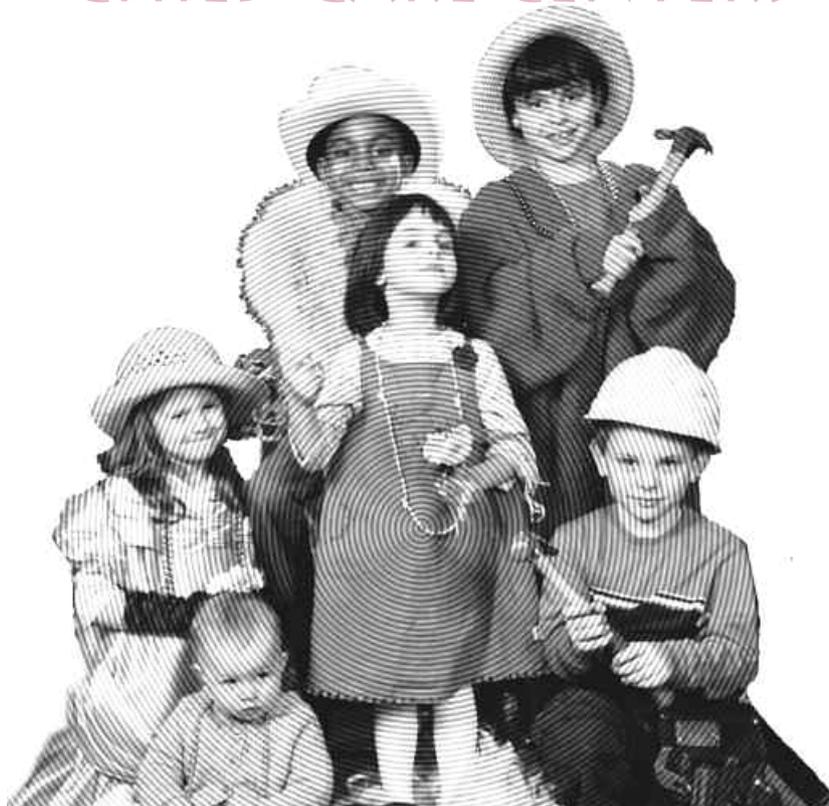


LICENSING REQUIREMENTS

FOR CHILD CARE CENTERS



OKLAHOMA DEPARTMENT OF HUMAN SERVICES
Oklahoma Child Care Services



FOREWORD

Licensing requirements govern child care facilities in the State of Oklahoma. These rules are minimum requirements for the care and protection of children in care outside their own homes. They were developed by individuals from various professions with expertise in child care, including private providers; the Child Care Advisory Committee; and from input solicited from other providers and the public. The requirements were approved by the Commission for Human Services and the Governor of the State of Oklahoma pursuant to the Oklahoma Administrative Procedures Act.

It is the Oklahoma Department of Human Services' (OKDHS) intent that licensing requirements are clear, reasonable, fair and enforceable. In the interest of serving the public, comments are welcomed and will be considered for future revisions or development of new requirements. Please complete the form below and send it to:

Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125

COMMENTS REGARDING LICENSING REQUIREMENTS

Licensing Requirements for: _____

Reference: *(Please give the cite and topic of the specific requirement to which you are referring, such as Section 2, re. Definitions.)*

- Section _____ re: _____
- Section _____ re: _____

Recommendation:

Because:

Your Name

Date

*Return address: Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125*

REQUIREMENTS FOR CHILD CARE CENTERS
(340:110-3-1 THROUGH 340:110-3-33.2)

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PART 1. REQUIREMENTS FOR CHILD CARE CENTERS

Section 1. Purpose

The declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act [10 O.S. § 401 et seq.] is to ensure maintenance of minimum standards for the care and protection of children away from their own homes, encourage and assist the child care facility toward maximum standards, and to work for the development of sufficient and adequate services for child care.

