

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Miranda Kieffer, AS, State Plan 405-209-7054
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

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 amendment is **permanent**.

SUBJECT: CHAPTER 110. LICENSING SERVICES

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-8.3 [AMENDED]
Subchapter 3. Licensing Standards for Child Care Facilities
Part 9. Requirements for Residential Child Care Facilities
340:110-3-153.1 [AMENDED]
Part 16. Community Hope Centers [NEW]
340:110-3-400 [NEW]
Appendix GG Ratios and Group Sizes [REVOKED]
Appendix GG Ratios and Group Sizes [NEW]
(Reference WF 19-05, 20-06 and 20-07)

SUMMARY:

The proposed amendments to Chapter 110, Subchapter 1, Part 1, amend Child Care Services (CCS) monitoring procedures for the quality rating and improvement system (QRIS).

Licensed child care programs participating in the QRIS program impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children. Proposed amendments align QRIS rules and procedures with House Bill (HB) 2212, 2019 legislative session, amending Section 406 of Title 10 of the Oklahoma Statutes (10 O.S. § 406), the Oklahoma Child Care Facilities Licensing Act. HB 2212 provides child care programs, licensed for 50 or more children, the ability to schedule the QRIS criteria review with Licensing staff.

The proposed amendments to Chapter 110, Subchapter 3, Part 9 amend licensing requirements for: (1) residential facilities; (2) child care centers; (3) drop-in programs; and (4) part-day programs.

Proposed amendments revise criminal background investigations for residential licensing requirements for compliance with federal regulation under Family First Prevention Services Act Public Law 115-123. Proposed amendments also include: (1) program and executive directors do not serve as program directors for multiple facility locations; (2) updated training sources of cardio-pulmonary resuscitation (CPR) and first

aid; (3) first aid training exemption for personnel having a current nursing certification or degree; (4) 90-calendar day timeframes to receive Oklahoma Human Services (OKDHS) approved behavioral intervention trainings; and (5) alignment of Child Care Services terminology.

The proposed rule issuance to Chapter 110, Subchapter 3, Part 16, establishes licensing requirements for Community Hope Centers. In order to meet families' needs during the COVID-19 pandemic, Community Hope Centers operated with Oklahoma CARES Act funding providing needed services for families of children and youth, 5 years through 17 years of age, by providing: (1) access to mental health professionals; (2) resources meeting children's and youths' social and emotional well-being; (3) the science of hope; and (4) connections to additional community resources for families. CARES Act funding will no longer be available January 1, 2021. Establishing licensing requirements for Community Hope Centers assists with the continuation of services by providing licensing requirements allowing programs to receive subsidized child care funding for eligible families utilizing these program services.

Proposed rules establish licensing requirements impacting health and safety of children and youth 5 years through 17 years of age in the areas of: (1) program personnel qualifications; (2) criminal background investigations; (3) child and youth staff ratios; (4) facility premise safety; (5) child and youth health and safety; (6) nutrition; (7) discipline and personnel interaction; (8) programming and equipment; (9) transportation; (10) family communication and community resources; (11) emergency preparedness; and (12) legislatively required parental notifications and postings regarding liability insurance and compliance file.

Proposed amendments also revise child care licensing requirements for mixed-age staff-child ratio for infants and 1-year-olds, superseding March 13, 2020 emergency rules where 2-year-olds were deleted from this mixed-age grouping. Proposed amendments would include 2-year-olds within the infant and 1-year-olds mixed-age ratio category. Child Care Services (CCS) received concern from multiple programs regarding the mixed-age ratio for the infant and 1-year old category. Ratios place an unanticipated hardship on programs caring for these youngest aged children. Many child care programs had groupings of infants, 1-year-olds, and 2-year-olds, and were negatively impacted by having to rearrange classroom groupings and in some circumstances hire additional personnel. Proposed amendments provide children within these ages to continue to be grouped together; providing continuity of care, further securing social-emotional attachment for the most vulnerable age, and meet the needs of the child care industry. The amended mixed-age grouping is also supported by national early childhood accrediting organizations. CCS received input regarding the mixed-age ratio for infants and 1-year-olds category from the Child Care Advisory Committee (CCAC) child care center-based standing subcommittee on September 4, 2020. On September 9, 2020 proposed amendments for mixed-age staff-child ratios were also presented to CCAC. Proposed amendments to mixed-age staff-child ratio reflect inclusion of the 2-year-olds within the infants and 1-year-olds mixed-age grouping and benefits the child care industry.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; 56 O.S. § 162; 10 O.S. §§ 401, 404.3, 404 and 406 of the Oklahoma Child Care Facilities Licensing Act; and Family First Prevention Services Act Public Law 115-123.

