**(6) Information in a complaint received from another division within DHS or an agency responsible for monitoring child care facilities, such as OIG or local health or fire departments, may be deemed valid when documented in writing by the agency representative. Licensing staff determines when observation is a non-compliance. The program is advised of the report, is requested to complete Form 07LC037E, Notice to Comply, when applicable, per OAC 340:110-1-9.3(d)(7), and is given an opportunity to respond.**

**(7) The supervisor is notified of complaints:**

- (A) when the alleged non-compliance caused or could cause serious harm to a child in care;
  - (B) when the program has numerous, repeated, or serious non-compliance with requirements;
  - (C) when the alleged non-compliance was previously addressed on Form 07LC037E, Notice to Comply;
  - (D) referred to CWS or local law enforcement officials; or
  - (E) receiving special attention, such as from the media or a legislator.
- (8) When a director or owner self-reports an allegation Licensing staff informs the supervisor and consults with the regional program manager (RPM), when necessary to determine when potential harm to children warrants an investigation.
4. When necessary, Licensing staff consults with supervisor to determine the appropriate risk level, complaint initiation time frame, or follow-up based on:
- (1) the program's case history;
  - (2) the length of time since the alleged incident occurred;
  - (3) the allegation's severity; including the number and ages of children involved;
  - (4) Licensing staff's current workload and other pending complaint investigations; and
  - (5) necessary coordination with CWS or other agencies.
5. The investigation generally includes:
- (1) a review of the complaint allegations to ensure staff is thoroughly familiar with the details and specific information. Whenever possible, prior to making program contact, Licensing staff reviews all appropriate DHS records to obtain other preliminary information, as appropriate;
  - (2) an unannounced visit. The purpose of the visit and allegation descriptions using "key words" are initially discussed with the operator. Licensing documents in discussion key words were discussed with the director, owner, or both, when applicable. Prior to the complaint investigation conclusion, the full allegation is explained and discussed with the director or primary caregiver. Licensing staff does not identify the complainant;
  - (3) consideration of a safety plan. Based on allegation severity and/or information gathered during the complaint investigation, Licensing staff discusses with the operator and documents on Form 07LC080E, Licensing Services Supplemental Information, appropriate methods of protecting children during the investigation. With State Office approval, Licensing staff may request the owner to voluntarily cease care, or require specific restrictions of contact with children for the alleged perpetrator, pending the investigation outcome. The RPM is notified of all situations involving a request for voluntary cease care. When the owner refuses to cease care or adequately protect children and children are considered at imminent risk of harm, Licensing staff discusses and documents in discussion the possibility of an injunction or an Emergency Order;

**(4) a review of available records, such as the case file, children's and personnel files and attendance records, injury logs, medical and transportation permission records, child care subsidy records, food program records, or local law enforcement reports;**

**(5) interviews with the complainant, witnesses, and complainant's children, when necessary and appropriate, and others having relevant information, such as program personnel or food program employees. Additional parent and child interviews are not conducted for Risk Level III complaints. When sufficient investigative information for determination of a finding is obtained through personnel interviews, observation, and/or available records and documents, additional parent and child interviews are not conducted. Interviews are no longer conducted when sufficient information is obtained to determine a finding. An interview:**

**(A) is conducted when it would provide more complete or accurate information than observation alone;**

**(B) is scheduled at a time and location as to not present an undue hardship for the interviewee;**

**(C) is limited to questions relating to current complaint allegations;**

**(D) is generally a face-to-face contact between Licensing staff and the individual who may have relevant information. When an individual's comments and signature are documented on Form 07LC080E, Licensing Services Supplemental Information, a copy is provided to adult interviewees. A copy is not provided to the operator. All interviews are maintained in a confidential manner;**

**(E) is usually conducted in private and with one individual at a time. An exception may be made when:**

**(i) a witness accompanies Licensing staff;**

**(ii) the parent requests to be present when the child is interviewed; or**

**(iii) an individual chooses to have his or her attorney present;**

**(F) may be conducted outside of the facility when:**

**(i) the director is uncooperative;**

**(ii) an on-site interview places the interviewee at risk; or**

**(iii) information must be gathered prior to discussion with the operator. Interviews with individuals outside of the facility are documented on Form 07LC080E, Licensing Services Supplemental Information, with a copy provided to adult interviewees;**

**(G) with a child, Licensing staff considers the child's age and verbal ability and, preferably, a witness accompanies Licensing staff.**

**(i) Parental permission prior to interviewing a child in care is not required when investigating a complaint alleging non-compliance with Licensing requirements.**

**(ii) DHS Publication No. 05-57, Parent Notification of Child Interview, is provided for parents when a child is interviewed regarding Licensing requirement violations. Documentation of providing this publication to operators is made on Form 07LC080E, Licensing Services Supplemental Information.**

(iii) When Licensing staff accompanies CWS as part of a joint abuse and neglect investigation, interviews are conducted by the CWS specialist, per OAC 340:75-3-8.2. Licensing staff documents CWS interviews on Form 07LC080E, Licensing Services Supplemental Information. When applicable, adult interviewee and CWS specialist signatures are obtained and a copy is mailed to the adult interviewee's residence;

(H) of children or parents associated with a family child care home is not conducted at the facility unless approved by the RPM; and

(I) may be conducted at the child's school. However, this location is not preferable and requires parental permission prior to the interview;

(6) facility observations.

(A) When an allegation is associated with a specific time of day, such as early-morning understaffing, the facility visit is conducted at the time the incident is alleged to have occurred. Licensing staff documents observations by citing the specific conditions observed, such as the director refused to allow Licensing staff to view the program's records or there were nine children 2 years of age with one staff.

(B) When investigating a complaint at a facility, a full monitoring visit is not required unless one is due. Staff-child ratios and supervision are checked at each visit and documented on the monitoring checklist. When numerous, repeated, and/or serious non-compliance are observed, a full monitoring visit is conducted; and

(7) obtaining documentary evidence. Documentary evidence includes information, such as a CWS report, medical and local law enforcement records, signed statements, or photographs. When documentary evidence is obtained, it is entered in the case file.

6. Licensing staff procedure for CWS and Child Care Services (CCS) joint investigations.

(1) Whenever possible, Licensing staff accompanies the CWS specialist on the complaint investigation. However, Licensing staff's role and responsibility is to investigate alleged non-compliance of Licensing requirements or the Child Care Facilities Licensing Act. Licensing staff documents the alleged perpetrator's name, and address on Form 07LC080E, Licensing Services Supplemental Information.

(2) When the CWS specialist cannot initiate or conclude an investigation within a reasonable time, Licensing staff requests approval from the Licensing supervisor and consults with the CWS supervisor before proceeding with an investigation. A reasonable time is when the CWS investigation involves:

(A) a child in imminent danger or at risk of serious physical harm and is initiated within 24 hours; or

(B) no imminent risk of harm to a child and no injuries alleged, and is initiated no later than 15-calendar days after the report is accepted for investigation.

(3) Licensing staff interviews the alleged victim and his or her parents, usually in the alleged victim's home, following the guidelines in Instructions to Staff #

**5(5) of this Section. Licensing staff advises the CWS supervisor of the findings and CWS completes its investigation.**

**(4) When there is a finding of confirmed or substantiated child abuse or neglect, a copy of the report is provided to the RPM and statewide licensing coordinator or designee.**

**(5) Following the CWS investigation completion, Licensing staff provides a letter to the operator including the investigation findings and notice of further action, when applicable.**

**7. After initiating the complaint, Licensing staff continues to make progress in efforts to complete the investigation within 45-calendar days of receipt. Licensing staff discusses and documents extended time frames with the RPM on Form 07LC080E, Licensing Services Supplemental Information. Licensing staff enters the findings on the Licensing database and completes Form 07LC081E, Licensing Complaint Report Summary, using specific, informative, and easy to understand language.**

**(1) When a non-compliance other than the original complaint allegation(s) is identified, Licensing staff documents the non-compliances:**

**(A) on the complaint summary above the plan of correction citation as "additional non-compliances found during the investigation";**

**(B) on the Licensing database in investigative comments; and**

**(C) in the plan of correction.**

**(2) When a specific allegation within a key word is unsubstantiated, but a different non-compliance(s) within a key word category is identified, staff unsubstantiates the specific allegation and documents the new non-compliance. Understaffing is confirmed even when it is in an age group different from the allegation. Refer to (1) of this Instruction to document this circumstance.**

**(3) Names or identifying information of the complainant, program personnel, children, and the children's families are not included on Form 07LC081E, Licensing Complaint Report Summary.**

**(4) When CWS conducts a child abuse investigation, Form 07LC081E, Licensing Complaint Report Summary, contains a summary of complaint allegations and findings not disclosing the alleged perpetrator's or victim's identity, but does allow parents to evaluate the program. Descriptors, such as male personnel and 2-year-old female are not used.**

**(5) Documents:**

**(A) in the open record include:**

**(i) Form 07LC081E, Licensing Complaint Report Summary;**

**(ii) the monitoring summary;**

**(iii) complaint findings cover letter; and**

**(iv) Form 07LC037E, Notice to Comply, when applicable; and**

**(B) in the confidential section include:**

**(i) Form 07LC012E, Licensing Complaint;**

**(ii) Form 07LC080E, Licensing Services Supplemental Information;**

**and**



(iii) interviews with personnel, children, collateral witnesses, and complainants.

(6) When information regarding a complaint, including complaint allegations, is requested by the public prior to completion of the investigation, Licensing staff explains information regarding the allegation and findings are released after the investigation is complete. After the database is updated, indicating investigation completion, complaint information is available to the public, per OAC 340:110-1-14.

**8. CWS notifies the statewide licensing coordinator and a designated assistant licensing coordinator of substantiated heinous and shocking abuse findings.**

**(1) Upon CWS notification:**

**(A) the assistant licensing coordinator immediately:**

**(i) verifies the individual's program association;**

**(ii) notifies the Licensing staff and supervisor of the substantiated findings; and**

**(iii) notifies designated CCS state office staff for Oklahoma Child Care Resource and Referral Association director notification; and**

**(B) Licensing staff:**

**(i) notifies the facility owner and operator of the findings by email and includes Form 07LC130E, Heinous and Shocking Abuse Notification;**

**(ii) contacts the program the next business day verifying:**

**(I) email receipt;**

**(II) prohibitions for the perpetrator;**

**(III) understanding of program responsibility, including parent and legal guardian notification; and**

**(IV) time frame for notifying Licensing of date of parent and legal guardian notification; and**

**(iii) documents program contacts on Form 07LC080E, Licensing Services Supplemental Information.**

**(2) If the program does not notify Licensing of parent and legal guardian notification within two-business days after expiration of the 72-hour time frame, Licensing staff contacts the program to verify certified mail notification.**

**(3) If the program has not notified parents and legal guardians within the 72-hour time frame, Licensing consults with the supervisor and regional program manager for appropriate action.**

**89. Programs must request the summary of facts in writing.** The summary of facts, on CCS letterhead, is approved by the supervisor before it is provided to the program, and indicates the:

(1) documents reviewed. CWS reports are identified as a DHS document; and

(2) total number of individuals interviewed while identifying program relationship, such as parents, personnel, children, and collaterals or other agency personnel. Information provided protects confidentiality of all individuals.

**910.** The overview is:

- (1) used by supervisors and State Office to review how Licensing staff determined the findings. The overview includes the:
  - (A) number of individuals interviewed and program relationship;
  - (B) observations regarding the complaint allegations;
  - (C) documents and records reviewed;
  - (D) information used to determine the findings; and
  - (E) explanation of timeframes not within 45-calendar days; and
- (2) submitted with the reduction referral, when complaint findings are included in the reason for a star status reduction.

**340:110-1-10.1. Restricted Registry**

Revised ~~11-1-206~~-1-22

(a) **Legal basis.** The Oklahoma Child Care Facilities Licensing Act, Section 405.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 405.3) requires ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS) to establish and maintain a Restricted Registry, also ~~named~~ known as Joshua's List. Individuals recorded on the Restricted Registry are identified as registrants and are prohibited from licensure, ownership, employment, unsupervised access to children, ~~and/or~~ or residence in a facility or program licensed, certified, operated or contracted by, or with, ~~DHS~~ OKDHS or the Office of Juvenile Affairs (OJA). The Restricted Registry search is required, per 10 O.S. § 404.1<sub>1</sub> and Oklahoma Administrative Code (OAC) 340:2-46-5.

(b) **Registrants.** Registration may result after review by the Restricted Registry Review Committee and after all appeals are exhausted, when:

- (1) a substantiated finding of abuse or neglect, per 10A O.S. § 1-1-105<sub>1</sub>, by an individual, when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated<sub>1</sub>, or contracted by, or with, ~~DHS~~ OKDHS or OJA;
- (2) a denial or revocation of a child care program license;
- (3) a specified criminal history for individuals who have entered a plea of guilty, nolo contendere (no contest), or a conviction for felony offenses ~~in (A) through (C) of this paragraph~~ of:

- (A) child abuse or neglect;
- (B) a crime against a child; or
- (C) a crime involving violence including, but not limited to<sub>1</sub>, rape, sexual assault, or homicide; or

(4) a specified criminal history for individuals who have entered a plea of guilty, nolo contendere (no contest), or a conviction prior to, ~~and~~ or after the request for license date and ownership, employment, unsupervised access to children, or residence, for the felony offenses ~~in (A) and (B) of this paragraph~~ of:

- (A) domestic abuse; or
- (B) a drug or alcohol-related offense; or

(5) an individual required to register, per the Sex Offender Registration Act or the Mary Rippy Violent Crime Offenders Act.

(c) **Restricted Registry search for program owners.** When the owner is a:

- (1) registrant, Licensing contacts the owner and documents discussion regarding his or her registration on Form 07LC080E, Licensing Services Supplemental Information; or ■ 1

(2) non-registrant, procedures for processing a request for license are followed, per OAC 340:110-1-6 or 340:110-1-45.

(d) **Restricted Registry online search for child care program owners, personnel, individuals with unsupervised access, and residents.** The ~~DHS~~ OKDHS Office of Background Investigation (OBI) verifies programs conduct a Restricted Registry online search within 30-calendar days of submission, per OAC 340:2-46-5.

(e) **Registration as a result of findings of abuse or neglect investigations by Child Welfare Services (CWS).** ~~DHS~~ OKDHS staff notifies Restricted Registry staff of receipt of substantiated or confirmed findings when the abuse or neglect occurred to a child while in the care of a facility licensed, certified, operated or contracted by, or with, ~~DHS~~ OKDHS or OJA. ■ 2 through 3 Restricted Registry staff verifies CWS appeal status before requesting additional information on potential registrants. ■ 4 Investigation information is forwarded to the Restricted Registry Review Committee for consideration, per (j) of this Section.

(f) **Registration as a result of findings of abuse or neglect investigations by Office of Client Advocacy (OCA).** OCA submits abuse or neglect investigations findings to the residential licensing programs manager who reviews the information. Information meeting Restricted Registry registration criteria, per (b)(1) of this Section, are forwarded to Restricted Registry staff. Investigation information is forwarded to the Restricted Registry Review Committee for consideration, per (j) of this Section. Restricted Registry staff verifies OCA appeal status before requesting further review. ■ 3

(g) **Registration as a result of findings of OJA abuse or neglect investigations.** OJA Office of Public Integrity personnel submits abuse or neglect investigations findings to Restricted Registry staff. Information meeting Restricted Registry registration criteria, per (b)(1) of this Section, are forwarded to Restricted Registry staff. Investigation information is forwarded to the Restricted Registry Review Committee for consideration, per (j) of this Section. Restricted Registry staff verifies OJA appeal status before requesting further review.

(h) **Registration as a result of a denial or revocation.** Procedures regarding the request for license denial or revocation are followed, per OAC 340:110-1-10 or 340:110-1-52. ~~A copy~~ The statewide licensing coordinator or designee forwards copies of the cease and desist letter and denial or revocation letter ~~is forwarded~~ to Restricted Registry staff ~~by the statewide licensing coordinator or designee~~. Documentation relating to the denial and revocation is forwarded to the Restricted Registry Review Committee for consideration, per (j) of this Section.

(i) **Registration as a result of a specified criminal history.** When OBI conducts a criminal history review ~~conducted by OBI~~, including Record of Arrest and Prosecution (RAP) Back, and the review reveals an individual is a potential registrant, per (b)(3) - (5) of this Section, and a criminal history restriction waiver was rescinded or not granted, all criminal background information is forwarded to the Restricted Registry Review Committee for consideration, per (j) of this Section. ■ 5

(j) **Restricted Registry Review Committee.** The Restricted Registry Review Committee consists of six ~~DHS~~ OKDHS staff and one OJA staff, who make a registration determination within 30-calendar days of receipt of necessary information. ■ 6

(1) Criteria considered for Restricted Registry registration include, the:

(A) individual's age at the time of the offense(s);

- (B) length of time since the offense(s) occurred;
  - (C) number and types of offenses the individual was convicted for, or for findings made;
  - (D) circumstances surrounding commission of the offense(s), demonstrating willful intent;
  - (E) likelihood the individual will re-offend; and
  - (F) other documentation submitted indicating children's health, safety, and well-being are, or are not, endangered.
- (2) The Restricted Registry Review Committee determines Restricted Registry registration by clear and convincing evidence; including consideration of:
- (A) the individual's history of behavior likely to create a reasonable risk of harm to children; and
  - (B) if children are unsafe with the individual, either alone or in a group.
- (3) The Restricted Registry Review Committee's determination requires a majority decision and is based on the members' review, discussion of documentation, and consideration of registration criteria as listed.
- (4) When the Restricted Registry Review Committee recommends registration by a majority decision, information is forwarded to Restricted Registry staff.
- (k) **Restricted Registry legal review.** Restricted Registry staff submits registration information to ~~DHS~~ OKDHS Legal Services (LS) for registration review.
- (l) **Restricted Registry notification.** Within five ~~DHS~~ OKDHS-business days of receipt of ~~DHS~~ OKDHS LS review, Restricted Registry staff notifies the potential registrant on Form 07LC115E, Restricted Registry Notification. The notification:
- (1) is mailed to the most recent address of record as the potential registrant provided ~~by the potential registrant~~ through request for license, personnel documents, criminal background requests, or interviews. Notification is provided by regular and certified mail, return receipt requested; and
  - (2) advises the potential registrant ~~of the~~:
    - (A) of the right to appeal within 30-calendar days of receipt of notice;
    - (B) failure to request a hearing, within the time frame specified, may result in Restricted Registry registration, per (n) of this Section; and
    - (C) of the responsibility for notifying restricted registry staff of changes in mailing address.
- (m) **Restricted Registry appeal process.** A request for an appeal is forwarded to Restricted Registry staff. Appeal requests are forwarded to ~~DHS~~ OKDHS LS. ■ 7
- (n) **Registration.** When an appeal is not requested within the specified timeframe, or when an administrative decision becomes final, Restricted Registry staff:
- (1) mails Form 07LC114E, Restricted Registry Final Notification, to the registrant's last known address of record on file;
  - (2) mails Form 07LC113E, Restricted Registry Program Notification, to the program where registrant is associated;
  - (3) notifies the appropriate CWS Resource Unit, OJA, or Licensing staff regarding Restricted Registry registration; and ■ 8
  - (4) enters registrant information on the Restricted Registry database. ■ 9
- (o) ~~District Court appeal process.~~ Registrants aggrieved by the decision may appeal to the District Court of the county where the program is maintained and operated by filing

~~a verified petition with the court clerk within 10-calendar days after the decision. Within 20-calendar days of the filing of the appeal in District Court, the registrant must also file with the court clerk the administrative hearings transcript.~~

~~(p) **Request for registration removal.** A registrant may request removal after 60 months from the date of Restricted Registry registration. A request for removal from the Restricted Registry is forwarded to the Restricted Registry staff for submission to the Restricted Registry Review Committee. The Restricted Registry Review Committee makes a determination within 30-calendar days of receipt of notice from the Restricted Registry staff. ■ 6~~

~~(1) Criteria considered for removal includes, but is not limited to, (j)(1)(A) through (F) of this Section, and:~~

~~(A) a current criminal background review, when applicable, conducted within 30-calendar 90-calendar days;~~

~~(B) since registration, consideration of;~~

~~(i) work and training histories; and~~

~~(ii) character behavioral references; and~~

~~(C) a personal statement of rehabilitative efforts; and~~

~~(D) reason for original placement and the length of time on the Restricted Registry.~~

~~(2) A decision to remove a registrant from the Restricted Registry is based on a Restricted Registry Review Committee majority decision. ■ 10~~

~~(3) Restricted Registry staff notifies the registrant of the Restricted Registry Review Committee decision. ■ 9~~

~~(4) A request for appeal of continued placement on the Restricted Registry is forwarded to Restricted Registry staff. Appeal requests are forwarded to ~~DHS Legal Services~~ OKDHS LS and reviewed within 90-calendar days. ■ 7~~

~~(4) Restricted Registry staff notifies the registrant of the Restricted Registry Review Committee decision. ■ 9~~

~~(p) **Continued Placement Appeal Decision.** Within five OKDHS-business days of receipt of OKDHS LS appeal review determination, Restricted Registry staff notifies the registrant of OKDHS LS decision regarding continued placement. When continued placement is:~~

~~(1) upheld, Restricted Registry staff informs the registrant that subsequent requests of removal from the Restricted Registry may be requested 24 months from the date of appeal decision notification; or~~

~~(2) not upheld, Restricted Registry removes the registrant from the Restricted Registry database. ■ 10~~

~~(q) **District Court appeal process.** Registrants aggrieved by any decision of the Restricted Registry Committee upheld during an administrative hearing may appeal to the District Court of the county where the facility is maintained and operated by filing a verified petition with the court clerk within 10-calendar days after the decision. Within 20-calendar days of the filing of the appeal in District Court, the registrant must also file the administrative hearings transcript with the court clerk.~~

**INSTRUCTIONS TO STAFF 340:110-1-10.1**

**Revised 11-1-206-1-22**

1. Licensing requests withdrawal of the request for license. When the request is not withdrawn, Licensing proceeds with denial procedures, per Oklahoma Administrative Code (OAC) 340:110-1-10 or 340:110-1-52.
2. (a) On completion of a Child Welfare Services (CWS) investigation, Licensing or CWS Resource Unit staff requests from CWS:
  - (1) Form 04CP004E, Child Welfare Investigative Summary-Notification to Child Care Services;
  - (2) Form 04K1003E, Report to District Attorney; and
  - (3) Form 04KI019E, Notification Concerning Findings of Child Abuse/Neglect, for reports for all alleged perpetrators containing substantiated findings.
 (b) Licensing or CWS Resource Unit staff emails Restricted Registry staff at [OCCSRrestrictedRegistry@okdhs.org](mailto:OCCSRrestrictedRegistry@okdhs.org) and provides the:
  - (1) date of Form 04KI019E, Notification Concerning Findings of Child Abuse/Neglect;
  - (2) child welfare referral number;
  - (3) perpetrator's name, address of record on file, birthdate, Social Security number; and
  - (4) program name, address, and license number.
 (c) Restricted Registry staff tracks the status of the appeal. CWS notifies Restricted Registry staff of the appeal request and appeals committee final decision, when applicable.
3. When Child Care Services (CCS) receives database reports regarding substantiated findings of child abuse and neglect information on required individuals, staff requests required documentation from CWS or the Office of Client Advocacy (OCA).
4. Licensing or CWS Resource Unit staff forwards Form 04K1003E, Report to District Attorney, and supporting documentation to Restricted Registry staff.
5. RAP Back is an Oklahoma State Bureau of Investigation (OSBI) notification of subsequent Oklahoma arrests of individuals previously fingerprinted. Individuals never employed in a facility licensed, certified, operated, or contracted by, or with, the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) or Office of Juvenile Affairs (OJA) are not considered for registration.
6. The Restricted Registry Review Committee members include three CCS staff and one representative each from OCA, OJA, CWS, and the CWS Resource Unit.
7. ~~DHS~~ OKDHS Legal Services (LS) conducts an administrative hearing to:
  - (1) uphold the registration decision;
  - (2) overturn the registration decision; or
  - (3) request further action or review as determined by the Administrative Law Judge.
8. Licensing may be required to visit the facility verifying the Restricted Registry registrant is no longer employed or residing in the facility. When the Restricted Registry registrant is still employed or residing in the facility, Licensing staff proceeds, per OAC 340:110-1-9.3 or 340:110-1-47.2.
9. The Restricted Registry registrant's full name including aliases, birthdate, Social Security number, and registration date is entered on the Restricted

**Registry database. No other investigation information related to the offense, revocation, or denial is disclosed to the public.**

**10. When the ~~Restricted Registry Review Committee~~ decision is to remove the registrant, Restricted Registry staff updates the Restricted Registry database within five ~~DHS~~ OKDHS-business days.**

### **340:110-1-15. Grievance policy and procedure**

Revised ~~11-1-2016~~-1-22

(a) **Grievance policy.** The child care or residential program, or child placing agency owner or director, or administrator may submit a grievance regarding the application of any written or unwritten policy, rule, or regulation of Child Care Services (CCS) or a CCS employee decision affecting the program or child-placing agency. Grievances must be received within 30-calendar days of the documented non-compliance, star criteria violation, or substantiated complaint allegation. A grievance is not accepted concerning an Emergency Order, request for license denial, license revocation, or Restricted Registry registration.

(b) **Grievance procedure.** Individuals wanting to submit a grievance are encouraged to seek informal resolution of his or her concerns by contacting the appropriate Licensing supervisor or programs supervisor for residential programs and child-placing agencies, who attempts to resolve the matter. Each grievance review level may have assigned designees. ■ 1

(1) When a resolution cannot be reached at the local level or through verbal conversation with CCS State Office staff, the grievant is instructed to submit one written grievance request with the Licensing supervisor or programs supervisor. Grievances must be received within 15-calendar days of this communication. Written grievances are forwarded when additional reviews are requested.

(2) The Licensing supervisor and regional programs manager (RPM) grievance level review processes for child care programs are in (A) through (B) of this paragraph.

(A) The Licensing supervisor:

(i) notifies the regional programs manager (RPM) and statewide licensing coordinator that a formal grievance was received and efforts made to resolve the issue. The Licensing supervisor;

(ii) responds to written grievances within 10-Oklahoma Department of Human Services (DHS) (OKDHS) business days of receipt. The grievant is informed; and

(iii) informs the grievant additional review requests must be received within 15-calendar days of the correspondence date. ■ 2 through 4

~~(3)~~ (B) When the grievant is not satisfied with the proposed resolution, he or she may request RPM review. The RPM:

(i) responds to written grievances within 10-DHS OKDHS business days of receipt. The grievant is informed; and

(ii) informs the grievant additional review requests must be received within 15-calendar days of the correspondence date. ■ 3 & 4

(3) For residential programs or child-placing agency grievance review at the programs supervisor level, the programs supervisor:

(A) notifies the statewide licensing coordinator a formal grievance was received and efforts were made to resolve the issue;

(B) responds to written grievances within 10-OKDHS business days of receipt; and

(C) informs the grievant additional review requests must be received within 15-calendar days of the correspondence date. ■ 2 through 4

(4) When the grievant is not satisfied with the proposed resolution, per (2) or (3) of this subsection, he or she may request statewide licensing coordinator review. The grievant is informed he or she may request Child Care Advisory Committee (CCAC) Peer Review Board review, prior to statewide licensing coordinator review. The statewide licensing coordinator forwards information to the Peer Review Board, when applicable or proceeds with the review.

(5) When applicable, the Peer Review Board responds to the statewide licensing coordinator with resolution advisement within 10-~~DHS~~ OKDHS business days of receipt.

(6) The statewide licensing coordinator notifies the grievant of the CCS decision within 10-~~DHS~~ OKDHS business days or, when applicable, 10-~~DHS~~ OKDHS business days of Peer Review Board advisement receipt. The grievant is informed additional review requests must be received within 15-calendar days of the correspondence date. ■ 3 & 4

(7) When the grievant is not satisfied with the proposed resolution, he or she may request review by the CCS director, Children's Senior Director of Child Services director, and ~~DHS~~ OKDHS Director (Director), or assigned designees respectively. The CCS director, ~~AFS director~~ Senior Director of Child Services, and Director or assigned designees each respond within 10-~~DHS~~ OKDHS business days of receipt. The grievant is informed additional review requests must be received within 15-calendar days of the correspondence date. The Director's or assigned designee's decision is final. ■ 4

(c) **Grievance procedures against a CCS employee.** A child care or residential program, and child-placing agency may submit a grievance ~~about~~ regarding a CCS employee who retaliated against a program or child-placing agency, ~~or program-employee the employees~~. Grievances must be received within 30-calendar days of the alleged incident. Reports are investigated regardless of the grievant's decision to remain anonymous. ■ 5

(1) The grievant is referred to the appropriate supervisor or programs supervisor, who attempts to resolve the matter.

(2) When the grievant is not satisfied with the proposed resolution at the supervisory level, the grievant is referred to the assistant licensing coordinator and, when applicable, not within the line of supervision of the involved Licensing staff. The assistant licensing coordinator:

(A) requests the allegations be submitted in writing; however, written submission is not required;

(B) investigates the allegations; and

(C) provides written investigation results to the grievant, when contact information is available.



(3) The assistant licensing coordinator's decision is final; however, the grievant may request the CCS director review the finding.

#### **INSTRUCTIONS TO STAFF 340:110-1-15**

**Revised ~~11-1-206-1-22~~**

1. When the supervisor or programs supervisor determines the non-compliance is accurate, grievance tracking information is entered in the Licensing database. When the supervisor or programs supervisor is able to determine a non-compliance should not have been documented:
  - (1) the supervisor or programs supervisor ensures the non-compliance is removed from the Licensing database, when applicable;
  - (2) documents the decision on Form 07LC080E, Licensing Services Supplemental Information; and
  - (3) provides a copy of Form 07LC080E to the program or child-placing agency.
2. When a written grievance is submitted, the supervisor or programs supervisor removes the non-compliance or complaint finding in question from the Licensing database until a final decision is reached.
3. When the grievance decision is reached at each level, correspondence indicating the decision and grievance timeframes is provided to the grievant. Grievance tracking information is entered in the Licensing database.
4. When the final grievance decision is reached:
  - (1) correspondence indicating the decision is provided to the grievant and, when applicable, the correspondence is forwarded to Child Care Services (CCS);
  - (2) grievant correspondence ~~copies are placed in the program's case file;~~ and
  - ~~(3) the decision is reflected in the Licensing database.~~
5. The grievant is required to disclose the name of the involved CCS employee(s) and his or her child care program, residential program, or child-placing agency.

#### **340:110-1-21. ~~Evaluation of the child care licensing services~~ Child Care Services (CCS) program evaluation**

**Revised ~~11-1-166-1-22~~**

~~Child Care Services (CCS) is responsible for evaluation of the child care licensing services~~ Licensing program evaluation. ■ 1

- (1) The quality assurance (QA) manager is responsible for all ~~activities associated with program evaluation~~ activities, including ~~quality assurance~~ QA reviews and ~~division~~ CCS employee and child care industry ~~satisfaction~~ feedback surveys.
- (2) CCS establishes a method for continuously improving the internal review program through feedback and recommendations from all concerned parties. The review:
  - (A) ~~determines whether licensing requirements~~ Licensing requirement, ~~policies rule, and procedures are being implemented~~ procedure implementation;
  - (B) evaluates the CCS program's effectiveness; and

(C) provides objective evidence to support the need for supporting the reduction, elimination, and prevention of inconsistent rules and Licensing requirement interpretation of division policy and licensing requirements.

## **INSTRUCTIONS TO STAFF 340:110-1-21**

**Revised 4-1-176-1-22**

1. (a) Review schedule. The quality assurance (QA) manager schedules and conducts an annual review of each ~~licensing~~ Licensing supervisory group including the residential and child-placing agency ~~licensing~~ group. A review may also be conducted when ~~there is a~~ significant change in the Child Care Services (CCS) process and service occurs or a ~~follow-up on~~ QA corrective action follow-up is necessary.
- (b) Review scope. ~~The CCS director and statewide licensing coordinator identify policy and~~ state office management identifies CCS process criteria and rules for review ~~within a specific timeframe~~. When applicable, an examination of the previous plan of correction is reviewed and evaluated ~~according to current practice~~. The review includes:
  - (1) a review of ~~licensing~~ Licensing records to ~~analyze policy~~ analyzing rules and requirements for performance consistency, compliance, relevance, and clarity;
  - (2) ~~identification of~~ observed positive practices; and
  - (3) ~~utilization of the licensing data base~~ Licensing database system utilization.
- (c) Review plan.
  - (1) The review plan is provided to the ~~licensing~~ Licensing supervisor and regional program manager (RPM) or residential and child-placing agency program manager, at least 30-calendar days prior to the scheduled review and includes the:
    - (A) review objective ~~and~~, scope, and schedule;
    - (B) ~~names of review team members~~ members' names; and
    - (C) ~~review dates and locations~~;
    - (D) identification of the supervisory group being reviewed; and
    - (E) ~~schedule of review activities~~.
  - (2) The review plan is ~~designed to be flexible in order to permit changes in emphasis based~~ may change emphasis depending on information gathered during the review information.
    - (A) ~~Specific details of the review~~ Review plan details are communicated throughout the review when disclosure does not compromise objective evidence collection.
    - (B) The QA manager may revise the review plan to ensure review ensuring objectives are achieved.
  - (3) ~~The licensing supervisor or residential and child-placing agency program manager provides a list of case records meeting review criteria~~. The QA manager ~~evaluates the list to determine~~ selects cases meeting review criteria.

~~(4) When applicable, a list of the case records for review is provided to the licensing supervisor or residential and child-placing agency program manager, at least 10 Oklahoma Department of Human Services (DHS) business days prior to the review, ensuring records can be reviewed for completeness and chronological filing order.~~

(d) QA manager responsibilities. The QA manager is responsible for responsibilities include:

~~(1) selecting~~ ensuring adequate team member participation and contacting review team members;

~~(2)~~ developing the review plan, per (c) of this Instruction;

~~(3)~~ providing review notification;

~~(2)(4)~~ conducting orientation for the team members to ensure member orientation, ensuring members are familiar with expected roles and duties;

~~(3)(5)~~ preparing review checklists and worksheets;

~~(4)~~ preparing the review notification letter;

~~(5)(6)~~ conducting daily conferencing conferences discussing information, per (g) of this Instruction. Conferences occur:

(A) at the conclusion of the first day with the licensing Licensing supervisor and RPM or residential and child-placing agency program manager where information per (g) of this Instruction is discussed; and

(B) on the final day with the Licensing staff; including the supervisor and RPM or residential and child-placing agency program manager;

~~(6)~~ ensuring the review team is prepared for the exit conference;

~~(7)~~ preparing the preliminary review report;

~~(8)~~ conducting the exit conference; and interviewing Licensing staff regarding case management of selected criteria;

~~(9)~~ writing preparing and submitting the final review report; and

~~(10)~~ maintaining review information for four years in a confidential manner.

(e) Review team members. Licensing supervisors and child care licensing specialists IIIs ~~annually serve as review team members~~ are required to participate in reviews annually. When a team member is unable to participate in a previously scheduled review, supervisor approval is needed, and the staff must arrange for participating on the next available review. Team members:

~~(1)~~ consist of the QA manager and at least three CCS staff with a majority having a minimum of at least three years licensing field experience;

~~(2)~~ obtain supervisory approval for participation;

~~(3)~~ are not supervised within the region being reviewed;

~~(4)~~ are not representatives from the same supervisory group; and

~~(5)~~ are responsible for:

(A) arriving on-time, being both prepared and unbiased;

(B) observing, evaluating, and reviewing licensing records to determine adequacy, effectiveness, and compliance of licensing requirements and policies rules within the assigned scope of the review scope;

(C) analyzing evidence to determine when determining findings are indicated, per (g) of this Instruction;

(D) documenting review information objectively;

- (E) acting in an ethical manner; and
- (F) keeping all information pertaining to the review information confidential.
- (f) Review checklists and worksheets. Checklists and worksheets are used to capture and report document review results. They do not rigidly dictate what is reviewed or restrict review activities. The QA manager safeguards all review information and retains review information for four years.
- (g) Findings. The review team QA manager analyzes review information to determine findings.
  - (1) A finding occurs when three or more cases records indicate the same specific policy rule Section or procedure is not followed. Findings also include, but are not limited to:
    - (A) falsifying information;
    - (B) breach of confidentiality;
    - (C) one-time policy rule violation that could place children at risk; or
    - (D) unethical behavior.
  - (2) The review team ensures findings are identified and supported by evidence in terms of the Findings reference specific Licensing requirements or policy rules being reviewed.
  - (3) When the review team cannot determine an action to be actions are not identified as a finding, but the action is not supported by division practice, the action is listed identified as an area of concern.
  - (4) Significant inconsistencies are noted documented and investigated even when they are not within the review scope.
- (h) Entrance conference. The QA manager conducts an entrance conference with the licensing Licensing supervisor or residential and child-placing agency program manager for the purpose of:
  - (1) explaining the scope and objectives of the review scope and objectives;
  - (2) clarifying unclear details of the review plan;
  - (3) describing the methods and procedures used to conduct the review methods and procedures; and
  - (4) confirming the time and date for daily and exit conferences review schedule.
- (i) Exit conference. At the conclusion of the review conclusion, the QA manager and team members conduct conducts an exit conference with the licensing Licensing supervisor and RPM or residential and child-placing agency program manager and licensing Licensing staff. The QA manager presents discusses the preliminary findings written report with conclusions reached by the review team, including:
  - (1) a summary of the review summary;
  - (2) identified findings;
  - (3) areas of concern;
  - (4) recommendations to the group;
  - (5) observed positive practices; and
  - (6) an overall evaluation of the reviewed activities.

~~(j) Final report. The QA manager prepares the final report and is responsible for its accuracy and completeness. The final report contains:~~

- ~~(1) the review dates, scope, and objectives;~~
- ~~(2) the names of review team members members' names;~~
- ~~(3) identification of all reference documents used during the review, such as licensing requirements and policy rules;~~
- ~~(4) findings, per (g) of this Instruction;~~
- ~~(5) identification of observed positive practices;~~
- ~~(6) review team member recommendations;~~
- ~~(7) plan of correction forms for response to the review; and~~
- ~~(8) the review report distribution list.~~

~~(k) Final report distribution. The QA manager distributes the final report to the licensing Licensing supervisor and RPM or residential and child-placing agency program manager, policy manager, statewide licensing coordinator, and CCS director director within 30-calendar days after the conclusion of the review conclusion.~~

~~(l) Plan of correction.~~

- ~~(1) The plan of correction includes a description of the corrective action to address addressing the findings, per (g) of this Instruction.~~
- ~~(2) The licensing Licensing supervisor and RPM or residential and child-placing agency program manager submit a plan of correction to the QA manager within 30-calendar days after receipt of receiving the final report. When an extension of time is needed to complete the plan of correction, a written request is made submitted to the QA manager explaining why an extension is needed necessary.~~
- ~~(3) CCS State Office schedules training to address addressing the findings, per (g) of this Instruction.~~

~~(m) Final review closure approval. Final closure approval is contingent upon evaluation and acceptance by the CCS director of required The RPM approves the final review and corrective action plans. When the proposed plan of correction is not approved, the plan is returned to the licensing Licensing supervisor or residential and child-placing agency program manager for modification. Corrective action is implemented by CCS supervisory or management staff.~~

### **PART 3. LICENSING SERVICES - RESIDENTIAL CARE AND AGENCIES**

#### **340:110-1-40. Purpose [REVOKED]**

Revised 7-1-08

~~The purpose of this Part is to describe the responsibilities and functions of Oklahoma Child Care Services in regard to Residential Licensing Services.~~

#### **340:110-1-41. Definitions [REVOKED]**

Revised 6-1-03

~~The following words and terms, when used in this Part, have the following meanings, unless the context clearly indicates otherwise:~~

~~"Child care staff" means staff, including part time, on-call, and substitute staff who provide direct care and supervision of residents. To be counted as required child care staff, workers must be engaged in providing care and meet the minimum qualification for child care staff.~~

~~"Child placing agency" means an agency that provides social services to children and their families that supplement, support, or substitute parental care and supervision for the purpose of safeguarding and promoting the welfare of children. The agency may provide full-time placement service for children away from their own homes, such as adoptive homes, foster family homes, group homes, and independent living programs.~~

~~"Residential child care facility" means a 24-hour child care facility with children living together with adults other than their parents or relatives.~~

### **340:110-1-42. Legal base and authority [REVOKED]**

~~Revised 7-1-08~~

~~(a) The Oklahoma Department of Human Services (OKDHS) is responsible for implementing the Oklahoma Child Care Facilities Licensing Act. [10 O.S. § 401 et seq.] This Act mandates that a license must be obtained from OKDHS to provide care for children away from their own homes. The child care facilities subject to licensing that are addressed in this Part are residential child care facilities and child-placing agencies. Residential facilities operated by OKDHS are certified. The responsibilities of OKDHS in relation to these facilities include:~~

- ~~(1) developing minimum requirements for the care and protection of children cared for in child care facilities;~~
- ~~(2) assisting child care providers in achieving maximum standards;~~
- ~~(3) providing continuing technical assistance and consultation to the facility;~~
- ~~(4) developing sufficient and adequate facilities for child care in the community;~~
- ~~(5) issuing licenses based upon compliance with minimum requirements;~~
- ~~(6) investigating complaints received against child care facilities; and~~
- ~~(7) taking corrective action as authorized by the Oklahoma Child Care Facilities Licensing Act and stated policy based upon non-compliance with minimum requirements.~~

~~(b) OKDHS has established the Oklahoma Child Care Services to carry out the responsibility of the Oklahoma Child Care Facilities Licensing Act.~~

### **340:110-1-44. Inquiries [REVOKED and RENUMBERED to 340:110-1-6]**

~~Revised 7-1-12~~

~~(a) **Inquiries.** Inquiries regarding the licensing of residential child care facilities or child-placing agencies are referred to the licensing staff in whose geographical area the inquirer is located. Upon receipt of an inquiry, the licensing staff provides the inquirer with a copy of the applicable requirements and, when appropriate, refers facilities to other agencies involved in licensing residential child care facilities or child-placing agencies, such as the fire department, health department, and local city regulatory offices. When the inquirer has informed licensing they are currently providing care for children procedures in OAC 340:110-1-54.1 are followed. Licensing informs the inquirer they are not to provide care of children without permission to operate by Oklahoma Child Care Services (OCCS).~~

When the inquirer indicates an interest in becoming licensed, the licensing staff: ~~■-1 & 2~~

- ~~(1) reviews the requirements with the inquirer to help him or her determine whether the requirements can be met;~~
- ~~(2) determines the qualifications of the inquirer to operate a facility; and~~
- ~~(3) provides consultation to assist in the development of a residential child care facility or child placing agency that can provide quality care.~~

~~(b) Tribal facilities. Child care facilities on Indian tribal land do not require a state license, but may request licensure. ■-3~~

~~(c) Federal facilities. Facilities operated on military bases or on federal property are exempt.~~

## **INSTRUCTIONS TO STAFF 340:110-1-44 [REVOKED and RENUMBERED to 340:110-1-6]**

**Revised 7-1-12**

- ~~1. Licensing staff are not responsible for the knowledge or enforcement of local ordinances. Staff refer facilities to local officials for specific ordinance information. Referrals are documented on the monitoring report during the application visit.~~
- ~~2. All inquiries are responded to with either written or verbal information. Upon receipt of an inquiry, the licensing staff enters available information into the database.~~
- ~~3. The sheriff's or district attorney's office can usually identify Indian tribal land boundaries.~~

## **340:110-1-45. Request for license process [REVOKED and RENUMBERED to 340:110-1-6]**

~~Revised 11-1-17~~

~~(a) Request for license packets. Request for license packets, including the appropriate licensing requirements and request for license forms, are provided to potential licensees upon request. ■-1 The packet includes:~~

- ~~(1) Form 07LC040E, Request for License Child Placing Agency and Residential Child Care;~~
- ~~(2) Form 07LC041E, Personnel Information;~~
- ~~(3) Form 07LC043E, Child Placing Agency Compliance Review, or Form 07LC056E, Compliance Review Residential Child Care Facility, as applicable; and ■-2~~
- ~~(4) Appendix L-7, Ownership Proof Chart.~~

~~(b) Receipt of request for license. Upon receipt of the request for license packet by Child Care Services (CCS), the case is assigned a license number and a file is created. ■-3 When permission to operate has not been granted, contact is made by phone every two months and documented on Form 07LC080E, Licensing Services Supplemental Information. ■-4~~

~~(c) Permission to operate. The program may be granted permission to operate on application status. When the licensing staff determines an applicant is temporarily unable to comply with all licensing requirements, but the services are needed and the non-compliance does not place children at risk of imminent harm, these situations are staffed~~

with programs manager for permission to operate. Permission to operate cannot exceed 30 calendar days. ■ 5

~~(d) **Reopening a residential program or child-placing agency.** A new request for license must be completed when a residential program or child-placing agency that has been closed is reopened. Prior to the issuance of the license, background investigations must be conducted per Oklahoma Administrative Code (OAC) 340:110-1-8.1.~~

~~(e) **Computer checks.** Computer checks to identify prior involvement with the Oklahoma Department of Human Services are completed on required individuals per OAC 340:110-1-8.1. ■ 6~~

~~(f) **Withdrawal of request for license.** When a residential program or child-placing agency applicant:~~

~~(1) requests to withdraw the request for license prior to issuance of an initial permit, the licensing staff:~~

~~(A) documents this request on Form 07LC080E;~~

~~(B) confirms no children are in care, or no child-placing activity is being conducted; and~~

~~(C) may close the case unless negative action is warranted; and~~

~~(2) has not had children in care or conducted child-placing activity for more than 12 months, the program or agency is requested to withdraw the request for license.~~

~~When the program or agency:~~

~~(A) agrees to withdraw the request, licensing staff:~~

~~(i) documents this discussion on Form 07LC080E;~~

~~(ii) provides a letter notifying the applicant of withdrawal of request for license; and~~

~~(iii) proceeds with case closure; or~~

~~(B) does not agree to withdraw the request, licensing staff:~~

~~(i) documents this discussion on Form 07LC080E;~~

~~(ii) provides a letter notifying the applicant of case closure within 10 calendar days of receipt of letter; and~~

~~(iii) proceeds with case closure. ■ 7 & 8~~

## **INSTRUCTIONS TO STAFF 340:110-1-45 [REVOKED and RENUMBERED to 340:110-1-6]**

**Revised 11-1-19**

~~1. When the applicant operates a program for residential care, the Office of the State Fire Marshal and local health department are notified in writing to request an inspection.~~

~~2. Child-placing agencies use Form 07LC043E, Child Placing Agency Compliance Review, and residential programs use Form 07LC056E, Compliance Review-Residential Child Care Facility.~~

~~3. A request for license is considered complete when:~~

~~(1) necessary information is complete on Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care;~~

~~(2) supporting documentation was provided; and~~

~~(3) proof of ownership per Oklahoma Department of Human Services (DHS) Appendix L-7, Ownership Proof Chart.~~



- ~~4. Licensing staff makes an appointment to inspect the program, measure the square footage, draw a floor plan, and determine the licensed capacity. When the program does not begin operating within six months, Licensing staff contacts the program or child-placing agency determining if the application will remain open or be withdrawn. A monitoring frequency plan of six is entered in the database.~~
- ~~5. A monitoring frequency plan of 12 is entered in the database.~~
- ~~6. Licensing staff conducts a DHS computer check on required individuals prior to permission to operate.~~
- ~~7. When a withdrawal is requested, Licensing staff provides a copy of Form 07LC040E, Request for License Child Placing Agency and Residential Child Care, to the program and the original is maintained in the Licensing file.~~
- ~~8. When a request for license cannot be approved, due to a program not meeting Licensing requirements, Licensing staff discusses the withdrawal request with the program. When a program declines to withdraw, Licensing staff consults the programs manager. Written request from the program for withdrawal is not required; however, in a letter or on Form 07LC080E, Licensing Services Supplemental Information, Licensing staff documents:
 
  - ~~(1) specific Licensing requirements not met;~~
  - ~~(2) Licensing's request for the withdrawal; and~~
  - ~~(3) the program's response to the withdrawal request.~~~~

### **340:110-1-47.1. Complaint investigations**

Revised ~~11-1-206-1-22~~

- (a) **Legal basis.** The Oklahoma Child Care Facilities Licensing Act (Act), Section 406 of Title 10 of the Oklahoma Statutes (10 O.S. § 406), mandates that the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) conduct a full complaint investigation alleging violation against the Act or Licensing requirements.
- (b) **Complaint receipt.** Complaints may be made to Licensing, in writing, in person, by phone, or electronically. ■ 1
- (c) **Complaint information.** Licensing staff obtains as much relevant information as possible from the complainant. ■ 2
- (d) **Screening complaints.** Licensing staff accepts a complaint for investigation when alleging:
  - (1) non-compliance with Licensing requirements;
  - (2) violation of the Act;
  - (3) unlicensed program operation; or
  - (4) abuse or neglect of a child in care.
- (e) **Disposition of complaints.** On receipt of a complaint, Licensing staff determines a disposition, as described in (1) through (6) of this subsection.
  - (1) A complaint not meeting the criteria in (d) of this Section is discussed with the complainant and, when appropriate, a referral is submitted to another entity, such as local law enforcement, the Office of Juvenile Affairs (OJA), the Office of Client Advocacy (OCA), Child Welfare Services (CWS), or the Office for Civil Rights.
  - (2) A complaint alleging non-compliance with Licensing requirements or unlicensed program operation is investigated by Licensing. ■ 3

(3) A complaint alleging child abuse or neglect is immediately referred to the Child Abuse and Neglect Hotline with a copy of Form 07LC012E, Licensing Complaint. The referral is documented on the form. ■ 4 When an immediate response is not received, Licensing staff follows up the next ~~DHS-business~~ OKDHS-business day to obtain a response.

(4) When a complaint alleges illegal activity by program personnel, including illegal drug activity in the child care facility, all referral information, including the complainant's name, is immediately referred to the (~~DHS~~) OKDHS Office of Inspector General (OIG) and local law enforcement where the program is located.

