

COMMENT DUE DATE: January 8, 2025

Date: December 20, 2024

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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:

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES
Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-8.3 [AMENDED]
340:110-1-8.4 [AMENDED]
340:110-1-8.8 [AMENDED]
340:110-1-8.11 [AMENDED]
340:110-1-15 [AMENDED]
340:110-1-17 [AMENDED]
(Reference 25-01)

SUMMARY:

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Oklahoma Human Services (OKDHS) Child Care Services (CCS) Quality Rating and Improvement System (QRIS) certification, monitoring, criteria, and grievance processes. Proposed amendments also include aligning Child Care Advisory Committee (CCAC) responsibilities for QRIS administrative review, per Section 404 of Title 10 of the Oklahoma Statutes (10 O.S. § 404), the Oklahoma Child Care Licensing Facilities Act.

Emergency rulemaking approval is requested. Proposed amendments address changes needed as a result of funding challenges. Oklahoma received federal funding to support the child care industry during the pandemic; however, those funds were depleted in May 2024. These rule changes are needed to return the state to the current budgeted amount for the child care program and the increased number of participants in the child care subsidy program. Effective date is requested upon Governor approval.

LEGAL AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 401, 404, 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: Jaesha Quarrels
Director of Child Care Services

Date: December 2, 2024

**Re: TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**
Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-8.3 [AMENDED]
340:110-1-8.4 [AMENDED]
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340:110-1-15 [AMENDED]
340:110-1-17 [AMENDED]
(Reference 25-01)

Contact: Mitzi Lee, Programs Manager III, 405-202-7449

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

Purpose.

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Oklahoma Human Services (OKDHS) Child Care Services (CCS) Quality Rating and Improvement System (QRIS) certification, monitoring, criteria, and grievance processes. Proposed amendments also include aligning Child Care Advisory Committee (CCAC) responsibilities for QRIS administrative review, per Section 404 of Title 10 of the Oklahoma Statutes (10 O.S. § 404), the Oklahoma Child Care Licensing Facilities Act.

Strategic Plan Impact.

Emergency rulemaking is requested so that OKDHS can make the necessary changes after a full year of implementation of the revised QRIS system. The original projections significantly underestimated the number of programs that would reach the

highest levels. While quality child care is a priority, Oklahoma should maintain the standards in a way that ensures only the highest quality programs reach the highest levels. The administrative process must ensure decisions are made timely when reductions in star quality are necessary. The proposed QRIS certification, monitoring and criteria amendments impact programs applying for certification or currently participating at two- through five-star levels. Pre-certification visits verify program's initial ability to meet QRIS criteria and assist with the program's success in maintaining QRIS environments. Requiring five-star programs to participate in accreditation and meet all five-star criteria further ensures quality environments when programs are receiving the highest star level ratings.

Proposed amendments to CCAC QRIS administrative review: (1) align with statutory language, per 10 O.S. § 404, the Oklahoma Child Care Facilities Licensing Act for CCAC to designate individuals for the review process; (2) provide for a broader representation of individuals to participate in administrative reviews; and (3) alleviate the responsibility of CCAC members' participation in administrative reviews. Amendments impact programs currently participating in QRIS program at two- through five-star levels.

Proposed amendments regarding the streamlining of grievance procedures impact licensed child care programs, residential facilities, and child-placing agencies.

Substantive changes.

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

Oklahoma Administrative Code (OAC) 340:110-8.3 is amended to reflect: (1) online certification request processes; (2) accreditation and Head Start Program Performance Standards are no longer options for meeting four-star certifications; (3) Head Start Program Performance Standards are no longer an option for five-star certifications; however, accreditation is required for all five-star programs; (4) accreditation timeframes for five-star programs; (5) only two-or three-star programs are approved for certification while on permit status, licensed status is required for four-and five-star certifications; (6) review of Licensing compliance history reduced to 12 months for applicable QRIS actions; (7) designated CCS staff to monitor QRIS criteria; (8) pre-certification visit requirements; (9) one partial and one full-star criteria review annually; (10) revised process for star level denials, reductions, and referrals; (11) removing alternative settlement agreements; (12) aligning members of administrative review, per 10 O.S. § 404; and (13) alignment of CCS terminology.

OAC 340:110-1-8.4 is amended to: (1) clarify compliance with minimum licensing requirements for two-star or higher certification approvals; and (2) reflect review of Licensing compliance history reduced to 12 months for applicable QRIS actions.

OAC 340:110-1-8.8 is amended to reflect accurate criteria citations.

OAC 340:110-1-8.11 is amended to: (1) require accreditation for five-star participation; (2) require accreditation is no longer an option for meeting four-star criteria; (3) require four- and five-star programs to meet all additional four- and five-star criteria; and (4) align CCS terminology.