Rule Impact Statement

To: Dena Thayer, Programs administrator
Legal Services - Policy

From: Jennifer King, Interim Director
Child Care Services

Date: December 18, 2020

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]
(Reference WF 19-05)

Contact: Mitzi Lee, Programs Manager, 405-521-2556

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

The proposed amendments to Chapter 110, Subchapter 1, Part 1, amend Child Care Services (CCS) monitoring procedures for the quality rating and improvement system (QRIS).

Licensed child care programs participating in the QRIS program impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children. Proposed amendments align QRIS rules and procedures with House Bill (HB) 2212, 2019 legislative session, amending Section 406 of Title 10 of the Oklahoma Statutes (10 O.S. § 406), the Oklahoma Child Care Facilities Licensing Act. HB 2212 provides child care programs, licensed for 50 or more children, the ability to schedule the QRIS criteria review with Licensing staff.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Department of Human Services (OKDHS) goals by continuously improving systems and processes impacting licensed child care programs.

Substantive changes.

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care

Oklahoma Administrative Code (OAC) 340:110-1-8.3 is amended to align QRIS rules and procedures with HB 2212 and CCS terminology.

Reasons.

The proposed amendments align QRIS monitoring with HB 2212. Licensed programs impacted by the proposed amendments include child care programs participating in the QRIS program and licensed for 50 or more children.

Repercussions.

The proposed amendments align QRIS monitoring with HB 2122.

Legal authority.

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

Permanent rulemaking approval is requested. The Section listed on this Rule Impact Statement was approved as an emergency rule by the Governor on March 13, 2020.

- 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 centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, and programs for sick children, 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 child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, and programs for sick children, 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 child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, and programs for sick children.
- 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:** There are no estimated costs to OKDHS.
- 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: alignment of QRIS monitoring with 10 O.S. § 406.

- 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 licensing requirements for licensed child care programs.
- 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 align QRIS monitoring with 10 O.S. § 406.
- 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, QRIS monitoring will not align with 10 O.S. § 406.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared December 6, 2019; modified January 8, 2020; modified December 18, 2020.

RULE IMPACT STATEMENT

To: Dena Thayer, Programs administrator
Legal Services - Policy

From: Jennifer King, Interim Director
Child Care Services

Date: December 18, 2020

Re: **TITLE 340. DEPARTMENT OF HUMAN SERVICES**
CHAPTER 110. LICENSING SERVICES
Subchapter 3. Licensing Standards for Child Care Facilities
Part 9. Requirements for Residential Child Care Facilities
340:110-3-153.1 [AMENDED]
Appendix GG Ratios and Group Sizes [REVOKED]
Appendix GG Ratios and Group Sizes [NEW]
(Reference WF 20-06)

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

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

The proposed amendments to Chapter 110, Subchapter 3, Part 9 amend licensing requirements for: (1) residential facilities; (2) child care centers; (3) drop-in programs; and (4) part-day programs.

Proposed amendments revise criminal background investigations for residential licensing requirements for compliance with federal regulation under Family First Prevention Services Act Public Law 115-123. Proposed amendments also include: (1) program and executive directors do not serve as program directors for multiple facility locations; (2) updated training sources of cardio-pulmonary resuscitation (CPR) and first aid; (3) first aid training exemption for personnel having a current nursing certification or degree; (4) 90-calendar day timeframes to receive Oklahoma Human Services (OKDHS) approved behavioral intervention trainings; and (5) alignment of Child Care Services terminology.