(A) Referral follow ups are documented in writing, a copy is ~~filed~~ maintained in the program case file record, and the programs ~~manager~~ supervisor is notified.

(B) Licensing staff follows-up with local law enforcement officials to determine and document the investigation's outcome.

(C) The referral is documented on Form 19MP001E, Office of Inspector General (OIG) Referral Form. ■ 5

(5) Information in a complaint received from another division within (~~DHS~~) OKDHS or an agency responsible for monitoring residential child care programs or child-placing agencies, such as the Oklahoma Commission on Children and Youth (OCCY), OCA, the local health, or fire department, may be deemed valid when documented in writing by the agency representative. Licensing staff determines when the observation is a non-compliance. The program is advised of the report, requested to complete Form 07LC037E, Notice to Comply, when applicable, per Oklahoma Administrative Code (OAC) 340:110-1-47.2, and given an opportunity to respond.

(6) The programs ~~manager~~ supervisor is notified of a complaint when:

(A) the alleged non-compliance caused or could cause imminent risk of harm to a child in care;

(B) the program has ~~numerous~~, repeated, or serious non-compliance with requirements;

(C) the alleged non-compliance was addressed in a previous Form 07LC037E, Notice to Comply;

(D) referred to the Child Abuse and Neglect Hotline or local law enforcement; or

(E) receiving special attention, such as from the media or a legislator.

(f) **Complaint risk levels.** Licensing staff ~~determine~~ determines risk levels based on the degree of harm or danger to children in care. Risk levels are used to ensure investigations occur in a timely manner. ■ 6

(1) **Risk level I complaints.** Risk level I complaints indicate a child is in imminent risk of serious physical injury. The risk level is not influenced by the removal of a child from the program when other children remain in care. Investigations are initiated immediately or no later than 24-hours after receipt by Licensing unless awaiting OCA or local law enforcement investigation; excluding weekends and holidays when the program or agency is closed. Examples of non-compliances with licensing requirements include:

(A) alleged physical or sexual abuse;

(B) presence or use of illegal drugs while children are in care;

(C) drug distribution;

(D) children alone in the facility or in a vehicle without anyone present;

- (E) facility temperatures;
- (F) infant sleep environments;
- (G) caregiver's threatening or impaired behavior;
- (H) severe understaffing or severe over licensed capacity;
- (I) child passenger restraints;
- (J) Emergency Order violation;
- (K) required personnel without current cardio-pulmonary resuscitation and first aid training;
- (L) failure to obtain background investigations; or
- (M) knowingly permitting access to children by individuals identified as restricted or Restricted Registry registrants.

(2) **Risk level II complaints.** Risk level II complaints do not indicate there is imminent danger of injury, but without intervention a child may not be safe. Investigations are initiated within 10-calendar days of receipt by Licensing, unless ~~advised~~ requested by OCA or local law enforcement to delay the investigation. Examples of non-compliances with requirements include:

- (A) leaving children with underage personnel;
- (B) alleged physical abuse from personnel no longer working in the program;
- (C) inappropriate discipline where no injury is reported;
- (D) diapering or toileting;
- (E) hazardous equipment;
- (F) transporting without a valid driver license or liability insurance;
- (G) lack of supervision; or
- (H) minor understaffing or minor over licensed capacity.

(3) **Risk level III complaints.** Risk level III complaints do not indicate imminent danger and there are no injuries alleged. Serious non-compliances, per OAC 340:110-1-47.2, are not considered risk level III complaints. Investigations are initiated within 15-calendar days of receipt by Licensing including when a phone investigation is appropriate, per (h) of this Section. Examples of non-compliances with requirements include:

- (A) inadequate meal service;
- (B) quarterly vehicle maintenance;
- (C) program or agency records and documentation;
- (D) inappropriate use of television or videos; or
- (E) inadequate facility cleanliness.

(g) **The investigation.** Licensing staff conducts a full investigation, obtaining sufficient information to determine a finding. ■ 7

(h) **Phone or written investigation.** With supervisory approval, Licensing staff may investigate a complaint by phone or written correspondence. The investigation discussion is documented on Form 07LC080E, Licensing Services Supplemental Information, including an agreed-on plan of correction, when necessary. A copy is provided to the operator. ~~A complaint is investigated by phone only when:~~

- ~~(1) the alleged non-compliance does not place children at risk of harm, such as, the program did not serve milk one day or children have head lice;~~
- ~~(2) the program has not had numerous, repeated, or serious non-compliance within the previous 12 months from complaint receipt; and~~

~~(3) a monitoring visit was conducted in the previous three months with substantial compliance documented.~~

(i) **Unlicensed program investigations.** When a complaint alleging operation of an unlicensed program is received, procedures, per ~~Oklahoma Administrative Code (OAC) 340:110-1-54.1,~~ are also followed.

(j) **Child abuse and neglect complaints.** On receipt of abuse or neglect allegations of a child in care, Licensing staff immediately notifies the programs ~~manager~~ supervisor and submits a referral to the Child Abuse and Neglect Hotline.

(k) **Findings.** After investigation completion, Licensing staff, in consultation with the programs ~~manager~~ supervisor, as appropriate, determines the complaint finding as substantiated or unsubstantiated.

(1) **Substantiated.** A substantiated finding is determined when some credible evidence indicates the program violated a Licensing requirement or the Act.

(2) **Unsubstantiated.** An unsubstantiated finding is determined when:

(A) insufficient evidence exists to fully determine whether a violation occurred; or

(B) no violation of a Licensing requirement or the Act occurred. ■ 8

(l) **Documentation of findings.** Upon investigation completion, Licensing staff:

(1) informs the programs supervisor the complaint investigation is ready for review;

(2) documents the findings; and

~~(2)~~(3) notifies the provider of the findings in writing; including:

(A) a summary of facts, per (o) of this Section; and

(B) Form 07LC037E, Notice to Comply; when applicable.

~~(3) updates the Licensing database and closes the complaint. Licensing staff and the programs manager complete the complaint review checklist. ■ 8~~

(m) **Heinous and shocking abuse findings.** Per 10 O.S. § 406, when Licensing receives notification from OCA or CWS of heinous and shocking abuse findings by a person responsible for a child's health, safety, or welfare as defined, per 10A O.S. § 1-1-105, Licensing contacts the program or child-placing agency by email immediately or not later than one-business day after the substantiated finding notification. ■ 9

~~(m)~~(n) **Notice to Comply.** When a complaint allegation is substantiated, Licensing staff advises the program to correct the violations immediately, using Form 07LC037E, ~~Notice to Comply~~, following procedure, per OAC 340:110-1-47.2(c)(7). Licensing staff update the Licensing database with plan of correction information.

~~(n)~~(o) **Summary of facts.** ~~Program or agency owners or program directors may submit a written request for~~ Licensing provides program directors or agency owners a summary of the facts used to evaluate and determine the complaint findings. ■ 910

~~(o)~~(p) **Complaint overview.** Licensing staff completes an overview of completed complaint investigations ~~on Form 07LC080E, Licensing Services Supplemental Information in the Licensing database.~~ This overview provides an investigation summary of how the complaint findings were determined, and is ~~filed~~ maintained in the case file's record's confidential section. ■ 4011

## **INSTRUCTIONS TO STAFF 340:110-1-47.1**

### **Revised ~~11-1-206-1-22~~**

1. (a) **When the complaint is made in person or by phone, Licensing staff assists the complainant by:**

- (1) advising of allegations representing non-compliance;
- (2) responding to complainant's concerns; and
- (3) discussing confidentiality, such as, the complainant's identity is kept confidential unless legal action or a referral to local law enforcement becomes necessary;
- (4) eliciting appropriate information. When subjective terms, such as "drunk" or "crazy" are used, Licensing staff attempts to obtain and record specific information on the behavior observed by the complainant; and
- (5) informing the complainant about what action will be taken, such as Licensing staff making an unannounced visit or a referral to Office of Client Advocacy (OCA).

**(b) When a referral is received from the Child Abuse and Neglect Hotline, Licensing staff reviews the information to determine if the referral was screened-out or accepted by OCA for investigation.**

**(1) When a referral is screened-out, Licensing staff determines if the:**

**(A) report was made by an outside entity. Allegations of non-compliance with Licensing requirements are considered a Licensing complaint, per Oklahoma Administrative Code (OAC) 340:110-1-47.1; or**

**(B) information was self-reported. Licensing staff follows up with the program to address possible areas of non-compliance using case management responses to non-compliant programs, per OAC 340:110-1-47.2.(d).**

**(2) When OCA accepts a referral for investigation, Licensing staff assists with the investigation when requested by the OCA investigator. The final report is reviewed for substantiated findings, personnel misconduct, and areas of concern violating Licensing requirements. Licensing staff follows up with the program using case management responses to non-compliant programs, per OAC 340:110-1-47.2(d).**

**2. The information requested is documented on Form 07LC012E, Licensing Complaint, and entered in the Licensing database by using complaint key words. The requested information includes the:**

- (1) date and time the complaint was received;
- (2) program name, address, and phone number;
- (3) complainant's name, address, phone number, and program relationship, such as personnel, parent of a child in care, or neighbor;
- (4) complainant's source of information, such as a personal observation or information from another individual; and
- (5) specific information regarding the complaint allegations including:
  - (A) a description of the circumstances;
  - (B) the names or identities of personnel involved;
  - (C) the ~~child's~~ name and age of the child involved or affected by the alleged non-compliance;
  - (D) the date(s), time(s), and place(s) the alleged non-compliance(s) occurred;
  - (E) the names of other individuals with relevant information; and
  - (F) if the complaint was discussed with the program.

3. The information is recorded as a complaint regardless of the caller's purpose. Licensing staff in the area where the program is located are notified as soon as possible, and Form 07LC012E, Licensing Complaint, is forwarded to Licensing staff. When referrals are received from Child Welfare Services (CWS) or OCA, Form 07LC012E is not completed.
4. The referral is documented on the bottom of Form 07LC012E, Licensing Complaint. Complaints referred to the Child Abuse and Neglect Hotline include those alleging harm or threatened harm to a child occurring through non-accidental physical or mental injury, sexual abuse, neglect, or failure or omission to provide protection from harm or threatened harm.
  - (1) When Licensing staff is unsure a complaint meets the criteria for an OCA investigation, the complaint is referred to the Child Abuse and Neglect Hotline and the decision to accept the referral is made by OCA staff.
  - (2) Sex play between children is referred to the Child Abuse and Neglect Hotline for investigation. Licensing investigates this type of allegation with regard to children's supervision.
5. Licensing staff follows-up with local law enforcement officials and the Office of Inspector General (OIG) to determine and document the investigation outcome. Prior to facility visits, Licensing staff informs and consults with OIG regarding the restrictions of individuals involved in the allegation.
6. When necessary, Licensing staff consults with the programs manager supervisor to determine the appropriate risk level, complaint initiation time frame, or follow-up based on:
  - (1) the program's case history;
  - (2) the length of time since the alleged incident occurred;
  - (3) the allegation's severity; including number and ages of children involved;
  - (4) Licensing staff's current workload and other pending complaint investigations; and
  - (5) necessary coordination with other agencies.
7. (a) The investigation includes: (1) through (7) of this subsection.
  - (1) ~~review of the Licensing staff reviews complaint allegations to ensure staff is thoroughly familiar with details and specific information.~~ Whenever possible, prior to making program contact, Licensing staff reviews all appropriate Department of Oklahoma Human Services (DHS) (OKDHS) records to obtain other appropriate preliminary information;.
  - (2) ~~an unannounced visit~~ An unannounced visit to the program is conducted when risk level one complaints are identified, unless OCA has initiated a visit. The purpose of the visit and allegation descriptions are initially discussed with the operator using "key words." Licensing documents in discussion key words were discussed with the director, owner, or both, when applicable. Prior to the complaint investigation conclusion, the full allegation is explained and discussed with the operator. Licensing staff does not identify the complainant. Other acceptable follow up, as determined appropriate by Licensing staff, may include a phone call or email;.

**(3) ~~consideration~~ Licensing staff considers necessity of a safety plan. Based on allegation severity ~~and/or~~ or information gathered during the complaint investigation, Licensing staff discusses with the operator and documents on Form 07LC080E, Licensing Services Supplemental Information, appropriate methods of protecting children during the investigation. With State Office approval, Licensing staff may request the owner to voluntarily cease care, or require specific restrictions of contact with children for the alleged perpetrator pending the investigation outcome. The programs ~~manager~~ supervisor or designee is notified of all situations involving a request for voluntary cease care. When the owner refuses to cease care or adequately protect children and children are considered at imminent risk of harm, Licensing staff discusses and documents in discussion the possibility of an injunction or an Emergency Order;**

**(4) ~~a review of~~ Licensing staff reviews available records, such as the case file, children's and personnel files and attendance records, restraint and injury logs, medical and transportation records, food program records, or local law enforcement reports;**

**(5) interviews Interviews are conducted with the complainant, witnesses, and program residents, when necessary and appropriate, and others having relevant information, such as program personnel. Additional resident interviews are not conducted for Risk Level III complaints. When sufficient investigative information for determination of a finding is obtained through personnel interviews, observation, ~~and/or~~ or available records and documents, additional resident interviews are not conducted. Interviews are no longer conducted when sufficient information is obtained to determine a finding. An interview:**

**(A) is conducted when it would provide more complete or accurate information than by observation alone;**

**(B) is scheduled at a time and location as to not present an undue hardship for the interviewee;**

**(C) is limited to questions relating to current complaint allegations;**

**(D) is generally a face-to-face contact between Licensing staff and an individual having relevant information. When an individual's comments and signature are documented on Form 07LC080E, Licensing Services Supplemental Information, a copy is provided to adult interviewees. A copy is not provided to the operator. All interviews are maintained in a confidential manner;**

**(E) is usually conducted in private and with one individual at a time. An exception may be made when:**

**(i) a witness accompanies Licensing staff;**

**(ii) a parent requests to be present when his or her child is interviewed;**  
**or**

**(iii) an individual chooses to have his or her attorney present; and**

**(F) may be conducted outside of the facility when:**

**(i) the director or operator is uncooperative;**

**(ii) an on-site interview places the interviewee at risk; or**

(iii) information is gathered prior to discussion with the operator. Interviews with individuals outside of the facility are documented on Form 07LC080E, and Licensing Services Supplemental Information, with copies provided to adult interviewees; and

(G) with a child, is conducted after Licensing staff considers the child's age and verbal ability. It is preferable a witness accompany Licensing staff. Parental permission prior to interviewing a child in care is not required when investigating a complaint alleging non-compliance with licensing requirements;.

(6) facility Facility observations in (A) and (B) are considered.

(A) When an allegation is associated with a specific time of day, for example, early morning understaffing, the facility visit is conducted at the time the incident is alleged to have occurred. Licensing staff documents observations by citing the specific conditions observed; such as, the director refused to allow Licensing staff to view the program's records, or there were 16 residents monitored by one personnel.

(B) When investigating a complaint at a facility, a complete monitoring visit is not required unless one is due. Staff-child ratios and supervision are documented on each visit on the monitoring checklist. When numerous, repeated, and/or or serious non-compliance are observed, a full-monitoring visit is conducted. Licensing staff documents compliance with those areas relating to the allegation; and.

(7) ~~obtaining documentary~~ Documentary evidence obtained is entered in the program record. ~~Documentary evidence~~ and includes information, such as an Oklahoma Commission on Children and Youth (OCCY) report, medical and local law enforcement records, a signed statement, or photographs.

When documentary evidence is obtained, it is entered in the case file.

(b) Following completion, Licensing staff provides a letter to the operator including the investigation findings and notice of further action, when applicable.

8. After initiating the complaint, Licensing staff continues to make progress in efforts to complete the investigation within 45-calendar days of receipt. The programs manager supervisor is consulted regarding extended time frames and documents the discussion on Form 07LC080E, Licensing Services Supplemental Information. Licensing staff enters the findings in the Licensing database ~~and completes Form 07LC081E, Licensing Complaint Report Summary, using specific language informative to individuals reviewing the file.~~

(1) When a non-compliance other than the original complaint allegation(s) is identified, Licensing staff ~~documents non-compliances:~~

(A) ~~on the complaint summary above the plan of correction citation as "additional non-compliances found during the investigation"; and~~

(B) ~~on~~ documents non-compliances in the Licensing database in investigative comments identifying items as "additional non-compliances"; and

(C) ~~in the plan of correction~~ (B) notifies the programs in writing of additional non-compliances; and;



**(C) completes Form 07LC037E, Notice to Comply, when applicable.**

**(2) When a specific allegation within a "key word" is unsubstantiated, but a different non-compliance(s) within a "key word" category is identified, Licensing staff unsubstantiates the specific allegation and documents the new non-compliance. Understaffing is confirmed even when it is in an age group different from the allegation. Refer to (1) of this Instruction to document this circumstance.**

**~~(3) Names or identifying information of the complainant, personnel, children, and the children's families are not included on Form 07LC081E, Licensing Complaint Report Summary.~~**

**~~(4) When a child abuse investigation was conducted by OCA, Form 07LC081E, Licensing Complaint Report Summary, contains a summary of complaint allegations and findings not disclosing the perpetrator's or victim's identity, but does allow interested individuals to evaluate the program.~~**

**~~(5) Form 07LC081E, Licensing Complaint Report Summary, is made a part of the open record. When the complaint allegations and findings were not given to the provider in writing, a letter is provided to the program or agency.~~**

**~~(6)~~(4) Information not made part of the public file includes:**

**(A) Form 07LC012E, Licensing Complaint;**

**(B) CWS and OCA referrals; and**

**(C) interviews with personnel, children, collateral witnesses, and complainants.**

**~~(7)~~(5) When information regarding a complaint, including complaint allegations, is requested by the public prior to completion of the investigation, Licensing staff explains that information regarding the allegation and findings is released after the investigation is complete.**

**~~(8)~~(6) After the database is updated, indicating the investigation completion, complaint information including drug activity is available to the public, per Oklahoma Administrative Code (OAC) 340:110-1-55.**

**9. OCA or CWS notifies the statewide licensing coordinator and program supervisor of substantiated heinous and shocking abuse findings.**

**(1) Upon OCA or CWS notification, the program supervisor immediately:**

**(A) verifies the individual's program or agency association; and**

**(B) notifies the Licensing staff of the substantiated findings.**

**(2) Licensing staff:**

**(A) notifies the program or agency owner and operator of the findings by email and, when applicable, includes Form 07LC130E, Heinous and Shocking Abuse Notification;**

**(B) contacts the program or agency the next business day verifying:**

**(i) email receipt;**

**(ii) prohibitions for the perpetrator;**

**(iii) understanding of program or agency responsibility, and, when applicable:**

**(l) parent and legal guardian notification; and**

(II) time frame for notifying Licensing of date of parent and legal guardian notification; and

(C) documents program or agency contacts on Form 07LC080E, Licensing Services Supplemental Information.

(3) If programs or agencies do not notify Licensing of parent and legal guardian notification within two-business days after expiration of the 72-hour time frame, Licensing staff contacts the program or agency to verify certified mail notification. Licensing documents program or agency contacts on Form 07LC080E, Licensing Services Supplemental Information.

(4) If programs or agencies have not notified parents and legal guardians within the 72-hour time frame, Licensing consults with the programs supervisor for appropriate action.

**910.** ~~Programs must request the summary of facts in writing. The summary of facts, on CCS letterhead, is approved by the supervisor before it is provided to the program, and indicates the:~~

~~(1) documents reviewed; and~~

~~(2) total number of individuals interviewed while identifying the program relationships, such as parents, personnel, children, and collateral or other agency personnel. Information provided protects the confidentiality of all individuals.~~

**4011.** The overview is used by supervisors and State Office to review how Licensing staff determined the findings. The overview includes, the:

(1) number of individuals interviewed and program relationships;

(2) observations regarding the complaint allegations;

(3) documents and records reviewed;

(4) information used to determine the findings; and

(5) explanation of timeframes not within 45-calendar days.

**340:110-1-54. Grievance policy and procedure [REVOKED and RENUMBERED 340:110-1-15]**

Revised 11-1-20

~~(a) **Grievance policy.** The residential program or child-placing agency owner, director, or administrator may submit a grievance regarding the enforcement of any written or unwritten policy, rule, or regulation of Child Care Services (CCS) or a CCS employee decision affecting the program. Grievances must be received within 30-calendar days of the documented non-compliance or substantiated complaint allegation. A grievance is not accepted concerning an Emergency Order, request for license denial, license revocation, or Restricted Registry registration.~~

~~(b) **Grievance procedure.** Individuals wanting to submit a grievance are encouraged to seek informal resolution of his or her concerns by contacting the programs manager, who attempts to resolve the matter. ■-1~~

~~(1) When a resolution cannot be reached at the local level or through verbal conversation with CCS State Office staff, the grievant is instructed to submit one written grievance request with the programs manager. Grievances must be received within 15-calendar days of this communication. Written grievances are forwarded when additional reviews are requested.~~

~~(2) The programs manager notifies the statewide licensing coordinator a formal grievance was received and efforts were made to resolve the issue. The programs manager responds to written grievances within 10 Department of Human Services (DHS) business days of receipt. The grievant is informed additional review requests must be received within 15 calendar days of the correspondence date. ■ 2 through 4~~

~~(3) When the grievant is not satisfied with the proposed resolution, he or she may request statewide licensing coordinator review. The grievant is informed he or she may request Child Care Advisory Committee (CCAC) Peer Review Board review, prior to statewide licensing coordinator review. The statewide licensing coordinator forwards information to the Peer Review Board, when applicable or proceeds with the review.~~

~~(4) When applicable, the Peer Review Board responds to the statewide licensing coordinator with resolution advisement within 10 DHS business days of receipt. ■ 3 & 4~~

~~(5) The statewide licensing coordinator notifies the grievant of the CCS decision within 10 DHS business days or when applicable 10 DHS business days of Peer Review Board advisement receipt. The grievant is informed additional review requests must be received within 15 calendar days of the correspondence date. ■ 3 & 4~~

~~(6) When the grievant is not satisfied with the proposed resolution, he or she may request review by the CCS director, Children's Service director and Director of Human Services (Director), respectively. The CCS director, AFS director and Director each respond within 10 DHS business days of receipt. The grievant is informed additional review requests must be received within 15 calendar days of the correspondence date. The Director's decision is final. ■ 4~~

~~(c) **Grievance procedures against a CCS employee.** A residential program or child-placing agency may submit a grievance about a CCS employee who retaliated against a program or program employee. Grievances must be received within 30 calendar days of the alleged incident. Reports are investigated regardless of the grievant's decision to remain anonymous. ■ 5~~

~~(1) The grievant is referred to the programs manager, who attempts to resolve the matter.~~

~~(2) When the grievant is not satisfied with the proposed resolution at the programs manager level, the grievant is referred to an assistant licensing coordinator. The assistant licensing coordinator:~~

~~(A) requests the allegations be submitted in writing; however, written submission is not required;~~

~~(B) investigates the allegations; and~~

~~(C) provides written investigation results to the grievant, when contact information is available.~~

~~(3) The assistant licensing coordinator's decision is final; however, the grievant may request the CCS director review the finding.~~

**INSTRUCTIONS TO STAFF 340:110-1-54 [REVOKED and RENUMBERED 340:110-1-15]**

**Revised 11-1-20**

1. ~~When the programs manager determines the non-compliance is accurate, grievance tracking information is entered in the Licensing database. When the programs manager is able to determine a non-compliance should not have been documented:~~
  - (1) ~~the programs manager insures the non-compliance is removed from the Licensing database, when applicable;~~
  - (2) ~~documents the decision on Form 07LC080E, Licensing Services Supplemental Information; and~~
  - (3) ~~provides a copy of Form 07LC080E, to the program.~~
2. ~~When a written grievance is submitted, the programs manager removes the non-compliance or complaint finding in question from the Licensing database until a final decision is reached.~~
3. ~~When the grievance decision is reached at each level, correspondence indicating the decision and grievance timeframes is provided to the grievant. Grievance tracking information is entered in the Licensing database.~~
4. ~~When the final grievance decision is reached:~~
  - (1) ~~correspondence indicating the decision is provided to the grievant and when applicable, the correspondence is forwarded to CCS;~~
  - (2) ~~correspondence copies are placed in the program's case file; and~~
  - (3) ~~appropriate action is taken to reflect the decision in the Licensing database.~~
5. ~~The grievant is required to disclose the name of the involved CCS employee(s) and his or her residential program or child-placing agency.~~

### SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

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

##### 340:110-3-81. Definitions

Revised 9-15-146-1-22

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 assisting in caring for children.

**"Child"** means an individual under younger than 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 Oklahoma Statutes.

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

**"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.

**"Hazard"** means anything that may inflict injury or cause harm.

**"Inaccessible"** means children are unable to access an item or area due to the use of a lock or child-proof barrier or the item is too high for children to easily reach.

**"Infant"** means a child from 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.

**"Locked"** means the use of a secure device that can only be opened by a key, combination, or code.

**"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~~ operation.

**"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~~ providing 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~~ have a complete criminal history review.

### **340:110-3-85. Caregiver requirements**

Revised ~~11-1-206~~-1-22

(a) **Caregiver responsibilities.** Caregiver responsibilities in (1) through (15) of this subsection are met.

(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 program operation. The sole proprietor is the primary caregiver.

(2) **Care and supervision.** The caregiver provides children's care and supervision at all times, both indoors and outdoors.

- (A) Caregivers prevent and respond to allergies and life-threatening conditions by:
- (i) being aware of children's known food and life-threatening allergies;
  - (ii) knowing the location of life-threatening condition medications; and
  - (iii) ensuring life-threatening condition medications, such as epinephrine pens and rescue inhalers, are in close proximity to the child for immediate

- administration when needed, including outdoors when the child is outside, during transportation, or on field trips. However, medications are inaccessible to children.
- (B) Supervision of children means observing, overseeing, and guiding a child or group of children, including:
- (i) awareness of, and responsibility for, each child's ongoing activity and, being near enough to intervene when needed;
  - (ii) observation of infants at least every 15 minutes while awake or sleeping; and
  - (iii) observation of children 1 year of age and older at least every 15 minutes while in cribs and playpens.
- (3) **Outdoor play supervision.** In addition to the requirements in (2) of this subsection, the caregiver remains outdoors with children at all times 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 and younger present; or
  - (D) the outdoor area is not completely fenced.
- (4) **Overnight care supervision.** When children are in care overnight and more than one caregiver is required due to the children's ages and number, at least one caregiver is awake at all times.
- (5) **Assistant and substitute caregivers.** When the primary caregiver employs an individual to assist with or provide children's care and supervision in the primary caregiver's absence, the primary caregiver ensures the assistant or substitute caregiver is qualified, understands and complies with requirements, and has current cardio-pulmonary resuscitation (CPR) and first aid certification documentation, per Oklahoma Administrative Code (OAC) 340:110-3-85(h).
- (A) **Required records.** Prior to employment, a personnel information form provided by Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) is completed. Relative references are not accepted. Assistant and substitute personnel records are maintained at the home and available to Licensing on request.
  - (B) **Assistant caregiver.** When an assistant caregiver is employed to meet the required staff to child ratio, the assistant caregiver is a responsible, mature, and healthy individual at least 16 years of age. The caregiver is prohibited from leaving children alone in the care of individuals 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 caregiver's absence.
    - (i) The substitute caregiver may be used in emergency situations and occasionally in non-emergency situations. In non-emergency situations, the caregiver notifies parents in advance when the substitute will be providing care.
    - (ii) The substitute's name, address, and phone number are provided to Licensing and posted with the other required emergency numbers.
- (6) **Criminal history investigation verification.** The family child care owner or primary caregiver is responsible for submitting to the ~~DHS~~ OKDHS Office of

Background Investigations (OBI), criminal history investigations and obtaining dispositions on any charges shown on the report lacking dispositions.

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

(8) **Constructive influence.** The caregiver's family members and others living in the home accept the children in care and provide constructive influence. There is an 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 and human trafficking reporting.** Reporting requirements in (A) and (B) of this paragraph are met.

(A) Any person who has reason to believe a child was abused or neglected, per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) is required to report the matter promptly to the ~~DHS~~ OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per 10A O.S. § 1-2-101. Failure to report is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(B) Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of human trafficking in children, per 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(11) **Licensing notification.** The primary caregiver notifies Licensing within:

(A) 24-hours of a child death while in care;

(B) 24-hours of accidents involving transportation unless there were no injuries and only minor vehicle damage;

(C) 24-hours of changes in liability insurance coverage;

(D) 24-hours of a phone number change;

(E) 24-hours of an unscheduled temporary or permanent program closure or relocation;

~~(D)~~(F) 24-hours of a child's injury requiring emergency medical attention;

(G) 24-hours of an incident exposing children to an imminent risk of harm, such as a child leaving the premises without caregiver knowledge or being left alone on- or off-site or in a vehicle;

~~(E)~~(H) 24-hours of remodeling, changes, or physical facility damage affecting compliance with licensing requirements;

~~(F)~~(I) 24-hours of known arrests, criminal investigations, criminal charges, or child abuse investigations involving individuals living in the home, providing care, or assisting with children's care;

~~(G)~~(J) 24-hours of any legal action against a caregiver involving or affecting a child in care or program operation;

~~(H)~~(K) 24-hours when an animal bites a child and the skin is broken;

(L) 24-hours of any disease or illness requiring prompt local or Oklahoma State Department of Health (OSDH) notification, per OAC 340:110-3-90(c)(2)(A).

~~(I)~~(M) five-calendar days of an individual moving into the home; and

~~(J)~~(N) 30-calendar days in advance of moving from one residence to another, unless an emergency exists. The new home complies with licensing requirements.

(12) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or primary caregiver provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.

(A) Notification is:

(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and

(ii) provided by certified mail; and

(B) The program maintains the list of notified parents and legal guardians for at least 12 months.

~~(12)~~(13) **License posting.** The permit or license is displayed in the home, including the denial or revocation notice, when applicable.

~~(13)~~(14) **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 child care hours.

~~(14)~~(15) **Foster care.** The caregiver may not provide therapeutic foster care. The caregiver may provide foster care only with prior written approval from 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 license capacity.

~~(15)~~(16) **Inactive care.** A primary caregiver is in inactive status when care was not provided for more than 90-consecutive calendar days.

(A) Prior to resuming care, the caregiver notifies Licensing to verify compliance with licensing requirements.

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

(b) **Caregiver qualifications.** Caregiver qualifications are described in this subsection.

(1) **General.** The caregiver is a responsible, mature, healthy adult capable of understanding and complying with licensing requirements, and meeting children's needs. The caregiver demonstrates ~~good judgment, as evidenced by~~ prudent and responsible behavior reasonably ensuring children's health, safety, and well-being. Caregivers interact with children without physical, psychological, or emotional punishment, mistreatment, neglect, or abuse.

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



(D) Caregivers cooperate with Licensing during monitoring visits and ~~DHS~~ OKDHS investigations.

(2) Primary caregivers licensed or employed before June 1, 2022. Primary caregivers obtain a current Level 1 or higher Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder, by June 1, 2023.

(3) Primary caregivers licensed or employed on or after June 1, 2022. Prior to or within 12 months of licensure or employment, primary caregivers obtain and maintain a current Level 1 or higher OPDL certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder.

~~(2)~~(4) Health. The requirements relating to the caregiver's, assistant caregiver's, and household members' health in (A) - through (C) of this paragraph are met.

(A) **General health.** Caregivers and household members where licensed care is provided are 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 children's care, a licensed physician's statement is requested.

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

(C) **Immunizations.** There is documentation verifying 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 III of DHS Publication No. 86-104, Licensing Requirements for Family Child Care Homes and Large Child Care Homes, per OAC 340 Appendix II - Immunizations.~~

~~(3)~~(5) References. The primary caregiver submits to Licensing the names of three non-relative references that may include a licensed personal or family physician.

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

(1) **Required individuals.** Background investigations are required, per the Oklahoma Child Care Facilities Licensing Act (Licensing Act), 10 O.S. § 404.1, unless an exception, per (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, the program may hire individuals, when:

(i) the program has submitted a criminal history review request to OBI;

(ii) only awaiting the national criminal history records search, based on fingerprint submission;

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

(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required, per (2) of this subsection, with the exception of criminal history

restriction waivers, provided there is no break in employment from the business entity; and

(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 become 18 years of age while living in the facility; and

(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(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 OAC 340:110-3-88(c);

(B) volunteer drivers transporting children on an irregular basis and not filling another position, provided parent releases are obtained, per OAC 340:110-3-88(c);

(C) contracted drivers not filling another position or having unsupervised access to children; and

(D) contracted non-personnel not having unsupervised access to children, such as when the program contracts for special activities or facility repair.

(d) **Background investigations - Restricted Registry.** The program conducts an online search of the Restricted Registry, also named known as Joshua's List, when required, per (c) of this Section.

(1) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children, or facility residence, and 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 OBI, 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:

(A) required registration under the:

(i) Sex Offenders Registration Act, including state and national repositories; or

(ii) Mary Rippy Violent Crime Offenders Registration Act; or

(B) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

(i) murder, as defined in Section 1111 of Title 18 of United States Code;

(ii) child abuse or neglect;

(iii) crimes against children, including child pornography;

(iv) spousal abuse;

(v) crimes involving rape or sexual assault;

- (vi) kidnapping;
  - (vii) arson;
  - (viii) physical assault or battery; or
  - (ix) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver, per (2) of this subsection, is granted; or
  - (C) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child involving:
    - (i) child abuse or child endangerment; or
    - (ii) sexual assault; or
  - (D) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child pornography.
- (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 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) illegal drug possession, sale, or distribution; or
  - (G) a pattern of criminal activity.
- (3) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (C) of this paragraph.
- (A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or primary caregiver completes requests on a ~~DHS~~ an OKDHS 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 criminal history restrictions, per (2) of this subsection.
  - (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) criminal history prohibitions; or
    - (ii) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or
    - (iii) a substantiated heinous and shocking abuse finding; or

- (B) unsupervised access to children, when the individual is a Restricted Registry registrant.
- (2) **Background investigation statements and consents.** Individuals are prohibited to be the owner or responsible entity, to be employed, or to live in the facility, when:
- (A) the individual refuses to consent to background investigations, per (c) of this Section; or
  - (B) knowingly makes a materially-false statement in connection with criminal background investigations.
- (3) **Child endangerment.** An individual whose health or behavior would endanger children's health, safety, or well-being is not permitted to live in the home or be on the premises when children are in care.
- (4) **Alcohol, drugs, and medication.** When children are in care, no caregiver is under the influence of:
- (A) alcohol or illegal drugs; or
  - (B) medication impairing his or her functioning.
- (g) **Child abuse and neglect-DHS OKDHS database.** A ~~DHS~~ An OKDHS database search is conducted on individuals signing the request for license. A confirmed or substantiated allegation of child abuse or neglect is considered when evaluating the applicant's qualifications and children's safety and well-being.
- (h) **Professional development requirements.** Caregiver professional development requirements in (1) – through (4)(5) of this subsection are met.
- (1) **General.** The primary caregiver is required to complete 12 clock-hours of professional development annually through workshops, training, videos, or individual position-related readings. Only six clock-hours of videos or individual position-related readings are counted annually toward the required 12 clock-hours. Effective June 1, 2023, professional development meets requirements, per (5) of this paragraph.
- (2) **CPR and first aid certification.** CPR and first aid requirements in (A) through ~~(B)~~(C) of this subsection are met.
- (A) CPR and first aid are age-appropriate for the children's ages accepted into care and from approved sources listed on the Oklahoma Professional Development Registry (OPDR) website.
- ~~(A)~~(B) Current CPR and first aid certification is required for:
- (i) the primary caregiver, prior to permission to operate or initial permit issuance;
  - (ii) individuals caring for children alone, on or off of the premises, including during transportation; and
  - (iii) other caregivers, included in the adult-child ratio. CPR and first aid certification is obtained within three months of beginning child care.
- ~~(B)~~(C) CPR and first aid certification is kept current, approved by Licensing, and maintained at the facility.
- (3) **Health and safety training.** Prior to caring for children, caregivers obtain professional development in:
- (A) the prevention and control of infectious disease and injury prevention measures;
  - (B) fire extinguisher use;
  - (C) the prevention of shaken baby syndrome and abusive head trauma;

- (D) the prevention reducing the risks of sudden infant death syndrome (SIDS) and other sleep-related causes of infant death;
- (E) use of infant safe sleep practices;
- (F) car seat and transportation precautions and safety;
- (G) building and physical premise safety including identification of, and, protection from, hazards that can cause bodily injury, such as electrical hazards, bodies of water, or vehicular traffic;
- (H) the handling and storage of hazardous materials and appropriate bio-contaminant disposal;
- (I) emergency preparedness and response planning for emergencies resulting from a natural disaster or human-caused event addressing continuity of planning and all situations, per OAC 340:110-3-86.1;
- (J) immunizations;
- (K) medication administration, consistent with standards for parental consent;
- (L) the prevention of, and, response to, emergencies due to food and allergic reactions;
- (M) the definition, identification, and mandatory reporting of child abuse and neglect;
- (N) behavior, and guidance, and child maltreatment prevention methods; and
- (O) child development.

(4) **Safe-sleep training.** Prior to caring for infants, the primary caregiver and individuals caring for infants alone, obtain two or more clock-hours of professional development in safe-sleep practices from an ~~Oklahoma Professional Development Registry (OPDR)~~-approved training organization.

**(5) Continuing professional development effective June 1, 2023.** Ongoing professional development is required.

(A) Primary caregivers obtain at least the required number of professional development clock-hours to maintain a current Level 1 or higher OPDL certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder. However, informal professional development clock-hours are limited.

(B) Formal professional development is:

(i) a course or training event of two or more clock-hours from an OPDR-approved training organization; and

(ii) OPDR-approved college credit hours.

(C) Informal professional development is:

(i) a course or training event of less than two clock-hours from an OPDR-approved training organization;

(ii) any number of clock-hours from an OPDR non-approved training organization; and

(iii) any training from electronic media, such as videos or DVDs.

(D) Reading and television programs do not count toward required clock-hours.

### **340:110-3-86. Home environment**

Revised ~~11-22-166-1-22~~

(a) **Physical conditions.**

- (1) ~~Accessibility to licensing staff~~ **Licensing accessibility.** All areas of the home are accessible to ~~licensing staff~~ Licensing.
- (2) **Indoor space.** There is minimum indoor space available for children's routine use by ~~children in child care~~ of not less than 35 square feet per child ~~exclusive of~~ excluding hallways, bathrooms, kitchen, and space not intended for children's use. Rooms used exclusively for napping are not ~~counted toward~~ included in the capacity.
- (3) **Maintenance.** The home is in a good state of repair ~~and maintained in a~~ clean and sanitary ~~condition,~~ with and has operable utilities.
- (4) **Phones.** The home has an operable landline or cellular phone.
- (5) **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)(6) **Hazards.** The premises are free of hazards, indoor and out.
- (A) All medicines, cleaning products, hazardous items, and ~~smoking~~ tobacco or simulated tobacco 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) Play equipment and home furnishings accessible to children do not pose tipping hazards.
  - (E) All stairways with four or more steps have a railing. Indoor stairways are made inaccessible when infants and toddlers are in care.
- (6)(7) **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 and simulated tobacco use 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~~ smoking and simulated tobacco use in the home.
- (10) **Indoor temperature.** The indoor ~~temperature is~~ areas are maintained between 65 and 80 degrees Fahrenheit.
- (11) **Screens.** ~~When~~ Opened windows or doors ~~are kept open,~~ maintain 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~~ with at least 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 and ~~is~~ in good repair is required. Licensing may grant an exception when ~~the safety of children~~ children's safety 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 Oklahoma Administrative Code (OAC) 340:110-3-97.

(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 When 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 involving 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) a sturdy fence at least four feet high and cannot be easily climbed; or

(B) a fence connecting to the top of an above-ground pool and extending two feet above the pool.

(4) **Wading pools.** ~~The use of portable~~ Portable wading pools pool use is prohibited.

(5) **Swimming.** ~~In accordance with Oklahoma law, swimming~~ Swimming pools used by the child care home are considered public bathing places and must ~~be in compliance with the~~ meet water quality, occupancy, and fencing standards ~~in, per~~ 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) an individual with a Community Water Safety Certificate or a Licensing-approved comparable certificate ~~as approved by Licensing~~ 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:

(I) is not counted in any other adult-child ratios. ~~The adults remain; and~~

(II) remains in direct physical contact with infants at all times during swimming or wading; and

(ii) children ~~two year~~ 2 years of age and older ~~is in accordance with~~ meets requirements, per OAC 340:110-3-84(a) through (d) for family child care homes and OAC 340:110-3-97.1 ~~(e)(f)~~ for large family child care homes. ~~When; and~~

(iii) four or more children ~~are two~~ 2 years of age through ~~three~~ 3 years of age, requires one additional adult ~~is required.~~

(6) **Restrictions.**

(A) ~~The use of hot tubs~~ Hot tub use 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~~ Parents are advised of the presence of animals animal presence.

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

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

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

(5) Ferrets, turtles, and any wild or dangerous animals are ~~kept~~ in an area 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 When an animal bites a child and the skin is broken, the child's parent is contacted immediately. ~~The licensing staff~~ Licensing and the ~~county or state~~ department of health local or Oklahoma State Department of Health are notified within 24 hours.

(d) ~~Emergency procedures.~~ Emergency procedures are required per OAC 340:110-3-86.1.

(e) **Overnight care.** Overnight care ~~can~~ is only be provided by a caregiver ~~who is~~ licensed caregiver at his or her primary residence.

**340:110-3-86.1. Emergency preparedness**

~~Issued 11-22-16~~ Revised 6-1-22

(a) **General.** All caregivers are familiar with emergency plans and procedures. Written plans and procedures are:

(1) developed by the primary caregiver;

(2) maintained on site;

(3) individualized to the program and ~~hours of operation~~ operating hours; and

(4) followed, unless children's safety is at risk or emergency personnel provide alternative instructions during an emergency.

(b) **Emergency medical care plans.** Emergency medical care plans include:

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

(2) available emergency transportation.

(c) **Situations.** Emergency plans and procedures are maintained in a readily available and portable manner and include procedures for:

(1) serious injuries;

(2) serious illnesses;



(3) poison exposure;

(4) communicable disease outbreaks, including pandemic influenza;

~~(4)(5)~~ weather conditions, such as, but not limited to including tornados, floods, blizzards, ~~or~~ and ice storms;

~~(2)(6)~~ fires, including wildfires;

~~(3)(7)~~ man-made disasters, including chemical and industrial accidents;

~~(4)(8)~~ human threats, including individuals with threatening behaviors, bomb threats, ~~or~~ and terrorist attacks;

(9) lost or abducted children;

~~(5)(10)~~ other natural or man-made disasters that could create ~~structural damage to~~ the facility structural damage or pose health hazards; and

~~(6)(11)~~ utility disruption.

(d) **Child location and needs considerations.** Emergency plans include procedures to:

(1) ~~account~~ accounting for each child's location during an emergency; and

(2) ~~address~~ addressing each child's ~~needs~~ considerations, with additional considerations for children:

(A) ~~2-year-olds~~ 2 years of age and younger; and

(B) ~~children with disabilities~~ special needs or chronic medical conditions.

(e) **Shelter-in-place.** Emergency plans include procedures for short and extended stay situations requiring children to stay inside the home, such as tornados or other weather emergencies.

(f) **Lock-down.** Emergency plans and procedures for situations threatening ~~the safety of~~ children and ~~adults~~ adults' safety include:

(1) notifying adults present in the home;

(2) keeping children in designated safe locations inside the home;

(3) encouraging children to remain calm and quiet;

(4) securing ~~entrances to the home~~ entrances;

(5) preventing unauthorized individuals from entering the home; and

(6) responding when outdoors and on field trips.

(g) **Evacuation.** Emergency plans include procedures for situations, such as a fire, requiring ~~that~~ children leave the home and meet at pre-determined locations.

(h) **Relocation.** Emergency plans include procedures for situations requiring children to move to an alternate location, such as bomb threats and wildfires, and include:

(1) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at alternate locations;

(2) relocating children, including a pre-determined transportation plan; and

(3) reuniting parents and children.

(i) **Reporting.** Emergency plans include procedures for notifying:

(1) emergency authorities, including the poison control center, when necessary;

(2) parents, including a method and backup method for how and when parents are notified; and

(3) Licensing.

(j) **Phones Posted emergency information.** ~~The home has an operable phone.~~ Emergency information posted next to the phone or in a prominent place includes:

(1) the home's address;

(2) a licensed physician or clinic;

- (3) the fire department;
- (4) the police department;
- (5) poison control, 1-800-222-1222; and
- (6) a substitute caregiver.

(k) **First aid supplies.** First aid supplies are available in the home but made inaccessible to children. Supplies are stored together in a portable container and include:

(1) Supplies in the home at least include:

- ~~(1)~~(A) non-glass, non-mercury thermometer;
- ~~(2)~~(B) disposable non-porous, latex-free gloves;
- ~~(3)~~(C) blunt-tipped scissors;
- ~~(4)~~(D) tweezers;
- ~~(5)~~(E) bandage tape;
- ~~(6)~~(F) sterile gauze pads;
- (G) rolled flexible or stretch gauze;
- ~~(7)~~(H) non-medicated adhesive strips; and
- ~~(8)~~(I) current standard first aid text or equivalent first aid guide.

(2) In addition, the first aid supplies in vehicles at least include:

- (A) a cold pack;
- (B) liquid soap and water or individually packaged moist, disposable towelettes for cleaning wounds;
- (C) hand sanitizer and moist disposable towelettes for hand hygiene;
- (D) plastic bags for disposal of items contaminated with blood or other body fluids;  
and
- (E) a pen or pencil and note pad.

(l) **Poisoning.** The caregiver immediately contacts poison control, 1-800-222-1222, with any suspected child poisonings.

(m) **Emergency supply kit.** Records and supplies available during an emergency include:

(1) **Emergency records.** Records at ~~minimum,~~ least include, the:

- (A) emergency plans and procedures, alternate location addresses, phone numbers, and contacts;
- (B) emergency contacts for all caregivers and enrolled children; and
- (C) full names of children and caregivers currently in attendance; and

(2) **Emergency supplies.** Supplies gathered at the time of an emergency or maintained in a portable container at all times ~~include,~~ at least include:

- (A) first aid supplies; and
- (B) children's prescribed medications, including life-threatening condition medications.

(n) **Drills.** Drills are conducted, documented, and follow the pre-determined emergency plans and procedures. ~~A record of drills is maintained at the home.~~

(1) **Monthly.** Monthly drills include:

- (A) fire drills conducted by evacuating and meeting at pre-determined locations; and
- (B) tornado drills conducted by sheltering in pre-determined on-site locations.

(2) **Annual.** Annual drills conducted include:

- (A) locking-down by sheltering in pre-determined on-site locations;

(B) relocating according to ~~procedures of preparation to relocate~~ preparation procedures but ~~do not require~~ physical relocation is not required;

(C) sheltering-in-place, requiring children stay inside the home, such as tornados and other weather emergencies; and

(D) evacuating and meeting at pre-determined locations.

(o) **Emergency plans and procedures reviews.** The primary caregiver updates, as when necessary, and reviews emergency plans and procedures:

(1) at least once every 12 months;

(2) when children with ~~disabilities~~ special needs or chronic medical conditions enroll;

(3) after a drill when procedural issues are identified; and

(4) after an emergency, as identified in this Section.

### **340:110-3-87. Transportation**

Revised ~~10-1-076-1-22~~

(a) **Driver qualifications.** All drivers must:

(1) be at least 21 years old of age;

(2) have an operator's license ~~of the type appropriate for the~~ specific vehicle that type and is valid in the driver's state of residence;

(3) have no conviction of driving under the influence of alcohol or drugs or other impaired driving offense within the last three ~~five~~ years ~~of driving under the influence of alcohol or drugs or other impaired driving offense~~; and

(4) if when driving a vehicle designed to transport ten or more passengers, complete training specific to the vehicle's safe operation ~~of that type of vehicle~~ within three months of providing child transportation ~~to children~~.

(b) **Written permission.** The primary caregiver maintains ~~on file~~ written transportation 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 and seating.** Children ~~transported are properly~~ remain properly secured in a child passenger restraint system ~~(car seat), such as car or booster seat~~ or individual seat belt, ~~in compliance with applicable state law~~, per Section 11-1112 of Title 47 of the Oklahoma Statutes (47 O.S. § 11-1112). Children do not share a seat belt.

(1) The car seat is and booster seats are:

(A) federally approved;

(B) installed ~~according to the,~~ per manufacturer's instructions;

(C) appropriate to the child's height, weight, and physical condition ~~of the child,~~ according to the per manufacturer's instructions; and

(D) properly maintained, such as not expired or previously involved in a vehicle accident.

(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~~ the child appropriately.

(3) Children ~~age~~ 12 years of age 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 when 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.

(4) Adult passengers, including the driver, remain properly secured in an individual seat belt unless unable due to medical reasons documented by a licensed physician.

(5) Vehicle maximum capacity and seating space, per manufacturer's designations, is not exceeded.

(6) Children are not transported in vehicles or parts of vehicles not designed for transporting individuals, such as truck beds, campers, and trailers.

**(f) Vehicle requirements.** All vehicles used to transport children are maintained in a safe operating condition and meet all applicable state laws. Vehicles have:

(1) door locks. ~~Doors are kept locked~~ Vehicle door locks are activated when the vehicle is moving;

(2) a first aid kit ~~as described in, per Oklahoma Administrative Code (OAC) 340:110-3-86(d)(4)~~ 340:110-3-86.1(k); and

(3) an operable heater, ~~capable of maintaining a temperature of an interior temperature of at least 65 degrees Fahrenheit in the vehicle;~~ and

(4) a ventilation system, such as air conditioning or operable windows.

**(g) Supervision and safety.** Supervision and safety requirements are met.

(1) Children are never left unattended.

(2) Before leaving the vehicle, the caregiver conducts vehicle inspections to ensure no children are remaining.