OAC 340:110-1-15 is amended to: (1) revise specific circumstances and CCS actions eligible for grievances; (2) revise grievance timeframes for licensed programs

and child-placing agencies; (3) reduce the number of review levels; (4) include confidentiality of Peer Review advisement; (5) reflect designated CCS staff involved with QRIS and CCS employee grievances; and (6) align CCS terminology.

OAC 340:110-1-17 is amended to: (1) reflect consultation with State Early Childhood Advisory Council; (2) revise QRIS administrative review participants to include individuals recommended by CCAC membership subcommittee with CCS approval and no longer requiring those individuals to be CCAC members; and (3) align CCS terminology.

Reasons.

Chapter 110, Subchapter 1, Part 1. The proposed amendments address revisions to QRIS criteria and processes for certification, monitoring, and grievances. Amendments provide improved quality child care for children receiving care in programs participating in QRIS two- through five-star levels. Amendments also address aligning QRIS administrative review process, per 10 O.S. § 404, the Oklahoma Child Care Facilities Licensing Act. Amendments impact licensed child care programs participating in QRIS at two- through five- star levels.

Amendments streamline the CCS grievance processes. Programs that may be impacted include licensed child care programs, residential facilities, and child-placing agencies.

Repercussions.

Chapter 110, Subchapter 1, Part 1. The proposed amendments address: (1) additional QRIS criteria to improve quality child care; (2) improved QRIS processes impacting certification and monitoring; (3) streamlining grievance processes; and (4) providing a broader representation of programs participating in QRIS administrative reviews.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 401, 404, and 406 of the Oklahoma Child Care Facilities Licensing Act.

Emergency rulemaking approval is requested. Proposed amendments address changes needed as a result of funding challenges. Oklahoma received federal funding to support the child care industry during the pandemic; however, those funds were depleted in May 2024. These rule changes are needed to return the state to the current budgeted amount for the child care program and the increased number of participants in the child care subsidy program. Effective date is requested upon Governor approval.

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 child care programs, residential facilities, child-

placing agencies, and families and children using licensed child care facilities participating in QRIS.

- 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 children and families utilizing licensed child care facilities participating in QRIS, CCS staff, licensed child care programs, residential facilities, and child-placing agencies.
- 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:** The proposed rules will have an economic impact on licensed child care providers as they move from one star level to another. The star levels are tied directly to subsidy rates. Additionally, the proposed rules would impact the state agency budget and expenditures. The costs associated with obtaining and maintaining accreditation, including application fees, training, assessments, and any other related expenses, are the sole responsibility of the child care provider. The child care provider will have access to the list of approved accrediting agencies and will be responsible for choosing the accrediting agency that best aligns with their financial capabilities.
- 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:** Minor system modifications will be required to capture accreditation information for child care providers. These upgrades will be funded through the Child Care Development Fund at the federal level. The benefit to the agency will be the ability to report, in real time, the providers with national accreditation, which will support the payment of higher subsidy rates. No changes to state agency revenue are anticipated.
- 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) additional QRIS criteria to improve quality child care; (2) streamline grievance process; (3) broader representation for QRIS administrative reviews; and (4) improved child care for children and families receiving child care services in programs participating in QRIS.
- 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:** If child care providers choose not to pursue accreditation, it will have an economic impact because their star rating, which determines their child care subsidy rates, will be reduced. Child care providers who decide to pursue accreditation are responsible for selecting an accrediting agency that aligns with their budget and available resources.

- 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 provide: (1) improved child care for children and families receiving child care services in programs participating in QRIS; (2) additional QRIS criteria to improve quality child care; (3) streamlining the grievance process; (4) broader representation of programs for QRIS administrative reviews; and (5) adjusting expenditures to be aligned with Oklahoma’s child care budget.
- 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) quality of child care would be negatively impacted; (2) families will not have confidence in the star rating system; (3) the state will not be returned to the current budgeted amount for the child care program; (4) grievance processes would not be streamlined; and (5) broader representation for QRIS administrative reviews would not occur.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared: December 2, 2024

SUBCHAPTER 1. GENERAL PROVISIONS

Part 1. LICENSING SERVICES – CHILD CARE

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

Revised ~~6-1-22~~~~XX-XX-XX~~

(a) **Purpose.** The quality rating and improvement system (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 340:110-1-8.11.

(c) **Request for star certification process.** The process in (1) through ~~(4)~~(5) of this subsection is required for certification.

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

(2) **Two-star center and home criteria.** For approval as a 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~~ an online request for star certification information, 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 number of master teachers as required, per star level, and are not eligible for master teacher probationary periods.