Proposed amendments also revise child care licensing requirements for mixed-age staff-child ratio for infants and 1-year-olds, superseding March 13, 2020 emergency rules where 2-year-olds were deleted from this mixed-age grouping. Proposed amendments would include 2-year-olds within the infant and 1-year-olds mixed-age ratio category. Child Care Services (CCS) received concern from multiple programs regarding the mixed-age ratio for the infant and 1-year old category. Ratios place an unanticipated hardship on programs caring for these youngest aged children. Many child care programs had groupings of infants, 1-year-olds, and 2-year-olds, and were negatively impacted by having to rearrange classroom groupings and in some circumstances hire additional personnel. Proposed amendments provide children within these ages to continue to be grouped together; providing continuity of care, further securing social-emotional attachment

for the most vulnerable age, and meet the needs of the child care industry. The amended mixed-age grouping is also supported by national early childhood accrediting organizations. CCS received input regarding the mixed-age ratio for infants and 1-year-olds category from the Child Care Advisory Committee (CCAC) child care center-based standing subcommittee on September 4, 2020. On September 9, 2020 proposed amendments for mixed-age staff-child ratios were also presented to CCAC. Proposed amendments to mixed-age staff-child ratio reflect inclusion of the 2-year-olds within the infants and 1-year-olds mixed-age grouping and benefits the child care industry.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Department of Human Services (OKDHS) goals by continuously improving systems and processes impacting licensed child care programs.

Substantive changes.

Subchapter 3. Licensing Standards for Child Care Facilities

Part 9 Requirements for Residential Child Care Facilities

Oklahoma Administrative Code (OAC) 340:110-3-153.1 is amended to reflect: (1) program and executive directors do not serve as program directors for multiple facility locations; (2) revisions to criminal background investigations; (3) updated training sources of cardio-pulmonary resuscitation (CPR) and first aid; (4) first aid training exemption for personnel having a current nursing certification or degree; (5) 90-calendar day timeframes to receive OKDHS approved behavioral intervention trainings; and (6) 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

Appendix GG Ratios and Group Sizes, is amended to reflect licensing requirement revisions to mixed-age staff-child ratios for: (1) child care centers; (2) drop-in programs; and (3) part-day programs. Staff-child ratios impacted include mixed-aged ratios for infants and 1-year-olds with proposed amendments for inclusion of 2-year olds.

Reasons.

Proposed amendments for residential facilities are necessary: (1) for compliance with federal regulation under the Family First Prevention Services Act Public Law 115-123 regarding criminal background investigations; (2) provide for program operation oversight; (3) update CPR and first aid training sources; (4) provide exemption of first aid training for personnel having a current nursing certification or degree; and (5) provide for 90-calendar day timeframe to receive behavioral intervention trainings.

Mixed-age staff-child ratio licensing requirements are amended for: (1) child care centers; (2) drop-in programs; and (3) part-day programs. Amendments to licensing requirements provide improved services to programs by revising mixed-age staff-child ratio requirements for infants and 1-year-olds with proposed amendments for inclusion of 2-year olds.

Repercussions.

Proposed amendments for residential facilities are necessary: (1) for compliance with federal regulation of Family First Prevention Services Act Public Law 115-123 regarding criminal background investigations; (2) provide for program operation oversight; (3) update CPR and first aid training sources; (4) provide exemption of first aid training for personnel having a current nursing certification or degree; and (5) provide for 90-calendar day timeframe to receive behavioral intervention trainings.

The proposed amendments amend mixed-age staff-child ratio licensing requirements for: (1) child care centers; (2) drop-in programs; and (3) part-day programs. Amendments to licensing requirements: (1) improve staff-child ratios for licensed child care programs; and (2) meet the needs of the child care industry.

Legal authority.

Director of Human Services; 56 O.S. § 162; 10 O.S. § 404 of the Oklahoma Child Care Facilities Licensing Act; Family First Prevention Services Act Public Law 115-123.

Permanent rulemaking approval is requested. The Sections listed on this Rule Impact Statement were approved as emergency rules by the Governor on December 9, 2020.