Section 2. Definitions

The following definitions apply unless the context clearly indicates otherwise.

"Assistant teacher" means a staff person who works under the on-site supervision of a qualified teacher or director.

"Auxiliary personnel" means cooks, building custodians, or other individuals who provide support services to the facility.

"Auxiliary spaces" means areas that are not used for children's care or play.

"Certified Childcare Professional (CCP) credential" means a national credential awarded to an individual who has educational and experiential activities that promote skill development in professional ability areas.

"Child care center" means a facility that provides care for children and operates more than 30 hours per week.

"Child Care Restricted Registry" or "Restricted Registry" or "Joshua's List" means a registry for registrants who are prohibited from being licensed, working or residing in child care facilities as defined in Section 405.3 of Title 10 of Oklahoma Statutes.

"Child Development Associate (CDA) Credential" means a national credential awarded to an individual who has successfully completed a CDA assessment by demonstrating competence in 13 functional areas.

"Child passenger restraint system" means an infant or child passenger restraint system, for example, a car seat, that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

"Child with disabilities" means a child who has a physical or mental impairment and/or emotional disturbance that results in substantial limitations in areas such as self-care, language, learning, mobility, or self-direction.

"Day camp" means a program that serves only school-age children and operates during regular school vacations for no more than 12 hours per day.

"Department" means OKDHS .

"Drop-in program" means a child care program that provides care for children on an occasional basis where no child attends more than six hours per day for a maximum of 24 hours a week with an allowance for six extra hours per child three times per year.

"Fall zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

"Infant" means a child from birth up to 12 months of age.

"Infection control" means the policies, procedures, and techniques used to control and prevent the spread of infection, for example, hand-washing, sanitizing, personal

hygiene, diapering and toileting, appropriate handling and disposal of soiled or contaminated items, sick child exclusion policies, and immunization policies.

"Limited food service" means the preparation or serving of only non-potentially hazardous foods for immediate consumption using single-service articles.

"Master teacher" means a staff person who supports other teaching staff with responsibilities such as program development, weekly lesson plans, use of space and equipment, interactions with parents, and program evaluation.

"Non-registrant" means an individual that is not recorded on the Child Care Restricted Registry.

"Parent" means a child's father, mother, or other person who has legal custody or guardianship of the child.

"Permanent substitute" means a substitute teacher who has worked more than 40 hours at the child care center.

"Potentially hazardous foods" means any food that contains milk or milk products, eggs, meat, poultry, fish, shellfish, crustacean or other ingredients in a form capable of supporting rapid and progressive growth of harmful microorganisms.

"Preschool child" means a child age three to five years who has not entered kindergarten.

"Registrant" means an individual that is recorded on the Child Care Restricted Registry.

"School-age child" means a child who is at least five years of age and who is attending or has completed kindergarten.

"Supervision of children" means the function of observing, overseeing, and guiding a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. It requires physical presence, knowledge of activity requirements and children's needs, and accountability for their care.

"Teen aide" means a 13- to 15-year-old who works under the direct supervision of a master teacher and is not considered in the staff-child ratio as a staff or as a child.

"Temporary substitute" means a substitute teacher who has worked 40 hours or less at the child care center.

"Toddler" means a child who is 12 months to 24 months of age.

"Tribal country land" means land that is tribally owned, considered trust or restricted land, and some dependent Indian communities over which the tribe has exclusive jurisdiction.

"Unitary materials" means rubber mats or a combination of rubber like materials held in place by a binder, glue, that may be poured in place at the playground site and when cured forms a unitary shock absorbing surface.

"Unsupervised access" means a person being present with children without a staff member being present.

"Volunteer" means a person who provides services to the center without cost or compensation.

Section 3. Necessity and issuance of license

(a) In accordance with Section 401 of Title 10 of the Oklahoma Statutes, no child care facility may be operated or maintained after June 30, 1964, unless licensed by the Oklahoma Department of Human Services .