(3) An operable phone is in each vehicle transporting children.

(4) While transporting children, drivers do not use a phone or wireless communication device, including hands-free technology:

(A) when the vehicle is in motion, with the exception of a navigational system or global positioning system device; and

(B) unless emergency communication is necessary and the vehicle is secured in park before devices are used.

(5) Tobacco or simulated tobacco use is prohibited while transporting children.

~~(2)~~(6) 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.

### **340:110-3-88. Records**

Revised 11-22-166-1-22

**(a) General requirements.** Children's records are kept maintained on Oklahoma Department of Human Services (~~DHS~~) (OKDHS) provided forms or on forms containing the same information. Records are kept current and easily accessible. ~~DHS~~ OKDHS staff are allowed access to all records.

(b) **Caregiver records.** ~~Records on all caregivers, including the primary Primary caregiver, assistant caregivers caregiver, and substitute caregivers, caregiver records~~ are completed and maintained in the home. Records include:

- (1) ~~staff personnel~~ information forms provided by ~~DHS OKDHS and submitted to Licensing within two weeks of employment;~~
- (2) criminal history investigations with records maintained in a confidential manner;
- (3) ~~training professional development~~ documentation;
- (4) ~~attendance records for each caregiver that reflect attendance, indicating days and hours worked and are,~~ maintained on file for ~~120 calendar days~~ 12 months; and
- (5) documentation of requests ~~and/or~~ and results of criminal history reviews.

(c) **Children's records.** Children's records are maintained as required in (1) through (3) of this subsection.

(1) Identification and health records include:

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

(2) When a volunteer driver or specialized service professional does not have a criminal history review, per OAC 340:110-3-85(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~~ children's arrival and departure times, are maintained and on file a minimum of ~~120 calendar days~~ 12 months.

(d) **Public access to records - Compliance Posting.** Compliance posting requirements in (1) and (2) of this subsection are met.

(1) ~~DHS provided, OKDHS-provided~~ "Notice to Parents"; is posted in a conspicuous location ~~within~~ in clear view at the main entrance ~~of the facility~~ entrance.

(2) Child welfare investigative summary with confirmed or substantiated findings for 120-calendar days from the ~~completion of the investigation~~ completion is posted ~~within~~ in clear view of the main entrance ~~of the facility~~ entrance.

(3) ~~The granted criminal history restriction waiver notification for individuals who have criminal histories as defined in OAC 340:110-3-85 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 personnel, 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; and~~
  - (D) ~~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.~~

Items are originals or copies and are maintained together, with the most recent on top and all child-identifying information removed. The compliance file includes items within the last 120-calendar days, at a minimum, from the date on the document or the investigation completion date on the form, unless requirements specifically state otherwise. The compliance file only contains:

- (1) compliance monitoring from Licensing, Stars, and tribal agencies, such as:
  - (A) monitoring visit forms. Include most recent visit; and
  - (B) case status information, such as forms and correspondence regarding:
    - (i) issuance of permits and licenses;
    - (ii) non-compliances and Stars violations;
    - (iii) notices to comply;
    - (iv) complaint findings;
    - (v) office conferences with Licensing, Stars, and tribal agencies;
    - (vi) Stars alternative settlements and reductions; and
    - (vii) consent agreements, denials of a request for a license, and revocations of a license; and
- (2) child welfare investigative summary, regardless of findings. However, confirmed or substantiated findings are maintained in the file for 12 months;
- (3) granted criminal history restriction waiver notifications. However, notification is maintained in the file for as long as the individual is employed or is living in the facility; and
- (4) other documents indicating placement in the compliance file.

### **340:110-3-89.1. Parent communication**

Revised 11-22-166-1-22

- (a) **Policy.** ~~A written statement of the caregiver's business policy is provided to parents, including~~ The caregiver provides written business policy to parents at least including:
  - (1) ~~the location and accessibility of the licensing compliance file~~ location;
  - (2) ~~days and hours of operation, including days closed, such as holidays~~ the program is closed;
  - (3) ~~procedure for:~~
    - (A) ~~receiving and releasing a child from care~~ children, including ~~a method of verifying the identity of a~~ methods for ~~caller or~~ identification ~~authorizing child pick-up and of an~~ individual who picks up a child;
    - (B) ~~notifying parents if a concern exists~~ when a child does not arrive on his or her own at the facility as scheduled;
    - (C) ~~handling illness and injuries;~~

- (D) storing and administering children's medication;
  - (E) ~~notifying parents of field trips~~ trip notification; and
  - (F) transporting children;
  - (4) care of ill children;
  - (5) mandatory reporting of suspected child abuse or and neglect;
  - (6) behavior and guidance policy; and
  - (7) expulsion policy;
  - (8) relevant emergency plans and procedures information; and
  - (9) infant safe sleep environment description.
- (b) ~~Well-being of the child~~ **Physical and emotional well-being.** The caregiver informs parents of the child's physical and emotional well-being.
- (c) ~~DHS~~ **Quality child care information.** Oklahoma Department of Human Services (~~DHS~~) (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~~ **Home access.** ~~Parents are provided access to all areas of the home used for child care during the hours children are in~~ During child care hours, parents are provided access to all areas of the home used for child care.
- (e) **Insurance.** A child care facility ~~shall maintain~~ maintains liability insurance in accordance with, per Section 404.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 404.3).
- (1) When liability insurance is maintained, Form 07LC092E, Insurance Verification, including 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 program reports they are self-insured, Form 07LC093E, Insurance Exception Notification, is posted in a conspicuous location ~~within~~ in clear view of the main entrance to the facility.
- (f) **Parent notifications.** Parents are provided information regarding liability insurance and the compliance file.
- (1) Parents complete ~~DHS~~ OKDHS Forms 07LC045E, Insurance Notification, and 07LC046E, Compliance File Notification, every 12 months. Forms are maintained at the facility.
  - (2) When the child is enrolled, parents are provided copies of ~~DHS~~ OKDHS Forms 07LC093E, Insurance Exception Notification, and 07LC084E Notice to Parents.

### **340:110-3-90. Child health**

Revised ~~10-1-07~~ 6-1-22

- (a) **Immunizations.** ~~Children have or are in the process of obtaining all required immunizations at the medically appropriate time. Supplement IX of Oklahoma Department of Human Services (OKDHS) Publication No. 86-104, Licensing Requirements for Family Child Care Homes and Large Family Child Care Homes, contains a list of the required immunizations and the recommended immunization schedule. Per Oklahoma Administrative Code (OAC) 340 Appendix II – Immunizations, an immunization record or exemption is obtained prior to the first day of attendance and is updated when the child receives additional vaccines.~~
- (b) **Medication.** Medication requirements are met.

(1) **Original container.** Medications ~~must be~~, including prescriptions and over-the-counter medications, are provided by the parent in the original container and clearly labeled with the child's full name and directions instructions.

(2) **Diaper creams.** Diaper creams are considered medications.

(3) **Insect repellents and sunscreens.** Insect repellents and sunscreens are not considered medications.

~~(2)~~(4) **Parental permission.** Medication ~~is accompanied with written dated permission from the parent giving~~ Signed parent permission for each medication is obtained prior to administration and includes the exact dosage and times to be administered.

(A) Parent instructions are the same as:

(i) the container instructions; or

(ii) a licensed physician's written statement regarding over-the-counter medication instructions that differ from the container instructions.

(B) For chronic medical conditions, permission may be obtained for 12 months or less at a time, provided specific instructions include when administration is needed, such as diaper cream and inhalers.

~~(3)~~(5) **Records.** To avoid duplication, each dosage administered, excluding diaper cream, is recorded immediately documented by the caregiver on an OKDHS or program form containing the same information, and the record is readily available to parents.

~~(4)~~(6) **Storage.** All medications are properly stored separately from food and ~~kept in a safe place out of children's reach~~ inaccessible to children.

~~(5)~~(7) **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, puncture, or wound. ~~Examples include, including~~ syringes, needles, and lancets used to administer insulin or test blood sugar.

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

(c) **Ill children.** Health procedures and precautions are required.

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

(2) **Disease control.** The local or state ~~health department~~ Oklahoma State Department of Health (OSDH) 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 influenzae invasive disease in any person associated with the family child care home,~~ per requirements in (A) through (C) of this paragraph.

(A) **Promptly.** The primary caregiver promptly notifies the local or OSDH of a known case in individuals associated with the family child care home, of:

(i) Measles;

(ii) meningococcal invasive disease; and

(iii) an outbreak of two or more cases within the home of:



- (I) COVID-19;
- (II) influenza; or
- (III) varicella (chicken pox).

(B) **Next business day.** The primary caregiver notifies the local or OSDH by the next health department-business day of a known case in individuals associated with the family child care home, of:

- (i) Campylobacteriosis;
- (ii) cryptosporidiosis;
- (iii) E. coli O157:H7 or Shiga toxin-producing E. coli (STEC);
- (iv) Haemophilus influenzae invasive disease;
- (v) hepatitis A;
- (vi) mumps;
- (vii) rubella;
- (viii) salmonellosis;
- (ix) shigellosis;
- (x) tuberculosis; or
- (xi) whooping cough (pertussis).

(C) **OSDH guidelines.** The primary caregiver follows all guidelines and recommendations per local or OSDH authorities.

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

(4) **Allergy exposure.** The caregiver promptly notifies parents when a child has a suspected allergic reaction, including ingestion of, or contact with, allergens, even when a reaction did not occur.

~~(4)(5) **Decision to provide care.** When symptoms of illness are present, the~~ The primary caregiver determines whether to provide care for the child, ill children based upon the apparent degree of illness, other children present, and facilities available the caregiver's ability to provide care for the ill child.

(d) **Cleanliness.** Hygiene practices are implemented.

(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 or laundered.

### **340:110-3-91. Daily routine and equipment**

Revised 11-4-206-1-22

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

(b) **Media use.** When used, television, videos, computers, electronic games, cell phones, social media, and other types of media are chosen with discretion, selectivity, and are:

- (1) non-violent;
- (2) non-vulgar;
- (3) non-sexually explicit;
- (4) culturally sensitive; and
- (5) age-appropriate, according to accepted rating systems.

(c) **Play equipment.** A variety of indoor and outdoor play equipment meeting children's varied developmental needs and interests is readily accessible.

(1) Equipment is available from categories including:

- (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.

(e) **Prohibited equipment.** Children in care are prohibited from use of:

- (1) infant walkers;
- (2) heavy metal or molded plastic swings, such as animal figures; and
- (3) swinging gates used as play equipment

(4) trampolines, except for mini-trampolines or mini-rebounders:

(A) having a diameter of three feet or less, padded handle, and safety pad cover;  
and

(B) used only by children 3 years of age and older with adult supervision.

#### **340:110-3-91.1. Rest time**

Revised 11-4-206-1-22

(a) **Place to rest.**

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

(2) Waterbeds, sofas, soft mattresses, inflatable mats, 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 rest time, each mat is at least ~~two inches~~ one-inch thick and covered with a fitted, durable, washable, waterproof material.

(c) **Cribs, play yards, and playpens.** A crib, port-a-crib, play yard, or playpen with a properly-fitted firm waterproof mattress or pad and a tight-fitting sheet is used for each child younger than 1 year of age.

(d) **Crib, port-a-crib, and playpen, and play yard safety features and sleep environments.** Infants sleep in appropriate rest equipment and environments described in (1) through (9) of this subsection.

(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, covers, blankets, quilts, comforters, sheepskins, bumper pads, stuffed toys, and other soft products or bedding, are not permitted inside and on the side of infant cribs, ~~playpens, or port-a-cribs~~ rest equipment.

(5) While in rest equipment:

(A) only pacifiers without attachments are used, and pacifiers are not attached to the infant or his or her clothing; and

(B) bibs are not placed around the infant's neck.

(6) Sleep positioners and elevated mattresses are prohibited, unless a medical reason documented by a licensed physician is provided. Documentation is maintained at the child care home.

(7) Play equipment, and other items, except for pacifiers, are not placed inside, above, or attached to the sides of infant rest equipment, unless there is a medical reason documented by a licensed physician for a monitor or other device. Documentation is maintained at the facility. Mobiles may be securely attached or hung above the crib provided no part of the mobile is within the child's reach.

(8) When an infant arrives asleep or falls asleep in inappropriate rest equipment, the infant is immediately moved to appropriate rest equipment.

(9) Infants are protected from overheating by adjusting room temperature and clothing.

(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 licensed physician requesting the infant not sleep in this position. Documentation is maintained at the facility.

(2) Infants 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.

(f) **Swaddling.** Infants, birth through three months of age, may be swaddled with an infant-sized, thin fabric, such as a receiving blanket, only when:

(1) the infant is not mobile enough to move the fabric over his or her face; and

(2) requested in writing by the parents. Requests are maintained by the caregiver.

(g) After resting. Once children have rested, they are not forced to remain on the rest equipment and are provided quiet activities until rest time is over.

### **340:110-3-92. Behavior and Discipline and behavior guidance**

Revised 10-1-076-1-22

(a) **Positive guidance.** ~~Discipline is constructive and educational in nature and appropriate to the child's age and circumstances and behavior guidance is developmentally appropriate, responsive to the circumstances, constructive, and provides learning opportunities.~~ The caregiver:

(1) recognizes and encourages acceptable behavior;

(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~~ ensuring the safety of all children;

(6) gives clear directions and provides guidance appropriate to the child's ~~level of understanding~~ development;

(7) speaks so ~~that children understand they and their~~ his or her feelings are acceptable but unacceptable action or behavior is not;

(8) encourages children to control ~~their~~ his or her 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~~ or time-away when other discipline methods are ineffective. ~~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.~~

(A) Caregivers use this method only with children 2 years of age and older when:

(i) necessary for the child to regain self-control;

(ii) the child has the ability to learn from it; and

(iii) appropriate supervision is maintained.

(B) The child may sit quietly or participate in an individual activity.

(C) Time-out is limited to one minute or less for each year of age. However, when self-control is regained in less time, the child may rejoin an ongoing activity.

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

- (1) subjecting children to punishment of a physical nature, such as shaking, hitting, striking with an object, spanking, biting, swatting, thumping, pinching, popping, shoving, spitting, yanking, hair pulling, slamming, excessive or forced exercise, or any cruel treatment that may cause pain;
- (2) subjecting children to punishment of a psychological nature, such as ~~humiliation,~~ rejecting, neglecting, or humiliating a child, making derogatory or sarcastic remarks about ~~them or their children or 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~~;
  - (A) education, such as writing repetitive sentences and homework; and
  - (B) physical needs, such as:
    - (i) withdrawing, denying, or forcing food, rest, or toileting; and
    - (ii) withdrawing or denying outdoor play or a weather alternate activity; and
- (4) putting anything in or on a child's mouth as punishment;
- (5) exposure to extreme temperatures;
- ~~(5)(6)~~ seeking or accepting parental permission to use any punishment or act prohibited by, per this subsection;
- ~~(6)(7)~~ restraining a child or tying to restrict a child's movement by any means other than holding. ~~The child is only held~~ Holding is used only as long as is necessary for the child to regain control;
- ~~(7)(8)~~ isolating a child without supervision or placing the child in a dark area;
- ~~(8)(9)~~ permitting a child to discipline other children; and
- ~~(9)(10)~~ punishing an entire group due to the actions of a few children.

### **340:110-3-93. Infants, toddlers, and two-year-olds**

Revised ~~11-22-166-1-22~~

- (a) **Responding to needs.** The caregiver holds, cuddles, talks to, and sings to infants and toddlers ~~and understands and responds to their,~~ while understanding and responding to the child's 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~~ toddler's individual needs, accommodating the schedule set up by the parent, as much as possible.
  - (1) The daily schedule is accessible and followed with reasonable regularity.
  - (2) ~~Children are not left~~ Awake children do not remain for more than 30 minutes while awake in playpens 20 minute increments in equipment restricting freedom of movement, such as rest equipment, swings, high chairs, or stationary activity centers, except while eating in high chairs or similar stationary equipment.
- (c) **Bottle-feeding.** Bottles are not propped by any means at any time.
  - (1) Infants ~~up to the age of six months~~ of age and younger are held while bottle-fed.
  - (2) Infants ~~of more than six~~ seven months of age and older are held while bottle-fed until ~~they are able to hold their own bottle~~ bottles securely without assistance.
  - (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. Breast milk is not reused after two hours from serving.~~

~~(7) Formula is not reused after one hour from serving.~~

~~(7)(8) Bottles of formula or breast milk are not warmed in a microwave oven.~~

**(d) Chokeable, unsafe, and new foods.** For safety:

(1) the caregiver works closely with parents to introduce new foods;

(2) infants are not fed honey or peanut butter;

(3) children 1 year of age are fed thinly spread peanut butter, if served; and

(4) children 1 year of age and younger are:

(A) not fed foods that may cause choking, such as candies, gum, marshmallows, raw carrots, raw peas, celery, whole grapes, nuts, seeds, popcorn, rice cakes, and chips; and

(B) fed other foods cut into small pieces no larger than:

(i) 1/4 inch cubes for infants; and

(ii) 1/2 inch cubes for 1-year-olds.

~~(d)(e) **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.~~

~~(2) Caregivers wash ~~their~~ hands thoroughly with soap and warm running water after each diaper change.~~

~~(3) Children are not left unattended on a diaper-changing surface.~~

~~(e)(f) **Availability and disposal of diapers.**~~ For proper hygiene:

~~(1) ~~Sufficient~~ sufficient quantities of clean diapers are available; and~~

~~(2) A a closed container for soiled diapers is ~~provided~~ and used.~~

~~(f)(g) **Toilet learning.**~~ Toilet learning is a relaxed, pleasant activity.

~~(1) ~~The caregiver shares~~ Parents are informed of 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.~~

~~(4) Children are encouraged by regular use of a toilet or potty chair for short periods of time not exceeding 10 minutes.~~

~~(g)(h) **Potty chairs.**~~ Potty chairs chair contents and rinse water are emptied and sanitized after each use into the toilet. After each use, potty chairs are cleaned and disinfected in a sanitary manner.

~~(h)(i) **Infant car seats.**~~ Infants are not permitted in infant car seats except during emergency drills, transportation, and arrival and departure with parents.

### **340:110-3-94. Food and nutrition**

Revised ~~10-1-07~~6-1-22

~~(a) **Daily requirement.**~~ Children, excluding infants, remaining in the family child care home for longer than a four-hour period is are served a balanced meal that provides providing at least one-third of the child's total daily nutritive requirement. ~~The minimum meal pattern for children is found in Supplement VI of Oklahoma Department of Human Services (OKDHS) Publication No. 86-104, Licensing Requirements for Family Child Care~~

~~Homes and Large Family Child Care Homes; per current State Department of Education (OSDE) Child and Adult Care Food Program (CACFP) guidelines.~~

(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~~ **Food provision.** Food is provided, per (1) and (2) of this subsection.

(1) The caregiver provides ~~the~~ food for all children ~~who are~~ able to eat regular food. The caregiver may require ~~the parent~~ parents to provide food for an infant or child requiring a special diet.

(2) Second servings are available for children.

(d) ~~Encouragement to children~~ **Encouraging new foods.** 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, with reasonable~~ substitutions are permissible permitted.

(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; however, parents may provide homemade baby foods;

(2) raw seed sprouts;

(3) prepackaged unpasteurized juices, milk, or juices ~~that have~~ displaying a warning label;

(4) unpasteurized milk from animals;

(5) raw or undercooked animal foods, such as hamburger, fish, or eggs; or

(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.

(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, unless equipped with functioning built-in thermometers.

(3) Chemicals and toxins are not stored in the food storage area.

(4) Dishes washed by hand are sanitized and air-dried.

(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.

### **340:110-3-97. Fire safety**

Revised ~~10-1-076-1-22~~

(a) **General requirements.** ~~It is the responsibility of the~~ The primary caregiver ~~to ensure~~ ensures compliance with ~~the~~ construction and equipment requirements ~~contained~~ in this subsection. State or local fire officials are consulted as needed.

(1) Any building ~~used~~ licensed 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,~~ per state and local codes or ordinances.

(4) All heating and air conditioning equipment is installed ~~in accordance with,~~ per 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, and at least one ~~of which~~ escape 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~~ with one motion to operate, or be unlocked during the ~~hours of child care~~ hours.

(3) ~~Care of children~~ Child care, including naptime, is not provided for children ~~three~~ 3 years ~~or of age and~~ 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~~ child care 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~~ Child care 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~~ providing 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~~ enables children ~~can~~ to open the door from inside the closet.

(3) Every bathroom door lock ~~is designed to permit~~ enables 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 children's playing or sleeping, except the kitchen, has a smoke detector.

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

**(e) Carbon monoxide detectors.**

(1) One operable carbon monoxide detector is installed according to, per 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 documentation is maintained.



(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~~ for the cooking area.
- (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~~ state licensed authority every three years ~~or when the seal is broken.~~ Replacement or service is also required 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,~~ protecting 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) Electrical device charging cords are inaccessible to 3-year-olds and younger.
- (4) 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~~ Current compliance documentation with Housing and Urban Development (HUD) standards is required for family child care homes licensed in a mobile home manufactured after June 25, 1976.
- (2) The mobile home is anchored and enclosed to ground level with a wind-resistant material.

### **340:110-3-97.1. Requirements for large family child care homes**

Revised ~~11-1-206-1-22~~

- (a) **Large family child care home.** A large family child care home is a residential family home providing care and supervision for eight to 12 children for part of the 24 hour day.
- (b) **Requirements.** Large family child care homes meet required rules, per Oklahoma Administrative Code (OAC) 340:110-3-81 through 340:110-3-97, except as otherwise provided in this Section.
- (c) **Mobile homes.** Prior to caring for children, large family child care homes operated in a mobile home are required to obtain an approved state or local fire inspection.
- (d) **Capacity.** Large family child care homes are required to meet the rules ~~found in,~~ per OAC 340:110-3-84(a), and 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 meet the rules in OAC 340:110-3-85(a)(3) pertaining to outdoor play supervision, except when two or more personnel are needed to meet the required adult-child ratio. At least one personnel 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 OAC 340:110-3-84(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 up to:

- (A) five children of any age;
- (B) six children, with no more than three children younger than 2 years of age;
- (C) seven children, with no more than two children younger than 2 years of age;
- (D) seven children, when the children are 2 years of age and older;
- (E) eight children, when the children are 3 years of age and older;
- (F) 10 children, when the children are 4 years of age and older; or
- (G) 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 of mixed ages, with no more than eight children younger than 2 years of age. When only children younger than 2 years of age are in care, three caregivers may care for up to 12 children.

(g) **Caregiver qualifications.** Primary, assistant, and substitute caregivers at large family child care homes are required to meet qualifications, per OAC 340:110-3-85(a) and (b), except as otherwise described in (1) through (3) of this subsection.

(1) **Primary caregiver.** The primary caregiver or individuals substituting for the primary caregiver are at least 21 years of age. For individuals applying after October 1, 2007, the primary caregiver has:

- (A) has six months of satisfactory experience as the primary caregiver in a licensed family child care home in Oklahoma; and
- (B) ~~meets one of the requirements specified in (i) through (v):~~
  - ~~(i) a high school diploma or General Educational Development (GED) credential; and 12 college credit hours in child development or early childhood education;~~
  - ~~(ii) Oklahoma Competency Certificate;~~
  - ~~(iii) a current Child Development Associate (CDA) credential;~~
  - ~~(iv) a current Certified Childcare Professional (CCP) credential; or~~
  - ~~(v) an associate's or bachelor's degree in child development or early childhood education.~~

(C) a current Level 4 or higher Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder.

(2) **Assistant caregiver.** The assistant caregiver meet requirements in (A) through (C) of this subparagraph.

(A) Caregivers are at least 16 years of age and. Children are not left alone in the care of any individual younger than 21 years of age.

(B) Caregivers have current cardio-pulmonary resuscitation (CPR) and first aid certification documentation, per OAC 340:110-3-85(h). Children are not left alone in the care of any individual younger than 21 years of age.

(C) Assistant caregivers:

(i) employed before June 1, 2022, obtain a current Level 1 or higher OPDL certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder, by June 1, 2023; or

(ii) employed on or after June 1, 2022, obtain and maintain a current Level 1 or higher OPDL certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder, prior to or within 12 months of employment.

(3) **Substitute caregiver.** Individuals substituting for the primary caregiver are at least 21 years of age and have current CPR and first aid certification documentation, per OAC 340:110-3-85(h).

(h) **Professional development requirements.** The primary caregiver and assistant caregiver at large family child care homes are required to meet the professional development requirements, per OAC 340:110-3-85(h), except as otherwise described in (1) and (2) of this subsection.

(1) The primary caregiver is required to complete:

(A) completes and documents all health and safety training, per OAC 340:110-3-85(h)(3), within two years prior to request for license;

(B) registers the program as a direct care organization and maintains information on the Oklahoma Professional Development Registry (OPDR); and

(C) completes 15-clock hours of professional development annually.

(2) The assistant caregiver meets professional development requirements in (A) and (B) of this paragraph.

(A) The assistant caregiver is required to complete completes 12-clock hours of professional development annually.

(B) Effective June 1, 2023, ongoing professional development in (i) through (iv) of this subparagraph is required.

(i) Assistant caregivers obtain at least the required number of professional development clock-hours to maintain a current Level 1 or higher OPDL certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder. However, informal professional development clock-hours are limited.

(ii) Formal professional development is:

(I) a course or training event of two or more clock-hours from an OPDR-approved training organization; and

(II) OPDR-approved college credit hours.

(iii) Informal professional development is:

(I) a course or training event of less than two clock-hours from an OPDR-approved training organization;

(II) any number of clock-hours from an OPDR non-approved training organization; and

(III) any training from electronic media, such as videos or DVDs.

(iv) Reading and television programs do not count toward required clock-hours.

~~(3) Only six hours of videos or individual position-related readings is counted toward the annual required professional development hours for the primary caregiver and assistant caregiver.~~

~~(4) Within two years prior to request for license, the primary caregiver has completed and documented all health and safety training specified in OAC 340:110-3-85(h)(3).~~

(i) **Outdoor play space.** The requirements regarding outdoor play space, per OAC 340:110-3-86(a)(12), are met. The outdoor play space is enclosed by a building or a fence beginning at ground level, at least four feet high, and in good repair. Fencing exceptions are not granted by Licensing.

## **PART 9. REQUIREMENTS FOR RESIDENTIAL CHILD CARE FACILITIES**

### **340:110-3-152. Organization and administration**

Revised ~~11-1-186-1-22~~

(a) **Intent statement.** The residential child care program purpose or function is clearly defined in a statement filed with the Oklahoma Department of Human Services (~~DHS~~) (OKDHS). The statement includes the:

- (1) program philosophy;
- (2) program goals and objectives;
- (3) ages and characteristics of children accepted for care;
- (4) geographical area served; and
- (5) services provided.

(b) **Organizational structure.** The residential child care program legal basis or ownership is fully documented and submitted to ~~DHS~~ OKDHS.

(1) **Publicly operated program.** Documentation identifies the program's statutory basis and the operating governmental entity administrative framework.

(2) **Privately operated program.** A privately operated program submits, the:

- (A) charter, partnership agreement, constitution, articles of incorporation, or resolution authorizing the program's operation, as applicable; and
- (B) names, titles, addresses, and phone numbers for:
  - (i) association members or corporate officers for a nonprofit program; and
  - (ii) owners, partners, or corporate officers for a proprietary program.

(3) **Changes in ownership and program name.** ~~DHS~~ OKDHS is notified of changes in the legal basis for operation, ownership, or program name at least 30-calendar days prior to the changes in the legal entity for operation, ownership, or program name.

(c) **Governing and advisory board.** A private, nonprofit program establishes a governing board and may also have an advisory board.

(1) **Meetings.** The governing board meets at least twice annually, maintaining accurate meeting minutes.

(2) **Governing board responsibility.** The governing board maintains ultimate responsibility for governing but, ~~having selected and employed an executive director,~~ may delegate to the executive director responsibility for program administration responsibility to the executive director.

(A) The board assumes joint responsibility with the executive director for general program and policy, funding, and ~~compliance with minimum requirements~~ requirement compliance.

- (B) The responsibilities and relationship between the board and the executive director are defined in the constitution and bylaws and submitted to ~~DHS~~ OKDHS.
- (3) **Governing board members.** Governing board members' names, titles, addresses, and phone numbers are submitted to ~~DHS~~ OKDHS.
- (4) **Board composition.** The governing board represents the ~~diversity of the community-served~~ community's diversity.
- (A) The board is comprised of a minimum of three members.
- (B) A majority reside in Oklahoma. Multi-state operations; however, may have a governing board outside of Oklahoma when ~~they establish~~ establishing local advisory boards meeting the requirements in (5) of this subsection.
- (C) Program personnel cannot comprise a majority of the board's voting members.
- (D) ~~Board~~ Upon appointment, board members receive an ~~orientation to board responsibilities on appointment~~ responsibility orientation.
- (5) **Advisory board.** A private, proprietary program ~~without a governing board~~ not meeting the governing board requirements in (1) - through (4) of this subsection establishes an advisory board.
- (A) The advisory board meets at least twice annually.
- (B) The advisory board provides ~~advice and counsel to the~~ program advice and counsel on the policies and program operation, reflects local concerns, and represents the program to the community.
- (C) Advisory board member names, addresses, and phone numbers are submitted to ~~DHS~~ OKDHS.
- (D) Program personnel cannot comprise a majority of the advisory board's voting members.
- (E) A majority reside in Oklahoma.
- (d) **Administrative policy.** Policy is clearly written, current, and available for residents, parents or legal custodians, personnel, and Licensing review. Policy is reviewed annually by the governing board. Policy at least, includes, ~~but is not limited to~~, areas governing:
- (1) admission and discharge;
  - (2) personnel;
  - (3) volunteers;
  - (4) programs;
  - (5) grievance procedures approved by ~~DHS~~ OKDHS Office of Client Advocacy (OCA);
  - (6) behavior management;
  - (7) mandatory child abuse reporting;
  - (8) suicide awareness and protocol;
  - (9) medical services;
  - (10) medication administration and dosage;
  - (11) records confidentiality;
  - (12) a resident ~~absent~~ leaving the facility without permission;
  - (13) emergency procedures; and
  - (14) reasonable and prudent parent standard application, when approving an ~~activity~~ for a resident activities.
- (e) **Records and reports.** ~~The records~~ Records and reports maintained at the program and available for Licensing review are:
- (1) resident's records;

- (2) personnel records;
- (3) criminal history investigation records;
- (4) orientation and professional development records;
- (5) ~~menus of food served to residents~~ residents' food menus;
- (6) fire and tornado drill records;
- (7) planned recreational, leisure, or physical exercise activities schedules;
- (8) visitation records;
- (9) transportation records; and
- (10) resident's grievance records. These records are maintained for three years following the resident's discharge and in a confidential manner separate from resident's records, per OCA.

(f) **Notifications.** The program complies with the notification requirements ~~as outlined in~~ this subsection.

(1) The program notifies Licensing on the next ~~Oklahoma Department of Human Services (DHS)~~ OKDHS business day, ~~in the event of:~~

- (A) temporary or permanent program ~~closing~~ closure;
- (B) executive director change;
- (C) liability insurance coverage changes;
- (D) facility premises damage caused by fire, accident, or ~~the~~ elements seriously affecting ~~the~~ services provided;
- (E) legal action against a program or personnel involving a resident or program operation;
- (F) a serious resident injury requiring emergency medical treatment by a licensed health care professional; or
- (G) a resident death.

(2) Any person who has reason to believe a child was abused or neglected, per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105), is required to report the matter promptly to the ~~DHS~~ OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per 10A O.S. § 1-2-101. Failure to report is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(3) Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, per 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(4) OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or operator provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.

(A) Notification is:

- (i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and
- (ii) provided by certified mail.

(B) The program maintains the list of notified parents and legal guardians for at least 12 months.

~~(4)~~(5) When a resident is absent without permission, the resident's parents or legal custodian are immediately notified.

### **340:110-3-153.1. Personnel**

Revised ~~12-9-206~~-1-22

(a) **Personnel policy.** Personnel policy includes defining personnel, essential position functions, qualifications, and authority lines.

(b) **Personnel and responsibilities.** The program recruits personnel with specialized skills, knowledge, and the cultural understanding and competencies necessary for quality residential care services.

(1) **Executive director.** The program employs an executive director, superintendent, or administrator; and in his or her absence, an individual is designated in charge.

(A) The executive director, superintendent, or administrator is responsible for employing individuals possessing adequate education, professional development, and experience to perform assigned positions' essential functions.

(B) The executive director is responsible for implementing the policies adopted by the governing board and ongoing program operation.

(C) When acting as program director, the executive director meets the requirements in (b)(2) of this Section.

(2) **Program director.** The program director is responsible for implementing and supervising programs and services.

(A) The executive director may also serve as the program director, when meeting the qualifications in (d)(2) of this Section.

(B) The program director, including the executive director acting as program director, does not serve as program director at more than one facility location.

(3) **Social services personnel.** Social services personnel are responsible for admission assessments, placement services, counseling, residents' and his or her families' casework services, service plans, service plan reviews, and discharge plans.

(4) **Child care personnel.** Child care personnel are responsible for meeting residents' needs, taking in account the residents' ages, physical and mental conditions, and other factors affecting the amount of attention indicated.

(5) **Support personnel.** Support personnel are responsible for providing support duties.

(6) **On-call and part-time personnel.** On-call and part-time personnel are responsible for the position duties they are assigned.

(7) **On-site official.** There is an on-site official authorized to apply the reasonable and prudent parent standard.

(c) **Volunteers.** When a program uses volunteers, the program maintains current, written volunteer policy. Volunteers:

(1) counted in ratios meet all child care personnel requirements;

(2) receive orientation prior to resident contact; and

(3) work under the executive director's or designated personnel's direct supervision.

(d) **Executive director and program director qualifications.** The executive director, superintendent, or administrator, and program director possess adequate education, professional development, and experience to perform the positions' essential functions.

(1) In a program where the executive director operates primarily as an administrator and employs a program director, an executive director hired after June 15, 1990, has a minimum of a bachelor's degree from an accredited college or university.

(2) Individuals solely responsible for direct program supervision, when filling executive director or program director positions, meet at a minimum, one of the qualifications in (A) through (D) of this paragraph:

(A) a bachelor's degree from an accredited college or university with at least nine-college credit hours in family focus, individual function and interaction, child development, sociology, social work, or a closely related subject, and 36 months children's services experience;

(B) a master's degree in social work, psychology, guidance and counseling, sociology, child development, human relations, behavioral science or other closely related subject from an accredited college or university and 24 months children's services experience;

(C) a doctorate in medicine, social work, psychology, guidance and counseling, sociology, child development, human relations, or closely related subject from an accredited college or university and 12 months children's services experience; or

(D) for programs specializing in substance abuse treatment, certification as a Qualified Substance Abuse Professional (QSAP).

(e) **Child care and supervisory personnel qualifications.** Child care and supervisory personnel possess adequate education, professional development, and experience to perform the position's essential functions.

(1) Child care personnel are at least 21 years of age.

(2) Personnel hired after June 15, 1990, have a high school diploma or equivalent within 12 months of employment.

(f) **Social services personnel qualifications.** Social services personnel or contractors possess adequate education, professional development, and experience to perform the position's essential functions.

(1) Social services supervisory personnel responsible for developing and implementing the social services program, meet at a minimum, one of the qualifications in (A) through (D) of this paragraph, including a bachelor's degree:

(A) in social work from an accredited college or university;

(B) in behavioral science, social science, or other related subject from an accredited college or university and 12 months children's services experience;

(C) with at least nine-college credit hours in family focus, individual function and interactions, child development, sociology, social work, or a closely related subject, and 48 months children's services experience; or

(D) for programs specializing in substance abuse treatment, when social services personnel are supervised by a QSAP.

(2) Social services personnel hired after June 15, 1990, providing only casework services have a bachelor's degree in a related subject from an accredited college or university.



(g) **Employment requirements.** Personnel meet requirements in (1) through (3) of this subsection.

(1) **References.** The program obtains three references for personnel prior to employment.

(A) Verified references include the date, interview questions, responses, and interviewer's signature.

(B) Copies are maintained in the employee's personnel record.

(2) **Tuberculin test.** Tuberculosis testing is not required on a routine basis. Programs comply with the Oklahoma State Department of Health recommendation regarding tuberculin skin testing, when there is a local identified tuberculin exposure.

(3) **Performance evaluation.** A written performance evaluation is updated at least annually and maintained in the employee's personnel record.

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

(1) **Required individuals.** Background investigations are required, per the Oklahoma Child Care Facilities Licensing Act, Section 404.1 of Title 10 of the Oklahoma Statutes, unless an exception, per (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, the program may hire individuals, when:

(i) the program has submitted a criminal history review request to the Office of Background Investigations (OBI) and received a preliminary approval indicating the fingerprint results are received from OBI;

(ii) criminal history review results from the OBI are received by the program. However, until complete results are received, the individual does not have unsupervised access to residents; and

(iii) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required, per (2) of this subsection, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity; and

(D) individuals with unsupervised resident access, prior to having resident access, 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 residents, who become 18 years of age while living in the facility, unless exempt as a resident receiving services from the program; and

(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However, criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(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 Oklahoma Administrative Code (OAC) 340:110-3-154(a)(4)(E);
- (B) volunteer drivers transporting residents on an irregular basis and not filling another position, provided parent releases are obtained, per OAC 340:110-3-154(a)(4)(E);
- (C) contracted drivers not filling another position or having unsupervised resident access;
- (D) contracted non-personnel not having unsupervised resident access, such as when the program contracts for special activities or facility repair;
- (E) individuals who are not program personnel and have contact with residents as part of family, community, and social activities, education, or employment, provided administrative and program policies are met including policy regarding trips away from the facility; and
- (F) residents who become 18 years of age while living in the facility and continue to receive program services.

(i) **Background investigations - Restricted Registry.** The program conducts an online search of the Restricted Registry, also ~~named~~ known as Joshua's List, when required, per (h) of this Section.

(1) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised-resident access, facility residence, and prohibited individuals, per (j) of this Section.

(j) **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 OBI, when required, per (h) of this Section.

(1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited, per (k) of this Section. Criminal history prohibitions include:

(A) required registration under the:

- (i) Sex Offenders Registration Act, including state and national repositories; or
- (ii) Mary Rippy Violent Crime Offenders Registration Act; or

(B) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

- (i) murder, as defined in Section 1111 of Title 18 of United States Code;
- (ii) child abuse or neglect;
- (iii) crimes against children, including child pornography;
- (iv) spousal abuse;
- (v) crimes involving rape or sexual assault;
- (vi) kidnapping;
- (vii) arson;
- (viii) physical assault or battery; or

(ix) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver, per (2) of this subsection is granted; or

(C) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child involving:

- (i) child abuse or child endangerment; or
  - (ii) sexual assault; or
  - (D) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child pornography.
- (2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited, per (k) 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 conviction of 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) illegal drug possession, sale, or distribution; or
  - (G) a pattern of criminal activity.
- (3) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (C) of this paragraph.
- (A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on an Oklahoma Human Services (OKDHS) 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 criminal history restrictions.
  - (C) Individuals identified in pending or denied restriction waiver requests are prohibited, per (k) of this Section.
- (k) **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, live in the facility, or have:
- (A) resident access, such as being present at the facility during the hours of operation or present with the residents in care while off-site, when the individual has ~~criminal history~~:
    - (i) criminal history prohibitions; ~~or~~
    - (ii) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or
    - (iii) a substantiated heinous and shocking abuse finding; or
  - (B) unsupervised resident access, when the individual is a Restricted Registry registrant.
- (2) **Background investigation statements and consents.** Individuals are prohibited to be the owner or responsible entity, to be employed, or to live in the facility, when:
- (A) the individual refuses to consent to background investigations, per (h) of this Section; or
  - (B) knowingly makes a materially-false statement in connection with criminal background investigations.

(3) **Alcohol, drugs, and medication.** When residents are in care, no individual employed by the program or providing program services may use or be under the influence of:

(A) alcohol or illegal drugs; or

(B) medication impairing his or her functioning.

(4) **Child endangerment.** An individual whose health or behavior would endanger residents' health, safety, or well-being is ~~not permitted to live~~ prohibited from living in or ~~be being~~ on the premises when residents are in care.

(5) **Criminal allegations.** When personnel is alleged to have committed an act, per (j) of this Section, the program's executive director determines and documents when the personnel is removed from resident contact until the allegation is resolved. However, when criminal charges are filed, the accused is removed from resident contact until the charges are resolved.

(6) **Deferred sentences.** Individuals having a deferred sentence for charges in (j)(2) of this Section are removed from resident contact for the deferment duration.

(l) **Orientation.** Personnel receive orientation within 30-calendar days of employment.

(1) Personnel receive orientation prior to assignment as the primary personnel responsible for residents.

(2) Orientation includes, at least:

(A) confidentiality;

(B) resident grievance process;

(C) fire and disaster plans;

(D) suicide awareness and protocol;

(E) emergency medical procedures;

(F) organizational structure;

(G) program philosophy;

(H) personnel policy and procedures;

(I) mandatory child abuse reporting; and

(J) administrative policy and procedure regarding behavior management.

(3) OKDHS Publication No. 86-78, Licensing Requirements for Residential Child Care Facilities, is part of the orientation process and available to personnel at all times.

(4) Orientation counts toward total professional development hours for the first 12 months.

(m) **Personnel professional development.** Personnel meet professional development requirements in (1) through (7) of this subsection.

(1) **Professional development for the administrator and program director.** The administrator and program director obtain at least 12-clock hours of professional development annually. Hours are prorated at one hour per month for personnel not employed for a full-calendar year. The content pertains to position roles and responsibilities.

(2) **Professional development for social services personnel.** Social services personnel, including licensed mental health professionals and those providing casework services, obtain at least 12-clock hours professional development annually. Hours are prorated at one hour per month for personnel not employed for a full-calendar year. The content pertains to the position roles and responsibilities.

(3) **Professional development for child care personnel.** Child care personnel receive professional development.

(A) Full-time child care personnel obtain at least 24-clock hours of professional development courses annually. Hours are prorated at two hours per month for personnel not employed for a full-calendar year.

(B) Part-time child care personnel obtain at least 12-clock hours of professional development courses annually.

(C) On-call or substitute child care personnel obtain at least six-clock hours of professional development courses annually.

(D) The child care personnel professional development is relative to the assigned positions, roles, and responsibilities.

(E) When residents are in care on the facility premises or on a program-sponsored field trip, at least one personnel is present with current age-appropriate first aid and cardio-pulmonary resuscitation (CPR) documentation. All other child care personnel obtain and maintain age-appropriate first aid and CPR within 90-calendar days of employment. CPR and first aid training are conducted by a certified instructor from an OKDHS-approved source.

(F) Child care personnel with a current nursing certification or degree are exempt from the first aid certification requirement.

(4) **Professional development for support personnel.** Support personnel providing occasional instruction or professional development to residents obtain at least six-clock hours of professional development courses annually. The content is relative to the position, role, and responsibility or resident interactions.

(5) **Behavioral intervention techniques.** Within 90-calendar days of employment, and prior to being solely responsible for residents, child care personnel and support personnel providing occasional instruction to residents provide current certification in OKDHS-approved behavioral intervention techniques, to include:

(A) rules and appropriate consequences of various interventions;

(B) techniques for early de-escalation and preventive intervention;

(C) team approaches to behavior management;

(D) verbal crisis intervention; and

(E) safe and appropriate physical restraint, when applicable, per program policy.

(6) **Reasonable and prudent parent standard professional development.** A designated, on-site official authorized to apply the reasonable and prudent parent standard receives professional development on the use of reasonable and prudent parent standards.

(7) **Contracted personnel professional development.** Contracted personnel not providing direct care or counted in the supervision ratio are exempt from meeting the personnel professional development requirements in (m)(1) through (6) of this Section.

(n) **Documentation.** Orientation and professional development hours are documented and available for Licensing review. Documentation includes personnel names attending, course titles and descriptions, dates, hours attended, and trainer or facilitator names.

(o) **Personnel records.** Programs maintain personnel records for each employee.

(1) The program submits to Licensing at the time of request for license:

(A) a current employee list; and

- (B) an OKDHS-provided personnel information sheet, for each employee.
- (2) The program maintains written personnel information for each employee. The personnel file includes:
- (A) an OKDHS-provided personnel information sheet, completed for each personnel and submitted to Licensing within two weeks of his or her employment;
  - (B) an application, resume, or personnel information sheet documenting position specific qualifications;
  - (C) criminal history review requests and results documentation;
  - (D) other applicable criminal history records;
  - (E) three references;
  - (F) annual performance evaluation reports and notes relating to the individual's program employment;
  - (G) the employment date;
  - (H) the date and reason for leaving employment; and
  - (I) program required health records.
- (3) Personnel records are maintained for at least 12 months following the last employment date, unless the requirements specifically state otherwise.
- (4) Licensing has access to personnel records and other confidential documents relevant to personnel.

### **340:110-3-154. Social services**

Revised 11-1-186-1-22

- (a) **Admission.** The program involves the resident and parents in the admission process.
- (1) On admission, ~~an~~ a resident assessment is completed ~~for each resident~~ indicating the placement is appropriate. The admission assessment is documented and available for Licensing review. An assessment includes the resident's:
- (A) name, address, phone number, Social Security number, sex, race, religion, and birth date and place;
  - (B) circumstances leading to the referral;
  - ~~(B)~~(C) family member description and relationships with family members and including other significant adults and children;
  - ~~(C)~~(D) current and past behavior description, including both appropriate and maladaptive behavior;
  - ~~(D)~~(E) immunization record, medical and dental histories, including current medical problems;
  - ~~(E)~~(F) school history, including the current educational level, special achievements, and school problems;
  - ~~(F)~~(G) placement history outside of the home, including placement reasons;
  - ~~(G)~~(H) mental health history; and
  - ~~(H)~~(I) record documentation indicating efforts to obtain identifying information in (A) through ~~(G)~~(H) of this paragraph, when not obtainable.
- (2) **Resident admission for those 4 years of age and younger.**
- (A) A program ~~may only accept~~ accepts residents 4 years of age and younger when maintaining a sibling group, maintaining a child with a parent, or ~~when there is a need for~~ requiring special services, such as:
    - (i) medical care or monitoring;

- (ii) awake supervision; or
  - (iii) crisis intervention, assessment, or treatment.
- (B) When a resident 4 years of age and younger is in the program's care ~~at the program~~, the admission assessment and ~~the~~ service plan document why this placement is in ~~the resident's~~ his or her best interest.
- (3) Individuals 19 years of age and older are not admitted to the program. A program may ~~continue to serve an individual who entered the program~~ serve a resident placed prior to his or her 19th birthday through the service plan completion.
- (4) ~~Upon~~ On admission, the program obtains the parents' signature, for:
- (A) authority to provide care;
  - (B) authority to provide medical care;
  - (C) financial agreement, when a ~~charge is made~~ fee is required for the resident's care;
  - (D) authority to use the resident or the resident's picture in publicity, when applicable; and
  - (E) a release ~~noting~~ indicating understanding that volunteer drivers or specialized service professionals are not required to complete the criminal history review, per Oklahoma Administrative Code (OAC) 340:110-3-153.1. Specific activities or events are identified in the release.
- (5) Residents receive a medical examination by a licensed health care professional within 60-calendar days prior to admission or within 30-calendar days following admission. However, a documented medical exam performed within the 12 months prior to admission is acceptable when a resident is transferred from another licensed program.
- (6) On admission, the program advises the resident of ~~all~~ program rules and regulations.
- (7) Program policies provided to residents and parents include:
- (A) resident's rights;
  - (B) grievance procedures;
  - (C) behavior management policies;
  - (D) trips away from the program;
  - (E) use of volunteers; and
  - (F) frequency of parent reports ~~to the parents~~.
- (8) Acceptance of out-of-state residents is made, per the Interstate Compact on the Placement of Children.
- (b) **Service planning.** The service plan is available for Licensing review.
- (1) **Comprehensive service plan.** A written service plan is developed and documented for ~~each resident~~ residents within 30-calendar days of admission.
- (A) The program involves the resident and parents in service plan development. ~~When parents do not participate in service plan development, the~~ Reasons for parental non-participation reason is are documented.
  - (B) The service plan identifies and includes, the:
    - (i) resident's needs, such as counseling, education, physical health needs, medical care, or recreation, in addition to basic needs for food, shelter, clothing, routine care, and supervision;

- (ii) strategies for meeting the resident's needs, including instructions to staff personnel. Individual health needs ~~must be~~ are addressed in the program's medical plan. ~~Refer to, per~~ OAC 340:110-3-154.3;
- (iii) estimated length of stay;
- (iv) goals and anticipated plans for discharge;
- (v) program's parent involvement plan ~~to involve the resident's parents,~~ including visitation guidelines; and
- (vi) names and dated signatures of those participating in service plan development.

(2) **Service plan review.** Service plan reviews are available for Licensing review.

(A) The service plan is reviewed within 90-calendar days after development and at least every six months thereafter.

(B) The program involves the resident and parents in the service plan review.

~~When the parents do not participate in the service plan review, the~~ Reasons for parental non-participation reason is are documented.

(C) The service plan review includes:

- (i) an evaluation of progress toward meeting identified needs;
- (ii) new needs, identified since the ~~plan was developed~~ plan development or last ~~reviewed~~ review, along with strategies ~~to meet those~~ of meeting needs, including instructions to staff personnel;
- (iii) an estimated ~~length-of-stay~~ length-of-stay update and discharge plans;
- (iv) ~~continued appropriateness of a~~ placement assessment ~~with the goal of~~ evaluation determining when the resident may:
  - (I) ~~may be returned~~ return home; <sub>i</sub>
  - (II) be placed in a foster home, care;
  - (III) ~~transferred~~ transfer to ~~some other~~ care better suited for the resident's his or her development; <sub>i</sub> or
  - (IV) ~~be maintained for a longer period~~ remain in the residential program; and
- (v) names and dated signatures of review participants.

(c) **Services.** The program provides or facilitates ~~the provision of~~ services for meeting service plan goals.