- 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 residential facilities, child care centers, drop-in programs, part-day programs, 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 residential facilities, child care centers, drop-in programs, part-day programs, 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 child care centers, drop-in programs, and part-day programs. A minimal number of residential programs may incur a cost depending on current personnel being qualified for program director qualifications. Revisions to residential licensing requirements effective November 1, 2020, reducing the program director qualification requirements, assist with the potential of existing staff meeting program director qualifications.

- 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 include updates to the licensing database system and distribution to residential and child care programs totaling approximately \$15,000. Funding will be provided by the Child Care Development Block Grant.
- 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 improved services for licensed residential facilities, child care centers, drop-in programs, and part-day programs by revising licensing requirements and complying with federal regulation of the Family First Prevention Services Act Public Law 115-123.
- 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 licensed child care centers, drop-in programs, and part-day programs. Economic impact may be incurred by residential facilities depending on program and executive director responsibilities.
- 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 proposed amendments provide improved services for licensed residential facilities, child care centers, drop-in programs, and part-day programs by revising licensing requirements and complying with federal regulation of the Family First Prevention Services Act Public Law 115-123.
- 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) residential facilities will not be in compliance with federal law for Family First Prevention Services Act Public Law 115-123; (2) improved program oversight and services to residential facilities will not occur; and (3) improved mixed-age staff-child ratios cannot occur in child care centers, drop-in programs, and part-day programs impacting program services and potentially cause

financial hardship to affected child care programs. OKDHS would be at risk of reduced Title IV-E federal funding.

K. The date the rule impact statement was prepared and, if modified, the date modified: Prepared September 23, 2020, modified December 18, 2020.

Rule Impact Statement

To: Dena Thayer, Programs administrator
Legal Services - Policy

From: Jennifer King, Interim Director
Child Care Services

Date: December 21, 2020

Re: **TITLE 340. DEPARTMENT OF HUMAN SERVICES**
CHAPTER 110. LICENSING SERVICES
Subchapter 3. Licensing Standards for Child Care Facilities
Part 16. Community Hope Centers [NEW]
340:110-3-400 [NEW]
(Reference WF 20-07)

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

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

The proposed rule issuance to Chapter 110, Subchapter 3, Part 16, establishes licensing requirements for Community Hope Centers. In order to meet families' needs during the COVID-19 pandemic, Community Hope Centers operated with Oklahoma CARES Act funding providing needed services for families of children and youth, 5 years through 17 years of age, by providing: (1) access to mental health professionals; (2) resources meeting children's and youths' social and emotional well-being; (3) the science of hope; and (4) connections to additional community resources for families. CARES Act funding will no longer be available January 1, 2021. Establishing licensing requirements for Community Hope Centers assists with the continuation of services by providing licensing requirements allowing programs to receive subsidized child care funding for eligible families utilizing these program services.

Proposed rules establish licensing requirements impacting health and safety of children and youth 5 years through 17 years of age in the areas of: (1) program personnel qualifications; (2) criminal background investigations; (3) child and youth staff ratios; (4) facility premise safety; (5) child and youth health and safety; (6) nutrition; (7) discipline and personnel interaction; (8) programming and equipment; (9) transportation; (10) family communication and community resources; (11) emergency preparedness; and (12) legislatively required parental notifications and postings regarding liability insurance and compliance file.

Strategic Plan Impact.

The proposed rules achieve Oklahoma Department of Human Services (OKDHS) goals by continuously improving systems and processes impacting licensed child care programs.

Substantive changes.

Subchapter 3. Licensing Standards for Child Care Facilities
Part 16. Requirements for Community Hope Centers

Oklahoma Administrative Code (OAC) 340:110-3-400 is issued to establish licensing requirements for Community Hope Centers impacting health and safety of children and youth 5 years through 17 years of age in the areas of: (1) program personnel qualifications; (2) criminal background investigations; (3) child and youth staff ratios; (4) facility premise safety; (5) child and youth health and safety; (6) nutrition; (7) discipline and personnel interaction; (8) programming and equipment; (9) transportation; (10) family communication and community resources; (11) emergency preparedness; and (12) legislatively required parental notifications and postings regarding liability insurance and compliance file.