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

- (A) all 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~~ Services (CCS)-approved national accrediting organization; or ■ 1
- (ii) a Head Start grantee and compliant with Head Start Program Performance Standards.

(4) ~~Four- and five-star~~ **Four-star center and home criteria.** For approval, the owner and director or primary caregiver, ~~when applicable,~~ must complete and submit the appropriate online request for star certification and:

- (A) meet all criteria described in (b) of this Section; ~~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; or~~
- ~~(ii) a Head Start grantee and compliant with Head Start Program Performance Standards.~~

(5) **Five-star center and home criteria.** For approval, the owner and director or primary caregiver must complete and submit the appropriate online request for star certification and:

(A) meet all criteria described in (b) of this Section; and

(B) be accredited by a CCS-approved national accrediting organization. ■ 1

(i) Programs approved for five-star prior to the rule effective date must provide proof of accreditation by a CCS-approved national accrediting organization or proof of accreditation application submission within sixty-calendar days of the rule effective date. When programs do not provide proof of accreditation or accreditation application submission within sixty-calendar days, reduction processes are followed, per (m) of this Section.

(ii) Programs making application for accreditation must obtain accreditation by a CCS-approved national accrediting organization by September 1, 2025. When programs do not obtain accreditation by September 1, 2025, reduction processes are followed, per (m) of this Section.

~~(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. **Star level certification requests.**~~

~~(1) Programs operating on permit may only request two- or three-star certification. Applications must be received by December 1, 2022.~~

~~(2) On January 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.~~

~~(2) Programs requesting four- or five-star certification must be licensed. Programs on permit are not eligible for four- or five-star certification.~~

~~(3) Changes of ownership are exempt from processes in (1) and (2) of this subsection.~~

~~(e) **Center and home certification approval.** The procedures in this subsection are followed for initial approval and requests for higher star certification level. **Request for star certification submission process.** The procedures in this subsection are followed for submission of request for star certification.~~

~~(1) The owner and director or primary caregiver, when applicable, submit the appropriate online 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, designated CCS staff, and the stars QRIS program administrator or designee as needed.~~

~~(A)~~(3) The monitoring visits and substantiated complaints for the last 24 12 months of operation are reviewed for criteria compliance determination. ■ 4 The request ~~may~~ is denied when the program has:

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

~~(ii)~~(B) a single serious incident resulting in injury or imminent risk of harm to a child within the ~~24-month~~ 12-month period;

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

~~(iv)~~(D) a serious substantiated complaint;

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

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

(f) Pre-certification visit. Prior to initial or higher star level certification approval, programs receive a pre-certification visit from designated CCS staff to verify stars criteria compliance. Pre-certification visit is conducted after:

(1) online request for star certification is completed; and

(2) all required star criteria documentation is submitted.

(g) Center and home certification approval. The procedures in this subsection are followed for initial approval and requests for higher star certification level.

~~(B)~~(1) 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~~ non-compliances, per OAC 340:110-1-9.3, are 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)~~(2) 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~~6

~~(D)~~(3) 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, per OAC 340:110-1-9.3, 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)~~(4) The owner may withdraw the request for star certification prior to denial.

~~(F)~~(5) 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)~~(l) of this Section, and the right to request an administrative review is waived.

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

~~(g)~~(i) **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 Designated CCS staff, ~~determining to determine~~ whether criteria continue ~~being to be~~ met. ■ 87

(2) **Periodic certification reviews.** Licensing Designated CCS staff completes a minimum of ~~three reviews annually. The three reviews consist of two one~~ partial- and one full-star certification criteria reviews review annually, including programs operating less than a full-year or having a tribal cooperative licensing agreement.

(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. ■ 98~~

(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 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. ■ 409

(4) **Non-compliance.** The star certification level of a program ~~may be reduced, is referred for reduction~~ when a program has:

(A) serious non-compliance with Licensing requirements, per OAC 340:110-1-9.3, within a ~~24-month~~ 12-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 and written notification.** 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. ■ 10 & 11

(A) Licensing Designated CCS 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, per OAC 340:110-1-9.3;
 - (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~~ A plan of correction indicating a specific agreed on correction time frame is documented:
- (i) for each star criteria violation documented during a criteria review; or
 - (ii) when a program notifies Licensing designated CCS staff of star criteria violations. ■ ~~11 12 & 13~~
- (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 designated CCS staff may submit a referral for star certification reduction or notify the program of a request for extension of time to comply, per (k) of this Section, 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~~ is submitted. ■ ~~11 & 12~~ 12 & 13
- (6) **Follow-up of star criteria violations.** Licensing Designated CCS 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;~~
 - ~~(D) failed to employ a qualified director for six months or more; or~~
 - ~~(E) star criteria violation.~~
- (j) **Grievances.** Grievances regarding star criteria violations are followed, per OAC 340:110-1-15.
- ~~(h)~~(k) **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 QRIS 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. ■

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~~(i)(l)~~ **Reduction in star certification levels** **Star certification level reduction circumstances.** Circumstances for star level reductions are in (1) and (2) of this subsection.