(d) **Discharge procedures.** The program involves the resident, parents or legal custodian, and personnel in discharge planning.

(1) Except in an emergency, a resident is not discharged to ~~anyone~~ an individual other than the resident's parents or legal custodian without written authorization.

(2) An emergency discharge occurs when a resident presents a danger to self or others. ~~Upon~~ On emergency discharge of a resident, the program informs the parents or legal custodian, immediately.

(3) The individual to whom the resident is discharged produces photographic identification and signs the discharge form before leaving with the resident.

(4) The resident's discharge date, time, destination, and circumstances are documented in the resident's record. The documentation also includes the individual's name, address, and relationship to whom the resident is discharged.

(e) **Resident's records.** ~~The program maintains a~~ A written resident discharge record for ~~each resident that~~ is retained for three years following the resident's discharge.

(1) The record includes:



(A) resident's name, address, phone number, Social Security number, sex, race, religion, birth date and place;  
 (B) admission assessment;  
 (C)(B) required authorizations, per (a)(4) of this Section;  
 (D)(C) medical records;  
 (E)(D) comprehensive service plan and reviews;  
 (F)(E) educational information;  
 (G)(F) serious incident reports are not limited to, suicide attempts, injuries requiring medical treatment, runaway attempts, crimes committed and abuse allegations, neglect, or any allegation allegations of behavior management violations, per OAC 340:110-3-154.2(b)-(d) 340:110-3-154.2. The report includes incident nature, date and time, individuals involved, and surrounding circumstances;  
 (H)(G) reports of separation, use of physical restraint use, and other restrictions;  
 (I)(H) discharge summary; and  
 (J)(I) signed documentation the resident and parents were provided copies of program policies.

(2) Resident's records are confidential as defined by federal and state laws.

### **340:110-3-157. Physical facility and equipment**

Revised 11-1-136-1-22

(a) **New construction.** Special consideration is given when choosing the for new construction site for new construction as to water availability location for firefighting water availability and access to all areas of the building for building area rescue access.

(b) **Square footage.** Habitable living area is provided as in Living areas meet (1) – through (4) of this subsection, and does not include including offices, bathrooms, kitchens, laundries, hallways, furnaces, or utility areas.

(1) There is a total of 150 square feet of habitable living area, including sleeping space area, for the first resident and 100 square feet for each additional resident.

(2) Each sleeping room area for more than one resident has 70 square feet for the first resident and 50 square feet for each additional resident.

(3) Each sleeping room area intended for one resident contains 110 square feet.

(4) All areas counted as habitable space Habitable areas have a seven feet, six inch minimum ceiling height of seven feet, six inches.

(c) **Basements.** Basements cannot be used for sleeping quarters areas.

(d) **Mobile homes.** Facilities cannot be located in mobile homes.

(e) **~~Storage of personal~~ Personal belongings storage.** Adequate storage space for storage of each residents' personal belongings for each resident is provided.

(f) **Staff Personnel sleeping quarters areas.** Staff Personnel sleeping quarters areas are separate from those of the residents separated from resident sleeping areas, but near enough to assure ensure supervision.

(g) **Staff Personnel space.** Facilities provide sufficient space separate from program space used for program and treatment activities for administrative activities, individual counseling sessions, and other staff personnel program functions required by the program design.

(h) **Bathrooms.** Bathrooms are maintained in a clean and sanitary condition with adequate ventilation.

(1) At least one flush toilet, hand sink, and bathtub or shower in good working condition is available for every six residents. Bathrooms are convenient to sleeping ~~quarters areas~~, living, and recreation ~~rooms areas~~.

(2) Flush urinals may be substituted for not more than one-half the required toilet number of ~~toilets~~ when ~~provided to serve~~ servicing males only.

(3) Hand sinks, bathtubs, and showers have cold and hot water with temperatures between 100 and 120 degrees Fahrenheit.

(4) Toilet paper, soap, and individual sanitary towels are ~~provided~~ within easy resident access of ~~residents~~.

(i) **Diaper changing.** A non-porous changing pad in good repair is used when changing diapers. The diaper-changing surface is used only for diaper changing and is sanitized after each diaper change. ~~Staff members~~ Personnel wash and scrub their hands thoroughly with dispensable soap and warm running water after each diaper change.

(j) **Sanitation and safety.** All ~~habitable and non-habitable~~ areas are ~~maintained in a clean and sanitary, and condition, free of litter and hazards~~ hazard-free.

(1) Harmful substances and objects that are not essential to facility operation are ~~not kept prohibited~~ on the premises. Other poisonous, flammable, or harmful materials are ~~kept under lock~~ locked when not under the ~~supervision of an authorized~~ adult supervision.

(2) All ~~firearms are stored unloaded in a locked container, cabinet, or closet.~~ Ammunition is stored in a locked area separate from firearms. Weapon definition and storage meet (A) and (B) of this paragraph.

(A) A weapon includes, but is not limited to, a:

(i) firearm, such as a pistol, revolver, shotgun, or rifle from which a projectile is fired by gunpowder, gas, or other means of rocket propulsion;

(ii) cap pistol, air-powered BB or pellet gun;

(iii) bow and arrow; or

(iv) knife, including any dagger or blade automatically released from the handle by pressure applied to a button, latch, or other mechanism, excluding kitchen knives.

(B) Any weapons and ammunition are inaccessible. In addition:

(i) weapons are kept unloaded in locked containers, cabinets, or closets;

(ii) ammunition is kept in locked containers, cabinets, or closets, separate from weapons; and

(iii) keys, combinations, and codes used for locked storage are inaccessible.

(C) Program personnel are responsible for ensuring resident safety when participating in high risk activities, per Oklahoma Administrative Code (OAC) 340:110-3-165.1.

(3) ~~Every closet door~~ Closet doors can be opened from the inside ~~the closet~~.

(4) ~~Every bathroom~~ Bathroom door ~~lock~~ locks can be unlocked from the outside in an emergency. The opening device is readily accessible to staff personnel.

(5) ~~All rooms used by residents~~ Indoor resident areas are maintained at ~~an indoor temperature~~ between 65 and 85 degrees Fahrenheit.

(6) Indoor and outdoor recreational equipment and supplies are ~~maintained~~ in good condition, and play areas are ~~free of hazards at all times~~ hazard-free.

(7) Floors, walls, ceilings, doors, and windows are ~~maintained~~ in good condition.

(8) The exterior foundation, roof, and walls are weather-proofed and maintained in good condition.

(9) ~~All areas used by residents~~ Resident areas are well-lighted.

(10) ~~The program is responsible for the safety and sanitary conditions of house parent quarters is the responsibility of the facility.~~

(k) **Furnishings and decor.** ~~The facility program~~ supplies comfortable furniture, as appropriate, for all living areas. Furniture for residents' use Resident furniture is of sufficient in quantity and ~~appropriately designed to suit the age, size, and capabilities of the residents developmentally-appropriate.~~

(1) ~~Each resident has an~~ Residents have individual bed ~~that is large enough to accommodate the resident adequately and appropriately-sized beds with mattresses and bedding.~~ Each bed has its own mattress and bedding.

~~(A)(2)~~ (2) 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.

~~(B)(A)~~ (A) ~~Verification of compliance with CPSC standards~~ compliance verification is maintained for duration of crib use.

~~(C)(B)~~ (B) Crib or port-a-crib mattresses fit snugly with no more than one inch between the mattress and crib.

~~(2)(3)~~ (3) ~~Every bedroom~~ Bedroom and bathroom ~~window is equipped with~~ windows have window treatments ~~as needed~~ for privacy.

~~(3)(4)~~ (4) Broken, defective, or recalled furnishings and equipment are repaired or replaced.

(l) **Telephones Phones.** ~~An operable telephone is readily accessible to each~~ Each living unit ~~has a readily-accessible, operable phone~~ for emergency use.

(m) **Health regulations.** ~~The facility program~~ complies with licensing regulations for buildings, utilities, grounds and food service sanitation requirements, per OAC 340:110-3-163 and 340:110-3-164, and is inspected annually by the appropriate state agency.

(n) **Fire safety.** ~~The facility program~~ complies with the state fire marshal's office regulations for construction and fire safety and is inspected annually by the state fire marshal's office or its designee.

(o) **Environmental quality.** ~~A facility not on local~~ having non-public water and sewage supply systems is inspected annually by the Oklahoma Department of Environmental Quality.

### **340:110-3-163. Buildings, utilities, and grounds regulations**

Revised 7-1-096-1-22

The requirements in this Section apply to all residential child care facilities constructed after June 15, 1990. Licensed facilities in operation June 15, 1990, continue to ~~comply~~ compliance with the construction and safety regulations applicable to the license issuance of their license.

(1) **Building.** ~~Buildings used to house~~ for residential child care facilities are structurally sound. Structures comply with the building ~~code adopted by the Oklahoma State Fire Marshal Office, the~~ and fire codes of the local or state governmental authority having jurisdiction and applicable at permit or license issuance. Structures

also comply with plumbing code, mechanical code, and fuel gas code adopted by the ~~Construction Industries Board~~ Oklahoma Uniform Building Code Commission and the latest edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standards.

(A) Exterior and interior surfaces are maintained in sound condition; and free of holes, peeling paper, and paint.

(B) Windows and doors are in good repair; and free of broken glass or hazards.

(C) Floors are cleanable and in good repair.

(D) ~~All uncovered~~ Uncovered floors, including concrete and wood floors, are sealed.

(2) **Premises.** The premises are maintained ~~in accordance with the~~ per requirements ~~listed~~ included in this paragraph.

(A) The premises are free of ~~harborage~~ for insects, ~~rodents~~, and other vermin.

(B) Safe, effective measures ~~are taken to~~ minimize the presence of, and ~~to~~ protect against, ~~the entry of~~ insects, rodents, and other vermin entry.

(C) The premises are ~~otherwise maintained~~ free of hazards ~~to children.~~

(D) The premises and vehicles used to transport residents are free of illegal drugs and paraphernalia.

(E) Materials ~~used to prevent~~ preventing resident's egress of ~~children,~~ such as barbed wire, electrical fencing, and razor and concertina wire are prohibited.

(3) **Tobacco use.** Tobacco use includes simulated tobacco products. The facility program prohibits the use of any tobacco product use:

(A) by residents. ~~Smoking is prohibited;~~

(B) in buildings used by residents; or

(C) in the resident's presence of residents. ~~The facility prohibits staff members from using tobacco products in presence of residents or in any rooms used by residents.~~

(4) **Screening.** ~~Every window~~ Windows, exterior door, ~~hatchway~~ doors, or similar device is rodent proof, reasonably water and weather tight, and is kept in devices are in working condition and good repair. ~~During the portion of the year when there is a need for protection~~ When protecting against mosquitoes, flies, and other flying insects, every door doors and window is windows are provided with a 16-mesh, properly fitting screen. Air conditioned ~~habitable~~ areas are adequate to meet this requirement when properly operated unless rodents or other vermin are able to enter to such extent ~~that~~ a nuisance or hazard is created.

(5) **Ventilation.** ~~Each habitable room must be~~ is Rooms are ventilated. ~~Window areas meet requirements of the State Fire Marshal~~ Ventilation systems and windows comply with building and fire codes of the local or state governmental authority having jurisdiction. Non-habitable areas, such as bathrooms and food preparation areas, may provide other approved ventilation systems in lieu of windows or skylights. Adequately designed, maintained, and operated heating and cooling systems ~~are deemed to meet the ventilation requirements.~~

(6) **Lighting.** All Resident areas ~~used by residents~~ are well-lighted.

(7) **Windows.** Effective July 1, 2009, any new construction or existing space ~~that has not been~~ not previously licensed as resident's sleeping quarters have an exterior window for natural lighting.

(8) **Laundry.** Laundry areas are maintained in a clean, and safe condition. Equipment ~~is installed to meet~~ installation meets safety requirements.

(9) **Water supply.** The water supply is adequate, of a safe and sanitary quality, ~~meets;~~ meeting state quality standards, and ~~is~~ approved by the Oklahoma Department of Environmental Quality (DEQ).

(A) When not on a public water supply, such as well water, water meets local and state testing requirements and is tested annually.

(B) ~~All areas~~ Areas where food is prepared or equipment, utensils, or containers are used have hot and cold water under pressure.

(10) **Sewage disposal.** ~~All sewage~~ Sewage, including mop water, is disposed of in a public sewage system or, ~~in its absence,~~ in a manner approved by the DEQ.

(11) **Plumbing.** Plumbing is sized, installed, and maintained in a safe manner, ~~and in accordance with the~~ per the Oklahoma Plumbing License Act.

(A) Plumbing constructed after June 1, 1987, is installed, ~~in compliance with~~ per the International Plumbing Code or applicable local ordinances.

(B) ~~Any cross-connection~~ Cross-connection between the potable water supply and any nonpotable or questionable water supply, or ~~any source of~~ pollution source through which where the potable water supply ~~might~~ may become contaminated is prohibited.

(C) Water closets, lavatories sinks, bathtubs, and showers are properly connected to a water and sewer system approved by the Construction Industry Board and ~~are~~ in good working condition.

(D) ~~Every lavatory basin sink and bathtub or shower is~~ Sinks, bathtubs, and showers are supplied with hot and cold water ~~under pressure at all times.~~

(12) **Electrical.** The electrical distribution system is sized, installed, and maintained in a safe manner, ~~and in accordance with the~~ per the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired, or replaced after June 1, 1987, are installed, ~~in compliance with~~ per the current National Electrical Code. ~~Lighting is at least 20 foot candles at desk level.~~

(13) **Garbage and rubbish disposal.** Prior to disposal, all garbage and rubbish containing food wastes or diapers are ~~kept~~ stored in leak-proof, non-absorbent containers and covered with tight-fitting lids when filled, stored, or not in continuous use.

(A) The containers are adequate for ~~the storage of all~~ food waste storage and rubbish ~~accumulating on the premises.~~

(B) Each container is thoroughly cleaned when soiled.

(C) Garbage disposal units, if when used, are of suitable construction and installed ~~in compliance with~~ per state and local standards.

(D) ~~All garbage~~ Garbage and rubbish are disposed of frequently and in ~~such a~~ manner to prevent a nuisance.

(E) ~~All hazardous~~ Hazardous material is properly disposed of ~~properly.~~

(14) **Swimming pools.** ~~In accordance with state law,~~ swimming Swimming pools used by ~~children in a residential facility~~ residents are considered public bathing places and ~~must meet the requirements of the~~ Design Standards and Operational Criteria for Public Bathing Places of Oklahoma State Department of Health (OSDH).

(A) If ~~When~~ a private swimming pool is used, it ~~then becomes~~ is considered a public pool and ~~must meet the~~ meets OSDH requirements of OSDH.

(B) ~~The use of portable pools~~ Portable pool use is prohibited.

(C) A certified life guard or ~~person~~ individual having a current water safety certificate or comparable certificate with cardio-pulmonary resuscitation and first aid is in attendance at all times ~~when the~~ during pool is in use.

(15) **Animals.**

(A) ~~Harboring animals on the premises is in accordance with local~~ Local ordinances regarding animals are followed.

(B) Animals may be are kept on the premises only when the health and safety of each animal and the residents resident's health and safety can be reasonably assured ensured.

(C) Animals ~~with which residents have~~ having resident contact are maintained in a ~~state of~~ good health and ~~are~~ free of diseases communicable to humans.

(D) ~~Dogs and cats kept on the premises are vaccinated annually~~ Programs maintain current dog and cat vaccinations administered by a licensed veterinarian.

(E) ~~Areas of confinement~~ Confinement areas are cleaned of excrement regularly. Animals are maintained in a visibly clean manner.

(F) The OSDH is immediately notified ~~as required by state law if~~ when a resident is bitten by an animal.

### **340:110-3-165.1. Safety and emergency preparedness requirements**

Issued 7-1-09 Revised 6-1-22

~~The requirements in this~~ This Section establish establishes residential child care safety and emergency preparedness requirements for residential child care facilities.

(1) **Fire drills.** Residents participate in fire ~~exit~~ drills ~~performed~~ at least six times ~~per year~~ annually on a ~~bimonthly~~ bi-monthly basis with a ~~minimum of~~ at least two drills conducted at night during ~~normal~~ sleeping hours.

(2) **Tornado drills.** Residents participate in tornado drills conducted each spring.

(3) **Fire and tornado drill records.** Facilities maintain ~~a log of all~~ fire and tornado ~~drills~~ drill logs.

(4) **High-risk High-risk activities.** ~~If the facility allows~~ When residents to engage in activities, such as horseback riding, archery, gymnastics, karate, or using ~~firearms~~ weapons, a written plan ~~which ensures~~ ensuring the residents' health and safety of residents is maintained ~~on file~~ at the facility program. The plan includes:

(A) activity supervisor's qualifications of the supervisor of the activity;

(B) personnel qualifications of ~~any other staff members~~ necessary for proper supervision;

(C) number of ~~staff members~~ personnel needed to ~~supervise the activity~~ for supervision;

(D) conditions ~~under which a~~ for resident may participate in the activity participation, such as age and the skill of the resident level;

(E) ~~any necessary~~ special equipment, ~~for example,~~ such as life jackets or helmets, including the supply and condition; and

(F) safety practices followed.

(5) **Water activities.** ~~If~~ When residents engage in recreational water activities, safety precautions are followed. ~~A person~~ An individual with a current water safety certificate or comparable certificate is in attendance at all times. This person is in the water or is prepared to enter the water at any time.

(6) **Disaster planning.** The ~~facility has~~ program maintains a written plan for:

~~(A) reporting and protecting from outside threats, and evacuating in case of;~~

~~(B) fire evacuation;~~

~~(C) flood, tornado, blizzard, power failure;~~ or

~~(D) other natural or man-made disaster that could create~~ causing facility structural damage ~~to the facility or pose~~ posing health hazards.

(7) **Sleep positioning.** To reduce the risk of Sudden Infant Death Syndrome, infants younger than 12 months of age are placed on their ~~back~~ backs for sleeping unless there is a medical reason documented by a ~~doctor that~~ licensed physician indicating the infant ~~should~~ not sleep in this position.

~~(A) Documentation is maintained at the facility~~ program.

~~(B)(A) Infants who are able to turn themselves over are initially placed initially on their back~~ backs for sleeping but are allowed to sleep in a position they prefer.

~~(C)(B) Infant and toddler's~~ Infants' and toddlers' heads and faces are not covered.

(8) **Infant safe sleep environment.** Infant safe sleep environments are maintained.

(A) Infants sleep in cribs or portable cribs meeting requirements, per Oklahoma Administrative Code 340:110-3-157(k).

(B) Infants sleep directly on a tight-fitting sheet covering the mattress.

(C) Only pacifiers without attachments are in rest equipment with infants. Bibs are not placed around infants' necks when in rest equipment.

(D) Infants, birth through three months of age, may be swaddled with an infant-sized, thin fabric, such as a receiving blanket, only when the infant is not mobile enough to move the fabric over his or her face.

(E) When an infant falls asleep in equipment other than appropriate rest equipment, he or she is immediately moved to appropriate rest equipment.

(F) Soft products, such as blankets, quilts, comforters, sheepskins, pillows, stuffed toys, and bumper pads are prohibited inside and on the side of the infant rest equipment.

(G) Sleep positioners and elevated mattresses are prohibited, unless there is a medical reason documented by a licensed physician.

(H) Play equipment and other items are not placed inside, above, or attached to the sides of the infant rest equipment, unless there is a medical reason for a monitor or other device documented by a licensed physician. However, mobiles may be securely attached or hung above the crib, provided no part of the mobile is within infant's reach.

## **PART 15. REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY PROGRAMS, AND PROGRAMS FOR SICK CHILDREN**

**340:110-3-277. Other business, shared facility, and collaborations**

Issued 1-1-16 Revised 6-1-22

(a) **Other business.** No other business or activity unrelated to child care is conducted at the facility during ~~the hours of operation~~ hours, unless shared facility requirements are met.

(b) **Shared facility.** The program may share the facility with other businesses provided the requirements in (1) through (3) of this subsection are met.

(1) **Limitations.** Other businesses sharing the facility:

(A) must not pose a health or safety risk to children in care;

(B) have their own entrances, excluding schools;

~~(B)~~(C) have their own restrooms, excluding schools, or the program follows a Licensing-approved written plan, addressing ~~the~~ prevention of unsupervised access to children by individuals from the other businesses; and

~~(C)~~(D) do not use licensed space during ~~the hours of operation~~ operating hours, unless ~~the~~ alternate play area requirements are met.

(2) **Licensed space.** Licensed space at the facility is clearly defined.

(3) **Alternate play areas.** When the program's licensed indoor or outdoor play areas ~~may be~~ are used during ~~the hours of operation~~ by another business in the shared facility during operating hours, the program:

(A) has at least one designated alternate play area ~~that~~ children may use when licensed play areas are unavailable. Alternate play areas:

(i) are indoors, outdoors, or both depending ~~upon~~ on potential circumstances;

(ii) are ~~only~~ temporarily used only on an occasional basis when the licensed play areas are unavailable, unless the area is also a supplemental play area, such as a gymnasium;

(iii) are not calculated in ~~the~~ licensed capacity, per Oklahoma Administrative Code (OAC) 340:110-3-301(b) and (c); and

(iv) meet requirements when used by children in care; and

(B) follows a Licensing-approved written agreement between the program and the other businesses, addressing ~~the terms of use~~ for licensed space use and alternate play areas, including the:

(i) designated alternate play areas for indoors, outdoors, or both; and

(ii) circumstances, frequency, and duration of use.

(c) **Collaborations.** When the program collaborates with a school, the program submits a collaboration agreement as maintained, per OAC 340:110-3-281.2(c), and chooses whether the collaborative classrooms are included in the licensed capacity during the collaborative times.

(1) **Included in licensed capacity.** When the collaborative classrooms are included in the licensed capacity:

(A) all the requirements are met in ~~these~~ collaborative classrooms; and

(B) the school teachers are required to meet ~~the~~ teaching personnel requirements and may count as master teachers when ~~the individual meets~~ meeting master teacher qualifications and responsibilities.

(2) **Not included in licensed capacity.** When the collaborative classrooms are not included in the licensed capacity, the:

(A) licensed capacity is reduced by the room capacity during the collaborative time;



- (B) classrooms have a notice posted on or near the doors, at all times, ~~stating identifying the times when it is a~~ collaborative classroom schedule;
- (C) classrooms, during the collaborative time, are only required to meet ~~the~~ facility requirements, per OAC 340:110-3-300. However, the physical environment requirements, per OAC 340:110-3-300 through 340:110-3-304, apply to licensed spaces, even when children participating in the collaboration are the only children present;
- (D) school teachers are not required to meet ~~the~~ personnel requirements and do not count as master teachers;
- (E) school is responsible for children participating in the collaboration during the collaborative time; and
- (F) school teachers and teaching personnel know ~~which children are~~ their responsibility, assigned children when children participating in the collaboration are in licensed space.

### **340:110-3-278. Policy**

Revised ~~11-22-166-1-22~~

- (a) **General.** Policies are individualized to the program, followed, and maintained, per Oklahoma ~~Administration~~ Administrative Code (OAC) 340:110-3-281.2(c).
- (b) **Program liability insurance policy.** Program liability insurance is maintained, unless an exception, per ~~Section 404.3 of Title 10 of the Oklahoma Statutes,~~ the Oklahoma Child Care Facilities Licensing Act, Section 404.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 404.3), is posted, per OAC 340:110-3-281.1.
- (c) **Vehicle insurance policy.** Vehicle insurance is maintained, per OAC 340:110-3-281.2(c) and (d).
- (d) **Program policy.** Program policies:
  - (1) are provided to:
    - (A) parents upon enrollment and when revisions are made; and
    - (B) personnel upon employment and when revisions are made; and
  - (2) ~~include~~ at least, include items (A) through (L), unless a statement is included addressing non-applicable items:
    - (A) a brief program description;
    - (B) ~~the~~ ages of children accepted;
    - (C) ~~the~~ days and hours of operation including days closed, such as holidays;
    - (D) ~~the location of the~~ compliance file location;
    - (E) relevant emergency plans and procedures information for parents;
    - (F) ~~the~~ health inclusion, separation, and exclusion criteria, including head lice and other infestations;
    - (G) whether the program administers medication and under what conditions;
    - (H) ~~the~~ behavior management and discipline methods;
    - (I) expulsion policy;
    - (J) ~~the~~ mandatory reporting ~~requirement~~ of suspected child abuse and neglect;
    - (K) ~~an~~ infant safe sleep environment description; and
    - (L) procedures for:
      - (i) gaining ~~access to the building~~ access when the entrance is secured;

- (ii) receiving and releasing children ~~from the program~~, including the methods for ~~verifying the identity of a caller to authorize the~~ identification authorizing pick-up of a child pick-up and of an individual who picks up a child. Verbal authorizations to pick-up a child, not previously indicated in the child's records, are documented, per OAC 340:110-3-281.4;
  - (iii) notifying parents when a child does not arrive as required, per OAC 340:110-3-280(d);
  - (iv) monitoring children's health as required, per OAC 340:110-3-294(c);
  - (v) notifying parents of communicable disease exposure, while maintaining confidentiality of the ill child or personnel;
  - (vi) notifying of infestation exposure, while maintaining confidentiality of the infected child or personnel;
  - (vii) handling illnesses, injuries, and poison exposures, including when children are off-site;
  - (viii) storing, administering, returning, and ~~disposing of medications~~ medication disposal;
  - (ix) storing, using, returning, and ~~disposing of~~ medical waste disposal, such as syringes, needles, and lancets;
  - (x) using sun safety methods, such as sunscreen and protecting children from over-exposure to the sun;
  - (xi) using insect repellent;
  - (xii) managing children's personal belongings;
  - (xiii) transporting children;
  - (xiv) notifying parents of field trips;
  - (xv) receiving children ~~who arrive~~ arriving late for field trips when ~~their~~ the group has left the facility; and
  - (xvi) providing meals and snacks, including ~~these~~ for field trips.
- (e) **Personnel policy.** When the program has two or more personnel, personnel policies:
- (1) are provided to personnel upon employment and when revisions are made; and
  - (2) ~~include~~, at least, include the:
    - (A) qualifications, responsibilities, and professional development requirements for each position, including initial and continuing professional development. Position descriptions may meet this requirement;
    - (B) chain of command;
    - (C) health and injury exclusion criteria, including head lice and other infestations; and
    - (D) procedures for the:
      - (i) close supervision of new personnel for at least 30-calendar days;
      - (ii) performance evaluations; and
      - (iii) discipline and termination of personnel.
- (f) **Volunteer policy.** When the program uses volunteers, ~~who are~~ not filling another position, per OAC 340:110-3-284.1 through 340:110-3-284.4, volunteer policies:
- (1) are provided to ~~the~~ volunteers upon starting service and when revisions are made; and
  - (2) ~~include~~, at least, includes:
    - (A) screening and selection criteria; and

- (B) procedures for ensuring volunteers:
  - (i) are familiar with emergency preparedness plans and procedures, per OAC 340:110-3-279; and
- ~~(C) procedures for ensuring the volunteers~~ (ii) obtain training and comply with requirements.

### **340:110-3-279. Emergency preparedness**

Revised ~~11-22-166-1-22~~

#### **(a) Emergency plans and procedures.**

- (1) **General.** The program is required to have emergency plans that are:
  - (A) individualized to the program and ~~hours of operation~~ operating hours;
  - (B) followed, unless children's safety is at risk or emergency personnel provide alternative instructions during an emergency; and
  - (C) maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.2(c).
- (2) **Situations.** Emergency plans include procedures for:
  - (A) serious injuries;
  - (B) serious illnesses;
  - (C) poison exposure;
  - (D) ~~outbreaks of communicable diseases~~ disease outbreaks, including pandemic influenza;
  - (E) weather conditions, including tornados, floods, blizzards, and ice storms;
  - (F) fires, including wildfires;
  - (G) man-made disasters, including chemical and industrial accidents;
  - (H) human threats, including individuals with threatening behaviors, bomb threats, and terrorist attacks;
  - (I) lost or abducted children;
  - (J) utility disruption; and
  - (K) other natural or man-made disasters that could create ~~structural damage to the facility~~ structural damage or pose health hazards.
- (3) **Child needs considerations.** Emergency plans include procedures for addressing each child's needs, with additional considerations for children:
  - (A) ~~2-year-olds~~ 2 years of age and younger; and
  - (B) ~~children with disabilities~~ special needs or chronic medical conditions.
- (4) **Account for children.** ~~The emergency~~ Emergency plans include procedures to account for each child's location during an emergency.
- (5) **Shelter-in-place.** Emergency plans include shelter-in-place procedures for short and extended stay situations ~~that require~~ requiring children to stay in the building, such as tornados and other weather emergencies.
- (6) **Lock-down.** Emergency plans include lock-down procedures for situations threatening the ~~safety of children and personnel~~ personnel's safety. Lock-down procedures include:
  - (A) notifying personnel;
  - (B) keeping children in designated safe locations in the building;
  - (C) encouraging children to remain calm and quiet;
  - (D) securing building entrances;

- (E) preventing unauthorized individuals from entering the building. When the program is in a shared facility, the program entrances are secured; and
- (F) responding when outdoors and on field trips.
- (7) **Evacuation.** Emergency plans include evacuation procedures for situations ~~that require~~ requiring children leave the building, such as building fires. Evacuation procedures include:
  - (A) evacuation routes posted, per OAC 340:110-3-281.1(c) and (i); and
  - (B) pre-determined meeting locations.
- (8) **Relocation.** Emergency plans include relocation procedures for situations ~~that require~~ requiring children move to an alternate location, such as bomb threats and wildfires. Relocation procedures include:
  - (A) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at alternate locations;
  - (B) relocating children, including a pre-determined transportation plan; and
  - (C) reuniting parents and children.
- (9) **Reporting.** Emergency plans include procedures for notifying:
  - (A) emergency authorities, including the poison control center, when necessary;
  - (B) parents, including a method and backup method for how and when parents are notified; and
  - (C) Licensing, per OAC 340:110-3-280(a).
- (10) **Personnel.** Emergency plans include procedures for ensuring personnel are familiar with the:
  - (A) current emergency plans and procedures, including roles and responsibilities in an emergency;
  - (B) location of the:
    - (i) emergency plans and procedures;
    - ~~(C) location of the~~ (ii) posted emergency information; and
    - ~~(D) location of the~~ (iii) first aid and emergency supply kits; and
    - ~~(E)(C)~~ location and use of the fire extinguishers.
- (b) **Phones.**
  - (1) **On-site.** The program provides an operable phone ~~in each building and on each floor, per OAC 340:110-3-300(x).~~
  - (2) **Off-site activities.** An operable phone is available ~~at off-site activities, per OAC 340:110-3-287(g).~~
  - (3) **Vehicles.** An operable phone is ~~in each vehicle when children are transported available, per OAC 340:110-3-305(e).~~
- (c) **Posted emergency information.**
  - (1) **Program information and emergency numbers.** Items are posted, per OAC 340:110-3-281.1(d) and (i).
  - (2) **First aid kit, emergency supply kit, and fire extinguisher locations.** Locations are posted, per OAC 340:110-3-281.1(i).
  - (3) **Evacuation routes.** Routes are posted, per OAC 340:110-3-281.1(c) and (i).
- (d) **First aid kits.**
  - (1) **Location.** First aid kits are located in each building and in vehicles when transporting children.

(2) **Accessibility.** First aid kits are accessible to personnel at all times and inaccessible to children.

(3) **Replace.** First aid kit supplies are replaced as needed, including expired items.

(4) **Sanitary.** First aid kit supplies are maintained in a clean and sanitary manner, including sanitizing re-usable supplies.

(5) **Supplies.** First aid kit supplies are stored together in a portable container.

(A) Supplies ~~include~~, at least include:

(i) non-medicated adhesive strips;

(ii) sterile gauze pads;

(iii) rolled flexible or stretch gauze;

(iv) bandage tape;

(v) disposable non-porous, latex-free gloves;

(vi) blunt-tipped scissors;

(vii) tweezers;

(viii) a non-glass and non-mercury thermometer. The appropriate thermometer and method are used, per OAC 340:110-3-294(d);

(ix) a current first aid guide; and

(x) a copy of ~~the~~ posted program information and emergency numbers, per (c) of this Section.

(B) In addition, the first aid kits in vehicles ~~include~~, at least include:

(i) a cold pack;

(ii) liquid soap and water or individually packaged moist, disposable towelettes, for cleaning wounds;

(iii) hand sanitizer and moist, disposable towelettes, for hand hygiene;

(iv) plastic bags for disposal of items contaminated with blood or other body fluids; and

(v) a pen or pencil and note pad.

(e) **Emergency supply kit.**

(1) **Records.** Records available during an emergency ~~include~~, at least include the:

(A) emergency plans and procedures, per OAC 340:110-3-281.2(c), and alternate location addresses, phone numbers, and contacts;

(B) emergency contacts, per OAC 340:110-3-281.2(c); and

(C) full names of children and personnel currently in attendance.

(2) **Supplies.** Emergency supplies gathered at the time of an emergency or maintained in a portable container at all times ~~include~~, at least include:

(A) a first aid kit; and

(B) children's prescribed medications, including life-threatening condition medications.

(f) **Testing and maintaining emergency equipment.**

(1) **Individual smoke and carbon monoxide alarms.** When the facility is equipped, per OAC 340:110-3-300(t) or (u), individual alarms are:

(A) operable; and

(B) tested at least monthly. Documentation is maintained, per OAC 340:110-3-281.2(c).

(2) **Central detection and alarm system for smoke and carbon monoxide.** When the facility is equipped, per OAC 340:110-3-300(v), the system is:

- (A) fully functional;
- (B) checked at least monthly by viewing the control panel and documented, per OAC 340:110-3-281.2(c). However, ~~this is~~ monthly checks are not required when a company ~~continuously~~ monitors the system continuously for full-function as documented, per OAC 340:110-3-281.2(c); and
- (C) inspected and tagged at least every 12 months by a state licensed authority.

(3) **Fire extinguishers and automatic sprinkler systems.** Fire extinguishers and automatic sprinkler systems are:

- (A) fully functional; and
- (B) inspected and tagged at least every 12 months by a state licensed authority.

(g) **Drills and reviews.**

(1) **General.** Drills and reviews are documented, per OAC 340:110-3-281.2(c), and drills are conducted:

- (A) at various times throughout ~~the hours of operation~~ hours, such as morning, mid-day, afternoon, and evening, so children and personnel in attendance at various times are involved in each type of drill at least ~~one time~~ once every three months;
- (B) by following ~~the~~ pre-determined emergency plans and procedures; and
- (C) per required scheduling.

(i) **Monthly.** Monthly drills include:

- (I) fire drills conducted by evacuating and meeting at pre-determined locations; and
- (II) tornado drills conducted by sheltering in pre-determined on-site locations.

(ii) **Annual.** Annual drills include:

- (I) locking-down by sheltering in pre-determined on-site locations;
- (II) relocating according to ~~procedures of preparation to relocate~~ preparation procedures, but ~~do not require~~ physical relocation is not required;
- (III) sheltering-in-place, requiring children stay inside the facility, such as tornados and other weather emergencies; and
- (IV) evacuating and meeting at pre-determined locations.

(2) **Lock-down and relocation procedures reviews.** Personnel review the procedures at least once every 12 months.

(3) **Emergency plans and procedures reviews.** The director updates, ~~as~~ when necessary, and reviews emergency plans and procedures:

- (A) at least once every 12 months;
- (B) ~~upon enrollment of~~ when enrolling children with ~~disabilities~~ special needs or chronic medical conditions;
- (C) after a drill when procedure issues are identified; and
- (D) after an emergency, as identified in this Section.

**340:110-3-280. Reporting**

Issued 1-1-16 Revised 6-1-22

(a) **Licensing.**

(1) **Next business day.** The owner, responsible entity, or director notifies Licensing by the next Oklahoma Department of Human Services (~~DHS~~) (OKDHS) business day of:

- (A) a ~~change of~~ responsible entity change;
- (B) a ~~change of~~ director change;
- (C) a ~~change in~~ mailing address change, when different from the physical address;
- (D) a ~~change in~~ phone number change;
- (E) a ~~change in~~ program liability insurance coverage change;
- (F) an individual moving into the facility;
- (G) a known legal action, such as a Victim Protection Order, arrest, or criminal investigation or charge, involving the program, owner, responsible entity, personnel, or an individual living in the facility;
- (H) a known child abuse or neglect pending investigation or disposition involving the owner, responsible entity, personnel, or an individual living in the facility ~~that is pending or has a disposition~~;
- (I) an unscheduled temporary or permanent program closure or relocation;
- (J) facility damage affecting the amount of usable square footage or compliance with requirements;
- (K) an incident ~~that exposes~~ exposing children to an imminent risk of harm, such as a child leaving the facility without ~~program~~ personnel's knowledge or being left alone on- or off-site or in a vehicle;
- (L) an animal bite to an individual ~~that occurs~~ occurring on-site at any time or ~~off-site~~ when participating in off-site program activities;
- (M) an accident involving transportation, unless ~~there were~~ no injuries and only minor vehicle damage to the vehicles occurred;
- (N) a child injury requiring emergency medical attention; ~~and~~
- (O) a child death occurring while in care; ~~or~~
- (P) any disease or illness requiring prompt local or Oklahoma State Department of Health (OSDH) notification, per (c)(1) of this subsection.

(2) **Thirty-calendar days prior.** The owner, responsible entity, or director notifies Licensing at least 30-calendar days prior to:

- (A) an anticipated temporary or permanent program closing, other than a scheduled closing identified in program policy, such as a holiday;
- (B) an anticipated temporary or permanent ~~change in~~ location change;
- (C) an anticipated facility change or alteration ~~effecting~~ impacting the amount of usable square footage or compliance with the requirements;
- (D) a ~~change of~~ business entity change;
- (E) a ~~change in~~ program name change; ~~and or~~
- (F) a proposed licensed capacity change.

(b) **Child abuse and neglect hotline.**

(1) **Immediately.** Individuals ~~who have~~ having a suspicion or reason to believe a child was abused or neglected or is in danger of being abused, immediately ~~make a report to contact~~ the statewide Child Abuse and Neglect Hotline 1-800-522-3511, per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101).

(2) **Failure to report.** It is a misdemeanor for any individual ~~who fails~~ failing to report suspected child abuse or neglect.

(c) **Health department.**

(1) **Promptly.** The program promptly notifies the local or ~~Oklahoma State Department of Health (OSDH)~~ of a known case, in individuals associated with the program, of:

- (A) ~~Haemophilus influenzae invasive diseases;~~
- ~~(B) hepatitis A;~~
- (C) measles Measles; and
- ~~(D)(B) meningococcal invasive disease;~~ or
- (C) an outbreak of two or more cases within a facility of:
  - (i) COVID-19;
  - (ii) influenza; or
  - (iii) varicella (chicken pox).

(2) **Next business day.** ~~By the next health department business day, the~~ The program notifies the local or OSDH by the next health department-business day of a known case, in individuals associated with the program, of:

- (A) Campylobacteriosis;
- (B) cryptosporidiosis;
- ~~(C) E. coli O157:H7 or shiga toxin-producing~~ Shiga toxin-producing E. coli (STEC);
- ~~(D) Haemophilus influenzae invasive disease;~~
- ~~(E) hepatitis A;~~
- ~~(F) mumps;~~
- ~~(B)(G) rubella;~~
- ~~(C)(H) salmonellosis;~~
- ~~(D)(I) shigellosis;~~
- ~~(E)(J) tuberculosis; and~~ or
- ~~(F)(K) whooping cough (pertussis).~~

(3) Programs follow all guidelines and recommendations per local or OSDH authorities.

(d) **Parents.**

(1) **Immediately.** The program notifies parents immediately of:

- (A) a child ~~who does not arrive on his or her own~~ not arriving at the facility on his or her own as scheduled, such as when walking to the facility;
- (B) a child not present at the pick-up location as scheduled;
- (C) a child or individual at the pick-up location who ~~believes the child is to be transported by the program, when the program is not providing this transportation~~ contradicts previously established pick-up arrangements;
- (D) a situation requiring immediate administration of a life-threatening condition medication ~~that is only administered as needed;~~
- (E) an injury that may need evaluation by a licensed physician;
- (F) poison exposure; ~~and~~ or
- (G) an animal bite to a child, when the skin is broken or when an evaluation by a licensed physician may be needed.

(2) **Promptly.** The program ~~notifies parents promptly of~~ promptly notifies parents when a child ~~who~~ is:

- (A) is separated from the group due to an illness or infestation or when exclusion is required, per Oklahoma Administrative Code (OAC) 340 Appendix JJ - Exclusion Criteria for Children Who Are Ill; or



(B) has a suspected allergic reaction, including ingestion of, or contact with, allergens, even when a reaction did not occur.

(3) **Upon child pick up.** The program notifies parents upon child pick up of:

(A) daily happenings, including the infant and 1-year-old daily records as maintained, per OAC 340:110-3-281.4(b);

(B) changes in the child's physical or emotional state;

(C) known minor injuries;

(D) illness or infestation symptoms that developed or changed;

(E) a communicable disease or infestation exposure ~~according to program policy,~~ per OAC 340:110-3-278(d);

(F) an administration of a non-life-threatening condition medication ~~that is only when administered only~~ as needed, such as diaper cream;

(G) an animal bite to a child, when the skin is not broken; and

(H) implemented emergency plans and procedures, except for drills.

(4) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or operator provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.

(A) Notification is:

(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and

(ii) provided by certified mail.

(B) The program maintains the list of notified parents and legal guardians for at least 12 months.

~~(4)~~(5) Prior. ~~The program notifies parents prior~~ Prior to each field trip, ~~the program notifies parents~~ of the date, time, and location. The field trip permission, per OAC 340:110-3-281.4(b), meets this requirement when this specific information is included.

~~(5)~~(6) Upon enrollment and prior to changes. The program notifies parents upon enrollment and prior to a change in the presence of:

(A) ~~an animal~~ animals;

(B) tobacco or simulated tobacco use; and

(C) weapons, including how safety requirements are met.

### **340:110-3-281. General records and documentation**

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(a) **General.** Records and documents may have additional information in other Sections. Items are provided promptly to Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) staff, ~~upon~~ on request, and are available to parents and personnel, unless the requirements specifically state otherwise.

(b) **Confidentiality.** Confidentiality policies and procedures are maintained.

(1) Child records and other items specific to individual children are only available to personnel as or authorized individuals as determined by the program when necessary, the individual child's parents, and ~~DHS~~ OKDHS staff.

(2) Personnel records are maintained in a confidential manner ~~according to,~~ per program procedures.

- (c) **Current.** Items, including certifications, are kept current.
- (d) **Location.** Items are:
  - (1) maintained at the facility. However, personnel records may have an exception, per Oklahoma Administrative Code (OAC) 340:110-3-281.3(b);
  - (2) located according to the per requirements; and
  - (3) in a location known by the director and personnel in charge.
- (e) **Electronic.** Items may be maintained electronically, unless ~~the~~ requirements specifically state otherwise, provided:
  - (1) procedures are in place ~~to ensure~~ ensuring prompt access, including an on- or off-site electronic back-up method ~~to ensure~~ ensuring access in the event of data loss. However, paper backup is required for posted items, per OAC 340:110-3-281.1, and accessible items, per OAC 340:110-3-281.2, in the event of a power outage or non-working equipment;
  - (2) signatures are hand written and initially obtained by electronic methods or on paper and electronically converted; and
  - (3) the items can be provided to ~~DHS~~ OKDHS and parents by printing, emailing, or other methods.
- (f) **Paper only.** Items indicating paper only may also be in the form of magnets, decals, or other similar items.
- (g) **Combined documents.** Items may be combined into one document, unless the requirements specifically state otherwise.
- (h) **Original documents.** ~~DHS~~ OKDHS documents, such as forms, appendices, and publications, are not modified in any manner or combined with other items, unless ~~the~~ requirements specifically state otherwise.
- (i) **~~DHS~~ OKDHS form completion.** Forms are completed in the manner prescribed. Current ~~DHS~~ OKDHS forms are used.

### **340:110-3-281.1. Posted records and documentation**

Revised 11-22-166-1-22

- (a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281, also apply to ~~the~~ items in this Section. The items are posted at all times in a clear, unobstructed view ~~so they are easily read~~.
- (b) **Post at main entrance.** Items are posted at the program's main entrance where ~~the~~ parents and public enter and (2) through (3) of this subsection are also posted in a conspicuous location within clear view.
  - (1) **Tobacco-free environment notice.** The notice is not combined with other posted items. When the program is in a family residence, the notice indicates a tobacco-free environment at all times or no tobacco use during ~~the hours of operation~~ hours. Item is paper only.
  - (2) **Notice to parents.** Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Publication No. 14-01, Notice to Parents, is posted. Item is paper only.
  - (3) **Program liability insurance exception notification.** The ~~DHS~~ OKDHS form is posted when program liability insurance is not maintained or program reports being self-insured. Item is paper only. ■-4

(c) **Post in prominent location for parents and public.** Items are posted in a noticeable and frequently visited location for the parents and public to view and may include multiple buildings depending on where parents and public typically visit.

(1) **Permit or license.** The ~~DHS~~ OKDHS permit or license is posted. Item is paper only.

(2) **Notice of denial or revocation.** A denial or revocation notice is posted. Item is paper only.

(3) **Star certificate.** ~~DHS~~ OKDHS Star certificate is posted. Item is paper only.

(4) **Personnel in charge.** The program posts the director's full name and at least one additional personnel responsible for the program in the ~~event the director is not present at the facility~~ director's absence. When the individuals listed are not present, the appointed personnel in charge is temporarily posted.

(5) **Child abuse and neglect notification.** A notice of the Child Abuse and Neglect Hotline number and requirement to report suspected abuse or neglect is posted.

(6) **Child welfare investigative summary - confirmed and substantiated findings.** ~~DHS~~ OKDHS form is posted for 120-calendar days from the date the investigation is completed, as indicated on the form. Item is paper only. ■-2

(7) **Evacuation routes.** A floor plan with primary and secondary evacuation routes from each area of the building is posted on each floor. Item is paper only and may only be combined as ~~described~~ per (i) of this Section.

(8) **Weekly menu.** The menu, including dates and substitutions, is posted. Additional posted menus are duplicates, including substitutions.

(d) **Post in prominent location for personnel.** Items are posted in a noticeable and frequently visited location for personnel to view and may include multiple buildings.

(1) **Program information.** The program name and address, with main cross streets or directions to the facility, are posted. Item is paper only.

(2) **Emergency numbers.** The program posts emergency numbers. Item is paper only. Numbers include:

(A) 9-1-1, where available, or local law enforcement, fire department, and ambulance service; and

(B) poison control, 1-800-222-1222.

(3) **Restricted registry notice.** ~~DHS~~ OKDHS Publication No. 14-07, Child Care Restricted Registry Notice is posted. Item is paper only.

(e) **Post in kitchen.** The requirements listed in (1) and (2) of this subsection are met.

(1) **Weekly menu.** The menu, including dates and substitutions, is posted. Additional posted menus are duplicates, including substitutions.

(2) **Food allergies.** ~~Known Children's~~ food allergies of ~~children in care~~ are posted near the menu, including the child's full name and classroom.

(f) **Post on all microwaves - warning.** ~~DHS~~ OKDHS Publication No. 97-27, Microwave Warning, is posted. However, the program may modify the publication or develop a document, provided the information remains the same or is exceeded. When the program shares the facility, the posting is only required on microwaves used for children's food. Item is paper only.

(g) **Post near sinks – hand washing procedures.** The program posts ~~DHS~~ OKDHS Publication No. 14-02 – Hand Washing Procedures Using Paper Towels or ~~DHS~~ OKDHS Publication No. 14-03 – Hand Washing Procedures Using Mechanical Hand Dryers,

where individuals can read the publication ~~while washing their hands~~ during hand washing. However, the program may modify the publication or develop a document, provided the procedures remain the same or are exceeded.

(h) **Post in diaper changing areas - procedures.** The program posts ~~DHS~~ OKDHS Publication No. 14-04 - Diaper Changing Procedures, where individuals can read the publication while changing diapers. However, the program may modify the publication or develop a document, provided procedures remain the same or are exceeded. Item is paper only.

(i) **Post in classrooms.** Items are posted where personnel and parents can read the items, unless the requirements specifically state otherwise. Two or more classrooms may share the posted items when the classrooms are next to each other and are divided by low height walls or barriers and the items can be read from each classroom.

(1) **Program information and emergency numbers.** The program posts duplicate items in a prominent location for personnel, per (d) of this Section. Items are paper only.

(2) **First aid kits, emergency supply kits, and fire extinguishers.** The location of kits and fire extinguishers are posted. Items are paper only.

(3) **Evacuation routes.** A floor plan with primary and secondary evacuation routes from the classroom(s) is posted. Routes are not combined with other posted items, except for program information, emergency numbers, and locations of first aid kits, emergency supply kits, and fire extinguishers, per (1) and (2) of this subsection. Items are paper only.

(4) **Ratios and group sizes.** The applicable program-type ratios and group sizes, per OAC 340 Appendix GG - Ratios and Group Sizes are posted.

(5) **Daily classroom schedule.** The program posts a schedule with the required content, per OAC 340:110-3-289(b). Classrooms may ~~only~~ share this item when the schedule is applicable to each classroom.

(6) **Weekly lesson plans.** The program posts lesson plans with the dates and required content, per OAC 340:110-3-289(d). Classrooms may only share this item when the lesson plan is applicable to each classroom.

(7) **Allergies.** The program posts ~~known~~ children's food and life-threatening allergies, including the child's full name, and location of any life-threatening condition medications ~~for children present in classroom(s), when exposure could potentially occur while in care. To protect confidentiality, the~~ The item is posted in a location or manner protecting confidentiality, such as with a cover sheet, ~~so only personnel can read it~~ unless a waiver release is obtained by the parent. Item is paper only.