(b) Child care facilities that are required to be licensed by OKDHS do not include programs that operate:

(1) 15 hours or less per week;

(2) during typical school hours by a public or private school serving children three years of age and older that offers elementary education from kindergarten through third grade; or

(3) on tribal country land or federal property.

(c) An application for a license is made on forms provided by OKDHS in the manner prescribed.

(d) Pursuant to the Oklahoma Child Care Facilities Licensing Act [10 O.S. § 401 et seq.], persons identified as a registrant on the Child Care Restricted Registry are prohibited from:

(1) licensure as a child care facility;

(2) employment in a child care facility; and/or

(3) residing in a child care facility.

(e) An unlicensed child care center may not advertise as licensed.

(f) Children are not accepted into care until permission is obtained from OKDHS.

(g) No other activity or business unrelated to child care is permitted in the child care center during the time child care is provided. A business located in the same building as the center is required to have its own entrance, bathrooms, and proper fire rated separation.

(h) OKDHS may deny an application or revoke a license if a licensee violates any provisions of the Oklahoma Child Care Facilities Licensing Act. (See Supplement I) [10 O.S. § 401 et seq.] No application is denied or license revoked unless the license holder is given 30-day notice in writing of the grounds for the proposed revocation or denial. If the revocation or denial is protested within 30 days of receipt of the written notice, a hearing is conducted.

(i) When OKDHS denies or revokes a child care center's license, the responsible entity, cannot make application for a new child care facility license within Oklahoma for five years following notification to the responsible entity of the license revocation or denial and during an appeal process.

Section 5. Organization

(a) **Responsible agent.** A child care center is operated by a public or private organization or an individual.

(1) A public child care center is created and exists by an act of the state, county, city, or other political subdivision and operated under the control of a governmental agency.

(2) A not-for-profit center facility operates under a governing board responsible for developing policies and establishing and maintaining a sound financial structure.

(3) A proprietary child care center's owner is responsible for the policy and financial structure of the child care center.

(b) **Purpose.** A statement defining the purpose or function of the child care center is filed with OKDHS and includes:

- (1) ages of children accepted;
- (2) hours of operation; and
- (3) type of care and services offered.

(c) **Notifications**

(1) The items posted in a prominent place where staff, parents, and others may view them are the:

- (A) center's license, permit, or notice of denial or revocation of license;
- (B) name of the person responsible for the center during the director's absence;
- (C) notice of the requirement to report suspected child abuse and neglect;
- (D) notice prohibiting smoking anywhere in the facility while children are in care;
- (E) emergency procedure;
- (F) weekly menu of all food provided by the center; and
- (G) evacuation plan.

(2) The items accessible in a place where staff, parents, and others may easily view them are:

- (A) the daily program schedule;
- (B) record of dates when fire and tornado drills were conducted, per Section 11 (c)(2);
- (C) a time schedule for use of outdoor play space if the center is licensed for 24 or more children and has outdoor play space of less than 75 square feet per child, per Section 11(d)(2); and
- (D) a certificate of One Star Plus, Two Star, or Three Star status, if applicable.

(3) Form 07LC093E, Insurance Exception Notification, if applicable per Section 5.1(c), is posted in clear view of the main entrance to the facility.

(4) A notice of staff-child ratios and group size is posted in every room where children are in care.

(5) In accordance with Section 7102 of Title 10 of the Oklahoma Statutes, any person who has reason to believe a child has been abused or neglected is required to report the matter promptly to the statewide toll-free Child Abuse Hot Line, 1-800-522-3511 (See Supplement II). It is a misdemeanor for any person to fail to report.