~~(1)~~ A reduction occurs when CCS issued:

~~(1)~~ a written Emergency Order or notice of proposed request for license denial or license revocation is issued; or. ■ 15

~~(2)~~ A reduction may occur, when the program has:

(A) numerous, repeated, or serious non-compliance with Licensing requirements, per OAC 340:110-1-9.3, within a 24-month 12-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 star level criteria violations; or

~~(E)~~ failed to employ a qualified director for six months or more. ■ 16

~~(m)~~ **Reduction in star certification level process.** Reduction procedures in (1) through (8) are followed.

~~(3)~~ The procedures in this subsection are followed when a reduction is warranted.

~~(A)(1)~~ Licensing Designated CCS 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 for stars reductions are made in writing to the stars QRIS 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)(2)~~ When a reduction is warranted, the stars necessary, the QRIS 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.

(A) When numerous, repeated, or serious non-compliances, serious incidents, or serious substantiated complaints are the basis for the reduction:

(i) two-star programs are reduced to one-star; and

(ii) three-, four-, and five-star programs are reduced to two-star. When programs do not meet two-star criteria, the program is reduced to one-star.

(B) When criteria violations are the basis for the reduction, the star level is reduced to the appropriate star level based on the criteria currently being met.

(C) When Emergency Order issuance or notice of proposed request for license denial or license revocation occurs, the star level is reduced to one-star, and there is no right to request an administrative review on star level reductions.

~~(C)(3)~~ The certified mail delivery receipt card is addressed to return to the CCS director or designee.

~~(D)~~(4) 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)~~(5) The request includes written documentation stating the program's grounds for administrative review.

(4)(6) 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. ■ 4815

~~(5)~~(7) The administrative review process includes determining when a star certification level reduction was in accordance with 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 OKDHS staff not involved in the decision to reduce the star certification level; and

(iii) includes two ~~Child Care Advisory Committee (CCAC) members~~ individuals, 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)~~(8) The owner and director or primary caregiver, ~~when applicable~~, may reapply for a higher star certification level when criteria are met, and higher star level certification processes, per (d) of this Section, are not required for reapplication. ~~When~~ However, when the star certification level is reduced due to serious non-compliance with Licensing requirements, serious incidents, or serious substantiated complaints, the program is not approved for a higher star certification level for six months after receiving the reduction letter, sent by certified mail.

~~(j)~~(n) **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~~ of request for 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~~ online request for star certification and required documentation. Changes of ownership are exempt from star certification request processes, per (d) of this Section, and may be approved for any star level certification when meeting required star criteria for the requested level.

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

- (1) Licensing Designated CCS staff conducts a full-star criteria review within five-OKDHS business days:
 - (A) verifying all applicable criteria are met; and
 - (B) obtaining the appropriate online request for star certification and required documentation completed by the prospective owner and director or primary caregiver, ~~when applicable.~~ ■ ~~19 & 2016 & 17~~
- (2) The stars outreach specialist reviews the online request for star certification and required documentation completed by the prospective owner and verifies star level certification criteria are met, per ~~(d)~~(e) through (g) 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)~~(i) 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)~~(n) 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.

~~(l)~~(p) **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. ■ ~~2118~~

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

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

INSTRUCTIONS TO STAFF 340:110-1-8.3

Revised ~~6-1-22XX-XX-XX~~

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 and designated CCS staff when ~~Form 07LC025E, Request for Child Care Center Star Certification, or Form 07LC027E, Request for Family Child Care Home Star Certification,~~ online request for certification information and required documentation is received. Licensing staff and designated CCS staff notify the stars outreach specialist (SOS) when concern exists. The SOS stars outreach specialist determines when certification criteria are met by reviewing the case file and documentation submitted by the program.
4. The program's case file record of up to 24 12 months is considered, including the case file record 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 Human Services (OKDHS) decision.
5. (a) When making the determination to deny or reduce the certification, Licensing designated Child Care Services (CCS) 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~~ non-compliances 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 is maintained in the case file record. 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 is advised of the right to file a grievance, per OAC 340:110-1-15 providing, and provided 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.~~

87. ~~Licensing~~ Designated CCS staff complete ~~completes~~ a plan of correction when star certification criteria are not met.