## ~~INSTRUCTIONS TO STAFF 340:110-3-281.4 [REVOKED]~~

~~Revised 11-22-16~~

~~1. Department of Human Services (DHS) Form 07LC093E, Insurance Exception Notification.~~

~~2. DHS Form 04CP004E, Child Welfare Investigative Summary – Notification to Oklahoma Child Care Services.~~

**340:110-3-281.4. Child records and documentation**

Issued 1-1-16 Revised 6-1-22

(a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281, also apply to the items in this Section.

(b) **Child records.** The child record requirements listed in (1) through (16) of this subsection are met.

(1) **Child information.** Oklahoma Department of Human Services (~~DHS~~) (OKDHS) form, or a program form ~~that contains~~ containing the same information, is: ■-4

(A) completed by the parent prior to the child's first day of attendance; and

(B) ~~the item is~~ paper only.

(2) **Infant and 1-year-old daily record.** Daily records for 1-year-olds and younger are available in the child's classroom and include prompt documentation of eating, diapering, and sleeping activities.

(3) **Verbal pick-up authorizations.** When verbal authorization for the pick-up of a child is obtained, personnel document the authorization, including the:

(A) ~~date and time of the~~ authorization date and time;

(B) ~~period of time~~ period the authorization is valid; and

(C) full name of the:

(i) individual providing authorization;

(ii) individual being given authorization; and

(iii) personnel receiving authorization.

(4) **Specialized service professional permission and release.** Signed and dated parent permission is available. In addition, when the professional does not complete the background investigation requirements, per OAC 340:110-3-282(a), parent releases indicating this understanding are signed and dated prior to unsupervised access to children for each professional.

(5) **Food reward exception plan.** A behavior modification plan is available and includes content, per OAC 340:110-3-288(d), director and parent signatures, and the date signed.

(6) **Immunization records.** An immunization record or exemption is obtained prior to the first day of attendance and is updated when the child receives additional vaccines.

(7) **Medication permission.** Signed parent permission for each medication is obtained, prior to administration, on a ~~DHS~~ an OKDHS or program form ~~that contains~~ containing the same information. ■-2

(A) Parent instructions are the same as:

(i) the container instructions; or

(ii) a licensed physician's written statement regarding over-the-counter medication instructions ~~that differ~~ differing from the container instructions.

(B) For chronic medical conditions, permission may be obtained for 12 months or less at a time, provided specific instructions include when administration is needed, such as diaper cream and inhalers.

(8) **Medication administration.** Each dose administered, excluding diaper cream is immediately documented on a ~~DHS~~ an OKDHS or program form ~~that contains~~ containing the same information. ■-2

(9) **Injury or poison exposure report.** A ~~DHS~~ An OKDHS or program form ~~that contains~~ containing similar information is completed for each injury or poison exposure ~~that occurs~~ occurring while in care. ■-3

(10) **Infant safe sleep environment.** Written statements from licensed physicians, signed parent permissions, or both are available when required, per OAC 340:110-3-296(b).

(11) **Transportation permission and driver release.** Signed parent permission:

(A) is obtained prior to transportation; and

(B) ~~includes~~, at least includes:

(i) vehicle information, such as whether a program or personal vehicle is used;

(ii) driver information, such as whether the driver is personnel or a volunteer.

In addition, when a volunteer driver does not complete the background investigation requirements, per OAC 340:110-3-282(a), parent releases indicating this understanding are signed and dated prior to unsupervised access to children for each volunteer driver; and

(iii) a ~~specific pick-up and drop-off plan identified by the program or parent that, at least addresses the times and transfer of supervision~~ specifying pick-up and drop-off times and locations.

(12) **Field trip permission.** Signed parent permission is obtained prior to the field trip, and documentation is maintained for at least 12 months from the trip. Field trip permission may be:

(A) specific with dates, times, and locations; or

(B) general for all field trips occurring within a specified time period, not to exceed 120 calendar days, provided parents are notified of specifics for each field trip, per OAC 340:110-3-280(d).

(13) **Higher risk activity permission and plan.** A plan is provided to parents, and signed parent permission is obtained prior to the activity. Documentation of both is maintained for at least 12 months from the activity. Permission may be for each time the child participates or a general permission for each activity type, such as swimming, may be given for 120 calendar days or less at a time. Field trip permission ~~that includes~~ including the higher risk activity plan meets the requirement. The plan includes:

(A) activity-related qualifications of the individual(s) leading the activity;

(B) minimum ratios for the activity;

(C) conditions for the child's participation, such as his or her age and skill levels;

(D) special equipment necessary, such as safety helmets or specific clothing; and

(E) safety practices followed.

(14) **Annual parent conferences.** Documentation is maintained, per OAC 340:110-3-281.2(c).

(15) **Swimming skills - children.** A signed and dated parent statement regarding the water depth ~~in which their~~ the child may swim in is obtained prior to the water activity, and documentation is maintained for at least 12 months from the activity.

(16) **Special diet for infants.** Written statements from licensed physicians are maintained when required, per OAC 340:110-3-298(f).

#### ~~INSTRUCTIONS TO STAFF 340:110-3-281.4 [REVOKED]~~

~~Issued 1-1-16~~

~~1. Oklahoma Department of Human Services (DHS) Form 07LC038E, Child Information.~~

~~2. DHS Form 07LC122E, Medication Permission and Administration.~~

~~3. DHS Form 07LC118E, Injury and Poison Exposure Report.~~

### **340:110-3-283. Prohibited individuals**

Issued ~~1-1-16~~ Revised 6-1-22

(a) **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:

(1) 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~~:

(A) criminal history prohibitions; ~~or~~

(B) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or

(C) a substantiated heinous and shocking abuse finding; or

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

(b) **Background investigation of drivers.** In addition to (a) of this Section, the program does not allow an individual, ~~who is~~ required to obtain a background investigation to transport children when the individual has entered a plea of guilty or nolo contendere (no contest), or been convicted of driving under the influence of alcohol or drugs or another impaired driving offense within the last five years.

(c) **Background of any individual.** The program does not allow any individual to have 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 program is aware the individual has criminal history prohibitions, per Oklahoma Administrative Code (OAC) 340:110-3-282(c). However, individuals may drop-off and pick-up children in care.

(d) **Behavior or health of any individual.** The program does not allow any individual to have access to children or live in the facility when the individual's behavior or health could endanger the children's health, safety, or well-being ~~of children~~.

(e) **Health of food service personnel.** In addition to (a) and (d) of this Section, the program does not allow any individual to work in any capacity in any ~~area of~~ food service area whose health could endanger the children's health, safety, or well-being ~~of children~~, including communicable disease and infestation symptoms, other than head lice.

(f) **Treating medical personnel statement.** When it is reported or observed an individual has a physical, mental, or emotional condition that may negatively impact the children or impair the individual's ability to perform his or her assigned job responsibilities, the program may be required to submit to Licensing a treating medical personnel statement ~~that~~. Documentation is maintained, per OAC 340:110-3-281.3(b).

### **340:110-3-284. General qualifications, responsibilities, and professional development**

Revised ~~11-22-16~~ 6-1-22

(a) **General.** Personnel are required to meet the general requirements in this Section and those specific to their his or her assigned position(s), per Oklahoma Administrative

Code (OAC) 340:110-3-284.1 through 340:110-3-284.4, with or without reasonable accommodations.

(b) **Qualifications.** Personnel meet the general qualification requirements ~~listed~~ in (1) through (3) of this subsection.

(1) **Skills.** Personnel possess the skills to perform ~~their~~ his or her position responsibilities.

(2) **Background investigations.** Personnel meet the background investigation requirements, per OAC 340:110-3-282.

(3) **Oklahoma Professional Development Ladder.** Prior to or within 12 months of employment, teaching personnel obtain and maintain a current Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF – Oklahoma Professional Development Ladder.

(c) **Responsibilities.** Personnel meet the general responsibility requirements ~~listed~~ in (1) through (3) of this subsection.

(1) **Complying with requirements.** Personnel comply with the requirements.

(2) **Caring for and educating children.** Personnel:

(A) individualize the care and learning opportunities ~~to meet~~ meeting each child's needs based ~~upon~~ on the child's age and abilities, including reviewing the information provided by parents while respecting confidentiality;

(B) recognize and act to correct hazards to physical safety, both indoors and outdoors;

(C) demonstrate ~~good judgment as evidenced by~~ prudent and responsible behavior that reasonably ensures the health and safety of children ensuring children's health and safety;

(D) demonstrate realistic expectations for behavior based on the children's age, abilities, and needs ~~of children~~; and

(E) work with children without physical, psychological, or emotional punishment, mistreatment, or abuse.

(3) **Reporting child abuse and neglect.** Personnel report suspected child abuse and neglect and human trafficking, per OAC 340:110-3-280(b).

(d) **Professional development.** Personnel meet the general professional development requirements ~~listed~~ in (1) through (8) of this subsection.

(1) **Professional development verification.** Verification of professional development is maintained, per OAC 340:110-3-281.3(b).

(2) **Professional development plan.** For the director and teaching personnel the program:

(A) within ~~one month~~ six months of employment, develops an individualized education plan;

(B) updates the plan annually; and

(C) maintains documentation, per OAC 340:110-3-281.3(b).

(3) **Orientation.** Within one week of employment and prior to having sole responsibility for a group of children, personnel obtain orientation, as documented, per OAC 340:110-3-281.3(b), including, at least a review of:

(A) Licensing requirements;

(B) prevention and control of infectious disease;

(C) immunizations;



- (D) injury prevention;
- (E) handling common childhood emergencies, including choking;
- (F) ~~administration of medication~~ administration consistent with standards for parental consent;
- (G) prevention of and response to emergencies due to food and allergic reactions;
- (H) prevention and control of infectious disease and mandatory reporting;
- (I) child abuse and neglect definition, identification, and mandatory reporting;
- (J) appropriate use of discipline and prevention of child maltreatment;
- (K) car seat and transportation precautions and ~~general child passenger~~ safety;
- (L) building and physical premise safety including identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic;
- (M) handling and storage of hazardous materials and appropriate ~~disposal of bio-contaminants~~ bio-contaminant disposal;
- (N) diaper changing;
- (O) prevention of shaken baby syndrome and abusive head trauma;
- (P) ~~prevention~~ reducing the risks of sudden infant death syndrome (SIDS);
- (Q) use of infant safe sleep practices; ~~and~~
- (R) child development; and
- ~~(R)~~(S) program specific information, including, at least:

- (i) policies and procedures;
- (ii) emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event addressing continuity of planning and all situations, per OAC 340:110-3-279;
- (iii) confidentiality of information regarding children and families;
- (iv) personnel's assigned duties and responsibilities, such as classroom schedules and lesson plans; and
- (v) methods used to inform personnel of children's special health, nutritional, and developmental needs.

(4) **Safe sleep.** Prior to caring for infants, personnel obtain formal professional development in safe sleep practices.

(5) **Entry Level Child Care Training (ELCCT) or equivalent.** Prior to, or within 90 calendar days of employment, teaching personnel hired after August 1, 2003, complete an approved entry-level training listed on the Oklahoma Professional Development Registry (OPDR) website, such as ELCCT. However, this training is not required when previously received, unless the individual has not been employed at a licensed program within the last five years.

(6) **CPR and first aid.** Cardio-pulmonary resuscitation (CPR) and first aid certifications are age-appropriate for the children's ages of children accepted into care and are from approved sources listed on the OPDR website. In addition to CPR and first aid certification requirements for individuals listed in (A) through (B) of this subsection, other position specific CPR and first aid certification requirements are also met, per OAC 340:110-3-284.1 through 340:110-3-284.4.

(A) At all times, at least one personnel with current CPR and first aid certification is present with children:

- (i) on-site, including in each building where children are present;

(ii) off-site; and

(iii) in each vehicle during transportation. However, a volunteer with certification from any source meets this requirement, provided the volunteer does not fill another position, excluding driver, per OAC 340:110-3-284.1 through 340:110-3-284.4.

(B) At least the director and master teachers obtain CPR and first aid certifications as required, per OAC 340:110-3-284.1(b) and 340:110-3-284.2(b).

(7) **Infection control.** Personnel obtain infection control training at least every 12 months.

(8) **Continuing professional development.** Ongoing professional development is required.

(A) The director obtains at least the required number of professional development clock-hours to maintain a current Oklahoma Director's Credential, per OAC 340 Appendix EE - Oklahoma Director's Credential. However, informal professional development clock-hours are limited.

(B) Teaching personnel obtain at least the required number of professional development clock-hours to maintain a current OPDL certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder. However, informal professional development clock-hours are limited.

(C) Formal professional development is:

(i) a course or training event of two or more clock-hours from an OPDR approved training organization; and

(ii) OPDR approved college credit hours.

(D) Informal professional development is:

(i) a course or training event of less than two clock-hours from an OPDR approved training organization;

(ii) any number of clock-hours from an OPDR non-approved training organization; and

(iii) any training from electronic media, such as videos or DVDs.

(E) Reading and television programs do not count toward required clock-hours.

(9) **Child passenger safety.** When the program provides transportation for ~~5-year-olds or younger~~ children required to be in a car seat or booster seat, per Child Passenger Restraint System, Section 11-1112 of Title 47 of the Oklahoma Statutes (47 O.S. § 11-1112), the program has at least one personnel who obtained child passenger safety training from an approved source listed on the OPDR website, unless the vehicles used are exempt, per OAC 340:110-3-305(g). When the trained personnel's employment ends, the program has three months to meet this requirement.

### **340:110-3-284.2. Teaching personnel**

Revised ~~12-17-186-1-22~~

(a) **General.** In addition to the position specific requirements in this Section, personnel meet the general requirements, per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **Master teachers.** The program employs or ~~uses~~ utilizes at least the minimum number of required individuals or volunteers meeting the position specific requirements in (1) through (6) of this subsection.

(1) **Required master teachers.** At least one master teacher is required for every 60 children of the licensed capacity. Only the required number of master teachers are required to meet all of the master teacher requirements. However, all master teachers meet cardio-pulmonary (CPR) and first aid certification requirements in (6) of this subsection.

(2) **Position specific qualifications.** Master teachers:

(A) are at least 18 years of age;

(B) have at least a high school diploma, General Education Development (GED), or Licensing approved equivalent; and

(C) have a current Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder of:

(i) ~~Level 3, specifically met by an Oklahoma Competency Certificate with a Master Teacher emphasis; or~~

(ii) Level 4 or higher.

(3) **Probationary master teachers.** Directors may request a one-year probationary period for personnel replacing master teachers not meeting educational criteria, per (2)(C) of this subsection.

(A) Probationary master teachers:

(i) complete the ~~DHS~~ Oklahoma Human Services (OKDHS) form for the master teacher educational professional development plan, per OAC 340:110-3-281.3(b); and

(ii) are listed on the Oklahoma Professional Development Registry (OPDR). No specific level is required; however, OPDL timeframes and certificates are met, per OAC 340:110-3-284(b).

(B) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on the ~~DHS~~ OKDHS form.

(C) Master teacher educational qualifications are met for the initial permit, license issuance, and increases in licensed capacity.

(4) **Director as master teacher.** The director may count as a master teacher when meeting the master teacher qualifications, per (b) of this Section. Directors counting as master teachers are eligible for probationary periods, per (3) of this subsection.

(5) **Position specific responsibilities.** Master teachers:

(A) support other teaching personnel in meeting teacher and assistant teacher responsibilities;

(B) are responsible for:

(i) direct care of children;

(ii) planning and implementing the lesson plans;

(iii) classroom arrangement;

(iv) planning and implementing parent communication and family engagement;

and

(v) providing input on program development and evaluation; and

(C) are present at the facility during the hours of operation at least 50 percent of operating hours or 30 hours per week, whichever is less.

(6) **Position specific professional development.** Master teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Master teachers ~~assuming the position:~~

- ~~(A) on or after November 1, 2016, obtain the certification within three months; or~~
- ~~(B) prior to November 1, 2016, obtain the certification before November 1, 2017.~~

(c) **Teachers.** The program employs individuals or uses utilizes volunteers meeting the position specific requirements in (1) through (3) of this subsection.

(1) **Position specific qualifications.** Teachers:

- (A) are at least 18 years of age; and
- (B) have at least:
  - (i) a high school diploma, GED, or Licensing approved equivalent; or
  - (ii) completed 10th grade and are in the process of obtaining a GED for a period not to exceed 12 months from employment.

(2) **Position specific responsibilities.** Teachers:

- (A) have the primary responsibility for direct care of children; and
- (B) participate in:
  - (i) lesson plan development and implementation;
  - (ii) classroom arrangement;
  - (iii) parent communication and family engagement; and
  - (iv) program development and evaluation.

(3) **Position specific professional development.** Teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Teachers ~~assuming the position:~~

- ~~(A) on or after November 1, 2016, obtain the certification within three months; or~~
- ~~(B) prior to November 1, 2016, obtain the certification before November 1, 2017.~~

(d) **Assistant teachers.** The program may employ individuals or use utilize volunteers meeting the position specific requirements in (1) through (4) of this subsection.

(1) **Position specific qualifications.** Assistant teachers:

- (A) are at least 16 years of age; and
- (B) meet one of the criteria in (i) through (iii). Assistant teachers:
  - (i) are currently enrolled in high school or an equivalent;
  - (ii) have at least a high school diploma, GED, or approved equivalent; or
  - (iii) have completed 10th grade and are in the process of obtaining a GED for a period not to exceed 36 months from employment.

(2) **Position specific responsibilities.** Assistant teachers:

- (A) are responsible for direct care of children; and
- (B) carry out assigned tasks that may include participation in:
  - (i) lesson plan development and implementation;
  - (ii) classroom arrangement;
  - (iii) parent communication and family engagement; and
  - (iv) program development and evaluation.

(3) **Position specific professional development.** Assistant teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Assistant teachers ~~assuming the position:~~

- ~~(A) on or after November 1, 2016, obtain the certification within three months; or~~
- ~~(B) prior to November 1, 2016, obtain the certification before November 1, 2017.~~

- (4) **Position specific limitations.** Assistant teachers:
- (A) are overseen by an on-site director, master teacher, or teacher:
    - (i) overseeing two or fewer assistant teachers at one time; and
    - (ii) providing intervention, when needed; and
  - (B) not having sole responsibility for a group of children:
    - (i) for more than three hours per day; and
    - (ii) during higher risk activities, per OAC 340:110-3-290.

(e) **Substitutes for teaching personnel.** The program may employ individuals or ~~use~~ utilize volunteers or other personnel meeting the position specific requirements in (1) through (3) of this subsection.

- (1) **Position specific qualifications.** Substitutes meet the teacher qualifications, per (c) of this Section. However, the OPDL certificate is not required until indicated in (3) of this subsection.
- (2) **Position specific responsibilities.** Substitutes meet the responsibility requirements for the position(s) they are filling.
- (3) **Position specific professional development.** Substitutes meet the general professional development requirements, per OAC 340:110-3-284(d). However, the timeframe for meeting professional development requirements begins when the substitute has worked for the program a total of 80 hours. However:
  - (A) orientation is required, prior to being left alone with children; and
  - (B) CPR and first aid certification requirements are met per specific position requirements.

### **340:110-3-286. Ratios and group sizes**

Issued 1-1-16 Revised 6-1-22

(a) **Ratios.** Ratios ~~mean~~ are the number of teaching personnel required to be physically present with a child or group of children, per Oklahoma Administrative Code (OAC) 340 Appendix GG - Ratios and Group Sizes. Only teaching personnel count in ratios, unless ~~the~~ requirements specifically state otherwise. The program is required to maintain ratios at all times.

- (1) **Counted in ratios.** Personnel may count in ratios when these situations apply.
  - (A) **Transportation.** Drivers may count in ratios when only one or two children of any age or only ~~4-year-olds~~ children 4 years of age or older are transported.
  - (B) ~~Support services –~~ **Teaching personnel performing minimal cleaning and food service.** Teaching personnel may count in ratios while performing minimal cleaning and food service duties, provided supervision is maintained.
  - (C) **Adjacent restrooms.** Teaching personnel may count in ratios when present or children are present in a restroom ~~that opens~~ opening directly into the classroom, provided children can be seen or heard and supervision is maintained.
  - (D) **Rest time – 3- through 5-year-olds.** When children are resting quietly or sleeping, the exceptions ~~listed~~ in (i) and (ii) of this subparagraph may apply.
    - (i) **One group.** At least one teaching personnel is present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor.
    - (ii) **Combined groups.** When two or more groups are combined into one classroom for rest time, at least one teaching personnel is with each group and

present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor. When groups are combined the:

- (I) maximum group size requirements<sub>1</sub> per (b) of this Section<sub>1</sub> do not apply; and
- (II) classroom capacity requirements<sub>1</sub> per Oklahoma Administrative Code (OAC) 340:110-3-301(b) apply.

(E) **Overnight care.** When children are resting quietly or sleeping, at least one teaching personnel is with each group and present in the classroom. Other teaching personnel required for ratios remain in the building on the same floor. Teaching personnel are awake at all times<sub>1</sub> per OAC 340:110-3-287.

(2) **Not counted in ratios.** Personnel do not count in ratios when the situations listed in (A) through (C) of this paragraph apply.

(A) **Transportation.** Drivers do not count in ratios when 3-year-olds or younger are transported, unless the transportation exception applies<sub>1</sub> per (1) of this subsection.

(B) **Support services personnel.** ~~Personnel~~ Support services personnel do not count in ratios when performing support services, unless the minimal cleaning and food service exception applies<sub>1</sub> per (1) of this subsection.

(C) **Lifeguard.** Personnel do not count in ratios when performing lifeguard duties.

(3) **Children with disabilities special needs.** When children with disabilities special needs are in care, additional teaching personnel may be required to ~~ensure the~~<sub>1</sub> ensuring appropriate supervision and care of all children.

(b) **Groups and group sizes.** Groups are determined by the number of children cared for by one or more teaching personnel. There is only one group of children per classroom or other area<sub>1</sub> and the maximum group size is not exceeded<sub>1</sub> per OAC 340 Appendix GG – Ratios and Group Sizes, unless an exception applies<sub>1</sub> per (2) of this subsection.

(1) **Classrooms.** Rooms may be one classroom or divided into more than one classroom by permanent or temporary walls or barriers, including large areas, such as gymnasiums, provided the large area requirements<sub>1</sub> per OAC 340:110-3-301(b) are met.

(A) **Classrooms - 4-year-olds or younger.** Walls or barriers are at least three feet in height.

(B) **Classrooms - 5-year-olds or older.** Walls or barriers may be established through a variety of options, such as partitions or tables.

(2) **Maximum group size exceptions.** The maximum group size requirements do not apply when groups are combined for special activities, outdoor play, meals, snacks, rest time, and field trips. However, the ratio requirements apply, including the combined group rest time exception<sub>1</sub> per (a) of this Section.

(c) **Post ratios and group sizes.** Ratios and group sizes are posted<sub>1</sub> per OAC 340:110-3-281.1(i).

### **340:110-3-287. Supervision**

Issued 1-1-16 Revised 6-1-22

(a) **Supervision.** Supervision ~~means~~ is the function of observing, overseeing, and guiding a child or group of children, including an awareness of, and responsibility for<sub>1</sub> the

ongoing activity of each child, and being near enough to intervene when needed. The program is required to maintain supervision at all times.

(b) **Know children.** Teaching personnel:

- (1) recognize ~~which children are~~ assigned to their group; and
- (2) are responsible for learning the assigned children's behaviors, interests, and individual needs of each child in their group.

(c) **Personal Non-job related activities.** ~~Personnel~~ While counting in ratios, personnel do not participate in personal non-job related activities that could may interfere with supervision, such as visitors, phone calls, or electronic device use.

(d) **Kitchen.** Children are restricted from the kitchen, unless part of a planned, supervised activity.

(e) **Exception - ~~6-year-olds~~ children 5 years of age or older children.** Five or fewer children, ~~who have~~ having a good understanding of program rules, may participate in a short-term, on-site activity ~~that is~~ not within the sight and hearing of teaching personnel. However:

- (1) children count in ratios of ~~their~~ his or her assigned group;
- (2) this exception is not used when:
  - (A) children ~~are using~~ use stationary outdoor play equipment;
  - (B) children ~~are participating~~ participate in higher risk activities, per Oklahoma Administrative Code (OAC) 340:110-3-290(a); or
  - (C) on-site services are being performed by contracted non-personnel ~~who do not have~~ without completed criminal history reviews, per OAC 340:110-3-282; and
- (3) when this exception is used, ~~the~~ assigned teaching personnel:
  - (A) make contact with these children at least every 10 minutes, while maintaining supervision of all children in ~~their~~ his or her assigned group;
  - (B) provide immediate intervention, when needed; and
  - (C) know ~~the location of each child~~ child's location at all times and the nature of his or her activities.

(f) **On-site play areas accessible to public.** The program has a method for easily identifying the children and ~~identifies any boundaries to the children~~ play area boundaries.

(g) **Off-site.** When the program provides or arranges for off-site activities:

- (1) a written ~~plan of~~ supervision plan is maintained;
- (2) an adult teaching personnel is with each group;
- (3) boundaries are identified to the children; and
- (4) the children are identifiable, such as using t-shirts, wrist bands, or badges.

(h) **Transportation.** Transportation documentation is maintained, per OAC 340:110-3-281.2(d).

- (1) Children are never left unattended in vehicles.
- (2) Supervision during transportation:
  - (A) begins ~~at the pre-arranged pick-up time or~~ when the child is actually picked up, ~~whichever is earlier~~ and the program has physical custody of the child. When the child is not present, or there is a contradiction about who is responsible for picking up the child, the program informs the parent, per OAC 340:110-3-280(d); and
  - (B) ends ~~at the pre-arranged drop-off time or~~ when the child is actually dropped off, ~~whichever is later~~. The child is only left dropped off at the pre-arranged drop-

off location or with the individual designated by the parent, per OAC 340:110-3-281.4(b).

(3) ~~Drivers do not use any communication device while driving~~ When transporting children, communication device use is restricted, per OAC 340:110-3-305(e).

(4) Children's entire bodies remain in the vehicle.

(i) **Contracted non-personnel.** When contracted non-personnel are present, the program personnel provide the supervision.

(j) **Overnight care.** Teaching personnel required for ratios are awake at all times.

### **340:110-3-288. Discipline and behavior guidance**

~~Issued 1-1-16~~ Revised 6-1-22

(a) **General.** Discipline and behavior guidance is developmentally appropriate, responsive to the circumstances, constructive, and provides ~~an opportunity to learn learning opportunities.~~ Personnel do not seek or accept parental permission ~~that does not comply~~ complying with these requirements, per Oklahoma Administrative Code (OAC) 340:110-3-293(a).

(b) **Appropriate discipline.**

(1) **Assessment.** Personnel evaluate the environment, atmosphere, and activities before considering specific child interventions.

(2) **Interaction.** Personnel interact with an attitude of understanding and firmness.

(3) **Fairness and consistency.** Personnel use fair and consistent rules.

(4) **Perspective.** Personnel maintain perspective and recognize every behavior ~~does not require the~~ requiring teaching personnel's attention or intervention.

(5) **Expressing acceptance and disapproval.** Personnel speak so children understand ~~they and~~ their feelings are acceptable, but ~~their~~ the action or behavior may be unacceptable.

(6) **Self-control.** Personnel encourage children to develop self-control.

(7) **Relevant.** Personnel choose discipline relevant to the behavior.

(8) **Redirect.** Personnel provide alternatives when the behavior is unacceptable.

(9) **Consequences.** Personnel use safe, natural, and logical consequences ~~to help~~ helping children take responsibility for ~~their~~ his or her actions.

(10) **Individualize.** Personnel recognize every discipline method is not effective with every child, ~~circumstance, or both~~ or circumstance.

(11) **Time-out or time-away.** Personnel may consider this option when other discipline methods are ~~not effective~~ ineffective.

(A) Personnel use this method only with ~~2-year-olds~~ children 2 years of age and older when:

(i) necessary for the child to regain self-control;

(ii) the child has the ability to learn from it; and

(iii) appropriate supervision ~~can be~~ is maintained.

(B) The child may sit quietly or participate in an individual activity.

(C) Time-out is limited to one minute or less for each year of age. However, when self-control is regained in less time, the child ~~has the option to~~ may rejoin an ongoing activity.

(c) **Inappropriate discipline.** Personnel are prohibited from using or threatening to use inappropriate discipline.



(1) **Physical.** ~~Examples of inappropriate~~ Inappropriate physical discipline examples include:

- (A) actions that could cause pain, such as shaking, hitting, striking with an object, spanking, swatting, thumping, pinching, popping, shoving, spatting, hair pulling, yanking, and slamming;
- (B) biting a child;
- (C) putting anything in or on a child's mouth;
- (D) exposure to extreme temperatures;
- (E) excessive or forced exercise; and
- (F) ~~restraining a child~~ or tying to restrict a child's movement by any means other than holding ~~and then for~~. Holding is used only as long as necessary for the child to regain self-control.

(2) **Psychological and emotional.** ~~Examples of inappropriate~~ Inappropriate psychological and emotional discipline examples, include:

- (A) humiliating, rejecting, or neglecting a child;
- (B) making derogatory or sarcastic remarks about a child's family, race, gender, religion, or cultural background;
- (C) yelling at a child out of anger or using harsh or profane language;
- (D) punishing or threatening a child in association with:
  - (i) education, such as writing repetitive sentences and homework; and
  - (ii) physical needs, such as:
    - (I) withdrawing, denying, or forcing food, rest, or toileting; and
    - (II) withdrawing or denying outdoor play or a weather alternate activity;
- (E) isolating a child without supervision;
- (F) placing a child in a dark area;
- (G) allowing a child to discipline other children; and
- (H) punishing an entire group due to the actions of one or a few children.

(d) **Inappropriate food reward.** Food is not used to obtain or reward desired behaviors.

(1) **Food reward exception.** When a child has a non-typical behavioral issue or learning style and other methods to modify the child's behavior do not work, food if necessary, may be used initially to obtain or reward a desired behavior.

(2) **Food reward exception plan.** A behavior modification plan, with timeframes, is developed by relevant professionals, when applicable, director, and parents to eliminate food as a reward and take steps to ~~move~~ transition to another method for obtaining or rewarding desired behaviors. Documentation is maintained, per OAC 340:110-3-281.4(b).

### **340:110-3-289. Learning program principles**

Revised ~~11-22-166-1-22~~

(a) **General.** Each child is:

(1) provided an ~~inclusive~~ environment that:

- (A) meets the needs and encourages full participation of all children; ~~and~~
- (B) includes play equipment and activities fostering inclusivity of diverse cultures and families; and
- (C) is equipped and prepared for learning based on each child's age, needs, and interests; and

- (2) provided multiple opportunities to play ~~individually or in small, informal groups~~ the majority of the day individually or in small, informal groups;
- (3) allowed to choose ~~an activity, whether~~ activities balanced between teaching personnel-directed or and child-selected; and
- (4) encouraged, but not forced, to participate in program activities, with adaptations ~~made to ensure~~ ensuring safety and participation.
- (b) **Daily classroom schedules.** Classroom schedules provide consistent routines.
- (1) Classroom schedules are:
- (A) a sequence of activities indicating times of day;
  - (B) developed for each classroom;
  - (C) followed with reasonable regularity;
  - (D) age-appropriate; and
  - (E) posted, per Oklahoma Administrative Code (OAC) 340:110-3-281.1(i).
- (2) Classroom schedules ~~include~~ at least include:
- (A) alternating periods of quiet and active play;
  - (B) indoor and outdoor play;
  - (C) meal and snack time;
  - (D) rest time, when applicable; and
  - (E) transportation, when applicable.
- (c) **Transition times.** Teaching personnel have short-term activities, such as songs, stories, and exercises ~~to reduce~~ reducing waiting periods ~~while children finish an activity or routine and start another~~ in between children's activities.
- (d) **Weekly lesson plans.** Lesson plans provide varying daily activities by including a ~~collection of~~ diverse topics, projects, or ideas influenced by children's curiosity and interests.
- (1) Lesson plans are:
- (A) developed weekly indicating plans for each day;
  - (B) developed for each classroom;
  - (C) followed with flexibility;
  - (D) different each week; and
  - (E) posted, per OAC 340:110-3-281.1(i).
- (2) Lesson plans ~~include~~ at least include daily indoor and outdoor learning activities and experiences that:
- (A) are developmentally appropriate;
  - (B) meet children's needs and stimulate learning in ~~these~~ developmental areas, such as:
    - (i) social;
    - (ii) emotional;
    - (iii) cognitive;
    - (iv) language, including reading to children at least 15 minutes per day and providing ~~opportunities for~~ opportunities;
    - (v) creative expression, such as art and music; and
    - (vi) physical, including at least one activity teaching personnel lead and participate in; and
  - (C) balance gross and fine motor activities; and
  - (D) use a variety of equipment and materials.

(e) **Interest areas.** Play equipment is arranged ~~into~~ in interest areas in classrooms with ~~2-year-olds~~ children 2 years of age or older. However, children may move the play equipment between interest areas while playing. Required interest areas include:

- (1) art;
- (2) blocks;
- (3) books and language;
- (4) dramatic play; and
- (5) manipulatives.

(f) **Play equipment accessibility.** Required play equipment, per OAC 340 Appendix MM – Equipment, for the:

- (1) licensed capacity is maintained at the facility; and
- (2) classroom is proportionate in amount and variety to the number of children in attendance and within ~~the reach of children for their use~~ children's reach.

(g) **Play equipment rotation.** Play equipment may be rotated to maintain children's interest.

(h) **Outdoor play.** Daily outdoor play is ensured:

- (1) for each child regardless of age, unless the child's health or safety is at risk, based on parent-provided written information; and
- (2) provided weather and environmental conditions ~~do not~~ pose a no significant health or safety risk, by:
  - (A) adjusting the time of day ~~for outdoor play, adjusting the~~ and amount of time outside, ~~and considering the~~;
  - (B) considering children's ages; and
  - ~~(B)(C)~~ ensuring children ~~wearing~~ wear weather-appropriate clothing.

(i) **Electronic and print media.** ~~Media may be used with children~~ Children may use media, provided these ~~restriction~~ requirements are met.

- (1) Electronic and print media are chosen with discretion and selectivity and are:
  - (A) non-violent;
  - (B) non-vulgar;
  - (C) non-sexually explicit;
  - (D) culturally sensitive; and
  - (E) age-appropriate, ~~according to~~ per widely accepted rating systems.
- (2) When the internet is accessible for children's use, the program ensures children do not have access to inappropriate websites, email, instant messaging, and similar technology.
- (3) Screen time is:
  - (A) viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time includes viewing screens while others use the media;
  - (B) not used during meal and snack times. However, snacks may be provided during occasional special activities;
  - (C) not used when all children in the group are 1-year-olds or younger; and
  - (D) limited for all other groups ~~whether a teaching personnel directed or child-selected activity~~.

- (i) Screen time is limited to:

(I) thirty minutes or less during the day for each child or group. However, Saturday mornings may include an additional 30 minutes for each child or group; and

(II) one hour or less during the evening for each child or group in evening or overnight care.

(ii) Exceptions to limited screen time include:

(I) electronic media involving physical activity participation;

(II) electronic media when used for children's ~~homework~~ school-related educational activities;

(III) e-readers when used for reading;

(IV) smart boards and tables when used for hands-on learning activities, such as drawing or puzzles;

(V) occasional special activities, such as watching ~~a movie~~ movies; and

(VI) assistive or adaptive technology for children with ~~disabilities~~ special needs.

(4) ~~Personnel do not~~ During rest time, personnel may use electronic media for personal use in the presence of children, with the exception of an e-reader when used during rest time for reading child and classroom-related activities, provided supervision is maintained.

(j) **Program for 1-year-olds and younger.** Awake children:

(1) spend ~~much of their~~ a majority of time playing freely on the floor, including infant "tummy-time";

(2) are not permitted in infant car seats, except during emergency drills, transportation, and arrival and departure with parents; and

(3) do not remain for more than 20 minute increments in equipment restricting freedom of movement, such as rest equipment, swings, high chairs, or stationary activity centers, except while eating in high chairs or similar stationary equipment. Children only sleep in appropriate rest equipment, per OAC 340:110-3-296.

### **340:110-3-292. Animals**

Issued 1-1-16 Revised 6-1-22

(a) **General.**

(1) When animals live on-site, visit the facility, or children have off-site animal contact ~~with animals~~, the requirements in this Section are met.

(2) Local animal ordinances ~~regarding animals~~ are followed.

(3) Parents are notified of the animals' presence, ~~of animals~~ per Oklahoma Administrative Code (OAC) 340:110-3-280(d).

(4) Animal bites are:

(A) reported, per OAC 340:110-3-280(a) and (d); and

(B) documented as an injury, per OAC 340:110-3-281.2(c) and 340:110-3-281.4(b).

(b) **Prohibited and inaccessible animals on-site.**

(1) Prohibited animals on-site, unless the requirements specifically state otherwise, include:

- (A) common hosts of rabies ~~that cannot be vaccinated for that disease~~ ineligible for United States Department of Agriculture (USDA)-approved rabies vaccinations; and
  - (B) wild or dangerous animals.
- (2) When stray ~~dogs and cats~~ animals are on-site, the program takes action to have them removed from the premises.
- (3) Birds of the parrot family, such as cockatoos, cockatiels, parakeets, and lovebirds meet Psittacosis testing requirements, per (e) of this Section. Birds testing:
- (A) positive are prohibited on-site. When an antibody test result is positive, an antigen test may be conducted prior to prohibition; or
  - (B) negative are inaccessible to children on-site.
- (4) Inaccessible animals on-site, unless the requirements specifically state otherwise, include:
- (A) ferrets;
  - (B) spiders, such as tarantulas;
  - (C) fish;
  - (D) amphibians, such as frogs, tadpoles, newts, and salamanders;
  - (E) reptiles, such as non-venomous lizards and snakes, turtles, terrapins, and tortoises;
  - (F) hermit crabs; and
  - (G) baby poultry, such as chicks, ducklings, and goslings.
- (c) Child and animal contact on-site and off-site.**
- (1) Children may have on-site or off-site contact with animals that:
- (A) are friendly and not aggressive; and
  - (B) do not pose a health or safety risk. The program does not allow children to have contact with prohibited or inaccessible animals, per (b) of this Section. However, ~~6-year-olds~~ children 6 years of age and older may have limited contact with a potential Salmonella bacteria-carrying animal identified, per (g) of this Section, provided children:
    - (i) only touch the animal with ~~their~~ his or her hands; or
    - (ii) wear protective outer garments ~~that are removed~~ and remove prior to ~~washing their hands~~ hand washing.
- (2) During animal contact, personnel:
- (A) supervise ~~the~~ contact and are close enough to remove the animal or children immediately if the animal shows ~~signs of distress~~ signs or children show signs of treating the animal inappropriately; and
  - (B) discourage children from hand-to-mouth activities, including prohibiting eating, drinking, and using a pacifier.
- (3) After animal contact, personnel ensure ~~the~~ hand washing requirements are met.
- (d) Hand washing and food.**
- (1) The hand washing requirements are met, per OAC 340:110-3-294(a). Personnel ensure adequate hand washing facilities are available for off-site animal activities or contact.
- (2) The food supply and potentially hazardous food requirements are met, per OAC 340:110-3-299(b) and (c). This includes ~~when taking a field trip to a farm~~ field trips where children taste foods.

(e) ~~Health of animals~~ **Animal health.**

(1) Animals are clean and healthy, showing no evidence of disease or infestation.

(2) ~~Animals with unusual behavior or who are showing symptoms of unusual behavior or disease~~ Animals showing symptoms of unusual behavior or disease are isolated until examined and approved to return to the facility by a licensed veterinarian and approved to return to the facility.

(3) ~~Rabies vaccination~~ vaccinations are specific to the species, and documentation is maintained, per OAC 340:110-3-281.2(c).

(4) Birds of the parrot family have Psittacosis test results prior to entering the facility, and documentation is maintained, per OAC 340:110-3-281.2(c).

(f) **Cleanliness.**

(1) Animals are restricted from:

(A) ~~the~~ kitchen and food storage and preparation areas;

(B) food-contact items and surfaces; and

(C) children's resting surfaces.

(2) Animal litter boxes are prohibited in the kitchen, food storage areas, or areas easily accessible to children.

(3) Animal waste:

(A) is inaccessible;

(B) in animal habitats is disposed of daily; and

(C) in outdoor play areas is disposed of ~~before children play outside,~~ per OAC 340:110-3-304(a).

(4) Sinks used for food preparation, obtaining drinking water, ~~or~~ hand washing, or other hygiene activities are not used for:

(A) ~~disposing of used~~ fish tank water disposal; ~~and or~~

(B) cleaning animal feeding and watering containers and habitats.

(g) **Salmonella cross-contamination prevention.**

(1) Potential Salmonella bacteria-carrying animals are identified, per (b)(4)(C) through (G) of this Section.

(2) When these ~~pet~~ animals are on-site, additional precautions ~~are taken to in (A) and (B) of this subsection~~ protect children from ~~coming in contact with Salmonella bacteria due to environmental cross-contamination~~ Salmonella bacteria contact.

(A) ~~These pet animals are prohibited on~~ Animal contact with floors, tables, and other children's surfaces ~~where children may have contact is prohibited.~~

(B) Personnel ensure children avoid contact with animal habitats, feeding and watering containers, supplies, and any item having animal contact ~~with these animals.~~

(h) **Visiting animal exhibits.**

(1) The program may allow visiting animal exhibits on-site for a special activity activities, including prohibited and inaccessible animals identified, per (b) of this Section.

(2) In these situations the:

(A) visiting animal handlers are present with the animals at all times;

(B) animals and ~~their~~ habitats are restricted from classrooms ~~and,~~ where children eat ~~and,~~ drink, or rest, and from food preparation areas;

(C) prohibited animals remain confined in ~~their~~ habitats for observation only;

(D) children do not have contact with prohibited and inaccessible animals, unless allowed, per (c) of this Section;

(E) other requirements in this Section are met; and

~~(E)~~(F) higher risk activity requirements are met, per OAC 340:110-3-290.

### **340:110-3-293. Parent communication and family engagement**

~~Issued 1-1-16~~ Revised 6-1-22

(a) **Parent permission.** ~~The parent~~ Parent permission requirements listed in (1) and (2) of this subsection are met.

(1) **Required.** Parent permission is maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.4(b), and required for:

(A) medication administration;

(B) services provided by a specialized service professional;

(C) transportation;

(D) field trips;

(E) higher risk activities; and

(F) swaddling.

(2) **Prohibited.** Personnel do not seek or accept parental permission that does not comply with the requirements.

(b) **Parent reporting.** Parents and personnel communicate daily and when additionally required, per OAC 340:110-3-280(d).

(c) **Access.** ~~The parents~~ Parents of enrolled children are allowed reasonable access to all parts of the facility during the hours of operation facility areas used by children.

(d) **Family engagement.** ~~The program is required to provide~~ provides at least four of the options listed in (1) through (6) of this subsection.

(1) **Welcome.** ~~The parents of enrolled children~~ Enrolled children's parents are welcome at all times, such as observing, eating lunch with their child, or volunteering, provided the parents follow program policies.

(2) **Parent resource area.** A parent resource area with books, pamphlets, or articles on parenting and community resources is accessible to parents. When provided electronically, resources are easily accessible and printable.

(3) **Annual parent conferences.** Parent conferences for each child are offered to parents at least every 12 months to discuss the discussing each child's progress, challenges, and accomplishments, and to establish establishing goals together for the each child. Documentation is maintained, per OAC 340:110-3-281.2(c).

(4) **Program information.** ~~The parents~~ Parents are informed on an ongoing basis about the program specific information through at least two methods, such as parent bulletin boards, newsletters, emails, parent portals, or ~~a website including program specific information~~ websites.

(5) **Parent activities or special events.** At least two parent activities or special events are offered every 12 months, such as guest speakers, open houses, brown bag lunches, family pot-luck dinners, or children's programs.

(6) **Parent input.** ~~The parents~~ Parents are included in ongoing program and policy development, such as board involvement, planning meetings, parent committees, written comments or suggestions, parent surveys, or formalized program evaluations.

### 340:110-3-297. Diapering and toileting

Issued 1-1-16 Revised 6-1-22

#### (a) Diaper changing.

##### (1) Frequency. Diapers are:

- (A) checked hourly and when a child exhibits behavior ~~that suggests~~ suggesting a wet or soiled diaper; and
- (B) changed promptly when wet or soiled.

##### (2) Diaper changing procedures. Diapers are changed:

- (A) in the diaper changing area or, when applicable, an alternative diaper changing area; and
- (B) ~~according to~~ per Oklahoma Administrative Code (OAC) 340 Appendix KK – Diaper Changing Procedures. The procedures are posted, per OAC 340:110-3-281.1(h), and documentation is maintained, per OAC 340:110-3-281.4(b).

##### (3) Diaper changing area. Diaper changing areas:

- (A) are required in the classroom or a restroom ~~that opens~~ opening directly into the classroom; when the classroom has ~~2-year-olds~~ children 2 years of age or younger in diapers;
- (B) are near the sink when a sink is required, per OAC 340:110-3-300(n);
- (C) have a non-porous diapering surface, such as a counter or pad, ~~at least 28 inches above the floor, and~~ not used for other purposes, and at least 28 inches above the floor;
- (D) include a trash container with a tight-fitting lid; and
- (E) are kept free of all objects except for necessary ~~diapering~~ items used when diapering.

##### (4) Alternative diaper changing area. A diaper changing area is used, when possible.

##### (A) Alternative diaper changing areas may be on the floor and are used when a:

- (i) ~~2-year-old or older~~ child is too heavy to safely lift onto a diaper changing area; or
- (ii) diaper changing area is ~~not available~~ unavailable, such as in classrooms where one is not required, or on field trips.

##### (B) When an alternative area is used, sanitation ~~is~~ and safety are maintained by:

- (i) using a non-porous pad, ~~at least the size of the child, and~~ is not used for other purposes; and
- (ii) ensuring the non-porous pad is appropriate to the child's size;
- (iii) storing the pad out of the reach of children children's reach; and
- (iv) ensuring proper hygiene practices and supervision for all children in the classroom.

##### (5) Diapering - ~~3-year-olds~~ children 3 years of age and or older. When 3-year-olds or older are in diapers, ~~arrangements are made for their privacy when diapering~~ is maintained.

#### (b) Toilet learning.

##### (1) Parent involvement. The toilet learning plan and progress are discussed with the parents.

##### (2) Environment. Toilet learning is relaxed and pressure free.



- (A) Children are encouraged by regular use of a toilet or potty chair for short periods of time not to exceed exceeding 10 minutes.
- (B) Personnel respond immediately when a child indicates toileting assistance.
- (3) **Potty chairs.** Potty chairs are:
  - (A) located and used only in a restroom; and
  - (B) emptied and rinsed into a toilet, cleaned, and disinfected after each use, in a sanitary manner.
- (c) **Toileting accidents.**
  - (1) **Personnel.** Personnel do not embarrass or punish children, or show disapproval for toileting accidents.
  - (2) **Clothing.** Both wet and soiled clothing is changed promptly ~~with~~ while providing sanitation practices and privacy arrangements made.
- (d) **Diapers, training pants, and clothing.**
  - (1) **Appropriate fit.** Diapers and training pants fit the child ~~to contain urine and feces~~ appropriately.
  - (2) **Cloth diapers and outer coverings.** Cloth diapers have an outer covering, either attached or separate, made of a waterproof material. When the outer covering is separate from the cloth diaper, both are changed at the same time.
  - (3) **Training pants.** Cloth and disposable training pants are:
    - (A) checked and changed, per (a) of this Section;
    - (B) changed in a sanitary manner;
    - (C) changed in a private manner when required, per (a)(5) of this Section; and
    - (D) disposed of in a trash container with a tight-fitting lid, when applicable.
  - (4) **Rinsing prohibited.** Both wet and soiled items are not rinsed, including in the toilet. However, feces may be disposed of in a toilet, provided ~~contamination of other~~ surface contamination is prevented.
  - (5) **Send home or launder.** ~~Place both~~ Both wet and soiled items are placed in a sealed, labeled, moisture-proof bag and ~~send~~ sent home or ~~launder~~ laundered.

### 340:110-3-298. Nutrition

Issued 1-1-16 Revised 6-1-22

- (a) **Required meals and snacks.** The program ensures children are served meals and snacks according to program ~~hours of operation~~ operating hours and children's attendance, regardless of ~~whether~~ the program or parents provide providing the food.
  - (1) **Full day care.** Morning meal or snack, mid-day meal, and afternoon snack are served.
  - (2) **Evening care.** Evening meal and evening snack are served.
  - (3) **Overnight care.** Evening meal, evening snack, and morning meal are served.
  - (4) **Child's attendance.** Children in care over a four-hour period are served a meal, unless the child is present during overnight sleeping hours only.
- (b) **Nutritional quality and quantity.** The nutritional requirements ~~listed~~ in (1) through (8) of this subsection are met.
  - (1) **Meals and snacks.** Meals and snacks are required to meet the current Child and Adult Care Food Program (CACFP) guidelines, per Oklahoma ~~Administrative Code~~ (OAC) 340 Appendix LL — Meal and Snack Patterns State Department of Education (OSDE), with the exception of infants, per (f) of this Section.

(2) **Additional servings.** Additional servings:

- (A) are available when the child remains hungry;
- (B) meet the nutritional requirements, per this Section; and
- (C) are not required to be the same food as the first serving.

(3) **Water.** Safe drinking water is freely available to children at all times. Children are encouraged to drink water throughout the day, especially before, during, and after outdoor play.

(4) **Milk.** Milk is required to meet the current CACFP milk guidelines, per ~~OAC 340 Appendix LL—Meal and Snack Patterns~~ OSDE, with the exception of infants, per (f) of this Section.

(5) **Fruit juice.** Fruit juice is required to meet the current CACFP fruit juice guidelines, per ~~OAC 340 Appendix LL—Meal and Snack Patterns~~ OSDE.

(6) **Sweetened drinks.** The program does not provide drinks sweetened artificially or with sugar, including soda. However, flavored milk, such as chocolate milk, is required to meet the current CACFP milk guidelines, per ~~OAC 340 Appendix LL—Meal and Snack Patterns~~ OSDE.