Reasons.

The proposed rules are necessary to provide licensing requirements for Community Hope Centers allowing for a continuation of services to be provided for Oklahoma families, children, and youth utilizing these program services.

Repercussions.

Without establishing licensing requirements for Community Hope Centers, existing programs may not be able to continue services thereby jeopardizing the health, safety, and emotional well-being of Oklahoma families, children, and youth utilizing these program services.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162) and 10 O.S. §§ 401 and 404.3 of the Oklahoma Child Care Facilities Licensing Act.

Permanent rulemaking approval is requested. The Section listed on this Rule Impact Statement was submitted as an emergency rule to the Governor on December 22, 2020.

- 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 rules are Community Hope Centers, families, children, and youth utilizing care in these programs, and Child Care Services licensing staff.

- 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 rules are Community Hope Centers, families, children, and youth receiving care in these programs.

- 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 negative economic impact of the proposed rules for Community Hope Centers. There is a positive economic impact for the Community Hope Centers as they will be allowed to utilize subsidized child care funding when the CARES Act funding expires.
- 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 OKDHS includes updates to the licensing database system and distribution of licensing requirements to Community Hope Centers, totaling approximately \$5,000. Funding will be provided by the Child Care Development Block Grant.
- 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:** The proposed rules will provide for continued services for Community Hope Centers and families, children, and youth utilizing these program services.
- 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 of proposed rules for Community Hope Centers.
- 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 rules.
- 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 rules provides continuation of needed services for Community Hope Centers, families, children, and youth utilizing these program services.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed rules are not issued: (1) Community Hope Centers may not be able to continue providing

services; and (2) Oklahoma families, children and youth may not be able to receive adequate services as provided by Community Hope Centers.

K. The date the rule impact statement was prepared and, if modified, the date modified: Prepared November 17, 2020; modified November 30, 2020; December 7, 2020.

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. LICENSING SERVICES – CHILD CARE

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

(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).

(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.

(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.** A program operating on a permit or license is automatically designated as a one star program.

(2) **Criteria for one star plus centers and homes.** For approval as a one star plus program, the owner and director or primary caregiver, when applicable, ~~must~~ 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, per applicable Licensing requirements and are not eligible for master teacher probationary periods.

(3) **Criteria for two star centers and homes.** For approval as a two star program, the owner and director or primary caregiver, when applicable, ~~must~~ 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 national accrediting organization approved by Child Care Services (CCS); or

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

(4) **Criteria for three star centers and homes.** 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) meet one star plus and two star criteria described in (b) of this Section, and be:

(i) accredited by a national accrediting organization approved by CCS; or ■ 1

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

(d) **Approval for certification for centers and homes.** 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, ~~submits~~ 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 ~~record~~ 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 ~~determination of 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; ~~or~~

(iv) a ~~consent agreement, per OAC 340:110-1-9.5~~ 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 if 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 ~~Licensing record~~ 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 ~~must be~~ 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) **Complaint investigations.** Pending complaint investigations may impact star certification request approval. ■ 4 & 5

(f) **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:

~~(A)(i)~~ (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

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

(3) **Master teacher change.** When an individual 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; or

~~(C) violations with other star certification criteria~~ 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) ~~the program had~~ serious non-compliances with Licensing requirements;

(ii) a serious incident occurs resulting in injury or imminent risk of harm to a child;

(iii) ~~violations are not corrected in the agreed on time frame; or~~ an Emergency Order or notice of proposed request for license denial or license revocation issued;

(iv) ~~an Emergency Order or notice of proposed request for license denial or revocation is issued~~ 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 ~~for each star criteria violation noted during the criteria review~~ 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) ~~there is~~ serious non-compliance with requirements, per OAC 340:110-1-8.4;

(B) ~~a serious complaint that may place the children's health, safety, or well-being at~~ incident resulting in injury or imminent risk of harm ~~is substantiated;~~

(C) ~~Licensing staff have knowledge the program is not meeting star certification criteria, such as having an insufficient number of master teachers; and/or a~~ serious, substantiated complaint that may place the children's health, safety, or well-being at imminent risk of harm;

(D) ~~a program fails~~ failed to employ a qualified director for six months or more; or

(E) star criteria violation.