98. Periodic certification reviews.

(1) ~~At the two~~ During the partial-stars certification criteria ~~reviews~~ review, criteria in (A) through ~~(G)~~(F) 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 areas;~~

~~(F) professional development for a director hired since the last review;~~
and

~~(G)~~(F) star criteria violations from the previous review.

(2) All applicable stars certification criteria are reviewed annually.

(3) ~~Licensing staff documents in discussion the~~ The names of program personnel that the review or follow-up is conducted with are documented in discussion, 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~~ When the program is monitored for a consent agreement, per OAC 340:110-1-9.5, ongoing periodic certification reviews are conducted, per OAC 340:110-1-8.3.

(6) Quality rating and improvement system ~~staff reviews~~ or designated CCS staff review programs exempt from state licensure, verifying all applicable criteria are met.

(7) 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.

109. 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.

10. When a program notifies Licensing staff of star criteria violations, Licensing staff forwards the violation information to designated CCS staff for further action.

11. Documentation considered a notice to a program for star criteria not being met include:

(1) the appropriate star certification review;

(2) the appropriate licensing monitoring visit report;

(3) Form 07LC037E, Notice to Comply; or

(4) 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) star certification violations are not corrected in the agreed on time frame;

(D) an Emergency Order, proposed request for license denial, or license revocation is issued; or

(E) the program has not employed a qualified director for six months or more."

4412. The time frame for correcting violations is negotiated between the director, primary caregiver, owner, or personnel in charge, and Licensing designated CCS staff. Time frames are based on the time needed to correct the violation and level of risk to children. Licensing Designated CCS staff is responsible for tracking and follow-up on the plan of correction.

4213. When information is received regarding a program not meeting star certification criteria, and no written documentation exists, designated CCS staff documents the violation on Form 07LC080E. Licensing staff and 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 and
 - (6) program's proximity to services, classes, and resources.
- ~~15. When reduction in 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 one month, from the first day of the month, immediately following certified mail 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 also 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 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) Licensing staff notifies designated CCS staff when a program is placed on inactive status.~~
 - ~~(2) During inactive status, star certification reviews are not conducted. However, Licensing designated CCS staff contacts the program every four months verifying inactive status and Professional Development Ladder (PDL) certification. Licensing Designated CCS staff 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)~~**(3)** Upon resuming care, a partial-star certification review is conducted and ~~may be combined with the Licensing monitoring visit.~~

~~(3)~~**(4)** When a full-star certification review was due during inactive status, ~~Licensing staff conducts a full-star certification review~~ is conducted upon resuming care. Criteria not applicable during inactive status, such as parent surveys and conferences, and personnel evaluations, are not documented as violations. Licensing Designated CCS staff consults with the program regarding appropriate time frames for completing applicable criteria.

340:110-1-8.4. Licensing status and compliance criteria

Revised ~~6-1-22~~XX-XX-XX

(a) **Two-, three-, four-, and five-star licensing status criteria.** For star certification, programs have a license or permit, per Oklahoma Administrative Code 340:110-1-8.3. ■

1

(b) **Two-, three-, four-, and five-star compliance criteria.** The monitoring visits and substantiated complaints for the last 24 12 months of operation are reviewed, and programs must be compliant with minimum licensing requirements to be approved for two-star level or higher. The Licensing file from the applicant's previous licenses is considered. Numerous, repeated, and serious ~~non-compliance~~ non-compliances, per ~~Oklahoma Administrative Code (OAC) 340:110-1-9.3~~ are considered when approving or denying star certification. ■ 2 The request for star certification ~~may be~~ is denied or the level reduced, when:

(1) there are is 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.

(c) **Two-, three-, four-, and five-star ongoing compliance criteria.** Programs must be compliant with minimum licensing requirements to maintain two-star level or higher.

INSTRUCTIONS TO STAFF 340:110-1-8.4

Revised ~~6-1-22~~XX-XX-XX

- 1. 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. 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~~ non-compliances may be used for reduction when the program is submitted for denial or revocation.

340:110-1-8.8. Learning and development criteria

Revised ~~6-1-22~~XX-XX-XX

(a) **Two-, three-, four-, and five-star center criteria.** Criteria in (1) through (5) of this subsection are required for all star levels.

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

■ 1

(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) **Three-, four-, and five-star center criteria.** Criteria in (a) of this Section and (1) through (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) The program implements developmentally appropriate 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) and (2) 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.

(d) **Two-, three-, four-, and five-star home criteria.** Criteria in (1) through ~~(4)~~(5) 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.

(e) **Four- and five-star home criteria.** Criteria in (d) of this Section and in (1) through ~~(6)~~(5) of this subsection are required.