(7) **Caffeinated drinks.** The program does not provide caffeinated drinks, including soda and energy drinks.

(8) **Special occasions.** On special occasions, such as parties, food and drink not meeting the nutritional requirements may be served in addition to required meals and snacks.

(c) **Program or parents provide.** Meals, snacks, or both may be provided by the program for all children, or program policy may require parents provide the meals, snacks, or both for their children or for a group of children. When parents provide for their children, the nutritional requirements, per this Section do not apply. When parents provide for a group of children, the nutritional requirements in this Section and the approved food source requirements, per OAC 340:110-3-299(b), are met.

(1) **Program provides.** When the program provides the meals, snacks, or both, the parents may be requested and allowed to provide for:

- (A) their own children ~~who~~:
  - (i) ~~have~~ having special dietary needs, including health or religious restrictions;
  - (ii) ~~are 1-year-olds~~ 1 year of age and younger; or
  - (iii) ~~are~~ participating in a field trip; and
- (B) a group of children on special occasions.

(2) **Parents provide.** When the program policy requires parents provide the meals, snacks, or both, the program provides:

- (A) a meal or snack when the parents do not; and
- (B) additional servings, per (b) of this Section.

(d) **Weekly menus.** Menus of program provided meals and snacks are closely followed with reasonable substitutions permitted. Menus are posted, per OAC 340:110-3-281.1(c) and (e).

(e) **Eating environment.** The eating environment is pleasant, relaxed, socially engaging, and provides ~~opportunities to teach~~ teaching opportunities.

(1) **Children.** Children are:

- (A) encouraged to try new foods;
- (B) not forced to eat; and

- (C) not punished for refusing to eat.
- (2) **Personnel.** When eating in front of children, personnel eat foods ~~that meet the meeting~~ nutritional requirements in this Section.
- (f) **Nutrition and food service - ~~1-year-olds~~ children 1 year of age and younger.** Additional nutrition and food service requirements are met for 1-year-olds and younger.
  - (1) **Schedule.** Infants are fed when hungry. Documentation is maintained, per OAC 340:110-3-281.4(b).
  - (2) **Overfeeding.** Personnel do not continue to ~~feed~~ feeding 1-year-olds and younger when ~~they~~ children show evidence of being satisfied or full.
  - (3) **Nutritional quality and quantity.** CACFP meal and snack patterns, per (b) of this Section, are not required for infants. Infants are fed:
    - (A) breastmilk, formula, and introductory solid foods; or
    - (B) a special diet for a medical condition as documented, per OAC 340:110-3-281.4(b).
  - (4) **Breastfeeding.** Breastfeeding is allowed in the facility.
  - (5) **Bottle-feeding.** Bottles are labeled with the child's full name.
    - (A) Bottles are not propped by any means at any time.
    - (B) Infants 6 months of age and younger are held while being bottle-fed.
    - (C) Infants 7 months of age and older are held while being bottle-fed until ~~they are~~ able to hold ~~their~~ bottles securely without assistance.
  - (6) **Spill-proof cups.** The program has a method ~~that ensures~~ ensuring children do not share spill-proof cups.
  - (7) **Self-feeding.** Children ~~who show~~ showing evidence of wanting to feed themselves are allowed to do so.
  - (8) **Eating and drinking location.** When children are not held for feeding, the program:
    - (A) has a designated eating and drinking location, excluding rest equipment and equipment with motion, such as swings; and
    - (B) ensures children eat and drink only in the designated location.
  - (9) **Chokeable, unsafe, and new foods.** For safety:
    - (A) the program works closely with parents to introduce new foods;
    - (B) infants are not fed honey or peanut butter;
    - (C) 1-year-olds are fed thinly spread peanut butter, if served; and
    - (D) 1-year-olds and younger are:
      - (i) not fed foods that may cause choking, such as candies, gum, marshmallows, raw carrots, raw peas, celery, whole grapes, nuts, seeds, popcorn, rice cakes, and chips; and
      - (ii) fed other foods cut into small pieces no larger than:
        - (I) 1/4 inch cubes for infants; and
        - (II) 1/2 inch cubes for 1-year-olds.
  - (10) **Food service.** The additional food service requirements ~~listed~~ in (A) through (C) of this paragraph are met.
    - (A) Breastmilk:
      - (i) is labeled with the child's full name and the date expressed;
      - (ii) is stored for ~~no more than~~ safely:
        - (I) 24 hours in the refrigerator when thawed;

- (II) ~~five days in the refrigerator when defrosting; and~~
  - (III) ~~three months from the expression date in the freezer; and~~
  - (iii) is refrigerated or frozen until immediately before feeding;
  - (iv) is not warmed in a microwave;
  - (v) is gently mixed and not shaken;
  - (vi) served to a child is not reused after ~~one hour~~ two hours from serving; and
  - (vii) bottles partially served are either sent home with parents or ~~the~~ contents are discarded daily.
- (B) Formula:
- (i) provided by the child's parents is labeled with the child's full name;
  - (ii) is not warmed in a microwave;
  - (iii) served to a child is not reused after one hour from serving; and
  - (iv) bottles partially served are either sent home with parents or ~~the~~ contents are discarded daily.
- (C) Baby food:
- (i) provided by the child's parents is:
    - (I) labeled with the child's full name; and
    - (II) not previously opened, unless homemade or frozen; and
  - (ii) is not warmed in a microwave;
  - (iii) is served from a separate dish and spoon for each child;
  - (iv) is discarded and not served again after contact with the feeding spoon; and
  - (v) partially served is either sent home with parents or ~~the~~ contents are discarded daily.

### **340:110-3-299. Food service**

Issued 1-1-16 Revised 6-1-22

#### **(a) General.**

(1) **Food service.** ~~The program is required to meet the requirements per this Section when~~ When the program provides food service, including limited food service, the program is required to meet the requirements, per this Section, unless the requirements specifically state otherwise.

(2) **Limited food service.** Limited food service is when the program serves only ~~non-~~potentially hazardous foods having no required time and temperature control for safety (non-TCS) for immediate consumption and uses only single-service food-contact items, per (k) of this Section. However, milk and milk products may be served to children and used in occasional ~~cooking activities with children~~ children's cooking activities.

(A) Limited food service also includes ~~when parents provide the~~ parent-provided meals, snacks, or both, provided when the program:

- (i) only provides or supplements food according to the, per limited food service requirements, including on field trips; and
  - (ii) sends reusable food-contact items home daily.
- (B) When the program only provides limited food service:
- (i) the program is exempt from ~~the requirements regarding:~~
    - (I) health Oklahoma State Department of Health (OSDH) inspections, per Oklahoma Administrative Code (OAC) 340:110-3-276(c) and (d);

- (II) food service training, per OAC 340:110-3-284.3(c); and
- (III) a separate hand washing sink, per OAC 340:110-3-300(n);
- (ii) some requirements in this Section do not apply, such as the requirements regarding:

(I) ~~potentially hazardous~~ foods having required time and temperature control for safety (TCS). However, when milk is served, the milk requirements, per (b) of this Section apply. ~~In addition when~~ When conducting a cooking activity with children children's cooking activities, the ~~potentially hazardous~~ TCS food requirements apply depending on the ingredients used;

(II) a minimum quantity of food-contact items;

(III) a refrigerator, unless foods require refrigeration, including parent provided foods. When applicable, program policy informs parents refrigeration is not provided ~~by the program~~;

(IV) a microwave, unless foods are microwaved, including parent provided foods; and

(V) cooking devices, unless used for occasional ~~cooking activities with children~~ children's cooking activities.

**(b) Food supplies.**

(1) **Food sources.** The food source requirements listed in (A) through (C) of this paragraph are met.

(A) Food is from ~~health department approved~~ OSDH-approved sources, such as commercially produced products, or raw fruits and vegetables from farmers' markets and gardens, including personal and ~~the~~ program's gardens.

(B) Only commercially pre-packaged, ~~non-potentially hazardous~~ non-TCS food items and raw fruits and vegetables may be brought provided from individual homes for a group.

(C) Food is ~~in sound condition~~, free from spoilage and, contamination, and is safe for human consumption.

(2) **Home-canned and hermetically sealed food.** Individually home-canned food and food in hermetically sealed containers, not prepared in a food processing establishment, is not used by the program. However, parents may provide homemade baby foods.

(3) **Milk products.** Milk products meet the requirements listed in (A) through ~~(D)~~(C) of this paragraph.

(A) ~~Only Grade A pasteurized fluid milk and fluid milk products for~~ For drinking, only Grade A pasteurized fluid milk and fluid milk products are used.

(B) Pasteurized dry milk and evaporated milk are used for cooking purposes only.

(C) Milk may be transferred from the original container to ~~erving~~ pitchers other containers.

~~(D) Milk~~ However, milk removed from the original container is not returned to the original container or stored for later use.

(4) **Meat, poultry, and fish.** Meat, poultry, and fish are obtained from approved sources and ~~have been~~ inspected by ~~the~~ appropriate governmental authorities.

(5) **Ice.** Ice, used for any purpose, is made from water that comes from an approved water source and is manufactured, stored, transported, and handled in a sanitary manner.

(c) **Potentially hazardous Time and temperature control for safety foods.**

(1) **Cooking.** Potentially hazardous TCS foods requiring cooking are cooked so all parts of the food are heated to a temperature of at least 165 degrees Fahrenheit (F) for 15 seconds, except as specified in (2) through (4) of this subsection.

(2) **Ground Beef.** Ground beef is cooked thoroughly to at least 155 degrees F and until the juice is clear and the meat is no longer pink.

(3) **Poultry, stuffed meats, and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings that contain containing meat are cooked so all parts of the food are heated to at least 165 degrees F with no interruption in the cooking process interruption.

(4) **Pork.** Pork and any food containing pork are cooked so that all parts of the food are heated to at least 155 degrees F.

(5) **Egg products.** Only clean, whole-shell, non-cracked eggs that meet meeting AA, A, or B grade standards and are held at 41 degrees F or below during storage, are used. Eggs are stored at 41 degrees F or below.

(A) Raw, unpasteurized eggs are not used in uncooked food, such as ice cream and eggnog.

(B) Shelled raw eggs are not held more than four hours.

(6) **Reheating foods.** Potentially hazardous When TCS foods that have been are cooked and then refrigerated are, foods are reheated rapidly throughout to 165 degrees F or higher before being served.

(d) **Protecting food.**

(1) **General.** Foods are covered and protected from contamination, including cross-contamination between raw and cooked foods, toxic substances, or contamination by insects or rodents while being stored, prepared, displayed, dispensed, packaged, or transported.

(2) **Bare-hand contact.** Personnel:

(A) minimize touching food with bare hands bare-hand contact while preparing food; and

(B) do not touch unpackaged, ready-to-eat food with bare hands. A barrier, such as gloves, utensils, or wax paper is used to prepare and serve when preparing and serving these foods.

(3) **Temperature.** Perishable foods, including fruits and vegetables, are stored at proper temperatures that protect against spoilage.

(A) Potentially hazardous TCS foods are maintained at safe temperatures of 41 degrees F or below or 135 degrees F or above, except during necessary periods of preparation and service.

(B) Frozen foods are maintained at 0 degrees F or below, except when being thawed:

(i) in a refrigerator at 41 degrees F or below;

(ii) under running, safe drinking water at 70 degrees F or below;

- (iii) using the defrost setting on a microwave, provided the food is immediately transferred to conventional cooking equipment ~~with no interruption in the~~ without cooking process interruption; or
  - (iv) as part of ~~the cooking process~~ processes.
- (4) **Ice chest.** ~~Ice chests may be used on field trips.~~ When an ice chest is used to refrigerate perishable foods or milk on field trips for refrigeration:
  - (A) ~~a thermometer is located in the ice chest;~~
  - (B) the food or milk is served within four hours and is not re-served or re-refrigerated;
  - (C) ~~packaged food is~~ and drinks are not stored in contact with the water or undrained ice;
  - (D) ~~self-wrapped sandwiches are not stored in direct contact with the ice; and~~
  - (E) ~~ice used for refrigeration is not used for any other purpose.~~
- (5) **Damaged and unlabeled cans.** Food from damaged or unlabeled cans is not used.
- (6) **Poisonous and toxic materials.** Only materials required to maintain sanitary food service area conditions are used or stored in the food service areas. Materials ~~stored in a food service area~~ are clearly identified and stored in a segregated area away from the food, such as under a sink or in a closed cabinet in the storage area.
- (e) **Preparing food.**
  - (1) **Cross-contamination prevention.** Food is prepared on clean, sanitized, food-contact surfaces and with clean, sanitized, food-contact items. Each new preparation operation begins with clean, sanitized, food-contact surfaces and items, when changing between preparation of:
    - (A) raw beef, pork, poultry, or seafood; and
    - (B) raw to ready-to-eat foods, including raw fruits and vegetables.
  - (2) **Fruits and vegetables.** Raw fruits and vegetables are thoroughly washed with safe drinking water before being cooked or served.
- (f) **Re-serving food.**
  - (1) **Portions.** Individual and family-style ~~portions of food once served~~ portions are not ~~served again~~ re-served.
  - (2) **Wrapped food.** Wrapped food ~~that remains properly maintained and has not been unwrapped may be served again~~ re-served.
- (g) **Transporting food.**
  - (1) **Temperature.** During transportation, ~~potentially hazardous~~ TCS food is kept maintained at 41 degrees F or below or 140 degrees F or above.
  - (2) **Storage.** During transportation, food is in covered containers, completely wrapped, or packaged ~~to protect from contamination~~.
- (h) **Catering food.**
  - (1) **Food source.** When catering services are used, food is obtained from ~~a food service establishment licensed by the health department~~ an OSDH-licensed food service establishment.
  - (2) **Approval.** ~~Procedures and equipment for transporting meals~~ Meal transportation procedures and equipment are approved by the health department OSDH-approved.
- (i) **Food-contact items and surfaces.**

(1) **Condition.** Food-contact surfaces and items, such as kitchenware, utensils, tableware, service items, and storage items ~~that come into contact with food~~ are ~~designed and~~:

(A) constructed of safe, non-toxic materials; and ~~are~~

(B) smooth, non-absorbent, easily cleanable, durable, and in good repair.

(2) **Quantity.** An adequate quantity of food-contact items is available ~~to ensure complete food service~~ for at least one meal for the licensed capacity. However, when the program does not serve meals or snacks to the entire licensed capacity, the program is only required to have an adequate quantity for the ~~number of~~ children eating.

(j) **Equipment.**

(1) **Installation.** Equipment is installed to ~~facilitate cleaning of the~~ provide equipment and adjacent areas area cleaning.

(2) **Refrigerators.** Refrigerators maintain the food at 41 degrees F or below. Ice chests are not a replacement for ~~this requirement~~ storage.

(3) **Thermometers.** The thermometer requirements ~~listed~~ in (A) and (B) of this paragraph are met.

(A) Thermometers are ~~located in a designated location, chosen by the program,~~ clearly visible in each refrigerator and freezer used for children's food ~~so personnel can easily ensure accurate temperatures, unless equipped with functioning built-in thermometers.~~

(B) A temperature measuring device is available to check ~~the food temperatures when~~ cooking temperatures.

(4) **Microwaves.** The microwave requirements ~~listed~~ in (A) and (B) of this paragraph are met.

(A) Personnel are instructed ~~on how to assess~~ in assessing safe temperatures when ~~microwaves are used to warm~~ warming children's food.

(B) A warning is posted, per OAC 340:110-3-281.1(f).

(k) **Cleaning and sanitizing.**

(1) **Refrigerators.** ~~Refrigerators do not have accumulations of soils, food particles, and other debris.~~

(2) **Cooking devices and refrigerators.** Cooking devices and refrigerators do not have ~~accumulations of soils, food particles, encrusted grease deposits~~ soil, food particle, encrusted grease deposit, or other debris accumulations.

~~(3)~~(2) **Food-contact items and surfaces.** Food-contact items and surfaces are washed, rinsed, and sanitized after each use by using one of the ~~following methods~~ method in (A) through (D).

(A) Automatic dishwashers, commercial or domestic, may be used provided the heat or chemical sanitizing cycles are properly installed and the machine is ~~operated in a manner that allows completion of a sanitizing cycle~~ completion without opening the machine. ~~Adequacy of the sanitizing~~ Sanitizing cycle effectiveness is determined by the generally accepted test methods and test kits.

(B) Manual dishwashing may be ~~done~~ conducted provided the requirements ~~listed~~ in (i) and (ii) of this subparagraph are met.

(i) Three-compartments are used for washing, rinsing, and sanitizing with a:

(l) three-compartment sink; or



- (II) one or two-compartment sink with added containers.
- (ii) Items are washed, rinsed, sanitized, and dried in this sequence order.
  - (I) Sinks and containers are cleaned prior to use.
  - (II) In the first compartment, items are thoroughly washed with a food grade detergent in a ~~solution that is kept~~ clean solution.
  - (III) In the second compartment, items are rinsed with clean water until they ~~are~~ free of detergent and abrasives.
  - (IV) In the third compartment, items are sanitized by immersion in a ~~sanitizing solution that is kept~~ clean sanitizing solution, unless the equipment design prevents immersion. The solution is required to contain a food grade sanitizer, such as bleach, per OAC 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants.
  - (V) Items are air-dried, in a self-draining position, before being stored.
- (C) Single-service food-contact items, such as plastic utensils and paper plates, may be used when the program provides limited food service or does not have adequate and effective ~~facilities for cleaning and sanitizing food-contact items provided the single-service facilities~~. Single-service food-contact items are:
  - (i) stored in closed cartons or containers ~~that protect~~ protecting from contamination;
  - (ii) used for preparation and service; and
  - (iii) used only once.
- (D) Stationary food-contact surfaces, such as counters and appliances are cleaned and sanitized ~~in place~~.
- (l) **Storage area.**
  - (1) **Location.** Food and food-contact items are stored above the floor, in a clean, dry location.
  - (2) **Quantity.** Adequate space is provided for food and food-contact item storage.
- (m) **Food service personnel.**
  - (1) **Health.** Food service personnel are prohibited when required, per OAC 340:110-3-283(e).
  - (2) **Hygiene.** Personnel:
    - (A) wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty;
    - (B) wash ~~their~~ hands, per OAC 340:110-3-294(a); and
    - (C) do not wash ~~their~~ hands in the food preparation or dishwashing sinks; ~~and~~
    - (D) ~~keep their fingernails clean and trimmed.~~
- (n) **Food service - ~~1-year-olds~~ children 1 year of age and younger.** Additional food service requirements are met, per OAC 340:110-3-298(f).

### **340:110-3-300. Facility**

Issued 1-1-16 Revised 6-1-22

- (a) **Location.** The facility is located in an area ~~that offers minimal hazards to the health, safety, and well-being of children~~ minimizing children's health and safety hazards.
- (b) **Other business.** When the program shares the facility with another business, requirements are met, per Oklahoma Administrative Code (OAC) 340:110-3-277(b).

(c) **Construction.** The facility ~~is in compliance~~ complies with the building and fire codes of the local or state governmental authority having jurisdiction ~~that were applicable at the time when the permit or license was issued~~ permit or license issuance. Programs that ~~operate on a 24-hour~~ operating 24-hours per day basis ~~are in compliance~~ comply with any ~~additional codes required~~ additional codes.

(1) New construction and reconstruction, such as ~~remodeling of a building~~ remodeling or area not previously licensed for child care, ~~complies with the current requirements and building and fire codes.~~

(A) Construction plans for a new building, an addition, or reconstruction of an existing building are submitted to the local or state fire governmental authority having jurisdiction for approval prior to ~~the start of construction.~~

(B) Construction, reconstruction, or alterations occurring during ~~the hours of operation are done in a manner that prevents hazards and unsafe conditions~~ operating hours is conducted safely.

(C) ~~Paint containing lead in excess of 0.06 percent is not used when~~ When existing or new surfaces are painted, ~~the lead paint content is not above 0.06 percent.~~

(2) ~~Manufactured and mobile homes, whether mobile~~ Mobile or permanently situated, manufactured and mobile homes are prohibited. However, a program licensed in a manufactured home before February 1, 1981, is exempt unless the program has a ~~change of an~~ address change.

(d) **Floors.** Floor surfaces are:

(1) ~~constructed so they are easily cleaned;~~

(2) sealed when made of absorbent material, such as concrete and wood; and

(3) smooth and non-carpeted ~~in~~ within food service areas and restrooms.

(e) **Walls and ceilings.** Wall and ceiling surfaces are:

(1) ~~constructed so they are easily cleaned; and~~

(2) smooth and washable up to the highest level reached by splash or spray in areas where:

(A) food is prepared;:

(B) food-contact items are washed;:

(C) food service personnel wash ~~their~~ his or her hands, such as walls behind sinks and counters.

(f) **Electrical.** The electrical system is installed, per the Oklahoma Electrical Licensing Act.

(1) ~~Portions of the electrical system~~ Electrical systems installed and maintained after June 1, 1987, ~~are in compliance~~ comply with the current electrical codes of the local or state governmental authority having jurisdiction.

(2) Temporary wiring, used as permanent wiring is prohibited.

(3) Extension cords, used as permanent wiring are prohibited, unless equipped with built-in circuit breakers or fuses, such as surge protectors with a built-in fuse.

(4) Unused electrical outlets accessible to ~~5-year-olds~~ children 5 years of age and younger are equipped with safety devices, such as outlet covers.

(g) **Lighting.** The lighting:

(1) levels ~~are bright enough for~~ provide comfort and safety, including observing children's facial features; and

(2) fixtures in food preparation and service areas are shielded.

(h) **Heating and cooling.** The systems ~~are maintained in compliance~~ pose no risk and comply with the building and fire codes of the local or state governmental authority having jurisdiction ~~and pose no risk to children.~~

(1) The indoor temperature in ~~areas where children are in care~~ children's areas is between 65 and 80 degrees Fahrenheit (F).

(2) Electric baseboard heaters may be used when wired directly into the electrical system and no objects ~~are in contact with the heating elements~~ have heating element contact.

(3) Prohibited use of heating equipment includes:

(A) portable fuel-burning space heaters;

(B) open flame heaters, such as gas-fed, wall mounted heaters, wood-burning fireplaces and stoves, fireplace inserts, pellet stoves, and other devices ~~that produce~~ producing open flames;

(C) unvented and vent-free fuel-burning heaters; and

(D) equipment not specifically designed or installed as a typical heat source, such as cooking equipment.

(4) The prohibited equipment controls, such as the knobs, ~~are removed or inaccessible during the hours of operation~~ operating hours.

(5) Portable, electric space heaters, including electric, oil-filled heaters, ~~may be used as supplemental heat provided the equipment:~~

(A) has Underwriters Laboratory (UL) approval;

(B) has an automatic shut off feature for tipping over and overheating;

(C) has an external protective covering ~~to keep hands and objects away~~ protecting hands and objects from the electric heating elements;

(D) is used ~~according to,~~ per the manufacturer's instructions;

(E) is not used with an extension cord, including extension cords equipped with built-in circuit breakers or fuses;

(F) does not overload the electrical circuits, such as causing ~~lights to flicker~~ flickering lights or continuously shutting the electric power off;

(G) placement is:

(i) on a flat floor only;

(ii) at least three feet from flammable materials, such as paper, curtains, and furniture; and

(iii) inaccessible, including the electrical power cord; and

(H) is attended while in use, such as personnel present in the room or classroom.

(6) Guards ~~are used to~~ protect children from heaters with hot heater surfaces, including floor furnaces.

(i) **Ventilation.** Rooms are properly ventilated, such as with a central heat and air system.

(1) Rooms, including the kitchen have sufficient ventilation ~~to keep them~~ keeping rooms free from heat, steam, vapors, smoke, and fumes.

(2) Ventilation systems ~~are in compliance~~ comply with building and fire codes of the local or state governmental authority having jurisdiction.

(j) **Plumbing.** The plumbing is installed, ~~per~~ the Oklahoma Plumbing Licensing Act.

(1) ~~Portions of the plumbing system~~ Plumbing systems installed and maintained after June 1, 1987, are installed ~~in compliance with,~~ per the current plumbing codes of the local or state governmental authority having jurisdiction.

(2) Cross-connections are prohibited between the safe drinking water supply and any non-safe or questionable drinking water supply or ~~source of pollution that may contaminate~~ source contaminating the safe drinking water.

(k) **Water supply.** The water supply:

(1) is adequate, safe, sanitary, and is from a:

(A) public water supply; or

(B) non-public water supply, such as well water ~~that meets the~~, meeting local and Oklahoma Department of Environmental Quality (DEQ) testing requirements. The program obtains at least ~~bacteria (total coliform)~~ bacteria, nitrate, and lead test results every 12 months from a DEQ accredited drinking water laboratory. Documentation is maintained, per OAC 340:110-3-281.2(c); and

(2) has hot and cold running water under pressure in ~~areas where food is prepared~~ food preparation areas or where food-contact items and surfaces are washed.

(l) **Sewage disposal.** Sewage, including mop water, is disposed of in a public sewage system or, in its absence, a manner approved by DEQ.

(m) **Toileting facilities.** The toileting facilities requirements ~~listed~~ in (1) and (2) of this subsection are met.

(1) ~~The facility has at least one toilet, excluding urinals and potty chairs, for~~ For every 15 children that is, the facility has at least one toilet, excluding urinals and potty chairs, easily accessible and in the same building where care is provided.

(2) The toileting facilities:

(A) have operable toilets;

(B) have toilet paper within easy reach of children;

(C) with doors meet the door requirements in (q) of this Section; and

(D) used by 6-year-olds or older provide privacy, such as being equipped with doors or having children take turns while supervision is maintained.

(n) **Hand washing facilities.** The hand washing facilities requirements ~~listed~~ in (1) through (3) of this subsection are met.

(1) Required sinks are plumbed, per (j) of this Section.

(A) ~~The facility has at least one sink, excluding food service area and portable sinks, for~~ For every 15 children that is, the facility has at least one sink, excluding food service areas and portable sinks, easily accessible and in the same building where care is provided.

(B) Diaper changing areas have at least one sink, excluding portable sinks in the same classroom or a restroom ~~that opens~~ opening directly into the classroom when the classroom has 2-year-olds or younger in diapers. However, a sink is not required when the:

(i) classroom has 2-year-olds or older ~~who are in~~ with disposable or cloth training pants, provided adequate supervision and sanitation provisions are made; or

(ii) licensed capacity is 15 or less and the facility was originally designed as a family residence provided:

(I) ~~there is~~ a centrally located restroom sink with a diaper changing area is nearby; and

(II) children in diapers play throughout the house rather than ~~in~~ an assigned classroom.

- (C) The food service areas have at least one hand washing sink, excluding portable sinks:
- (i) with a mixed-valve faucet for hot and cold water, in programs licensed after June 1, 1987; and
  - (ii) that is separate and in addition to ~~sinks used for~~ food preparation and dishwashing sinks.
- (2) Portable sinks do not replace required sinks, per (1) of this subsection. However, portable sinks may be used in addition to ~~the~~ required sinks, provided sanitary conditions are maintained, including obtaining water from an appropriate water supply, per (k) of this Section.
- (3) Hand washing facilities have:
- (A) operable sinks with running water between 80 and 120 degrees F Fahrenheit;
  - (B) soap, paper towels, or mechanical hand dryers, and trash containers within ~~easy reach of children~~ children's easy reach; and
  - (C) posted procedures, per OAC 340:110-3-281.1(g).
- (o) **Kitchens.** Kitchens are in a separate area and arranged in a way that discourages discouraging unsupervised access ~~by children~~ children and unauthorized individuals.
- (p) **Basements.** Basements used for children meet the requirements, per OAC 340:110-3-301(b).
- (q) **Exits, doors, windows, and screens.** The requirements listed in (1) through (7) of this subsection are met.
- (1) Exits and exit routes ~~to the exits~~ are not blocked by equipment, furniture, or other objects.
  - (2) Interior and exterior evacuation exit doors ~~used for evacuations can~~:
    - (A) open from the inside without ~~the use of a key~~; and
    - (B) unlock, unlatch, and open with a single motion.
  - (3) Restroom doors ~~can~~ unlock from the outside in an emergency, with an opening device readily accessible to personnel.
  - (4) Closet doors can be opened ~~by children~~ from the inside by children.
  - (5) Clear glass doors and windows that start beginning at the ground level are plainly marked at children's eye level ~~to avoid accidental impact~~.
  - (6) Exterior screen or storm doors have a self-closing apparatus.
  - (7) ~~Exterior~~ Opened exterior doors and windows ~~when open for ventilation~~, have properly fitted screens.
- (r) **Stairways.** Interior and exterior stairways with four or more steps have at least one handrail.
- (s) **Barriers.** Barriers:
- (1) are provided on porches, elevated walkways, and elevated play areas of more than two feet in height; and
  - (2) have openings less than:
    - (A) two and 3/8 inches when accessible to 1-year-olds and younger; and
    - (B) four inches when accessible to 2-year-olds and older.
- (t) **Individual smoke alarms.** Individual smoke alarms are:
- (1) required when the facility is not equipped with a central detection and alarm system for smoke, per (v) of this Section;

- (2) mounted ~~according to,~~ per the manufacturer's instructions and fire governmental authority having jurisdiction; and
- (3) tested and maintained, per OAC 340:110-3-279(f).
- (u) **Individual carbon monoxide alarms.** At least one individual carbon monoxide alarm is:
  - (1) required when ~~there is~~ a fuel burning appliance is in the building and the facility is not equipped with a central detection and alarm system for carbon monoxide, per (v) of this Section;
  - (2) mounted ~~according to,~~ per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (3) tested and maintained, per OAC 340:110-3-279(f).
- (v) **Central detection and alarm system for smoke and carbon monoxide.** The facility may be equipped with hard-wired or wireless detectors connected to a central control panel. When equipped, the system is:
  - (1) installed ~~according to,~~ per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (2) tested and maintained, per OAC 340:110-3-279(f).
- (w) **Fire extinguishers.** Fire extinguishers:
  - (1) are portable and Class ABC;
  - (2) are ~~of the number~~ quantity, size, type, and installation required by the fire governmental authority having jurisdiction;
  - (3) have locations posted, per OAC 340:110-3-281.1(i); and
  - (4) are tested and maintained, per OAC 340:110-3-279(f).
- (x) **Phone.** ~~The phone requirements are met per OAC 340:110-3-279(b)~~ The program provides an operable landline or cellular phone in each building and on each floor.
- (y) **Utilities.** The facility has operable utilities.
- (z) **Maintenance of facility.** The facility ~~has a~~ is structurally sound, with interior and exterior in good repair, such as:
  - (1) floors ~~are free of~~ without broken tile, torn carpet, and holes;
  - (2) walls and ceilings ~~are free from~~ without holes and peeling paper and paint; and
  - (3) windows and doors ~~are free of~~ without broken glass and other hazards.

### **340:110-3-301. Indoor and outdoor play areas**

Revised ~~11-22-16~~ 1-22

#### **(a) Indoor and outdoor play areas.**

- (1) **Facility.** ~~The facility~~ Facility requirements are met, per Oklahoma Administrative Code (OAC) 340:110-3-300.
- (2) **Equipment.** ~~The equipment~~ Equipment requirements are met, per OAC 340:110-3-302.
- (3) **Hazards.** ~~The hazard~~ Hazard requirements are met, per OAC 340:110-3-303.
- (4) **Cleanliness and sanitation.** ~~The cleanliness~~ Cleanliness and sanitation requirements are met, per OAC 340:110-3-304.

#### **(b) Indoor play areas.**

- (1) **Square footage for licensed capacity.** A minimum amount of indoor play area is required.

(A) There is at least 35 square feet of floor space per child for routine use by children.

(B) However, new construction, existing space not previously licensed for child care, or programs licensed after November 1, 2016, are required to have 40 square feet of floor space per infant in rooms occupied only by infants.

~~(2) Areas not counted toward licensed capacity or limited for children's use. Some areas may not be suitable for children's use or only under the conditions listed in (A) through (C) of this paragraph.~~

~~(A) Areas not counted toward the licensed capacity are:~~

~~(i)(A) restrooms, kitchens, and hallways;~~

~~(ii)(B) storage closets and supply rooms;~~

~~(iii)(C) personnel offices, work rooms, and break rooms;~~

~~(iv)(D) areas occupied by furniture not for children's use;~~

~~(v)(E) supplemental areas or rooms used exclusively for eating, rest time, gross motor play, or care of children who are ill children; and~~

~~(vi)(F) alternate indoor play areas in shared facilities as described, per OAC 340:110-3-277(b).~~

(3) Areas limited for children's use. Areas in (A) and (B) of this paragraph are only used under specified conditions.

~~(B)(A) Basements, areas partially below ground level, and floors above ground level are only counted toward the licensed capacity when approved by the local or state fire governmental authority having jurisdiction. Fire approval is also required before children use the area for any reason, except as part of the emergency plans and procedures, such as tornados or lock-downs. Fire inspection reports indicate age restrictions. When used by children, basements are finished, dry, and ventilated.~~

~~(C)(B) Large areas, such as gymnasiums are only counted toward the licensed capacity when divided into classrooms for 3-year-olds children 3 years of age or older. However, they may be used as a supplemental area for any age.~~

~~(3)(4) Classroom capacity. Classrooms are not routinely occupied by more children than can be accommodated by the square footage per (1) of this subsection.~~

~~(4)(5) Use zones and impact-absorbing materials. The use Use zone and impact-absorbing material requirements, per (c) of this Section, are met for indoor climbing equipment with a fall height over four feet.~~

(c) **Outdoor play areas.**

(1) **Square footage for licensed capacity.** A minimum amount of outdoor play area is required.

(A) When the licensed capacity is for 23 or fewer children, there is at least 75 square feet of outdoor play area per child for the licensed capacity.

(B) When the licensed capacity is for 24 or more children, there is at least 75 square feet of outdoor play area per child for at least one-third of the licensed capacity or 1800 square feet, whichever is greater.

(2) **Areas not counted toward licensed capacity.** Alternate outdoor play areas required in shared facilities, per OAC 340:110-3-277(b), are not counted toward the licensed capacity.

- (3) **Outdoor play area capacity.** ~~The outdoor~~ Outdoor play areas are not routinely occupied by more children than can be accommodated by the square footage per (1) of this subsection. When the program has less than 75 square feet of outdoor play area per child for the licensed capacity, the program follows a rotation schedule as indicated on the classroom schedules.
- (4) **Location.** ~~The outdoor~~ Outdoor play areas are situated ~~to allow the~~ allowing:
- (A) children to reach them safely; and
  - (B) supervision of areas where children cannot be easily seen.
- (5) **Fencing.** ~~The outdoor~~ Outdoor play areas are enclosed by a building or fence.
- (A) The fence:
    - (i) begins at ground level;
    - (ii) is at least 48 inches high;
    - (iii) poses no risk to children; and
    - (iv) is maintained in a good condition, such as stable, secure, and upright.
  - (B) However, ~~5-year-olds and older who are attending or have completed kindergarten~~ 4-year-olds and older may play in an unfenced or partially fenced on-site outdoor play area as part of a scheduled occasional supervised activity when the area is properly protected from traffic and other hazards.
- (6) **Exits and gates.** The outdoor play area(s):
- (A) has at least one exit ~~that remains~~ remaining unlocked during the ~~hours of~~ hours and is away from the building. However, the unlocked exit may have a child-proof latch or a latch out of ~~the reach of children~~ children's reach; and
  - (B) gates are kept closed, when children are playing outside.
- (7) **Water protection.** Bodies of water and water features meet ~~the~~ water activity requirements, per OAC 340:110-3-291.
- (8) **Shade.** ~~The outdoor~~ Outdoor play areas have shade accessible to children when outdoors.
- (9) **Open area.** ~~The play~~ Play equipment is arranged to have an open, continuous, uninterrupted, and unobstructed area in at least 25 percent of the required outdoor play area. Programs in shared facilities ~~that share their~~ sharing outdoor play areas are exempt from this requirement.
- (10) **Use zones.** Use zones are ~~clearance spaces and surfaces under and around a piece of equipment onto which a child falling or exiting from the equipment would be expected to land~~ defined, per OAC 340:110-3-275.
- (A) Use zones:
    - (i) are free of obstacles, except for multi-axis, swing support structures;
    - (ii) around all play equipment are arranged to prevent hazards from conflicting activities;
    - (iii) around non-portable play equipment, with a fall height of:
      - (I) 30 inches or less, extend at least three feet ~~in all directions~~ from the equipment perimeter in all directions, unless an exception in (B) of this subsection applies; or
      - (II) more than 30 inches, extend at least six feet ~~in all directions~~ from the equipment perimeter in all directions, unless an exception in (B) of this subsection applies; and



- (iv) do not overlap. However, use zones in programs licensed before January 1, 2016, may overlap for existing non-portable play equipment, unless the equipment is moved.
- (B) However, use zones:
- (i) on the sides of play equipment, where the fall potential in that direction is minimal, are not required, such as play equipment with guardrails or barriers or the sides of swings;
  - (ii) for single-axis swings that move forward and backward, extend two times the length of the swing chain to the front and rear of the swing midpoint. However, swings secured by a bar or strap and used by ~~2-year-olds~~ children 2 years of age or younger are not required to extend more than six feet; and
  - (iii) for multi-axis swings, such as tire swings ~~that move in a circle~~ with circular motion, extend six feet plus the length of the chain in every direction from the midpoint. At least a 30-inch clearance between a fully extended tire swing seat and the support structure is required.
- (C) The swing fall height is where the chain attaches at the top of the support structure.
- (11) **Impact-absorbing materials.** Impact-absorbing materials:
- (A) are required in use zones for:
- (i) climbers;
  - (ii) swings;
  - (iii) slides; and
  - (iv) revolving equipment; and
- (B) meet these requirements when obtained after August 1, 2003, as documented, per OAC 340:110-3-281.2(c). However, grass is acceptable when the fall height is four feet or less and for swings secured by a bar or strap used by ~~2-year-olds~~ children 2 years of age or younger.
- (i) Loose-fill materials, such as sand, pea gravel, wood playground mulch, shredded rubber mulch, and engineered wood fibers (EWF):
    - (I) are maintained at a depth of at least six inches by replacing, leveling, or raking. In addition, rubber mulch, EWF, and any other loose-fill material ~~that is~~ tested by the American Society for Testing and Materials International (ASTM) ~~must comply~~ complies with ASTM impact attenuation and EWF guidelines;
    - (II) remain loose and are not compacted. Grass and weeds in use zones are minimized to prevent compaction; and
    - (III) may be prevented from displacement by using impact mats ~~that meet~~ meeting ASTM guidelines for impact attenuation.
  - (ii) Unitary materials, such as rubber mats and poured in place rubber:
    - (I) comply with ASTM guidelines for impact attenuation;
    - (II) have an ASTM rating equal to or greater than the fall height; and
    - (III) do not have rips, tears, and loose seams.
- (12) **Surfaces.** At least two surface types are required. Programs licensed:
- (A) on or after January 1, 2016, only count surfaces outside of ~~the~~ use zones, including impact-absorbing materials that extend beyond ~~the~~ use zones; and

(B) before January 1, 2016, may count surfaces inside of the use zones, unless square footage is added to the outdoor play area.

### **340:110-3-302. Equipment**

Issued 1-1-16 Revised 6-1-22

(a) **General.** When obtaining and maintaining basic and play equipment, the requirements in this Section are met.

(1) **Type and quantity.** ~~The equipment~~ Equipment is:

(A) of appropriate type and size ~~to meet~~ meeting the age group and individual children's needs for physical, cognitive, emotional and social development ~~needs of the age group and individual children in care~~; and

(B) provided in type and quantity, per Oklahoma Administrative Code (OAC) 340 Appendix MM – Equipment.

(2) **Condition.** ~~The equipment~~ Equipment is:

(A) safely constructed, including lead free;

(B) installed, maintained, and used ~~according to the,~~ per manufacturer's instructions;

(C) maintained in a safe condition ~~that prevents~~ preventing hazards, such as tipping over, splinters, loose parts, protrusions, and sharp edges;

(D) complete and in good working condition and repair, including no holes ~~and~~ or tears; and

(E) clean and sanitary, per OAC 340:110-3-304.

(3) **Evaluate.** The program:

(A) evaluates equipment for required quantity and safety on an ongoing basis; and

(B) conducts an equipment inventory at least every 12 months. Documentation is maintained, per OAC 340:110-3-281.2(c).

(b) **Rest equipment.** Safe and appropriate use of rest equipment is met, per OAC 340:110-3-296.

(1) **Mats.** Each individual mat is at least ~~two inches~~ one-inch thick and covered with a durable, washable, waterproof, form-fitting material. ~~Inflatable mats do not meet this requirement are not used for rest time.~~

(2) **Cots.** Cots are able to be cleaned and sanitized.

(3) **Cribs.** Cribs, including portable cribs that can be folded or collapsed without being disassembled:

(A) meet the current Consumer Product Safety Commission (CPSC) full-size and non-full-size crib standards. Documentation is maintained, per OAC 340:110-3-281.2(c); and

(B) have a mattress that is:

(i) firm;

(ii) designed to fit the specific crib, with one inch or less between the mattress and crib; and

(iii) covered with a durable, washable, waterproof, form-fitting material.

(4) **Play yards.** Play yards, such as playpens and pack-n-plays, are made of mesh, fabric, or other non-rigid construction.

(A) Play yards are prohibited in programs licensed on or after January 1, 2016.

(B) Existing play yards may be used in programs licensed before January 1, 2016, provided these requirements are met. However, additional or replacement play yards are not obtained after this date.

(i) The pad is manufactured for the specific play yard.

(ii) The equipment has:

(I) mesh less than 1/4 inch in size, smaller than baby clothing buttons;

(II) securely attached material at the top rail and floor plate;

(III) no tears, holes, or loose threads that could entangle a child; and

(IV) no missing, loose, or exposed staples.

(c) **Indoor play equipment.** Safe and appropriate use of indoor play equipment, including access, rotation, use zones, and impact-absorbing materials, is met, per OAC 340:110-3-289(f) and (g) and 340:110-3-301(b).

(d) **Outdoor play equipment.** Safe and appropriate use of outdoor play equipment, including open area arrangement, use zones, and impact-absorbing materials, is met, per OAC 340:110-3-301(c).

(1) **Safe design.** Equipment does not have:

(A) angles or openings between three and one-half inches and nine inches that could entrap any part of a child's body including ~~their~~ his or her head, such as ladder rungs and steering wheels;

(B) exposed moving parts with pinch, crush, or shear points, such as rotating devices with exposed gears or axle assemblies and teeter-totter hinges; and

(C) swing seats made of hard or heavy materials. Swing seats are constructed of durable, lightweight, relatively pliable material, such as nylon webbing, rubber, or plastic.

(2) **Stability.** Equipment can withstand the maximum anticipated forces generated by active use to ~~prevent~~ preventing overturning, tipping, or sliding. Anchors, when used, ~~do not~~ pose a no hazard to children.

(e) **Prohibited equipment.** Prohibited equipment is not on-site, unless the shared facility requirements, per (f) of this Section apply, ~~and is not used.~~

(1) **Diaper changing equipment.** Prohibited diaper changing equipment includes diaper changing attachments contained in pack-n-plays.

(2) **Rest equipment.** Prohibited rest equipment includes:

(A) bassinets, including bassinet attachments in pack-n-plays;

(B) stacked cribs; and

(C) play yards, when applicable, per (b) of this Section, including when children are awake.

(3) **Play equipment.** Prohibited play equipment includes:

(A) infant walkers;

(B) ~~trampolines, of any kind~~

~~(C)~~ heavy metal or molded plastic swings, such as animal figures; ~~and~~

~~(D)~~ (C) swinging gates used as play equipment; and

(D) trampolines except for mini-trampolines or mini-rebounders:

(i) having a diameter of three feet or less, padded handle, and safety pad cover; and

(ii) used only by children 3 years of age and older with adult supervision.

(f) **Prohibited and non-compliant equipment - shared facility.** When prohibited equipment, per (e) of this Section, or equipment ~~that does not meet~~ meeting the requirements, including inappropriate use zones and impact-absorbing materials, are on-site due to the program sharing the facility, the requirements ~~listed~~ in (1) and (2) of this subsection are met.

(1) **Inaccessible.** The equipment is made inaccessible, when possible, or a Licensing-approved written plan, addressing a method ~~that ensures~~ ensuring the equipment is not used by ~~the children,~~ is followed.

(2) **Capacity.** The area taken by the prohibited and non-compliant equipment does not count toward the licensed capacity, classroom capacity, or outdoor play area capacity.

### **340:110-3-303. Hazards**

~~Issued 1-1-16~~ Revised 6-1-22

(a) **General.** Hazards ~~mean~~ are defined as anything that may inflict injury or cause harm, per Oklahoma Administrative Code (OAC) 340:110-3-275.

(1) The facility is free of hazards.

(2) Hazardous items are:

(A) inaccessible, as defined, per OAC 340:110-3-275; and

(B) including these items in personal belongings, such as diaper bags, backpacks, and purses. ~~However,~~

(3) ~~hazardous~~ Hazardous items used for a supervised, planned, learning activity may be accessible during the activity, such as water play, arts and crafts, gardening, and woodworking. Higher risk activity requirements may apply, per ~~Oklahoma Administrative Code (OAC) 340:110-3-290.~~

(3)(4) Personnel recognize and act to correct hazards to physical safety, both indoors and outdoors indoor and outdoor physical safety hazards.

(b) **Manufacturer instructions.** Products, including toxic materials, are used ~~according to,~~ per the manufacturer's instructions.

(c) **Standing liquid.** ~~Liquid in containers or buckets is inaccessible.~~ Standing liquids are attended at all times and emptied immediately after use.

(d) **Toxic plants.** Toxic plants are inaccessible.

(e) **Toxic materials.** Toxic materials, such as health and beauty aids, cleaning materials, and pesticides are inaccessible.

(1) Toxic materials are stored in ~~their~~ original containers. However, smaller containers may be used when labeled with the product's name, and the warning information is maintained at the facility.

(2) Toxic materials are not stored and or used in a manner ~~that:~~

(A) ~~does not constitute~~ constituting a hazard; and or

(B) ~~prevents contamination of~~ contaminating food and food-contact items and surfaces.

(f) **Pest control products.** Pest control products are not applied when children are present. After ~~their~~ product application, children do not ~~enter~~ access the area until indicated by the manufacturer's instructions.

(g) **Medication.** Medication is inaccessible.

- (h) **Illegal drugs.** The facility and transportation vehicles ~~used to transport children~~ are free of illegal drugs and paraphernalia.
- (i) **Tobacco products.** Tobacco and simulated tobacco products and related items, such as ashtrays and cigarette butts, are inaccessible.
- (j) **Matches and lighters.** Matches and lighters are inaccessible.
- (k) **Open flames.** Items with open flames, such as candles, are not used during ~~the hours of operation~~ operating hours.
- (l) **Heater closets.** The central heating unit and gas-fed hot water heater enclosures, such as a closet, are inaccessible and not used for any type of storage.
- (m) **Weapons and ammunition.** Any weapons and ammunition, such as firearms, cap pistols, bows and arrows, and hunting knives, are kept in an inaccessible area. In addition:
- (1) locked is defined, per OAC 340:110-3-275;
  - (2) weapons are kept unloaded in locked containers or cabinets;
  - ~~(2)~~(3) ammunition is kept in locked containers or cabinets, separate from weapons;
  - ~~(3)~~(4) keys, combinations, and ~~codes~~ used for locked storage codes are inaccessible; and
  - ~~(4)~~(5) parents are informed of weapons as required, per OAC 340:110-3-280(d).
- (n) **Vehicle items.** ~~When transported, children~~ Children are protected from items ~~in the vehicle~~ that may become a hazard hazardous during vehicle operation or ~~in the event of~~ an accident.
- (o) **Miscellaneous.** The requirements ~~listed~~ in (1) and (2) of this subsection are met.
- (1) Fireworks are inaccessible.
  - (2) Compressed gas cylinders are secured to prevent falling over.
- (p) **Hazards - 2-year-olds children 3 years of age and younger.** The requirements ~~listed~~ in (1) and ~~(2)~~ through (3) of this subsection are met.
- (1) For 3-year-olds and younger, electrical device charging cords are inaccessible.
  - (2) For 2-year-olds and younger, inaccessible items include:
    - (A) strangulation hazards ~~are inaccessible~~, such as electrical and ~~venetian~~ window blind cords, ropes, and play equipment with strings long enough to strangle a child strings;
    - (B) choking hazards ~~are inaccessible~~, such as objects with removable parts ~~with a diameter~~ having less than one and 1/4 ~~inches~~ inch diameter, plastic bags, Styrofoam, and rubber balloons; and
    - (C) play equipment with sharp points or edges ~~are inaccessible~~.
  - ~~(2)~~(3) For 1-year-olds and younger, stairways are inaccessible.

### **340:110-3-304. Cleanliness and sanitation**

Issued 1-1-16 Revised 6-1-22

- (a) **General.** The cleaning and sanitation requirements ~~listed~~ in (1) and (2) of this subsection are met.
- (1) The facility and vehicles are clean, sanitary, and free of clutter and litter, including paper accumulation. The facility and equipment ~~do not have accumulations of~~ no dust, dirt, ~~soils, food particles, and soil, food particle, or~~ other debris accumulation.
  - (2) The outdoor play areas are free of tall grass and weeds; and standing water; ~~animal waste, and debris~~.