(6) The center is required to notify the OKDHS Oklahoma Child Care Services Licensing Services (Licensing) on the next working day of:

- (A) a temporary, unscheduled, or permanent closing of the center;
- (B) a change in the director;
- (C) changes in liability insurance coverage;
- (D) any damage to the facility that affects the amount of usable square footage or compliance with any requirement;
- (E) legal action against a center or staff person that involves or affects a child in care or the operation of the center;
- (F) any known criminal charges or child abuse investigations involving staff that are pending or have had a disposition;

- (G) an accident involving transportation unless there were no injuries and only minor damage to the vehicles;
 - (H) any injury to a child requiring emergency medical attention; and
 - (I) the death of a child that occurred while the child was in care.
- (7) The center is required to notify Licensing at least 30 days prior to:
- (A) a change in ownership or sponsorship;
 - (B) a change in name of the center;
 - (C) any change or alteration to the physical facility that affects the amount of usable square footage or compliance with any requirements;
 - (D) the anticipated closing or relocation of the child care center; and
 - (E) a proposed change in the licensed capacity.
- (d) **Public access to records - Compliance Posting.**
- (1) Items posted within clear view of the main entrance are:
 - (A) OKDHS provided Notice to Parents; and
 - (B) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with confirmed or substantiated findings, for 120 days from the completion of the investigation.
 - (2) The granted waiver notification for individuals who have criminal histories as defined in Section 7.1(c) are posted in a prominent place for as long as they are employed or living in the facility.
- (e) **Compliance file.** A compliance file accessible to staff, parents, and others shall contain:
- (1) the most recent child care licensing monitoring report provided by the licensing specialist;
 - (2) the following documents issued by Licensing within the last 120 days:
 - (A) child care licensing monitoring reports and licensing correspondence;
 - (B) Form 07LC037E, Notice to Comply;
 - (C) licensing complaints; and
 - (D) Form 04CP004E, Child Welfare Investigative Summary Notification to Oklahoma Child Care Services, with findings of unconfirmed or unsubstantiated to include findings of services not needed, ruled out, or services recommended; and
 - (3) Form 04CP004E, with findings of confirmed or substantiated, for one year from the completion of the investigation.
- (f) **Effect of change in ownership or location on license.** When a center changes ownership or location:
- (1) the license is not transferable and is returned to OKDHS; and
 - (2) the center is required to meet current licensing requirements.

Section 5.1. Policy and procedure

- (a) **Content.** A written statement of the child care center's policy and procedure is available to staff and parents and includes, but is not limited to the:
- (1) ages of children accepted;
 - (2) days and hours of operation including the holidays the program is closed;
 - (3) location and accessibility of the licensing compliance file;

- (4) procedure for:
 - (A) receiving and releasing a child from the center, including a method of verifying the identity of a caller or person who picks up a child and prompt notification of parents when a child does not arrive as scheduled;
 - (B) handling illnesses and injuries, including procedures when away from the child care center;
 - (C) storing and administering children's medicines;
 - (D) notifying parents of field trips; and
 - (E) transportation of children;
- (5) mandatory reporting of child abuse; and
- (6) discipline policy.
- (b) **Personnel policy.** When there are more than four staff persons, the child care center is required to provide written personnel policy to staff that includes:
 - (1) essential job functions, qualifications, and lines of authority; and
 - (2) staff performance evaluation and termination procedure.
- (c) **Insurance.** A child care facility shall maintain liability insurance in accordance with Section 404.3 of Title 10 of the Oklahoma Statutes.
 - (1) When liability insurance is maintained, Form 07LC092E, Insurance Verification, that includes a certificate of insurance obtained from the insurance agent is completed annually, maintained at the facility, and made available to licensing.
 - (2) When liability insurance is not maintained, or the facility reports they are self-insured, Form 07LC093E, Insurance Exception Notification, is posted at the facility.