(1) Children have access to art, block building, book reading, dramatic play, manipulative play, and music and movement.

(2) The program 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.**

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

~~Issued 6-1-22 Revised XX-XX-XX~~

~~(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 All four- and five-star programs complete (1) and (2) of this subsection. Five-star programs also meet accreditation criteria, per Oklahoma Administrative Code (OAC) 340:110-1-8.3.~~

~~(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~~ uses 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~~ uses 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~~ uses 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~~ All four- and five-star programs complete (1) and (2) of this subsection. Five-star programs also meet accreditation criteria, per OAC 340:110-1-8.3.

(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~~ uses 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~~ uses 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.

340:110-1-15. Grievance policy and procedure

Revised ~~6-1-22~~XX-XX-XX

(a) **Grievance policy.** The licensed child care or residential program, or child placing agency owner, 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 or informal resolution initiated, per (b)(1) of this Section, within 30-calendar 10-program or child-placing agency business days of the documented non-compliance, ~~star~~ Quality rating and improvement system (QRIS) criteria violation, or substantiated complaint allegation. A grievance is not accepted concerning QRIS star level reductions, 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, or designated programs manager 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~~ assistant licensing coordinator, residential programs and child-placing agency programs supervisor, or designated programs manager. ~~Grievances must be received within 15-calendar days of this communication.~~ Written grievances are forwarded when additional reviews are requested.

(2) ~~Licensing supervisor and regional programs manager (RPM)~~ The assistant licensing coordinator, residential programs and child-placing agency programs supervisor, or designated programs manager grievance level review processes for child care or residential programs or child-placing agencies are in (A) through ~~(B)~~(C) of this paragraph.

(A) ~~The Licensing supervisor~~ For child care program grievance review, the assistant licensing coordinator:

- (i) notifies ~~the RPM~~ and statewide licensing coordinator that a formal grievance was received and efforts made to resolve the issue;
- (ii) responds to written grievances within 10-Oklahoma Human Services (OKDHS) business days of receipt; and
- (iii) informs the grievant additional review requests must be received within ~~15-calendar~~ 5-program business days of the correspondence date. ■ 2 through 4

(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-OKDHS business days of receipt; 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)~~(i) notifies the statewide licensing coordinator a formal grievance was received and efforts were made to resolve the issue;

~~(B)~~(ii) responds to written grievances within 10-OKDHS business days of receipt; and

~~(C)~~(iii) informs the grievant additional review requests must be received within ~~15-calendar~~ 5-program or child-placing agency business days of the correspondence date. ■ 2 through 4

(C) For QRIS criteria grievance review, the designated programs manager:

(i) notifies the designated programs administrator a formal grievance was received and efforts were made to resolve the issue;

(ii) responds to written grievances within 10-OKDHS business days of receipt; and

(iii) informs the grievant additional review requests must be received within 5-program business days of the correspondence date. ■ 3 & 4

~~(4)~~(3) When the grievant is not satisfied with the proposed ~~resolution~~ response, per ~~(2)~~ or ~~(3)~~ of this subsection, he or she may request:

(A) statewide licensing coordinator review for licensing grievances; or

(B) designated program administrator review for QRIS criteria grievances. The grievant is informed he or she may request Child Care Advisory Committee (CCAC) Peer Review Board review, prior to statewide licensing coordinator or designated program administrator review. The statewide licensing coordinator or designated program administrator forwards information to the Peer Review Board, when applicable, or proceeds with the review.

~~(5)~~(4) When applicable, the Peer Review Board responds to the statewide licensing coordinator or designated program administrator with resolution advisement within 10-OKDHS business days of receipt. Peer Review Board resolution advisement decisions are confidential.

~~(6)~~(5) The statewide licensing coordinator or designated program administrator notifies the grievant of the CCS decision within 10-OKDHS business days or, when applicable, 10-OKDHS business days of Peer Review Board advisement receipt. The grievant is informed additional review requests must be received within ~~15-calendar~~ 5-program or child-placing agency business days of the correspondence date. ■ 3 & 4

~~(7)~~(6) When the grievant is not satisfied with the proposed ~~resolution~~, ~~he or she response~~, the grievant may request review by the CCS director, ~~Senior Director of Child Services~~, and OKDHS Director (Director), or assigned designees respectively. The CCS director, ~~Senior Director of Child Services~~, and Director or assigned designees each respond within 10-OKDHS business days of receipt. The grievant is informed additional review requests must be received within ~~15-calendar~~ 5-program or child-placing agency business days of the correspondence date. The Director's or assigned designee's decision is final. ■ 4

(c) **Grievance procedures against a CCS employee.** A licensed child care or residential program, and child-placing agency may submit a grievance regarding a CCS employee who retaliated against a program or child-placing agency, or the employees of the licensed program or child-placing agency. Grievances must be received within ~~30-calendar~~ 10-program or child-placing agency business days of the alleged incident. Reports are investigated regardless of the grievant's decision to remain anonymous. ■

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(1) The grievant is referred to the appropriate supervisor or, programs supervisor, or designated programs manager who attempts to resolve the matter.