- (3) Prior to children being outside, the outdoor area is free of animal waste and debris.
- (b) **Procedures.** The procedure requirements listed in (1) and (2) of this subsection are met.
- (1) Cleaning, sanitizing, and disinfecting are conducted in a manner ~~that prevents the contamination of~~ preventing food and food-contact items and surfaces item and surface contamination.
- (2) ~~To clean~~ When cleaning up vomit, blood, and body fluids that may contain blood, disposable, non-porous gloves are used. ~~Immediately after use, the gloves~~ Gloves are discarded immediately after use in an inaccessible, closed container, and hands are washed.
- (c) **Cleaners, sanitizers, and disinfectants.** ~~The program uses an appropriate cleaner, sanitizer, or disinfectant for the task is used, per Oklahoma Administrative Code (OAC) 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants.~~ For sanitizing and disinfecting, only a sanitizer or disinfectant with an Environmental Protection Agency registration number or household bleach is used, per ~~Oklahoma Administrative Code (OAC) 340 Appendix NN – Cleaners, Sanitizers, and Disinfectants.~~
- (d) **Diaper changing areas.** The program cleans and disinfects, per OAC 340 Appendix KK – Diaper Changing Procedures.
- (e) **Food service areas.** The program cleans and sanitizes, per OAC 340:110-3-299(k).
- (f) **Equipment.** The program cleans and sanitizes, per the requirements listed in (1) through (3) of this subsection.
- (1) Indoor play equipment is:
- (A) cleaned and sanitized, including laundered when applicable, before being reused after:
- (i) contact with body fluids, including ~~placement in a child's mouth;~~ and
- (ii) use by ~~a child who is ill~~ an ill child; and
- (B) stored in a sanitary manner.
- (2) Rest equipment other than bedding is:
- (A) cleaned and sanitized:
- (i) at least weekly;
- (ii) after contact with body fluids;
- (iii) before use by another child; and
- (iv) after use by ~~a child who is ill~~ an ill child; and
- (B) stored in a sanitary manner.
- (3) Bedding is:
- (A) changed:
- (i) at least weekly, ~~except;~~ however, crib and play yard sheets are changed daily;
- (ii) when soiled;
- (iii) before use by another child; and
- (iv) after use by ~~a child who is ill~~ an ill child; and
- (B) stored in a sanitary manner. ~~Between laundering, a~~ A child's bedding does not touch another child's bedding between laundering.
- (g) **Laundry.** Dirty laundry is kept in containers until laundered.
- (h) **Trash and rubbish.** Trash and rubbish is promptly discarded into trash containers.
- (1) Trash containers:

(A) containing soiled diapers or disposable training pants or food waste, ~~are leak-proof, non-absorbent,~~ have leak-proof disposable liners and are covered with tight-fitting lids when not in continuous use;

(B) ~~are clean, with~~ within food service ~~area trash containers being thoroughly~~ areas are cleaned each time they are emptied; and

(C) are clean and of adequate quantity and size ~~to store all facility trash,~~ including exterior containers for ~~storage~~ storing facility trash prior to disposal from the premises.

(2) ~~Disposal of trash~~ Trash disposal from the premises ~~is frequent~~ occurs as needed for sanitation.

(3) ~~Garbage disposals for sinks, when~~ When used, sink garbage disposals are of suitable construction and ~~are installed in compliance~~ comply with the building codes of the local or state governmental authority having jurisdiction.

(i) **Pest control.** The facility is free of pests, such as rodents and insects. Safe, effective measures ~~are taken to~~ minimize the presence and protect against the entry of pests.

### **340:110-3-305. Transportation**

~~Issued 1-1-16~~ Revised 6-1-22

#### **(a) General.**

(1) ~~Anytime a child~~ When children in care ~~is driven~~ are transported in a vehicle, whether provided, arranged, or contracted by the program, requirements in this Section are met.

(2) If When the program contracts for transportation, including ~~the~~ use of public transportation, the program is responsible for ensuring the contracted entity meets ~~the~~ transportation requirements, including child passenger safety training.

(3) Children are not transported in vehicles or parts of vehicles not designed for transporting ~~people~~ individuals, such as truck beds, campers, and trailers.

(4) Drivers and vehicles used to transport children ~~are in compliance~~ comply with all applicable state laws, including vehicle insurance. Documentation is maintained, per Oklahoma Administrative Code (OAC) 340:110-3-281.2(c) and (d).

(5) Children do not ride more than 60 minutes one way. However, longer field trips may occur infrequently provided necessary rest and stretch stops are made ~~as needed~~ to meet children's needs.

#### **(b) Driver, child passenger safety, cardio-pulmonary resuscitation (CPR), and first aid.**

(1) The driver requirements are met, per OAC 340:110-3- 284.3(d).

(2) The child passenger safety training requirements are met by the:

(A) program, per OAC 340:110-3-284(d); and

(B) drivers and personnel assisting with child passenger safety restraints, per OAC 340:110-3-284.3(d).

(3) ~~The~~ CPR and first aid certification requirements are met, per OAC 340:110-3-284(d).

#### **(c) Parent permission and attendance documentation.**

(1) Transportation and field trip permission is maintained, per OAC 340:110-3-281.4(b).

(2) Attendance documentation is maintained, per OAC 340:110-3-281.2(c) and (d).

(d) **Ratios and supervision.**

- (1) The driver may count in ratios, unless excluded, per OAC 340:110-3-286(a).
- (2) Supervision is maintained, per OAC 340:110-3-287(h).

(e) **Communication.**

- (1) ~~Phone requirements are met per OAC 340:110-3-279(b)~~ An operable phone is in each vehicle transporting children.
- (2) ~~Communication device use is restricted for the driver per OAC 340:110-3-287(h).~~ While transporting children, drivers do not use a phone or wireless communication device, including hands-free technology:
  - (A) when the vehicle is in motion, with the exception of a navigational system or global positioning system device; and
  - (B) unless emergency communication is necessary and the vehicle is secured in park before devices are used.

(f) **Safety and tobacco-free.**

- (1) Vehicles have a first aid kit ~~when required,~~ per OAC 340:110-3-279(d).
- (2) Vehicles are free of hazards, per OAC 340:110-3-303.
- (3) Safe conduct to and from the vehicles and safe off-street loading spaces are provided to protect children from:
  - (A) backing vehicles;
  - (B) being between vehicles; and
  - (C) traffic hazards.
- (4) ~~The vehicle~~ Vehicle door locks are activated when the vehicle is moving.
- (5) Tobacco use is prohibited, per OAC 340:110-3-294(g).

(g) **Passenger restraints, seating, and airbags.**

- (1) Vehicle maximum capacity and seating space, per manufacturer's designations, is not exceeded.
- (2) Children sit in seats behind the front seat. However, when all these positions are ~~taken occupied~~ by other children in care, children, a child may sit in the front seat, provided requirements in (A) and (B) of this paragraph are met.
  - (A) When there is a front seat passenger airbag and ~~12-year-olds~~ children 12 years of age or younger are in the front seat, the airbag is deactivated by a weight sensitive seat, when equipped with such, or a manual switch.
  - (B) ~~However, when~~ When the airbag cannot be deactivated, the front seat is pushed back as far as possible, and only a child whose age and weight requires a forward facing car seat with a harness, per manufacturer's instructions, may sit in the front seat.
- (3) ~~Child passengers~~ Children remain properly secured in child passenger restraint system, such as a car or booster seat or an individual seat belt ~~in compliance complying~~ with applicable state laws, unless the vehicle is exempt, per (5) of this subsection. Children do not share a seat belt.
  - (A) Car and booster seats are:
    - (i) federally approved;
    - (ii) installed ~~according to the,~~ per manufacturer's instructions;
    - (iii) appropriate to the child's height, weight, and physical condition ~~of the child,~~ per manufacturer's instructions; and



- (iv) properly maintained, such as not expired or previously involved in a vehicle accident.
- (B) Seat belts:
  - (i) are properly anchored to the vehicle; and
  - (ii) fit the child appropriately, per Child Passenger Safety training, per OAC 340:110-3-284(d).
- (4) Adult passengers, including the driver, remain properly secured in an individual seat belt unless:
  - (A) unable, due to ~~medical reasons~~ as documented medical reasons, per OAC 340:110-3-281.3(b); or
  - (B) the vehicle is exempt, per (5) of this subsection.
- (5) The vehicle exemption to passenger restraints is for buses, unless designed for or equipped with seat belts or the Lower Anchors and Tethers for Children (LATCH) system. However, passengers remain seated ~~in these exempt vehicles~~.
- (h) **Vehicles and vehicle maintenance.**
  - (1) ~~The vehicle~~ Vehicle requirements apply to:
    - (A) program vehicles at all times; and
    - (B) personal vehicles when transporting children.
  - (2) Vehicle maintenance is:
    - (A) conducted at least quarterly ~~on~~ for:
      - (i) program vehicles; and
      - (ii) personal vehicles used ~~on a regular basis~~ regularly; and
    - (B) documented, per OAC 340:110-3-281.2(c).
  - (3) The vehicles:
    - (A) are identified with the program or business entity name and phone number ~~that is easily read by the public, unless using contracted transportation~~;
    - (B) are in a safe operating condition;
    - (C) have an operable heater ~~used during cold weather to maintain~~ maintaining an interior temperature of at least 65 degrees Fahrenheit;
    - (D) have a ventilation system ~~used during hot weather~~, such as air conditioning or operable windows; and
    - (E) have stationary padded seats, with a back properly anchored to the vehicle.

## PART 16. COMMUNITY HOPE CENTERS

### **340:110-3-400. Community Hope Centers**

**~~Issued 12-9-20~~ Revised 6-1-22**

- (a) **Program definition.** Community hope centers are programs operating more than 15 hours per week, serving children and youth 5 through 17 years of age. Programs provide access to mental health professionals and resources meeting children's and youths' social and emotional well-being, the science of hope, and connections to additional community resources for families.
- (b) **Request for license.** Programs complete Form 07LC004E, Request for License-Child Care Program.
- (c) **Inspections and approvals.** Programs meet inspection and approvals in (1) through (3) of this subsection.

(1) The program is inspected and approved by Oklahoma Human Services (OKDHS) Child Care Services (CCS), per Oklahoma Administrative Code (OAC) 340:110-3-400 (a) through (u).

(2) A fire inspection and approval is required.

(3) An Oklahoma State Department of Health (OSDH) inspection and approval is required when meals are prepared and served.

(d) **Personnel qualifications.** Personnel meet qualifications in (1) through (3) of this subsection.

(1) **Program or site director.** Program or site directors are at least 21 years of age and responsible for the day-to-day program operation. Program or site directors meet one of the educational and experience qualifications in (A) and (B) of this paragraph. Program or site directors:

(A) have obtained a bachelor's degree from an accredited college or university with at least nine-college credit hours in family focus, child or youth development, sociology, social work, or a closely related subject, and six months children's and youth's services experience; or

(B) in lieu of a bachelor's degree have five years of experience in children's or youth's services; including care of children or youth with complex emotional needs and daily program operations.

(2) **Personnel meeting staff child and youth ratio.** Personnel possess adequate education, professional development, and experience to perform the position's essential functions. Personnel are at least 18 years of age and have a high school diploma or General Education Development (GED).

(3) **Personnel in charge.** Program personnel left alone with children or youth must meet personnel qualifications, be at least 21 years of age, and have a good understanding of licensing requirements and program policy.

(e) **Background investigations.** Background investigation requirements are met.

(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 (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 responsible entity;

(C) personnel applicants, prior to hire. However, the program may hire individuals, when:

(i) the program has submitted a criminal history review request to the Office of Background Investigations (OBI);

(ii) only awaiting the national criminal history records search, based on fingerprint submission;

(iii) criminal history review results from OBI are received by the program. However, until complete results are received, the individual does not have unsupervised access to children or youth; and

(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required, per (2) of this subsection, with the exception of criminal history

restriction waivers, provided there is no break in employment from the business entity; and

- (D) individuals with unsupervised access to children and youth, prior to having access to children and youth, unless an exception per (3) of the 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 and youth, who become 18 years of age while living in the facility; and
- (F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However, criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(3) **Non-required individuals.** Background investigations are not required for:

- (A) specialized service professionals who are not program personnel, parent releases are signed and dated with an indication of understanding unsupervised access prior to children or youth seeing each professional.
- (B) volunteer drivers transporting children or youth on an irregular basis and not filling another position, parent releases are signed and dated with an indication of understanding unsupervised access prior to children or youth having access to each volunteer driver;
- (C) contracted drivers not filling another position or having unsupervised access to children or youth; and
- (D) contracted non-personnel not having unsupervised access to children or youth, such as when the program contracts for special activities or facility repair.

(4) **Restricted Registry.** The program conducts an online search of the Restricted Registry, also ~~named~~ known as Joshua's List, when required, per (1) of this subsection.

(A) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(B) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children or youth, or residence in a facility, or program licensed, certified, operated or contracted with by the Department or the Office of Juvenile Affairs, and prohibited individuals, per (8) of this subsection.

(5) **Criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from OBI when required, per (1) of this subsection.

(A) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited, per (8) of this subsection. Criminal history prohibitions include:

(i) required registration under the:

(I) Sex Offenders Registration Act, including state and national repositories;  
or

(II) Mary Rippey Violent Crime Offenders Registration Act; or

(ii) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

- (I) murder, as defined in Section 1111 of Title 18 of United States Code;
- (II) child or youth neglect or abuse;
- (III) crimes against children and youth, including child and youth pornography;
- (IV) spousal abuse;
- (V) crimes involving rape or sexual assault;
- (VI) kidnapping;
- (VII) arson;
- (VIII) physical assault or battery; or
- (IX) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver, per (6) of this subsection is granted; or
- (iii) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child or youth involving:
  - (I) child or youth abuse or child or youth endangerment; or
  - (II) sexual assault; or
- (iv) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child or youth pornography; or
- (v) when an individual:
  - (I) refuses to consent to background investigations, per (1) of this subsection; or
  - (II) knowingly makes a materially-false statement in connection with criminal background investigations.

**(B) Criminal history restrictions.** Individuals with criminal history restrictions are prohibited, per (8) of this subsection, 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 criminal activity involving:

- (i) gross irresponsibility or disregard for the safety of others;
- (ii) violence against an individual;
- (iii) sexual misconduct;
- (iv) child and youth abuse or neglect;
- (v) animal cruelty;
- (vi) illegal drug possession, sale, or distribution; or
- (vii) a pattern of criminal activity.

**(6) Criminal history restriction waivers.** Restriction waivers are described in (A) through (D) of this paragraph.

(A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on an OKDHS-provided 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 criminal history restrictions.

(C) Individuals identified in pending or denied restriction waiver requests are prohibited, per (8) of this subsection.

(D) Granted criminal history restriction waiver notifications are maintained at the facility.

(7) **References.** The program obtains at least three, non-relative references prior to hiring personnel applicants, with at least two references from the most recent employers, when applicable.

(8) **Prohibited individuals.** Prohibitions are described in (A) through (F) of this paragraph.

(A) **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:

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

(I) criminal history prohibitions; or

(II) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or

(III) a substantiated heinous and shocking abuse finding; or

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

(B) **Background investigation of drivers.** In addition to (A) of this paragraph, the program does not allow an individual, who is required to obtain a background investigation to transport children or youth when the individual has entered a plea of guilty or nolo contendere (no contest), or been convicted of driving under the influence of alcohol or drugs or another impaired driving offense within the last five years.

(C) **Background of any individual.** The program does not allow any individual to have access to children and youth, such as being present at the facility during the hours of operation or present with the children and youth in care while off-site, when the program is aware the individual has criminal history prohibitions, per (5) of this subsection. However individuals may drop-off and pick-up children and youth in care.

(D) **Behavior or health of any individual.** The program does not allow any individual to have access to children and youth or live in the facility when the individual's behavior or health could endanger the health, safety, or well-being of children and youth.

(E) **Health of food service personnel.** In addition to (A) and (D) of this paragraph, the program does not allow any individual to work in any capacity in any area of food service whose health could endanger the health, safety, or well-being of children and youth, including communicable disease and infestation symptoms, other than head lice.

(F) **Treating medical personnel statement.** When it is reported or observed an individual has a physical, mental, or emotional condition that may negatively impact the children and youth or impair individual's ability to perform his or her assigned job responsibilities, the program may be required to submit a treating medical personnel statement to Licensing.

(f) **Personnel forms.** All program personnel, including program and site directors, complete an OKDHS-provided personnel form.

(g) **Responsibilities.** Personnel meet the general responsibility requirements in (1) through (2) of this subsection.

(1) **Complying with requirements.** Personnel comply with the requirements.

(2) **Caring for and educating children and youth.** Personnel:

(A) individualize the care and learning opportunities to meet each child's or youth's needs based upon the child's or youth's age and abilities, including reviewing the information provided by parents while respecting confidentiality;

(B) recognize and act to correct hazards to physical safety, both indoors and outdoors;

(C) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children and youth;

(D) demonstrate realistic expectations for behavior based on the age, abilities, and needs of children and youth; and

(E) work with children and youth without physical, psychological, or emotional punishment, mistreatment, or abuse.

(h) **Professional development.** Personnel meet professional development requirements in (1) through (5) of this subsection.

(1) All program personnel, including program and site directors, obtain an OKDHS-approved orientation, online video within one week of employment and prior to having sole responsibility of children or youth.

(2) At least one personnel is present in each building where children or youth are in care, off-site, or in vehicles during transportation; with current, age-appropriate cardiopulmonary resuscitation and first aid (CPR/FA). When personnel do not currently have CPR/FA, obtaining at least online CPR/FA training is required.

(3) All program personnel, including program and site directors, receive Science of Hope training.

(4) At least one person per site is certified as a Hope Navigator.

(5) All program personnel, including program and site directors, obtain job-related professional development annually that includes health and safety topics as well as emergency preparedness. Documentation is maintained on-site and includes the topic, training source, length of training, and date received. Topics include:

(A) prevention and control of infectious disease;

(B) administration of medication, consistent with standards for parental consent;

(C) prevention and response to emergencies due to food and allergic reactions;

(D) appropriate precautions in transporting children, when applicable;

(E) building and physical premises safety; including identification of, and protection from, hazards, bodies of water, and vehicular traffic;

(F) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event, such as violence at the facility, within the meaning of those terms, per Section 602(a)(1) of the Robert T. Stafford Disaster Relief And Emergency Assistance Act, per ~~(42—U.S.C.~~ Section 5195a(a)(1) of Title 42 of the United States Code, that includes procedures for evacuation, relocation, shelter-in-place and lockdown, personnel and volunteer

emergency continuity of operations and, accommodation of children and youth with disabilities and chronic medical conditions;

(G) handling and storage of hazardous materials and appropriate disposal of bio contaminants;

(H) age appropriate CPR/FA; and

(I) recognition and reporting of child abuse and neglect, per (j) of this Section.

(i) **Child and youth records.** Programs maintain child and youth information on an OKDHS-provided form.

(j) **Reporting.** Programs meet reporting requirements in (1) ~~and through (2)(3)~~ of this subsection.

(1) **Licensing.** The owner, responsible entity, or program or site director notifies Licensing by the next OKDHS-business day of:

(A) a known legal action, such as a Victim Protection Order, arrest, or criminal investigation or charge, involving the program, owner, responsible entity, personnel, or an individual living in the facility;

(B) a known child or youth neglect or abuse investigation involving the owner, responsible entity, personnel, or an individual living in the facility that is pending or has a disposition;

(C) an unscheduled, temporary or permanent program closure or relocation;

(D) facility damage affecting the amount of usable square footage or compliance with requirements;

(E) an incident that exposes children or youth to an imminent risk of harm, such as a child or youth leaving the facility without program knowledge, or being left alone on- or off-site or in a vehicle;

(F) an animal bite to an individual that occurs on-site at any time or off-site when participating in program activities;

(G) an accident involving transportation, unless there were no injuries and only minor damage to the vehicles;

(H) a child or youth injury requiring emergency medical attention; and

(I) a child or youth death or near death, occurring while in care.

(2) **Child or youth abuse and neglect and human trafficking.**

(A) Abuse and neglect. Any person who has reason to believe a child or youth has been abused or neglected, per 10A O.S. § 1-1-105, is required to report the matter promptly to the OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per ~~Section 1-2-101 of Title 10A of the Oklahoma Statutes~~ (10A O.S. § 1-2-101). Failure to report is a misdemeanor offense and, upon conviction, is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(B) Human trafficking. Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children or youth, as described in 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(3) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving

the notice, the facility owner or primary caregiver provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.

(A) Notification is:

(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and

(ii) provided by certified mail.

(B) The program maintains the list of notified parents and legal guardians for at least 12 months.

(k) **Staff to child and youth ratio.** Children and youth are adequately supervised at all times whether on or off the facility premises. Ratios and age groups of children and youth are maintained, per (1) and (2) of this subsection.

(1) Children 5 through 12 years of age have 4 one personnel to 20 children.

(2) Youth 13 through 17 years of age have 4 one personnel to 25 youth.

(l) **Facility and premises.** Facility requirements are met, per (1) through (16) of this subsection.

(1) **Utilities.** Programs have operable utilities, including hot water.

(2) **Square footage and capacity.** Indoor square footage and areas are maintained, per (A) through (C) of this paragraph.

(A) **Indoor square footage for licensed capacity.** A minimum of 35 square feet of indoor floor space per child and or youth is required for routine use by children and youth.

(B) **Areas not counted toward licensed capacity or limited for children's and youth's use.** Some areas may not be suitable for children's and youth's use or only under the conditions listed in (i) through (iii) of this subparagraph.

(i) Areas not counted toward the licensed capacity are:

(I) restrooms, kitchens, and hallways;

(II) storage closets and supply rooms;

(III) personnel offices, work rooms, and break rooms;

(IV) areas occupied by furniture not for children's or youth's use; and

(V) supplemental areas or rooms used exclusively for eating, rest time, gross motor activities, or care of ill children or youth.

(ii) Basements, areas partially below ground level, and floors above ground level are only counted toward the licensed capacity when approved by the local or state fire governmental authority having jurisdiction. Fire inspection approval is also required before children or youth use the area for any reason, except as part of the emergency plans and procedures, such as during tornados or lock-downs. Fire inspection reports indicate age restrictions. When used by children or youth, basements are finished, dry, and ventilated.

(iii) Large areas, such as gymnasiums are only counted toward the licensed capacity when divided into rooms for children 5 years of age and older; however, they may be used as a supplemental area for any age.

(C) **Room capacity.** Rooms are not routinely occupied by more children or youth than can be accommodated by the square footage, per (A) of this paragraph.

(3) **Hazards.** Hazards mean anything that may inflict injury or cause harm.

(A) The facility is free of hazards.



- (B) Hazardous items are inaccessible, including those in personal belongings, such as backpacks, and purses.
- (C) Personnel recognize and act to correct hazards to physical safety, both indoors and outdoors.
- (4) **Illegal drugs.** The facility and vehicles used to transport children or youth are free of illegal drugs and paraphernalia.
- (5) **Tobacco products.** Tobacco and simulated tobacco products and related items, such as ashtrays and cigarette butts are inaccessible.
- (6) **Matches and lighters.** Matches and lighters are inaccessible.
- (7) **Open flames.** Items with open flames, such as candles are not used during the hours of operation.
- (8) **Weapons and ammunition.** Any weapons and ammunition, such as firearms, cap pistols, bows and arrows, and hunting knives are kept in an inaccessible area. In addition:
  - (A) weapons are kept unloaded in locked containers or cabinets;
  - (B) ammunition is kept in locked containers or cabinets, separate from weapons;
  - (C) keys, combinations, and codes used for locked storage are inaccessible; and
  - (D) parents are informed of weapons.
- (9) **Vehicle items.** When transported, children or youth are protected from items in the vehicle that may become a hazard during vehicle operation or in the event of an accident.
- (10) **Miscellaneous.** The requirements in (A) and (B) of this paragraph are met.
  - (A) Fireworks are inaccessible.
  - (B) Compressed gas cylinders are secured to prevent falling over.
- (11) **Animals.** Animals on the premises do not pose a health or safety risk to children and youth. Current vaccination records are maintained at the facility.
- (12) **Water safety.** Pools and other bodies of water are inaccessible.
  - (A) On-site indoor and outdoor swimming pools are enclosed and secured to prevent unsupervised access. Doors and gates leading to the pool are locked.
  - (B) Outdoor in-ground pools are fenced and fencing:
    - (i) is sturdy;
    - (ii) cannot be easily climbed;
    - (iii) is at least four feet high and starts at ground-level; and
    - (iv) may include a building wall, provided doors are kept locked and any windows are unable to be opened by children or youth.
  - (C) Outdoor above-ground pools have:
    - (i) a fence that meets the in-ground pool fencing requirements;
    - (ii) at least four feet of non-climbable pool sidewalls; or
    - (iii) a combination of pool sidewalls and fencing, with the fence attaching to and extending above the pool sidewalls, for a total height of at least four feet.
  - (D) Outdoor above-ground pools with steps leading to the pool have the steps removed or otherwise protected to prevent unsupervised access.
- (13) **Bathrooms.** Bathrooms meet sink and toilet requirements. Programs may request an alternative compliance, when needed. OKDHS approvals are granted on a case-by-case basis. The facility has:
  - (A) one toilet and one sink for every 25 children and youth; and

- (B) separate restrooms for male and female youth 13 through 17 years of age.
- (14) **Toileting facilities.** The toileting facilities:
  - (A) have operable toilets;
  - (B) have toilet paper within easy reach of children and youth;
  - (C) with doors, unlock from the outside in an emergency; and
  - (D) used by children 6 years of age and older provide privacy, such as being equipped with doors or having children or youth take turns while supervision is maintained.
- (15) **Hand washing facilities.** The hand washing facilities requirements in (A) and (B) of this paragraph are met.
  - (A) Required sinks are plumbed, per the Oklahoma Plumbing Licensing Act.
  - (B) Hand washing facilities have:
    - (i) operable sinks with running water between 80 and 120 degrees ~~Farenheit~~ Fahrenheit; and
    - (ii) soap, paper towels or mechanical hand dryers, and trash containers within easy reach of children and youth.
- (16) **Food storage.** Programs maintain adequate food storage.
- (m) **Children and youth health.** Programs meet medication and health requirements, per (1) through (9) of this subsection.
  - (1) **Program policy.** The program maintains medication policy that includes procedures for:
    - (A) storing, administering, returning, and disposing of medications;
    - (B) storing, using, returning, and disposing of medical waste, such as syringes, needles, and lancets;
    - (C) using sun safety methods, such as sunscreen; and
    - (D) using insect repellent.
  - (2) **Parent provides.** Prescription and over-the-counter medications are provided by the individual child's or youth's parent.
  - (3) **Parental permission.** Parental permission is obtained prior to administering the medication. Documentation is maintained at the facility.
  - (4) **Administration.** Medications are administered, per the requirements in (A) through (F) of this paragraph.
    - (A) Medications are only administered:
      - (i) by the designated personnel; and
      - (ii) to the child or youth whose full name is on the container label.
    - (B) Expired medication is not administered.
    - (C) Prescription medications are administered according to the container instructions, including only administering when the medication is part of a prescribed therapeutic treatment.
    - (D) Over-the-counter medications are administered according to the:
      - (i) container instructions; or
      - (ii) physician instructions.
    - (E) Oral medications are administered with a measuring device designed to measure medication.
    - (F) Each dose administered is immediately documented.
  - (5) **Inaccessible.** Medications are inaccessible to children and youth.

(6) **Labeling and storing.** Medications are:

- (A) maintained in the original container;
- (B) labeled with the child's or youth's full name;
- (C) stored according to the container label, including temperature; and
- (D) stored in locations, such as cabinets or drawers, clearly labeled "medication."

In addition:

- (i) refrigerated medications are stored in a container clearly labeled "medication"; and
- (ii) life-threatening condition medications, such as epinephrine pens and rescue inhalers, are in close proximity to the child or youth for immediate administration when needed, such as being in the same classroom or supplemental activity area as the child or youth, outdoors when the child or youth is outside, or on field trips.

(7) **Return to parents.** Medications are returned to parents:

- (A) daily;
- (B) when the parental permission period ends as documented;
- (C) when the medication expires; or
- (D) when the child or youth is withdrawn from the program.

(8) **Insect repellents and sunscreens.** Insect repellents and sunscreens are not considered medications. The program maintains insect repellent and sun safety policies.

(9) **COVID-19 virus guidelines.** Programs follow the Center for Disease Control (CDC) or Oklahoma State Department of Health COVID-19 virus guidelines for hand washing, group sizes, and use of personal protective equipment (PPE).

(n) **Food and nutrition.** Programs provide two meals and snacks per day and meet Child and Adult Care Food Program (CACFP) guidelines. Nutritional weekend food supplements are provided to children and youth.

(1) **Required meals and snacks.** The program ensures children and youth are served meals and snacks according to program hours of operation and children's and youth's attendance, regardless of the program or parents providing the food.

- (A) **Full day care.** Morning meal or snack, mid-day meal, and afternoon snack are served.
- (B) **Evening care.** Evening meal and evening snack are served.
- (C) **Overnight care.** Evening meal, evening snack, and morning meal are served.
- (D) **Children's and youth's attendance.** Children or youth in care over a four-hour period are served a meal.

(2) **Nutritional quality and quantity.** The nutritional requirements in (A) and (B) of this paragraph are met.

(A) **Meals and snacks.** Meals and snacks are required to meet the current CACFP guidelines, per ~~Oklahoma Administrative Code (OAC)~~ 340 Appendix LL - Meal and Snack Patterns.

(B) **Additional servings.** Additional servings:

- (i) are available when the child or youth remains hungry;
- (ii) meet the nutritional requirements, per this subsection; and
- (iii) are not required to be the same food as the first serving.

- (3) **Water.** Safe drinking water is freely available to children and youth at all times. Children and youth are encouraged to drink water throughout the day, especially before, during, and after outdoor activities.
- (4) **Program provided meals and snacks.** When the program provides the meals, snacks, or both, the parents may be requested and allowed to provide for:
- (A) their own children or youth who:
    - (i) have special dietary needs, including health or religious restrictions; or
    - (ii) are participating in a field trip; and
  - (B) a group of children or youth on special occasions.
- (5) **Allergies.** Programs request child and youth food allergy information from parents.
- (o) **Discipline and personnel interaction.** Discipline is developmentally appropriate, responsive to the circumstances, constructive, and provides an opportunity to learn and meets requirements in (1) through (3) of this subsection.
- (1) **General.** Personnel do not seek or accept parental permission that does not comply with requirements.
  - (2) **Appropriate discipline.** Personnel use appropriate discipline methods.
    - (A) **Assessment.** Personnel evaluate the environment, atmosphere, and activities before considering specific child or youth interventions.
    - (B) **Interaction.** Personnel interact with an attitude of understanding and firmness.
    - (C) **Fairness and consistency.** Personnel use fair and consistent rules.
    - (D) **Perspective.** Personnel maintain perspective and recognize every behavior does not require the teaching personnel's attention or intervention.
    - (E) **Expressing acceptance and disapproval.** Personnel speak so children and youth understand they and their feelings are acceptable, but their action or behavior may be unacceptable.
    - (F) **Self-control.** Personnel encourage children and youth to develop self-control.
    - (G) **Relevant.** Personnel choose discipline relevant to the behavior.
    - (H) **Redirect.** Personnel provide alternatives when the behavior is unacceptable.
    - (I) **Consequences.** Personnel use safe, natural, and logical consequences to help children and youth take responsibility for their actions.
    - (J) **Individualize.** Personnel recognize every discipline method is not effective with every child or youth, circumstance, or both.
  - (3) **Inappropriate discipline.** Personnel are prohibited from using or threatening to use inappropriate discipline.
    - (A) **Physical.** Examples of inappropriate physical discipline include:
      - (i) actions that could cause pain, such as shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spitting, hair pulling, yanking, and slamming;
      - (ii) biting a child or youth;
      - (iii) putting anything in, or on, a child's or youth's mouth;
      - (iv) exposure to extreme temperatures;
      - (v) excessive or forced exercise; and
      - (vi) restraining a child or youth by any means other than holding, and, then for only as long as necessary for the child or youth to regain self-control.
    - (B) **Psychological and emotional.** Examples of inappropriate psychological and emotional discipline, include:

- (i) humiliating, rejecting, or neglecting a child or youth;
- (ii) making derogatory or sarcastic remarks about a child's or youth's family, race, gender, religion, or cultural background;
- (iii) yelling at a child or youth out of anger or using harsh or profane language;
- (iv) punishing or threatening a child or youth in association with:
  - (I) education, such as writing repetitive sentences and homework;
  - (II) withdrawing, denying or forcing food, rest, or toileting; and
  - (III) withdrawing or denying outdoor activity or a weather-alternate activity;

or
- (v) isolating a child or youth without supervision;
- (vi) placing a child or youth in a dark area;
- (vii) allowing a child or youth to discipline other children or youth; ~~and~~ or
- (viii) punishing an entire group due to the actions of one or a few children or youth.

(p) **Child and youth programming and equipment.** Program activities are age-appropriate and provide enrichment activities to address social and emotional well-being and the science of hope.

(1) Program personnel help facilitate children and youth's remote and virtual learning; including assistance with homework and class assignments.

(2) Activities for children 5 through 12 years of age meet requirements in (A) through (D) of this paragraph. Each child or youth is:

(A) provided an inclusive environment that:

- (i) meets the child's and youth's needs and encourages full participation; and
- (ii) is equipped and prepared for learning, based on each child's or youth's age, needs, and interests;

(B) provided multiple opportunities to engage individually or in small, informal groups for the majority of the day;

(C) allowed to choose an activity, whether teaching personnel-directed or child- or youth-selected; and

(D) encouraged, but not forced, to participate in program activities, with adaptations made to ensure safety and participation.

(3) **Electronic and print media.** Media may be used with children and youth, provided these restriction requirements are met.

(A) Electronic and print media are chosen with discretion and selectivity and are:

- (i) non-violent;
- (ii) non-vulgar;
- (iii) non-sexually explicit;
- (iv) culturally sensitive; and
- (v) age-appropriate, according to widely accepted rating systems.

(B) When the Internet is accessible for children's or youth's use, the program ensures children and youth do not have access to inappropriate websites, email, instant messaging, and similar technology.

(C) Screen time is:

- (i) viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time

includes children and youth watching the screens while others use the media, such as game playing or watching videos;

(ii) not used during meal and snack times; however, snacks may be provided during occasional special activities; and

(iii) limited for all other groups whether a teaching personnel-directed or child- or youth-selected activity.

(D) Technology and media do not replace hands on learning activities. Instead technology aligns and is integrated with other core lesson plan experiences and opportunities in the child or youth care program.

(E) Recommended daily screen time for limited screen time activities outside of virtual learning activities should not exceed:

(i) one hour and 45 minutes a day for pre-kindergarten and kindergarten;

(ii) two hours and 10 minutes a day for 1st and 2nd grades;

(iii) two hours and 20 minutes a day for 3rd through 5th grades; or

(iv) four hours a day for 6th grade and above.

(F) Personnel do not use electronic media for personal use in the presence of children or youth, with the exception of an e-reader when used during rest time for reading, provided supervision is maintained.

**(4) Equipment for children 5 through 12 years of age.** Equipment meets developmental needs of children in care. When obtaining and maintaining basic activity equipment, the requirements in this paragraph are met.

**(A) Type and quantity.** The equipment is:

(i) of appropriate type and size to meet the physical, cognitive, emotional, and social development needs of the age group, individual children, or youth in care; and

(ii) provided in type and quantity, per OAC 340 Appendix MM – Equipment, utilizing the equipment chart for children 6 years of age and older. An exception to the book quantity requires only five books for every 20 children.

**(B) Condition.** The equipment is:

(i) safely constructed, and lead free;

(ii) installed, maintained, and used according to the manufacturers' instructions;

(iii) maintained in a safe condition that prevents hazards, such as splinters, loose parts, protrusions, and sharp edges;

(iv) complete and in good working condition and repair, without holes and tears; and

(v) clean and sanitary.

**(5) Equipment for youth 13 through 17 years of age.** Equipment is adequate for the number of youth in care and provides a variety of appropriate activities.

**(q) Transportation.** When children or youth in care are transported in a vehicle, whether provided, arranged, or contracted by the program, requirements in (1) through (8) of this subsection are met.

**(1) General.** Programs meet requirements in (A) through (C) of this paragraph.

**(A)** When the program contracts for transportation, including the use of public transportation, the program is responsible for ensuring the contracted entity meets the transportation requirements, including child passenger safety training.

- (B) Children and youth are not transported in vehicles or parts of vehicles not designed for transporting people, such as truck beds, campers, and trailers.
- (C) Drivers and vehicles used to transport children and youth are in compliance with all applicable state laws, including vehicle insurance. Insurance documentation is maintained at the facility.
- (2) **Driver, child passenger safety, ~~CPR~~, and first-aid CPR/FA.** Driver and professional development requirements in (A) through (D) of this paragraph are met.
- (A) **Drivers.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements. Drivers:
- (i) are at least 21 years of age;
  - (ii) are not youth in care;
  - (iii) have a valid driver or commercial driver license (CDL) in his or her state of residence, appropriate for the type of vehicle driven. License documentation is maintained at the facility;
  - (iv) who are contracted personnel or volunteers, may not be required to obtain criminal history reviews, per (e)(3); and
  - (v) are prohibited when required, per (e)(8).
- (B) **Position specific responsibilities.** Drivers:
- (i) transport children and youth; and
  - (ii) meet the transportation requirements, per this subsection.
- (C) **Position specific professional development.** Drivers, excluding volunteers who transport on an irregular basis and do not fill another position, obtain within three months of transporting children or youth:
- (i) child passenger safety training, from the program's trained personnel or an OKDHS-approved child passenger safety course or a trained personnel is in the vehicle with the contracted driver, unless the vehicle used is exempt, per (7)(E) of this subsection. In addition, personnel who assist with child passenger restraints obtain this training from the options indicated, within three months of assisting; and
  - (ii) vehicle safety training:
    - (I) for the safe operation of the type of vehicle driven, when driving a vehicle designed to transport 10 or more passengers; and
    - (II) from any training source, excluding owner manuals.
- (D) **~~CPR and first-aid~~ CPR/FA.** The ~~CPR and first-aid~~ FA certification requirements are met.
- (3) **Parental permission and attendance documentation.** Permission and attendance requirements in (A) and (B) of this paragraph are met.
- (A) Transportation and field trip permission is maintained at the facility.
  - (B) Attendance documentation is maintained at the facility.
- (4) **Ratios and supervision.** Ratios and supervision requirements in (A) through (D) of this paragraph are met.
- (A) The driver may count in ratios.
  - (B) Children and youth are never left unattended in vehicles.
  - (C) Supervision during transportation:
    - (i) begins at the pre-arranged pick-up time or when the child or youth is actually picked up, whichever is earlier. When the child or youth is not present or there

- is a contradiction about who is responsible for picking up the child or youth, the program informs the parent; and
- (ii) ends at the pre-arranged drop-off time or when the child or youth is actually dropped off, whichever is later. The child or youth is only left at the pre-arranged drop-off location or with the individual designated by the parent.
- (D) Children's and youth's entire bodies remain in the vehicle.
- (5) **Communication.** Communication device requirements in (A) and (B) of this paragraph are met.
- (A) An operable phone is in each vehicle when children or youth are transported.
  - (B) Drivers do not use any communication device while driving.
- (6) **Safety and tobacco-free.** Safety requirements in (A) through (E) of this paragraph are met.
- (A) Vehicles have a first aid kit.
  - (B) Vehicles are free of hazards.
  - (C) Safe conduct to, and from the vehicles, and safe off-street loading spaces are provided to protect children and youth from:
    - (i) backing vehicles;
    - (ii) being between vehicles; and
    - (iii) traffic hazards.
  - (D) The vehicle door locks are activated when the vehicle is moving.
  - (E) Tobacco use is prohibited.
- (7) **Passenger restraints, seating, and airbags.** Passenger restraint, seating, and airbag requirements in (A) through (E) of this paragraph are met.
- (A) Vehicle maximum capacity and seating space, per manufacturers' designations is not exceeded.
  - (B) Children and youth sit in seats behind the front seat. However, when all these positions are taken by other children or youth in care, children and youth may sit in the front seat, provided requirements in (i) and (ii) of this subparagraph are met.
    - (i) When there is a front seat passenger airbag and children 12 years of age and younger are in the front seat, the airbag is deactivated by a weight-sensitive seat when equipped with such, or a manual switch.
    - (ii) When the airbag cannot be deactivated, the front seat is pushed back as far as possible and only a child whose age and weight requires a forward facing car seat with a harness, per manufacturers' instructions may sit in the front seat.
  - (C) Child passengers remain properly secured in child passenger restraint system, such as a booster seat or an individual seat belt in compliance with applicable state laws, unless the vehicle is exempt, per (E) of this paragraph. Children or youth do not share a seat belt.
    - (i) Booster seats are:
      - (I) federally approved;
      - (II) installed according to the manufacturers' instructions;
      - (III) appropriate to the height, weight, and physical condition of the child, per manufacturers' instructions; and
      - (IV) properly maintained, such as not expired or previously involved in a vehicle accident.



- (ii) Seat belts:
  - (I) are properly anchored to the vehicle; and
  - (II) fit the child appropriately, per child passenger safety training.
- (D) Adult passengers, including the driver, remain properly secured in an individual seat belt unless:
  - (i) unable, due to medically documented reasons; or
  - (ii) the vehicle is exempt, per (E) of this paragraph.
- (E) The vehicle exemption to passenger restraints is for buses, unless designed for, or equipped with seat belts, or the Lower Anchors and Tethers for Children (LATCH) system. Passengers remain seated in exempt vehicles.
- (8) Vehicles and vehicle maintenance.** Vehicle maintenance requirements in (A) through (C) of this paragraph are met.
  - (A) The vehicle requirements apply to:
    - (i) program vehicles at all times; and
    - (ii) personal vehicles when transporting children or youth.
  - (B) Vehicle maintenance is:
    - (i) conducted at least quarterly on:
      - (I) program vehicles; and
      - (II) personal vehicles used on a regular basis; and
    - (ii) documented and maintained at the facility.
  - (C) The vehicles:
    - (i) are identified with the program or business entity name and phone number that is easily read by the public, unless using contracted transportation;
    - (ii) are in a safe operating condition;
    - (iii) have an operable heater used during cold weather to maintain an interior temperature of at least 65 degrees Fahrenheit;
    - (iv) have a ventilation system used during hot weather, such as air conditioning or operable windows; and
    - (v) have stationary padded seats, with a back properly anchored to the vehicle.
- (r) Family communication and community resources.** Parents are informed of children's and youth's activities and health, per (1) through (4) of this subsection.
  - (1) Immediately.** The program immediately notifies parents of:
    - (A) a child or youth who does not arrive on his or her own at the facility as scheduled, such as when walking to the facility;
    - (B) a child or youth not present at the pick-up location as scheduled;
    - (C) a child, youth, or individual at the pick-up location who believes the child or youth is to be transported by the program, when the program is not providing this transportation;
    - (D) administration of a life-threatening condition medication only administered as needed;
    - (E) an injury that may need a licensed physician's evaluation;
    - (F) poison exposure; and
    - (G) an animal bite to a child or youth, when the skin is broken or when a licensed physician's evaluation may be needed.

(2) **Promptly.** The program notifies parents promptly of a child or youth who is separated from the group due to an illness or infestation or when exclusion is required, per OAC 340 Appendix JJ - Exclusion Criteria for Children Who Are Ill.

(3) **Upon child and youth pick up.** The program notifies parents upon child or youth pick up of:

- (A) changes in the child's or youth's physical or emotional state;
- (B) known minor injuries;
- (C) illness or infestation symptoms that developed or changed;
- (D) a communicable disease or infestation exposure;
- (E) an animal bite to a child or youth, when the skin is not broken; and
- (F) implemented emergency plans and procedures, except for drills.

(4) **Prior.** Parental permission is required prior to:

- (A) medication administration;
- (B) transportation;
- (C) field trips including the date, time, and location; and
- (D) volunteer drivers transporting children or youth, per (e)(3) of this Section.

(s) **Emergency preparedness.** Programs meet (1) through (7) of this subsection.

(1) **Emergency plans and procedures.** Emergency plans and procedures requirements are met.

(A) **General.** The program is required to have emergency plans that are:

- (i) individualized to the program and hours of operation;
- (ii) followed, unless children's or youth's safety is at risk or emergency personnel provide alternative instructions during an emergency; and
- (iii) maintained in a readily available and portable manner for emergencies.

(B) **Situations.** Emergency plans include procedures for:

- (i) serious injuries;
- (ii) serious illnesses;
- (iii) poison exposure;
- (iv) outbreaks of communicable diseases, including pandemics, such as influenza and Covid-19 virus;
- (v) weather conditions, including tornados, floods, blizzards, and ice storms;
- (vi) fires, including wildfires;
- (vii) man-made disasters, including chemical and industrial accidents;
- (viii) human threats, including individuals with threatening behaviors, bomb threats, and terrorist attacks;
- (ix) lost or abducted children and youth;
- (x) utility disruption; and
- (xi) other natural or man-made disasters that could create structural damage to the facility or pose health hazards.

(C) **Children and youth needs.** Emergency plans include procedures for addressing each child's or youth's needs, with additional considerations for children and youth with disabilities or chronic medical conditions.

(D) **Account for children and youth.** The emergency plans include procedures to account for each child's and youth's location during an emergency.

- (E) **Shelter-in-place.** Emergency plans include shelter-in-place procedures for short- and extended-stay situations that require children and youth to stay in the building, such as during tornados and other weather emergencies.
- (F) **Lock-down.** Emergency plans include lock-down procedures for situations threatening children's, youth's and personnel's safety. Lock-down procedures include:
- (i) notifying personnel;
  - (ii) keeping children and youth in designated safe locations in the building;
  - (iii) encouraging children and youth to remain calm and quiet;
  - (iv) securing building entrances;
  - (v) preventing unauthorized individuals from entering the building. When the program is in a shared facility, the program entrances are secured; and
  - (vi) responding when outdoors and on field trips.
- (G) **Evacuation.** Emergency plans include evacuation procedures for situations, such as building fires, requiring children, youth, and personnel to leave the building. Evacuation procedures:
- (i) include at least two evacuation routes labeled on the floor plan of the program;
  - (ii) are posted in each area of the program utilized by children, youth, and personnel; and
  - (iii) identify pre-determined meeting locations.
- (H) **Relocation.** Emergency plans include relocation procedures for situations requiring children and youth move to an alternate location, such as bomb threats and wildfires. Relocation procedures include:
- (i) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at the alternate locations;
  - (ii) relocating children and youth, including a pre-determined transportation plan; and
  - (iii) reuniting parents with children and youth.
- (I) **Reporting.** Emergency plans include procedures for notifying:
- (i) emergency authorities, including the poison control center, when necessary;
  - (ii) parents, including a method and backup method for how and when parents are notified; and
  - (iii) Licensing, per (j) of this Section.
- (J) **Personnel.** Emergency plans include procedures for ensuring personnel are familiar with the:
- (i) current emergency plans and procedures, including roles and responsibilities in an emergency;
  - (ii) location of the emergency plans and procedures;
  - (iii) location of the posted emergency information;
  - (iv) location of the first aid and emergency supply kits; and
  - (v) location and use of the fire extinguishers.
- (2) **Phones.** Phone requirements in (A) through (C) of this paragraph are met.
- (A) **On-site.** The program provides an operable phone in each building and on each floor.
- (B) **Off-site.** An operable phone is available at off-site activities.

- (C) **Vehicles.** An operable phone is in each vehicle when children or youth are transported.
- (3) **Posted emergency information.** Emergency information is posted, per (A) through (C) of this paragraph.
- (A) **Program information and emergency numbers.** Information and numbers are posted in a prominent location for personnel and all areas utilized for children, youth, and personnel. Items to post include:
- (i) the program name and address, with main cross streets or directions to the facility;
  - (ii) 911, where available; or local law enforcement, fire department, and ambulance services and
  - (iii) poison control, 1-800-222-1222.
- (B) **First aid kit, emergency supply kit, and fire extinguisher locations.** Locations of first aid and emergency supply kits and extinguishers are posted in all areas used by children and youth.
- (C) **Evacuation routes.** Routes are posted, per (1)(G) of this subsection.
- (4) **First aid kits.** First aid kits meet requirements in (A) through (E) of this paragraph.
- (A) **Location.** First aid kits are located in each building and in vehicles when transporting children and youth.
- (B) **Accessibility.** First aid kits are accessible to personnel at all times and inaccessible to children and youth.
- (C) **Replacement.** First aid kit supplies are replaced as needed, including expired items.
- (D) **Sanitary.** First aid kit supplies are maintained in a clean and sanitary manner, including sanitizing re-usable supplies.
- (E) **Supplies.** First aid kit supplies are stored together in a portable container.
- (i) Supplies include, at least:
    - (I) non-medicated adhesive strips;
    - (II) sterile gauze pads;
    - (III) rolled flexible or stretch gauze;
    - (IV) bandage tape;
    - (V) disposable non-porous, latex-free gloves;
    - (VI) blunt-tipped scissors;
    - (VII) tweezers;
    - (VIII) a non-glass and non-mercury thermometer. The appropriate thermometer and method are used to take a child's or youth's temperature when there is a concern;
    - (IX) a current first aid guide; and
    - (X) a copy of the posted program information and emergency numbers, per (3) of this subsection.
  - (ii) In addition, the first aid kits in vehicles include, at least:
    - (I) a cold pack;
    - (II) liquid soap and water or individually packaged moist, disposable towelettes, for cleaning wounds;
    - (III) hand sanitizer and moist, disposable towelettes, for hand hygiene;

(IV) plastic bags for disposal of items contaminated with blood or other body fluids; and

(V) a pen or pencil and note pad.

(5) **Emergency supply kit.** Emergency supply kits meet requirements in (A) and (B) of this paragraph.

(A) **Records.** Records available during an emergency include, at least the:

(i) emergency plans and procedures and alternate location addresses, phone numbers, and contacts;

(ii) emergency contacts; and

(iii) full names of children, youth, and personnel currently in attendance.

(B) **Supplies.** Emergency supplies gathered at the time of an emergency or maintained in a portable container at all times include, at least:

(i) a first aid kit; and

(ii) children's and youth's prescribed medications, including life-threatening condition medications.

(6) **Testing and maintaining emergency equipment.** Equipment is tested and maintained, per (A) through (C) of this paragraph.

(A) **Individual smoke and carbon monoxide alarms.** When the facility is equipped with individual alarms and not a central detection system the alarms are:

(i) operable; and

(ii) tested at least monthly. Documentation is maintained in writing at the facility and includes the testing date.