(g) **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) 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) ~~the program had~~ numerous, repeated, or serious non-compliance with Licensing requirements within a 24-month time frame; ■ 4 & 5

(B) a serious incident ~~occurs~~ resulting in injury or imminent risk of harm to a child;

(C) ~~violations are not corrected within the agreed on time frame; or~~ a serious, substantiated complaint;

(D) ~~a program fails to employ a qualified director for six months or more~~ 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 ~~enter in an agreement~~ offer or accept a request from the owner of a licensed program for an alternative settlement ~~with the owner of a program~~ 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 ~~must submit~~ submits a written request to the CCS director or designee within 15-calendar days of reduction notification letter receipt.

(E) The request ~~must include~~ includes written documentation stating the program's grounds for appeal.

(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 ~~policy~~ 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 staff not involved in the decision to reduce the star certification level; and

(iii) includes two Child Care Advisory Committee (CCAC) members, one of which is 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.

(i) **Change in ownership.** When there is a change in program ownership or form of business entity ~~of a program~~, 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.

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

(l) **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) **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 information, including children's photographs is kept confidential, per OAC 340:110-1-14.

INSTRUCTIONS TO STAFF 340:110-1-8.3

Revised 3-13-20

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) 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) 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 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.

SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

PART 9. REQUIREMENTS FOR RESIDENTIAL CHILD CARE FACILITIES

340:110-3-153.1. Personnel

Revised 12-9-20

- (a) **Personnel policy.** Personnel policy includes defining ~~staff~~ 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, ~~and/or~~ 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, ~~whether employees 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, ~~and/or~~ 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) only awaiting the national criminal history records search, based on fingerprint submission;~~

- ~~(iii)~~ 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

- ~~(iv)~~(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;

- (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 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 Department of Human Services (~~DHS~~) (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) prohibitions; or
- (ii) restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; 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 ~~that impairs~~ 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 in or be 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) ~~DHS~~ 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.

~~(i) CPR training is conducted by an individual certified as an instructor through the:~~

- ~~(I) American Red Cross;~~
- ~~(II) Emergency Medical Services (EMS) Safety Services;~~
- ~~(III) Emergency Care and Safety Institute;~~
- ~~(IV) American Heart Association or American Heart-sponsored CPR for Family and Friends; or~~
- ~~(V) American Safety and Health Institute.~~

~~(ii) First aid training is conducted by an individual certified as a first aid instructor, or a health care professional using a curriculum from a DHS-approved source through the:~~

- ~~(I) Emergency Medical Services for Children (EMSC) First Care;~~
- ~~(II) American Red Cross;~~
- ~~(III) EMS Safety Services;~~
- ~~(IV) Emergency Care and Safety Institute;~~
- ~~(V) American Heart Association;~~
- ~~(VI) American Safety and Health Institute;~~
- ~~(VII) American Academy of Pediatrics First Aid for Caregivers and Teachers (PedFACTs); or~~
- ~~(VIII) other DHS-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 ~~30-calendar~~ 90-calendar days of employment, and prior to being solely responsible for residents, child care personnel and support personnel providing occasional instruction to residents, ~~complete professional development or~~ provide current certification in OKDHS-approved behavioral intervention techniques, to include ~~at least the demonstration of:~~

- (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) a current employee list; and

(B) ~~DHS-provided~~ an OKDHS-provided personnel information sheet, for each employee.

(2) The program maintains written personnel information for each employee. The personnel file includes:

(A) ~~a DHS-provided~~ 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.

~~(4)~~(3) Personnel records are maintained for at least 12 months following the last employment date, unless the requirements specifically state otherwise.

~~(5)~~(4) Licensing has access to personnel records and other confidential documents relevant to agency employees personnel.

SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

PART 16. COMMUNITY HOPE CENTERS

340:110-3-400. Community Hope Centers

Issued 12-30-20

(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 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;
- (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 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 Rippy 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) prohibitions; or

(II) restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; 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 cardio-pulmonary 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. 5195a(a)(1), 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 (2) 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.

(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 1 personnel to 20 children.

(2) Youth 13 through 17 years of age have 1 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 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;
- (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
- (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) 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.** 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.** The CPR and first aid 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 (i) 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.

**APPENDIX GG. RATIOS AND GROUP SIZES [REVOKED]
APPENDIX GG. RATIOS AND GROUP SIZES [NEW]**

Programs may have single-age groups, mixed-age groups, or both. Ratios and maximum group sizes are determined by the actual ages of the children in the group and the type of program license per Oklahoma Administrative Code 340:110-3-275.

Day Camps

Children in Group	Ratios	Maximum Group Sizes
5-year-olds and older	1:15	The number of children in an activity is limited to facilitate: <ul style="list-style-type: none"> • teaching personnel and child interactions; and • safe, constructive participation by the children.

Out-of-School Time Programs

The age of the youngest child in a mixed-age group determines the ratio and group size.

Youngest Child In Group	Ratios	Maximum Group Sizes
3-year-olds	1:12	24
4-year-olds	1:15	30
5-year-olds (and older groups)	1:20	The number of children in an activity is limited to facilitate: <ul style="list-style-type: none"> • teaching personnel and child interactions; and • safe, constructive participation by the children.

Programs for Sick Children

The age of the youngest child in a mixed-age group determines the ratio and group size.

Youngest Child In Group	Ratios	Maximum Group Sizes
Infants	1:3	6
1-year-olds	1:3	6
2-year-olds	1:4	8
3-year-olds	1:4	8
4-year-olds	1:4	8
5-year-olds	1:4	8
6-year-olds (and older groups)	1:6	12

Child Care Centers, Drop-In Programs, and Part-Day Programs

Single-Age Group Chart

Use when the:

- group of children are the same ages
or
- Mixed-Age Group Exception* applies.

	Ratios	Maximum Group Size
Infants	1:4	8
1-year-olds	1:6	12
2-year-olds	1:8	16
3-year-olds	1:12	24
4-year-olds	1:15	30
5 -year-olds (and older single-age groups)	1:20	40

Child Care Centers, Drop-In Programs, and Part-Day Programs (continued)

Mixed-Age Group Chart Use when the group of children are different ages, unless the Mixed-Age Group Exception* applies.	Ratios	Maximum Group Size
Infants, 1-year-olds, and 2-year-olds only	1:6 No more than two infants per teaching personnel	12
Infants and older	1:8 No more than two under 2 years of age per teaching personnel	16
1-year-olds and older	1:8 No more than two 1-year-olds per teaching personnel	16
2-year-olds and older	1:12 No more than four 2-year-olds per teaching personnel	24
3-year-olds and older	1:15 No more than six 3-year-olds per teaching personnel	30
4-year-olds and older	1:18 No more than eight 4-year-olds per teaching personnel	36
5-year-olds and older (and older mixed-age groups)	1:20	40

***Mixed-Age Group Exception.** If a mixed-age group of children is understaffed or over group size according to the Mixed-Age Group Chart, refer to the Single-Age Group Chart to determine if the mixed-age group may be in compliance. In this situation, the age of the youngest child in the mixed-age group determines the ratio and group size used in the Single-Age Group Chart. The children may remain in their mixed-age group even when following the Single-Age Group Chart.

Swimming and Wading Ratios

These ratios are maintained when the children are swimming, wading, or both. However, these ratios do not apply when the children are participating in swimming lessons with a certified instructor. The age of the youngest child in a mixed-age group determines the ratio.

Youngest Child In Group	Ratio
Infants	1:1
1-year-olds	1:1
2-year-olds	1:2
3-year-olds	1:6
4-year-olds	1:7
5-year-olds	1:7
6-year-olds (and older groups)	1:10

Shoreline Ratios

5-year-olds and older may participate in shoreline activities provided the swimming and wading ratios are maintained.