(2) When the grievant is not satisfied with the proposed ~~resolution at the supervisory level~~ response, the grievant is referred to the assistant licensing coordinator and, when applicable, not within the line of supervision of the involved Licensing staff or designated programs administrator. The assistant licensing coordinator or designated programs administrator:

(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 or designated programs administrator's decision is final; however, the grievant may request the CCS director review the finding.

INSTRUCTIONS TO STAFF 340:110-1-15

Revised ~~6-1-22~~XX-XX-XX

1. When the supervisor, or programs supervisor, or designated programs manager determines the non-compliance or quality rating and improvement system (QRIS) criteria violation is accurate, grievance tracking information is entered in the Licensing database. When the supervisor, or programs supervisor, or designated programs manager is able to determine a non-compliance or QRIS criteria violation should not have been documented, the supervisor, programs supervisor, or designated programs manager:

(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~~ assistant licensing coordinator 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 and the decision ~~is~~ are 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.

340:110-1-17. Child Care Advisory Committee bylaws

Revised 12-17-18~~XX-XX-XX~~

(a) **Purpose.** The Child Care Advisory Committee's (CCAC) purpose is to:

(1) carry out the provisions of ~~the Oklahoma Child Care Facilities Licensing Act (Licensing Act)~~, Section 404 of Title 10 of the Oklahoma Statutes (10 O.S. § 404), Oklahoma Child Care Facilities Licensing Act (Licensing Act) to:

(A) ensure minimum standards maintenance for children's care and protection away from ~~their homes~~ home, including:

- (i) constructive programs and services meeting each child's and family's needs;
- (ii) personnel having good moral character and ability of caring for children;
- (iii) adequate and safe housing, sanitation, and equipment;
- (iv) good health care;
- (v) full educational and religious opportunities;
- (vi) good community relationships;
- (vii) essential records and administrative methods; and
- (viii) sufficient funds for sound operation;

(B) encourage and assist child care facilities toward maximum standards; and

(C) work for sufficient and adequate child care services development through public and private agency partnerships;

(2) recommend child care program minimum requirements and desirable standards for Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) rule promulgation.

Rules are promulgated after consultation with:

(A) ~~the~~ Oklahoma State Department of Health (OSDH);

(B) ~~the~~ Oklahoma State Department of Education (OSDE);

(C) ~~the~~ Oklahoma State Bureau of Investigation (OSBI);

(D) ~~the~~ Office of the Oklahoma State Fire Marshal (OSFM);

(E) ~~the~~ Oklahoma Commission on Children and Youth (OCCY);

(F) ~~the~~ Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); ~~and~~

(G) state early childhood advisory council; and

~~(G)~~(H) other agencies deemed necessary by DHS OKDHS;

(3) serve in an advisory capacity to ~~DHS~~ OKDHS for developing quality child care programs and services; and

(4) educate the public and consumers regarding quality child care.

(b) **Function.** The CCAC function is to:

(1) become informed of ~~DHS~~ OKDHS programs and policies regarding children;

(2) express community's and ~~the State of Oklahoma's~~ needs and concerns relating to children's care and treatment; and

(3) express ~~change~~ recommendations, including minimum requirement revisions and encouraging child care maximum standards.

(c) **Membership.**

(1) **Representation.** CCAC provides names for consideration of new appointments and reappointments of members to the Child Care Services (CCS) director. The CCS director in consultation with the OCCY representative provides membership recommendations to the ~~DHS~~ OKDHS Director. Members are appointed to serve at

the pleasure of the ~~DHS~~ OKDHS Director, based on child care expertise, experience, and leadership.

(A) CCAC, at a minimum, consists of 18 members.

(B) The majority are ~~DHS-licensed~~ OKDHS-licensed program representatives.

(C) Other members ~~include~~ at least, include one representative from OSDH; OSDE; OSFM; tribal agencies; and CCS. These representatives are exempt from term limits.

(D) Other members include associations and agencies as recommended to the ~~DHS~~ OKDHS Director, such as the Oklahoma Child Care Association, Oklahoma Children's Agencies and Residential Enterprises Incorporated (OK-CARE), ODMHSAS, OSBI, Oklahoma Association of Youth Services, Office of Juvenile Affairs, Early Childhood Association of Oklahoma, and Head Start.