(B) **Central detection and alarm system for smoke and carbon monoxide.** When the facility is equipped with a hard-wired or wireless detectors connected to a central control panel, the system is:

(i) fully functional;

(ii) checked at least monthly by viewing the control panel and documentation is maintained in writing at the facility and includes the date checked. This is not required when a company continuously monitors the system for full-function as documented per the contract; and

(iii) inspected and tagged at least every 12 months by a state-licensed authority.

(C) **Fire extinguishers and automatic sprinkler systems.** Fire extinguishers and automatic sprinkler systems are:

(i) fully functional; and

(ii) inspected and tagged at least every 12 months by a state-licensed authority.

(7) **Drills and reviews.** Drills and reviews are conducted, per (A) through (E) of this paragraph.

(A) **General.** Drills and reviews are documented in writing and maintained at the facility, including the dates of the activity and the personnel in charge of conducting the drill. The drills are conducted:

(i) at various times throughout the hours of operation, such as morning, mid-day, afternoon, and evening, so children, youth, and personnel in attendance at various times are involved in each type of drill at least one time every three months;

(ii) by following the pre-determined emergency plans and procedures; and

- (iii) per required scheduling.
- (B) **Monthly drills.** Monthly drills include:
  - (i) fire drills conducted by evacuating and meeting at pre-determined locations; and
  - (ii) tornado drills conducted by sheltering in pre-determined on-site locations.
- (C) **Annual drills.** Annual drills include:
  - (i) locking-down by sheltering in pre-determined on-site locations;
  - (ii) relocating according to procedures of preparation to relocate, but do not require physical relocation;
  - (iii) sheltering-in-place, requiring children, youth, and personnel stay inside the facility, such as during tornados and other weather emergencies; and
  - (iv) evacuating and meeting at pre-determined locations.
- (D) **Lock-down and relocation procedures review.** Personnel review the procedures at least once every 12 months.
- (E) **Emergency plans and procedures review.** The director updates as necessary, and reviews emergency plans and procedures:
  - (i) at least once every 12 months;
  - (ii) upon enrollment of children and youth with disabilities or chronic medical conditions;
  - (iii) after a drill when procedure issues are identified; and
  - (iv) after an emergency, as identified in this subsection.
- (t) **Required postings and policy.** Items in (1) and (3) are posted at the program's main entrance where the parents and public enter and posted in a conspicuous location within clear view.
  - (1) **Notice to parents.** OKDHS Publication No. 14-01, Notice to Parents, is posted.
  - (2) **Program liability insurance policy.** Program liability insurance is maintained, unless an exception, per Section 404.3 of Title 10 of the Oklahoma Statutes, Oklahoma Child Care Facilities Licensing Act, is posted, per (3) of this subsection.
  - (3) **Program liability insurance exception notification.** The OKDHS-provided form is posted when program liability insurance is not maintained or program reports being self-insured.
- (u) **Parental notifications.** Compliance file and insurance notification requirements are met, per (1) and (2) of this subsection.
  - (1) **Compliance file.** Items are originals or copies and are maintained together, with the most recent on top and all child and youth identifying information removed. The compliance file includes items within the last 120-calendar days, at a minimum, from the date on the document or the investigation completion date on the form, unless requirements specifically state otherwise. The compliance file only contains:
    - (A) compliance monitoring from Licensing, Stars, and tribal agencies, such as:
      - (i) monitoring visit forms, including most recent visit; and
      - (ii) case status information, such as forms and correspondence regarding:
        - (I) issuance of permits and licenses;
        - (II) non-compliances and Stars violations;
        - (III) notices to comply;
        - (IV) complaint findings;
        - (V) office conferences with Licensing, Stars, and tribal agencies;

- (VI) Stars alternative settlements and reductions; and
  - (VII) consent agreements, denials of a request for a license, and revocations of a license;
  - (B) child welfare investigative summary, regardless of findings. However, confirmed or substantiated findings are maintained in the file for 12 months;
  - (C) granted criminal history restriction waiver notifications. However, notification is maintained in the file for as long as the individual is employed or is living in the facility; and
  - (D) other documents indicating placement in the compliance file.
- (2) **Compliance file and insurance parental notifications.** Parents are provided information regarding insurance liability and the compliance file.
- (A) Parents complete OKDHS-provided forms every 12 months regarding insurance liability and the compliance file. Forms are maintained at the facility.
  - (B) When the child or youth is enrolled, parents are provided copies of OKDHS-provided Form 07LC093E, Insurance Exception Notification, and OKDHS Publication No. 14-01, Notice to Parents.

## **SUBCHAPTER 5. REQUIREMENTS FOR CHILD-PLACING AGENCIES**

### **PART 1. REQUIREMENTS FOR CHILD-PLACING AGENCIES**

#### **340:110-5-6. Organization and administration**

Revised ~~11-4-206-1-22~~

- (a) **Purpose.** The child-placing agency (agency) purpose or function is clearly defined in a statement filed with Licensing. This includes the philosophy, goals and objectives, ages and children accepted for care characteristics, geographical service area, and services provided.
- (b) **Organizational structure.** The agency's legal basis or ownership is fully documented and submitted to Licensing with the initial request for license.
  - (1) **Publicly-operated agency.** Documentation of a publicly-operated agency identifies the agency statutory basis and the governmental entity administrative framework operating the agency.
  - (2) **Privately-operated agency.** A privately-operated agency submits:
    - (A) as applicable, the charter, partnership agreement, constitution, and articles of incorporation resolution authorizing the agency operation;
    - (B) the names, titles, addresses, and phone numbers for:
      - (i) nonprofit agencies' association members or corporate officers; or
      - (ii) for-profit agencies' owners', partners', or corporate officers';
    - (C) the physical address in Oklahoma where child-placing business is conducted; and
    - (D) a notification informing Licensing prior to any change in the legal basis for operation or ownership.
- (c) **Governing and advisory boards.** Private, nonprofit agencies establish a governing board and may also have an advisory board. Private, for-profit agencies without a governing board have an advisory board.
  - (1) The governing board:

- (A) meets at least twice annually and maintains accurate meeting minutes;
  - (B) maintains ultimate responsibility for governing and delegates responsibility for agency administration to the executive director;
  - (C) specifies in the constitution and bylaws the relationship and responsibilities between the governing board and executive director, and submits them to Licensing;
  - (D) submits to Licensing a current list of names, titles, addresses, and phone numbers of the governing board members;
  - (E) members receive an orientation to board responsibilities on appointment; and
  - (F) is composed of a minimum of five members, the majority of whom:
    - (i) are not agency personnel; and
    - (ii) reside in Oklahoma. Multi-state operations may have a governing board outside Oklahoma when they establish local advisory boards meeting the requirements in this subsection.
- (2) The advisory board:
- (A) meets at least twice annually;
  - (B) the member majority:
    - (i) are not agency personnel; and
    - (ii) reside in Oklahoma; and
  - (C) provides advice and counsel to the agency on the policies and agency operation, reflects local concerns, and represents the program to the community; and
  - (D) submits to Licensing a current list of advisory board members' names, addresses, and phone numbers.
- (d) **Policy.** Policy requirements in (1) and (2) of this subsection are met.
- (1) Agency policy:
- (A) is clearly written and kept current;
  - (B) includes, at a minimum, areas governing personnel, admission, program, behavior management, and care of children; and
  - (C) is available at the agency for Licensing review.
- (2) The agency maintains current written policy and procedure regarding:
- (A) a child's absence without permission. When a child is not located, the agency immediately notifies the child's custodian and the appropriate law enforcement agency. Efforts to locate the child and notify appropriate individuals are documented;
  - (B) grievance issues related to children. Grievance policy and procedure are explained, and a copy is provided to each child and the child's parents or custodian;
  - (C) religious training made known to the child and family prior to admission or placement. All children are provided an opportunity to participate in religious services;
  - (D) the care of children, including medical services and safe transportation by personnel, volunteers, and foster parents, that complies with all applicable state laws; and
  - (E) reporting child abuse and neglect, per Section 1-9-119.1 of Title 10A of Oklahoma Statutes (10A O.S. § 1-9-119.1).



(e) **Notifications.** ~~The agency:~~ Notifications are required in (1) through (3) of this subsection.

(1) The agency notifies Licensing:

(A) prior to or within 30-calendar days of an address change;

(B) on the next agency business day when:

(i) the agency is temporarily or permanently closed;

(ii) the executive director changes;

(iii) damage to the premises caused by fire, accident, or the elements seriously affects services;

(iv) changes to liability insurance coverage are made; or

(v) a child death occurred while the child was in care; and

(C) prior to making any program change;.

(2) The agency submits a detailed written report for a serious incident involving personnel or children including, but not limited to:

(A) suicide attempts;

(B) injuries requiring medical treatment;

(C) runaways;

(D) a crime committed;

(E) abuse, neglect, mistreatment, or human trafficking allegations; and

(F) the incident date and time, personnel and children involved, the incident nature, and surrounding circumstances are included in the report.

(i) Any person who has reason to believe a child was abused or neglected, per 10A O.S. § 1-1-105 is required to report the matter promptly to the DHS Oklahoma Human Services (OKDHS) Child Abuse and Neglect Hotline, 1-800-522-3511, per 10A O.S. § 1-2-101.

(ii) Failure to report abuse or neglect of a child is a misdemeanor offense and upon conviction is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.

(iii) Per 21 O.S. § 870, every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, per 21 O.S. § 866 ~~of the Oklahoma Statutes~~, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

(3) OKDHS notifies agencies of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. When applicable, the agency owner or operator provides parents or legal guardian notification using an OKDHS-provided form.

(A) Notification is:

(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and

(ii) provided by certified mail.

(B) The agency maintains the list of notified parents and legal guardians for at least 12 months.

(f) **Records.** Agency records pertaining to child-placing activity are maintained within ~~he~~ the (scrivener edit) state of Oklahoma and are made immediately accessible to authorized DHS representatives.

(g) **Legal compliance.** The agency follows all applicable state and federal laws, including:

- (1) The Oklahoma Adoption Code, 10 O.S. §§ 7501-1.1 through 7505-7.2 et seq.;
- (2) The Interstate Compact on the Placement of Children, 10 O.S. §§ 571 et seq.; and
- (3) Federal and state Indian Child Welfare Acts, Section 1901 et seq. of Title 25 of the United States Code and 10 O.S. §§ 40 through 40.9.

### **340:110-5-8. Personnel**

Revised ~~4-31-186-1-22~~

(a) **Required personnel.** The child-placing agency (agency) employs:

- (1) an executive director or administrator. In the executive director or administrator absence, an individual is designated in charge being immediately accessible in person or by phone to Oklahoma Department of Human Services (~~DHS~~) (OKDHS) authorized representatives;
- (2) a child placement supervisor responsible for out-of-home care placements ~~in out-of-home care~~ and home studies final approval;
- (3) social services personnel responsible for providing social services, at least, includes at least:
  - (A) child and family casework services ~~to children and their families~~;
  - (B) adoptive child and family studies;
  - (C) placement services;
  - (D) agency facilities certification;
  - (E) admission assessments; and
  - (F) service planning;
- (4) child care personnel, when applicable; and
- (5) sufficient clerical personnel ~~to keep correspondence, records, bookkeeping, and files current and~~ for maintaining agency records in good order.

(b) **Volunteers.** When volunteers have contact with children in care, the agency:

- ~~(1)~~ maintains current written volunteer policy protecting the children's health, safety, and well-being including:
  - ~~(A)~~(1) selection and screening criteria, including a criminal history records search, per the Oklahoma Child Care Facilities Act, Section ~~401 et seq.~~ 404.1 of Title 10 of the Oklahoma Statutes (~~10 O.S. § 401 et seq.~~), Oklahoma Child Care Facilities Licensing Act (Licensing Act) (10 O.S. § 404.1); and
  - ~~(B)~~(2) requirements for:
    - ~~(i)~~(A) orientation, prior to child contact; and
    - ~~(ii)~~(B) supervision; ~~and~~
- ~~(2)~~ provides orientation prior to child contact.

(c) **Personnel policy.** Written personnel policy ~~is available to personnel~~ defining position responsibilities, qualifications, and authority lines is available to personnel.

- (1) The executive director or administrator is responsible for personnel employment and dismissal.
- (2) Agency policy includes on-call and substitute personnel availability.
- (3) The agency obtains at least three written references including the most recent employer, when applicable, prior to employment.

(A) When written references cannot be obtained prior to employment, phone interviews are conducted and documented including dates, questions, responses, and the interviewer's signature. ~~Written references are required after 30-calendar days.~~

(B) Reference copies are maintained on file.

(4) Testing for tuberculosis is not required for employment. The agency requires ~~employees~~ personnel comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

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

(1) **Required individuals.** Background investigations are required, per 10 O.S. §§ ~~§ 401 et seq., Oklahoma Child Care Facilities Licensing Act (Licensing Act) 404.1,~~ unless an exception per (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, the program may hire individuals when:

(i) the agency has submitted a criminal history review request to the Office of Background Investigations (OBI);

(ii) only awaiting the national criminal history records search, based on fingerprint submission;

(iii) criminal history review results from the OBI are received by the agency. However, until complete results are received, the individual does not have unsupervised access to children; and

(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required per (2) of this subsection, 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 agency. This includes children, who become 18 years of age while living in the facility; and

(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.

(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.

(3) **Non-required individuals.** Background investigations are not required for:

(A) specialized service professionals who are not agency personnel, provided parent releases, legal custodian or legal guardian releases are obtained, per the Licensing Act;

(B) volunteer drivers transporting children on an irregular basis and not filling another position, provided parent and legal custodian or legal guardian releases are obtained per the Licensing Act;

(C) contracted drivers not filling another position or having unsupervised access to children; and

(D) contracted non-personnel not having unsupervised access to children, such as when the program contracts for special activities or facility repair.

(e) **Background investigations - Restricted Registry.** The agency conducts an online search of the Restricted Registry, also ~~named~~ known as Joshua's List, when required, per (d) of this Section.

(1) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children, or facility residence, and prohibited individuals per (f) of this Section.

(f) **Background investigations – criminal history.** The agency and required individuals complete the criminal history review process. The agency receives the completed criminal history review results from OBI, when required per (d) of this Section.

(1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited per (g) of this Section. Criminal history prohibitions include:

(A) required registration under the:

- (i) Sex Offenders Registration Act, including state and national repositories; or
- (ii) Mary Rippy Violent Crime Offenders Registration Act; or

(B) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:

- (i) murder, as defined in Section 1111 of Title 18 of United States Code;
- (ii) child abuse or neglect;
- (iii) crimes against children, including child pornography;
- (iv) spousal abuse;
- (v) crime involving rape or sexual assault;
- (vi) kidnapping;
- (vii) arson;
- (viii) physical assault or battery; or

(ix) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver per (2) of this subsection is granted; or

(C) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child involving:

- (i) child abuse or child endangerment; or
- (ii) sexual assault; or

(D) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child pornography.

(2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited per (g) 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 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) illegal drug possession, sale, or distribution; or
- (G) a pattern of criminal activity.

(3) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (C) of this paragraph.

(A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on a ~~DHS~~ an OKDHS 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 criminal history restrictions.

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

(g) **Prohibited individuals.**

(1) **Background investigation of required individuals.** The agency 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) criminal history prohibitions; or
- (ii) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or
- (iii) a substantiated heinous and shocking abuse finding; or

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

(2) **Background investigation statements and consents.** Individuals are prohibited to be the owner or responsible entity, to be employed, or to live in the facility, when:

- (A) the individual refuses to consent to background investigations per (d) of this Section; or
- (B) knowingly makes a materially-false statement in connection with criminal background investigations.

(3) **Child endangerment.** The agency is prohibited from knowingly hiring or allowing an individual to provide ~~services~~ to children services when:

- (A) there is documented evidence or reason to believe the individual would endanger children's or other individuals health, safety, or well-being ~~of children~~; or
- (B) the individual is identified by a court as a perpetrator of child abuse or neglect or made an admission of guilt to an individual authorized by state or federal laws or regulations to investigate child abuse and neglect.

(4) **Alcohol, drugs, and medication.** Individuals employed by the agency or providing agency services to children may not use or be under the influence of:

(A) alcohol or illegal drugs; or

(B) medication ~~that impairs~~ impairing his or her functioning.

(5) **Criminal allegations.** When personnel is alleged to have committed an act per (f) of this Section, a determination is made and documented as to whether the personnel member is removed from ~~contact with children~~ child contact until the allegation is resolved. However, when criminal charges are filed, the accused is removed from child contact ~~with children~~ until the charges are resolved.

(6) **Deferred sentences.** Individuals having received a deferred sentence for charge's in (f)(2) of this Section are removed from child contact for the deferment duration.

### **340:110-5-12. Personnel records**

Revised ~~11-4-206-1-22~~

(a) The child-placing agency (agency) maintains on file a personnel record for each ~~employee working at the agency~~ personnel. The personnel record includes:

(1) an Oklahoma Department of Human Services ~~(DHS)-provided~~ (OKDHS)-provided personnel information sheet, completed for each personnel and submitted to Licensing within two weeks of his or her employment;

(2) an application, resume, or personnel information sheet documenting position specific qualifications;

(3) three references ~~obtained prior to employment. References:~~ per Oklahoma Administrative Code (OAC) 340:110-5-8(c)

~~(A) include the date, interview questions, responses, and interviewer's signature; and~~

~~(B) are maintained in the employee's personnel record;~~

(4) reports and notes relating to the individual's agency employment and performance evaluations;

(5) employment dates and reason for leaving employment; and

(6) agency required health records.

(b) Personnel records are maintained for 12 months following the personnel member's separation.

(c) Criminal history investigations records are maintained in a confidential manner, separate from the individual's personnel record, and include:

(1) criminal history review requests and documentation; and

(2) other applicable criminal history records.

(d) Licensing has access to personnel and other confidential records relevant to the program's personnel.

## **PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES**

### **340:110-5-57. Requirements for foster home agencies**

Revised ~~11-2-156-1-22~~

(a) **Agency Licensed foster home agency (agency) responsibility.** The ~~licensed foster home agency (agency)~~ retains legal responsibility for supervision, decision-making, and ensuring continuity of care. The agency is responsible for ~~certification of the foster home~~ certification to Child Care Services (CCS) Licensing, on Oklahoma Department of

Human Services (~~DHS~~) (OKDHS) provided forms verifying the foster home meets minimum requirements.

(1) **Criminal history records search.** The agency conducts a criminal history records search for each ~~member of the foster family~~ member 18 years of age ~~or~~ and older.

(A) **Authorized agencies.** A criminal history records search is obtained from:

(i) the Oklahoma State Bureau of Investigation (OSBI); and

(ii) the authorized agency in an individual's previous state of residence when the individual has resided in Oklahoma for less than one year;

(iii) a Federal Bureau of Investigation (FBI) national criminal history search, based on the individual's fingerprints ~~of the individual~~; and

(iv) ~~a search of any child abuse registry search~~ maintained by a state where the prospective foster parent or any adult living in the home of the prospective foster parent resided in the past five years.

(B) **Sex Offenders Registry.** The OSBI report must include ~~a search of the~~ an Oklahoma Department of Corrections files search maintained by OSBI ~~pursuant to,~~ per the Sex Offenders Registration Act.

(C) **Restricted Registry.** Prior to certification of a foster home, the agency conducts an online search of the Restricted Registry, also known as Joshua's List.

A copy of the results is maintained in the foster home file.

(2) **Disqualifying crimes.** A prospective foster parent is not an approved placement ~~for a child~~ when the prospective foster parent or any other individual residing in ~~the home of the prospective foster parent~~ has been parent's home was convicted of any of the following felony offenses:

(A) within the five-year period preceding the application date, physical assault, battery, or a drug-related offense;

(B) child abuse or neglect;

(C) domestic abuse;

(D) a crime against a child including, but not limited to, child pornography; or

(E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes ~~specified~~ included in (A) of this paragraph.

(3) **Certification.** ~~A copy of the certification~~ copy is maintained in the foster home case file.

(A) ~~Certification of the foster~~ Foster home certification applies only to the residence location ~~of the residence~~ at the time the home study is made.

(B) ~~If~~ When the family moves, the agency certifies the new location.

(4) **Policy** Agency policy. ~~The agency provides foster~~ Foster parents ~~with agency policy relative to receive~~ foster care agency policy.

(5) **Medical services.** The agency ensures the child in foster care receives appropriate medical services.

(6) **Case planning.** The agency is responsible for case planning.

(7) **Supervision.** The agency provides supervision at least ~~once a month~~ monthly to each child in foster care, including private visits with the child in foster care, and on-site home visits ~~to the home, to assess~~ for assessing the continued suitability of the foster home environment suitability.

(8) **Written agreement.** The agency ~~has~~ completes a written agreement with the foster family agreement, and provides the foster parents a copy of the ~~agreement~~. The agreement includes statements regarding:

- (A) ~~regarding~~ the financial agreement, when applicable, between the agency and the foster home;
- (B) the foster home will not:
  - (i) accept a non-relative child from any source other than ~~through~~ the foster home agency without ~~the approval of the~~ certifying agency approval; or
  - (ii) provide child care on a regular basis unless approved for dual foster care and child care licensing;
- (C) the agency ~~has the right to~~ may remove the child at its discretion;
- (D) the child in foster care is discharged ~~from foster care~~ only with ~~the consent of the agency~~ consent;
- (E) agency-approved visitation by the child's parents or relatives ~~must be approved by the agency~~;
- (F) ~~regarding the child's absences of the child~~ from the home, including respite care, as per agency policy;
- (G) the foster parents agree to cooperate with agency staff personnel in ~~evaluating the foster home~~ evaluation and ~~in the ongoing supervision of the foster home~~ supervision; and
- (H) the foster parents agree to contact the agency when a household member is ~~alleged to have committed~~ allegedly commits an act described in (a)(2) of this Section.

(9) **Grievance Agency grievance policy and procedure procedures.** The agency ~~has~~ maintains written grievance policy and procedure for foster parents parent and children grievance policy and procedures.

(b) **Foster home certification.** Certification of ~~the foster home~~ includes written documentation of:

- (1) ~~application for foster home certification that includes~~ application, including prior child care experience with other agencies;
- (2) ~~appropriate immunizations for the foster parents' children~~ children's health information, including immunizations and health statements, from licensed health care professionals;
- (3) a ~~statement from a health professional~~ care professional's statement certifying ~~all members of the adult household~~ members had a physical examination within ~~one year~~ twelve months prior to application, verifying ~~they~~ adult household members:
  - (A) are in good health; and
  - (B) do not have a condition ~~that would interfere~~ interfering with ~~household members' the~~ ability to care for children;
- (4) three non-relative written references ~~from non-relatives who have~~ having knowledge of family functioning;
- (5) a current, completed foster home study before ~~the home is approved~~ approval; and
- (6) a criminal history records search conducted for each household member 18 years of age or age older, per Oklahoma Administrative Code (OAC) 340:110-5-57(a)(1) – and (2).



(c) **Foster home study.** ~~The~~ Prior to foster home approval and child placement, the agency prepares a written home study before approving the foster home and prior to placement of a child that contains at a minimum information regarding containing at least the information included in (1) through (18) of this subsection. The information is:

(1) **interviews and home visits.** ~~Interviews and home visits include visit documentation of at least, includes~~ one:

- (A) separate face-to-face interview with each parent, school-age child, and any other household member;
- (B) joint face-to-face interview; and
- (C) home visit;

(2) **household composition.** Information regarding household composition includes each individual residing in the home for more than 30-calendar days;

(3) **criminal history records search.** A criminal history records search is conducted on each household member 18 years of age ~~or and~~ older, per OAC 340:110-1-57(a)(1) – and (2), prior to the initial home approval of the home and when a household member, 18 years of age or and older, moves into the home;

(4) **foster child preferred preferences.** The foster home study includes statements regarding the applicant's preference for child's age, gender, and special needs of the child;

(5) **motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding children in foster care;

(6) **health.** ~~Health information for each~~ Each household member member's health information includes:

- (A) present physical health;
- (B) emotional stability;
- (C) medical history; and
- (D) ~~histories of drug and/or or~~ alcohol use history;

(7) **family functioning.** Family functioning includes relationships and interactions within the family;

(8) **foster parents' marital status.** The foster home study includes ~~information regarding the foster parents' marital status of the foster parents information,~~ such as:

- (A) ~~present marital status, date of present and marriage date;~~
- (B) ~~description of the marriage or relationship description;~~ and ~~history of~~
- (C) ~~previous marriages or significant relationships relationship history;~~

(9) **employment.** The foster home study includes the family members' employment histories of ~~family members;~~

(10) **financial information.** ~~Financial information in the~~ The foster home study includes ~~documentation of annual income~~ documentation;

(11) **education.** The foster home study includes ~~information regarding the~~ family members' education of family members;

(12) **religion.** ~~Information regarding religion~~ Information includes the family's religious preference and practices;

(13) **description of the home description.** ~~The description of the home~~ description includes the:

- (A) type of dwelling and physical description; and

- (B) ~~location of the home~~ location and ~~description of the neighborhood~~ description;
- (14) **weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and an explanation of safety precautions;
- (15) **transportation.** Information regarding transportation includes the family's ~~means~~ mode of transportation and verification of:
- (A) a valid driver license for each family member ~~who will transport~~ transporting a child in foster care;
  - (B) ~~current vehicle license~~ ;
  - (C) current vehicle registration and insurance verification; and
  - (D)(C) an agreement to transport all children and adults ~~in compliance with applicable state law, per Child Passenger Restraint System, Section 11-1112 of Title 47 of the Oklahoma Statutes (47 O.S. § 11-1112);~~
- (16) **family history.** The foster home study includes ~~information regarding family history~~ information, including:
- (A) parents' and siblings' names of parents and siblings;
  - (B) birth dates and places of birth;
  - (C) physical health and mental stability;
  - (D) relationship with family members;
  - (E) social, cultural, and religious orientation; and
  - (F) ~~information regarding the foster parent's childhood~~ information, including ~~how they were disciplined~~ discipline;
- (17) **written references.** The foster home study includes three written references from individuals ~~who have~~ with information ~~relative to the family's ability to provide foster care that include~~ including:
- (A) name, address, and phone number;
  - (B) when and how the individual became acquainted with the applicants;
  - (C) how often the individual has ~~contact with the family~~ contact;
  - (D) ~~information regarding family functioning~~; and
  - (E) opinions regarding personal qualities and ability to provide ~~care for children in foster care~~; and
- (18) **recommendation.** The foster home study includes ~~the~~ home approval recommendation ~~whether to approve the home that and~~:
- (A) is signed and dated by the individual ~~who conducted~~ conducting the foster home study and the child placement supervisor; and
  - (B) when approved, includes the type of child preferred and approved number of children for which the home is approved.
- (d) **Annual home study updates.** The foster home study is updated annually to include:
- (1) home visit documentation ~~of a home visit~~;
  - (2) ~~documentation of a face-to-face interview~~ documentation with each parent, school-age child, and any other household members;
  - (3) current vehicle insurance verification; and
  - (4) ~~reports of any significant changes from the initial home study~~.
- (e) **Foster parent training** professional development. The agency provides and documents each foster parent received, at a ~~minimum~~ least:

(1) six hours of orientation or pre-service training professional development prior to foster home approval of the foster home or child placement of a child including, at a minimum least, including:

- (A) ~~organizational structure of the agency~~ organizational structure;
- (B) agency policy;
- (C) ~~program~~ agency philosophy;
- (D) confidentiality;
- (E) ~~mandatory reporting of child abuse~~ reporting;
- (F) grievance process;
- (G) emergency medical procedures;
- (H) fire and disaster plans; and
- (I) ~~skills and knowledge on~~ application of reasonable and prudent parent standard;

(2) six additional ~~hours of training~~ professional development hours within the first ~~calendar year of certification~~ year relevant to the needs of the child ~~placed in the foster parent's care in foster care~~ and documented by the agency to at least include, ~~but not limited to~~:

- (A) normal child development;
- (B) behavior management;
- (C) separation and loss; and
- (D) infection control and injury prevention; and

(3) ~~12 hours of training~~ professional development hours each calendar year thereafter that is relevant to foster parents' roles and responsibilities ~~and may include workshops and video presentations.~~

### **340:110-5-60. Foster home requirements**

Revised ~~6-1-066-1-22~~

(a) **General requirements.** The foster home:

- (1) is clean, safe, and in good repair;
- (2) and ~~the exterior around the home, is free from objects, materials, and conditions that constitute a danger to the children served~~ are hazard-free;
- (3) is accessible to, or ~~able to arrange~~ arranges transportation to school, church, recreational and health facilities, and other community resources, ~~as needed~~; and
- (4) ~~is in compliance~~ complies with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) **Safety requirements.**

- (1) Clear glass doors are ~~plainly~~ marked to avoid accidental impact, unless caring for infants only. ~~Foster homes providing infant care only are exempt from this requirement.~~
- (2) Children are protected from hazardous materials, such as flammable liquids and poisonous materials.
- (3) ~~All weapons and firearms are kept locked.~~ Weapon definition and storage meet (A) and (B) of this paragraph.

(A) A weapon includes, but is not limited to, a:

- (i) firearm, such as a pistol, revolver, shotgun, or rifle from which a projectile is fired by gunpowder, gas, or other means of rocket propulsion;
- (ii) cap pistol, air-powered BB or pellet gun;

- (iii) bow and arrow; or
- (iv) knife, including any dagger or blade automatically released from the handle by pressure applied to a button, latch, or other mechanism, excluding kitchen knives.

(B) Any weapons and ammunition are inaccessible. In addition:

- (i) weapons are kept unloaded in locked containers, cabinets, or closets;
  - (ii) ammunition is kept in locked containers, cabinets, or closets, separate from weapons; and
  - (iii) keys, combinations, and codes used for locked storage are inaccessible.
- (4) The premises are free of illegal drugs and paraphernalia.
- (5) When children are in care, smoking is prohibited inside the home and when transporting children during transportation.
- (6) Stairways over four steps, inside and outside, have railings. Safety gates at stairways are ~~provided if infants and used when~~ used when toddlers are in care. ~~Foster homes providing infant care only are exempt from this requirement.~~
- (7) Any water play activity ~~that involves water~~ is supervised constantly. Ponds or pools are ~~not left accessible~~ inaccessible to children. Wading pools are emptied after each use.

**(c) Fire safety requirements.**

- (1) A ~~fire extinguisher rated for Class ABC fires~~ fire extinguisher is installed in the kitchen area.
- (2) The foster home is equipped with at least one operable smoke detector ~~in the vicinity of the~~ near sleeping areas, or more as required by the foster home agency (agency).
- (3) Each floor used as living space has at least two means of escape, at least one of which is being a door leading to an unobstructed path to the outside. The second ~~means of escape~~ may be an unobstructed, operable window ~~20" X 24"~~ 20 inches by 24 inches, minimum dimensions.
- (4) ~~All heating~~ Heating and air conditioning equipment is installed ~~in accordance with,~~ per state and local mechanical codes and manufacturer's instructions.

**(d) Health requirements.**

- (1) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.
- (2) Rooms used by children are well lighted and ventilated.
- (3) Windows and doors used for ventilation are screened.
- (4) The foster parents ~~take measures to~~ keep the house and grounds free of rodents, insects, and stray animals.
- (5) One operable sink, ~~one operable~~ toilet, and ~~one operable~~ tub or shower are available in the home.
- (6) Each child is ~~provided with~~ has individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.
- (7) Linens are changed when needed.
- (8) Animals or household pets are permitted provided ~~there is proof of annual~~ current rabies vaccinations are maintained for each animal. ~~Pets~~ Indoor or outdoor pets or animals ~~in the foster home, indoors or outdoors,~~ are in good health, show no evidence

of carrying disease, are friendly toward children, and present no threat to the children's health, safety, and well-being ~~of children~~.

(9) ~~Testing for tuberculosis~~ Tuberculosis testing is not required on a routine basis. ~~The agency requires the foster family to comply~~ The foster family complies with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

(e) **Sleeping arrangements.** A separate bed is provided for each child. Siblings younger than six years ~~old~~ of age may share a bed if when their history indicates ~~that~~ this is appropriate ~~and the decision is made in consultation with the~~ after agency consultation.

(1) ~~It is preferable that no~~ Preferably no more than two children share a sleeping room. ~~Consideration~~ However, consideration is given to related children, ~~according to~~ per age and emotional needs.

(2) ~~Separate sleeping rooms are provided for children older than four years who are of different sex.~~ Children of different sexes older than seven years of age have separate sleeping rooms.

(3) Children in foster care older than one year of age do not share sleeping ~~quarters~~ rooms with adults ~~in the household~~ unless an emergency exists and the agency is informed.

(4) Children in foster care do not share a sleeping surface with adults ~~in the household~~.

(f) **Rest** ~~Infant rest arrangements for infants.~~

(1) **Bedding.** A crib, port-a-crib, or playpen with a firm waterproof mattress or pad is used for each child younger than one year of age.

(A) 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.

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

~~(A)(C)~~ (C) Cribs, port-a-cribs, and playpens with more than 2 and 3/8 inches between slats or between the side and end panels are ~~not allowed~~ prohibited.

~~(B)(D)~~ (D) Cribs with decorative cutout areas in crib end panels or tall decorative knobs on the corner posts, ~~which can entrap~~ entraping a child's head or catch clothing, are ~~not allowed~~ prohibited.

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

~~(D)(F)~~ (F) Mattress and crib sheets fit snugly.

~~(E)(G)~~ (G) Drop-side latches hold sides securely and are ~~not accessible~~ inaccessible by to the child in the crib.

~~(F)(H)~~ (H) Pillows, blankets, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are ~~not allowed~~ prohibited in the infant crib or playpen.

(I) Sleep positioners and elevated mattresses are prohibited, unless there is a medical reason documented by a licensed physician.

(J) Only pacifiers without attachments are in rest equipment with infants. Bibs are not placed around the infants' necks when in rest equipment.

(K) Infants birth through three months of age may be swaddled with an infant-sized, thin fabric, such as a receiving blanket, only when the infant is not mobile enough to move the fabric over his or her face.

(L) Play equipment and other items are not placed inside, above, or attached to the sides of infant rest equipment, unless there is a medical reason for a monitor or other device documented by a licensed physician. However, mobiles may be securely attached or hung above the crib provided no part of the mobile is within an infant's reach.

(M) When an infant falls asleep in equipment other than appropriate rest equipment, he or she is immediately moved to appropriate rest equipment.

(2) **Sleep position.** To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant:

(A) younger than 12 months of age is placed on the back for sleeping, unless there is a medical reason the infant should not sleep in this position, ~~as is~~ is documented by a ~~health professional~~ licensed physician. Documentation is maintained by the foster parent and the agency; and

(B) ~~who is when~~ when able to turn over is placed initially on the back for sleeping but allowed to sleep in the preferred position ~~preferred by the infant~~.

(g) **Emergency plans.** The foster home complies with the requirements pertaining to emergency plans ~~contained in this subsection.~~ including:

(1) ~~The foster home has a~~ an available planned source of medical care ~~available~~, such as a hospital emergency room, clinic, or health care professional known to the foster family;

(2) ~~The home has a telephone~~ phone with emergency numbers posted ~~nearby~~ for the health care professional or clinic, fire department, police department, ambulance service, poison control, and substitute caregiver;

(3) ~~The foster parent has~~ an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies;

(4) First first aid procedures and supplies ~~are~~ readily available; and

(5) ~~The foster parent ensures that~~ periodic evacuation drills, ensuring each child, ~~as appropriate to age and developmental level,~~ knows how to evacuate from the home in the event of a fire evacuation procedures. ~~The foster parent conducts periodic evacuation drills.~~

(h) **Equipment.** Equipment and furniture is are safe for children. The foster home has child care equipment, ~~such as~~ including bedding, high chairs, proper auto restraints, and age-appropriate toys appropriate for children placed in the home.

(i) **Transportation.** Children in foster care are transported ~~in compliance with applicable state law,~~ per Child Passenger Restraint System, Section 44—1112 11-1112 of Title 47 of the Oklahoma Statutes (47 O.S. § 11-1112). ~~The foster family has emergency~~ Emergency transportation is available.

(1) **Driver qualifications.** Drivers transporting children in foster care have an operator's license of the type appropriate for the vehicle ~~that is~~ and valid in the driver's state of residence.

(2) **Passenger restraints.** ~~Children who are transported~~ Transported children are properly secured in a child passenger restraint system (car seat) or individual seat belt.

(A) The car seat is:

- (i) federally approved;
- (ii) installed, ~~according to~~ per the manufacturer's instructions;
- (iii) appropriate to the child's height, weight, and physical condition ~~of the child,~~ according to per the manufacturer's instructions; and
- (iv) properly maintained.

(B) Each seat belt is properly anchored to the vehicle and fits snugly across the child's hips or securely anchors the car seat.

**(3) Vehicle requirements.**

(A) The transporting vehicle is covered by liability insurance as required by Oklahoma laws.

(B) Each vehicle used for ~~transportation~~ of foster care children transportation has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(j) **Nutrition.** Each child is provided a balanced, nutritious, and developmentally appropriate diet.

(1) The food is wholesome in quality, ample in quantity, and of sufficient variety.

(2) Instructions for feeding infants, including the use of formula, recommended by the licensed physician are followed.

**APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [REVOKED]  
APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [NEW]**

Level	General Education	Early Childhood Education (ECE) Child Development (CD) School-Age (SA) Knowledge and Skills	Administration (admin) Management (mgt) Knowledge and Skills	Experience	Annual Renewal Clock Hours
<b>Platinum</b>	PhD, EdD <sup>1</sup> MS, MA <sup>2</sup> BS, BA <sup>3</sup>	15 ECE/CD/SA credit hours <sup>4</sup>	9 admin/mgt credit hours <sup>4</sup>	3 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Gold</b>	AA, AS, AAS <sup>7</sup>	12 ECE/CD/SA credit hours <sup>4</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup>	6 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Silver</b>	3 credit hours <sup>4</sup> in English Composition I	Certificate of Mastery <sup>9</sup> -or- 9 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup> -or- Director's Certificate of Completion <sup>11</sup> -or- Pathway Director Training <sup>12</sup>	9 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Copper Effective 11/1/16</b>	BS, BA <sup>3</sup> , or any advanced	Not required	Not required	12 months <sup>5</sup>	30 hours

	degree beyond bachelors level				job related training <sup>6</sup>
<b>Bronze</b>	High School Diploma -or- GED	6 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup> -or- Oklahoma Competency Certificate in ECE <sup>13</sup>	3 admin/mgt credit hours <sup>4</sup> -or- approved admin/mgt credential <sup>14</sup> -or- 40 admin/mgt Clock-hours <sup>15</sup>	12 months <sup>5</sup>	20 hours job related training <sup>6</sup>

### Footnotes

1. ~~Doctoral Degree of Philosophy, Doctoral Degree of Education earned at a regionally-accredited college or university.~~
2. ~~Master Degree of Science, Master Degree of Art earned at a regionally-accredited college or university.~~
3. ~~Bachelor Degree of Science, Bachelor Degree of Art earned at a regionally-accredited college or university.~~
4. Approved college credit hours must be on the Recommended Approved Coursework List ([www.cecpd.org](http://www.cecpd.org)) and ~~be earned at a regionally-accredited college or university articulate to a two- or four-year college or university.~~
5. Qualifying experience must be as a teacher, master teacher, family child care home primary caregiver, assistant director, or director in a licensed child care setting (30 hours per week).
6. **No more than 6 clock-hours of informal professional development is counted toward annual renewal hours.** Training in the core content areas identified in "Oklahoma Core Competencies for Early Childhood Practitioners": 1) child growth and development; 2) health, safety and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development and evaluation; and/or 8) professionalism and leadership.  
NOTE: Entry Level Child Care Training (ELCCT) cannot be used to meet level or renewal criteria.
7. ~~Associate in Arts, Associate in Science, Associate in Applied Science earned at a regionally-accredited college or university.~~
8. Directors' Leadership Academy is available through the Center for Early Childhood Professional Development ([www.cecpd.org](http://www.cecpd.org)).
9. The Certificate of Mastery in child development or early childhood education is a minimum 18 credit hour certificate awarded by an Oklahoma community college.
10. Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential
11. Certificate of Completion for directors and assistant directors is issued by the Scholars for Excellence in Child Care ([www.okhighered.org/scholars/](http://www.okhighered.org/scholars/)).



12. Early Care and Education: Director’s Pathway to Program Administration is available through Oklahoma Career Technology Centers ([www.okhighered.org/scholars/career-tech.shtml](http://www.okhighered.org/scholars/career-tech.shtml)).

13. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.

14. Approved administration/management credential, such as the National Administrator Credential (NAC).

15. Training approved through the Oklahoma Professional Development Registry, with at least 10-clock hours in any three management core knowledge areas: Educational Programming & Family Support; Personnel & Professional Self-Awareness; Staff Management & Human Relations; Leadership & Advocacy; Program Operation & Facilities Management; Legal Management; or Fiscal Management.

NOTE: Completion of Director’s Entry Level Training (DELT) course meets 20-clock hours of this requirement. Informal professional development is not counted toward meeting this requirement.

**APPENDIX FF. OKLAHOMA PROFESSIONAL DEVELOPMENT LADDER  
[REVOKED]**

**APPENDIX FF. OKLAHOMA PROFESSIONAL DEVELOPMENT LADDER [NEW]**

<b>Level</b>	<b>Level Requirements</b>	<b>Annual Renewal Clock Hours</b>
<b><u>4011</u></b>	BA/BS <sup>1,2</sup> or above in Early Childhood Education (ECE)/ Child Development (CD)/School-Age (SA) –or– BA/BS in another field (BA/BS-non) with 24 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b><u>910</u></b>	90 credit hours with 18 ECE/CD/SA credit hours <sup>2</sup> –or– BA/BS-non with 18 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b><u>89</u></b>	AA/AS <sup>2,4</sup> in ECE/CD/SA –or– BA/BS-non with 15 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<b><u>78</u></b>	AA/AS-non with 15 ECE/CD/SA credit hours <sup>2</sup> –or– 60 credit hours with 15 ECE/CD/SA credit hours <sup>2</sup> –or– BA/BS-non with 6 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>

<u>67</u>	30 credit hours with 15 ECE/CD/SA credit hours <sup>2</sup>	20 hours <sup>3</sup>
<u>56</u>	Oklahoma Certificate of Mastery (ECE/CD) <sup>5</sup> –or– Tulsa Community College School-Age Certificate of Mastery	20 hours <sup>3</sup>
<u>45</u>	Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) Credential –or– 12 credit hours <sup>2</sup> in ECE/CD/SA	20 hours <sup>3</sup>
<u>4</u>	<u>Oklahoma Competency Certificate (Career Tech Master Teacher or Career Tech Director ONLY)</u> <sup>6</sup>	<u>20 hours<sup>3</sup></u>
<u>3</u>	<del>Oklahoma Competency Certificate (Career Tech Master Teacher ONLY)</del> <sup>6</sup> –or– 6 credit hours <sup>2</sup> in ECE/CD/SA	20 hours <sup>3</sup>
<u>2</u>	3 credit hours <sup>2</sup> in ECE/CD/SA –or– 60 clock hours of Oklahoma Professional Development Registry Approved <sup>7</sup> ECE/CD/SA training in the past 5 years	20 hours <sup>3</sup>
<u>1</u>	12 clock hours of ECE/CD/SA training <sup>3</sup> in the past 12 months	12 hours <sup>3</sup>

### Footnotes

1. Bachelor Degree of Arts, Bachelor Degree of Science.
2. College credit hours must be on the Recommended Approved Coursework List ([www.cccpd.org](http://www.cccpd.org)) and ~~be earned at a regionally accredited college or university~~ articulate to a two- or four-year college or university.
3. **No more than 6 hours of informal professional development are counted toward both initial and renewal hours.** Training in the core content areas identified in "Oklahoma Core Competencies for Early Childhood Practitioners." 1) child growth and development; 2) health, safety and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development and evaluation; and/or 8) professionalism and leadership.
4. Associate Degree of Arts, Associate Degree of Science.
5. The Certificate of Mastery in child development or early childhood education is a minimum 18 credit hour certificate awarded by an Oklahoma community college.

6. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.
7. Training approved through the Oklahoma Professional Development Registry (OPDR) ([www.cecpd.org](http://www.cecpd.org)). All OPDR approved training is tied to the "Oklahoma Core Competencies for Early Childhood Practitioners."

NOTE: Informal professional development is not counted toward meeting this requirement.

Entry Level Child Care Training (ELCCT), Family Child Care Home Entry Level Training (FHELT), Director's Entry Level Training (DELT), and Out-of-School Time Entry Level Training (OST-ELT) can only be counted one time toward renewal hours.

## **APPENDIX II. IMMUNIZATIONS [REVOKED] APPENDIX II. IMMUNIZATIONS [NEW]**

### **Law**

~~Section 411 of Title 10 of the Oklahoma Statutes~~ The Oklahoma Child Care Facilities Licensing Act, Section 411 of Title 10 of the Oklahoma Statutes (10 O.S. § 411), mandates children attending child care obtain, at the medically appropriate time, the Required Immunization Schedule vaccines.

### **Law Exemptions**

Exemptions from the law are allowed for medical, religious, and personal reasons. Summaries are below, including procedures for obtaining exemptions and exclusions.

**Medical.** For exemptions based on medical reasons, Oklahoma State Department of Health (OSDH) Form ODH 216A, Certificate of Exemption, must be signed by a licensed physician and state the child's physical condition is such that a particular immunization would endanger the child's life or health ~~of the child~~. The parent is responsible for obtaining the signature of the licensed physician.

**Religious.** For exemptions based on religious reasons, an ODH 216A must be signed by a parent or religious leader or a written statement signed by a parent or religious leader may be attached to the Certificate of Exemption.

**Personal.** For exemptions based on personal beliefs, an ODH 216A must be signed by a parent and include a brief written statement summarizing his or her objections to immunizations.

**Exemption Procedures.** Programs willing to enroll an unimmunized child based on an exemption, obtain Form ODH 216A from the OSDH Immunization Service 1-800-234-6196, at Vaccines for School ([oklahoma.gov](http://oklahoma.gov)). Parents complete the form, obtain the required signatures, and return it to the program. Programs review the form for proper completion

and signatures, ~~keep~~ maintain a copy in place of an immunization record, and ~~send~~ submit a copy to the OSDH Immunization Service for approval.

**Exclusion of exempt children during outbreaks.** If there is an outbreak of a vaccine-preventable disease, programs may be required to exclude unimmunized children based on exemptions or family emergencies. The exclusion may be a lengthy period of time. The Commissioner of Health makes this decision and the program would be contacted by a representative of ~~the health department~~ OSDH. The program is responsible for informing the parent of this possibility at the time the Certificate of Exemption is accepted by the program.

**Family Emergencies Thirty-day exemptions.** ~~This provision applies in rare instances when a true family emergency exists, such as a death in the family.~~ A program may allow a child to enter and remain for up to 30-calendar days, without an immunization record. ~~However, a dated and signed parent and statement is required.~~ In addition, the Federal Child Care and Development Fund requires a 30-calendar day exemption to provide immunization records for foster children and homeless families. The record must be provided at the earliest possible opportunity. If at the end of 30-calendar days an up-to-date record has not been provided, the program must exclude the child. No child may receive this waiver more than once.

### Required Immunization Schedule

**Due** Immunizations are due according to this Required Immunization Schedule, unless there are late dose revisions (see next page).

Dose due that month.  Dose due at the end of the age range, but may be given anytime during the age range.

**E** = Late Dose Exceptions (see next page)

**Past Due** Immunizations are past due the month following the age due.

	Birth	2 Mos.	4 Mos.	6 Mos.	12 Mos.	15 Mos.	18 Mos.	23 Mos.	***	4 – 6 Years
Hep B			○	[ ]						
DTaP		○	○	○	[ E ]					[ ]
Hib*		○ E	○ E		[ E ]					
IPV		○	○	[ ]						[ ]
MMR					[ ]					[ ]
Varicella**					[ ]					
PCV		○ E	○ E	○ E	[ E ]					
Hep A***					[ ]			[ E ]		

\* **Hib** may be complete with three or four doses depending on the vaccine brand used

\*\* **Varicella** vaccine is not required, if a parent or treating medical physician statement states the child had Chickenpox

\*\*\* **Hep A dose 2** is due six to 18 months after dose one

Refer to the ~~Oklahoma State Department of Health~~ OSDH website for the immunization schedule required for children seven years of age and older, who need to catch-up or start immunizations.

### Late Doses = Revised Due Dates

When a dose is received late, the remaining doses may have a different due date than shown on the Required Immunization Schedule.

All remaining doses are due one to two months after the previous dose, unless:

- the schedule allows more time; or
- if one of these exceptions (E) apply.

**DTaP dose 4** is due six to 12 months after dose three

**Hep A dose 2** is due six to 18 months after dose one

### Late Doses = Revised Number of Doses

When a dose is received late, usually the same number of doses is required. However, fewer doses may be required once a child reaches a certain age if one of these exceptions (E) applies.

### Hib

- If one dose is given at 15 months of age or older, regardless of the number of previous doses received, no more doses are required.
- If a child is 5 years of age or older, no doses are required.

### PCV

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

### Vaccine Names and Combination Vaccines

Use this chart to determine what vaccines have been received. Combination vaccines have two or more vaccines in one shot.

Vaccine	Disease	Vaccine Brand Names and Abbreviations
Hep B	Hepatitis B	Comvax, HBV, Hep B Pediatric, Engerix-B, Pediarix, Recombivax, <u>Vaxelis</u>
DTaP	Diphtheria, Tetanus, & Pertussis (Whooping Cough)	Daptacel, DT, DTP, Infanrix, Kinrix, Pediarix, Pentacel, TriHIBit, <u>Vaxelis</u>
Hib	Haemophilus Influenzae Type B	ActHIB (PRP-T), Comvax, HbCV, HbOC, Hib conjugate, Hiberix, Pedvax HIB (PRP-OMP), Pentacel, TriHIBit, <u>Vaxelis</u>
IPV	Polio	Kinrix, OPV, Pediarix, Pentacel, <u>Vaxelis</u>
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