(E) An OCCY representative serves as an ex-officio member.

(2) **Terms of office Membership terms.**

(A) CCAC member terms of appointment are for three years with a two-consecutive-term limit.

(B) Members may be recommended for reappointment after completing the first office member term.

(3) **Officers.** CCAC officers include chairperson, vice-chairperson, and secretary.

(A) **Chairperson.** The chairperson is responsible for:

(i) presiding over all meetings;

(ii) planning the meeting agenda, at least 14-calendar days in advance, in coordination with CCS;

(iii) appointing subcommittee members, in consultation with the CCS director and OCCY representative; and

(iv) serving as CCAC spokesperson.

(B) **Vice-Chairperson.** The vice-chairperson works closely with the chairperson, assumes chairperson responsibilities in his or her absence, and attends public hearings.

(C) **Secretary.** The secretary position is held by the CCS representative. The secretary is responsible for recording meeting minutes and providing them to members prior to the next meeting. ~~A, and a permanent copy of the minutes record~~ is maintained by CCS.

(4) **Election of officers and terms of office.**

(A) ~~Upon~~ On office vacancy, the chairperson and vice-chairperson are elected by a majority member vote present during the next quarterly meeting following the office vacancy. Officers assume duties during the meeting when the election is held.

(B) Office terms are for one year. Officers may be elected to serve in one office for a maximum of three terms.

(5) **Standing Subcommittees.**

(A) Standing subcommittees expand child care operator opportunity to identify quality improvement resources, express industry concerns, and recommend issues for CCAC consideration.

(i) The chairpersons of four standing subcommittees are CCAC members and are appointed by CCAC chairperson. Standing subcommittees represent:

- (I) family child care homes;
- (II) child care centers, day camp, drop-in, out-of-school time, part-day programs, and programs for sick children;
- (III) residential and child-placing agencies; and
- (IV) the quality rating and improvement system (QRIS) program.

(ii) Standing subcommittee members are identified and recruited by the standing subcommittee chairpersons with CCS and OCCY consultation. Membership meets representation, per 10 O.S. § 404.

(iii) Standing subcommittees meet a minimum of twice annually.

(iv) The standing subcommittee chairperson provides a written report to CCAC, at least twice annually.

(v) CCS state office staff attends standing subcommittee meetings and serves as a resource.

(B) A standing membership subcommittee helps to ensure broad licensed program representation is included within CCAC. The OCCY representative serves on the standing membership subcommittee and consults with the CCS director identifying appropriate CCAC members.

(i) The standing membership subcommittee chairperson works closely with other CCAC officers and provides the standing membership subcommittee oversight.

(ii) The membership subcommittee meetings are held at least quarterly, prior to CCAC meetings.

(iii) The membership subcommittee chairperson provides a written quarterly report to CCAC.

(iv) The membership subcommittee recommends ~~to~~ for CCAC consideration:

(I) the names for new appointments;

(II) the re-appointment of existing members based on attendance and participation on CCAC subcommittees; and

(III) a slate of officers.

(6) **Peer Review Board.** CCAC identifies members to serve on the Peer Review Board and participate in the ~~DHS~~ OKDHS grievance process, per Oklahoma Administrative Code (OAC) 340:110-1-15 and 340:110-1-54. A majority of the Peer Review Board are representatives of licensed child care facilities.

(7) **QRIS Administrative Review.** ~~CCAC identifies two members~~ designates membership subcommittee recommends two individuals to serve on QRIS administrative reviews per OAC 340:110-1-8.3 (h)(5)(B) review panel, with one ~~member individual~~ being a licensed child care center owner or operator, per Title 10 O.S. § 404. Review panel individuals are approved by CCS.

(d) **Meetings.**

(1) **Frequency.** CCAC meets quarterly. Additional meetings may be called or regular meetings cancelled by the chairperson and CCS representative.

(2) **Quorum.** A minimum of one third plus one member or designee, of currently appointed members, must be present for a quorum.

(3) **Voting.** All members or designees must receive CCAC orientation prior to voting.

- (4) **Attendance.** Committee members or designees must attend at least two CCAC meetings annually or may be removed from the committee at CCAC or DHS OKDHS Director's discretion.
- (5) **Active participation.** CCAC members or designees are required to serve on subcommittees annually.
- (6) **Guidelines.** CCAC practices are compatible with the Licensing Act.
- (7) **Rules of order.** *Robert's Rules of Order*, as amended, are used to govern the meetings.
- (e) **Change of bylaws.** CCS prepares bylaw revisions based on CCS and CCAC input and recommendations. Proposed rulemaking is presented to CCAC for comment and submitted for approval through the Administrative Procedures Act rulemaking process.