Section 6. Records

- (a) **Center records.** OKDHS staff have access to all records and reports addressed in this Section.
- (b) **Children's records.** Records are obtained at the time of admission for each child in care, including teen aides, regardless of the length of time the child is in care.
 - (1) Children's records are kept at the center, available to staff during all hours of child care, and are kept current.
 - (2) Identification and health records are collected and maintained on file at the child care center via forms provided by OKDHS or on other forms that contain:
 - (A) the child's name, date of birth, name of parent(s), home address, parent(s)' places of employment, and telephone numbers;
 - (B) the name and telephone number of a responsible person to contact in an emergency if the parent(s) cannot be located promptly;
 - (C) permission of the parent authorizing the center to transport the child for emergency medical care;
 - (D) name of the person(s) permitted to pick up the child;
 - (E) health information; The center is prohibited from obtaining information or health records from the parent solely for the purpose of screening out or denying care to a child with particular types of disabilities;
 - (F) routine care, including instructions for eating, sleeping, toileting, or diapering;
 - (G) individual special needs to the extent voluntarily disclosed by the parent, including:

- (i) behavior and guidance;
 - (ii) communication; and
 - (iii) positioning;
 - (H) parental permission, if given, to consult with appropriate health and child development professionals;
 - (I) individual medical emergency plan;
 - (J) current immunization record;
 - (K) name, address, and telephone number of a physician to call in an emergency;
 - (L) date of acceptance and withdrawal from the child care center; and
 - (M) medication and transportation permission, if applicable.
- (3) The center is required to maintain readily available attendance records including child's arrival time and departure time for a minimum of 120 days.
- (c) **Teen aide records.** In addition to the required records for teen aides listed in Section 6(b), a written agreement signed by the parent or guardian of the teen aide must be maintained on file at the facility. The agreement includes:
- (1) the duties and responsibilities of the teen aide;
 - (2) the name of the master teacher responsible for supervising the teen aide; and
 - (3) the written consent of the parent or guardian for the child to work as a teen aide.
- (d) **Staff records.** Records on all employees including substitutes are completed and maintained at the facility or made available to Licensing. Staff records include:
- (1) staff information forms provided by OKDHS that are submitted to Licensing within two weeks of employment and include:
 - (A) name, birth date, address, telephone number, and Social Security number;
 - (B) education;
 - (C) references, including previous employers if any, and the name, address, telephone number, and dates of employment; and
 - (D) a statement regarding criminal history;
 - (2) criminal history investigations with records maintained in a confidential manner and not made a part of the individual's personnel records pursuant to Section 404.1 of Title 10 of the Oklahoma Statutes (also see Section 7.1(b));
 - (3) a report of an examination by a licensed physician or mental health professional when there is concern about an employee's ability to perform normal duties because of a possible physical, mental, or emotional problem;
 - (4) documentation of orientation and training;
 - (5) attendance records for each staff person and substitute staff that reflect days and hours worked and that are maintained for 120 days.
 - (6) documentation of request and/or results of a criminal history review; and
 - (7) documentation that the individual is a non-registrant on the Child Care Restricted Registry; and
 - (8) when applicable, a criminal history investigation from the previous state(s) of residence if the individual has resided in Oklahoma less than three years.

Section 7.1. Requirements for child care center employees

(a) **General.** All employees are required to be of good character and possess adequate education, training, and experience to provide them with the skills to perform the essential functions of the job with or without reasonable accommodation. Each employee:

- (1) provides annual documentation that he or she meets the health and training requirements contained in Section 7.1 (h)(3);
- (2) demonstrates the ability to perform essential job functions;
- (3) recognizes and acts to correct hazards to physical safety, both indoors and outdoors;
- (4) works with children without recourse to physical punishment, mistreatment, or child abuse; and
- (5) demonstrates good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children in care.

(b) **Criminal history investigations.**

(1) **Owner or director responsibility.** The center's owner or director submits to the licensing records office:

- (A) documentation of a search conducted within the last 30 days of the Child Care Restricted Registry;
- (B) a completed criminal history investigation conducted within the last 12 months including dispositions on all charges; and
- (C) a criminal history review request on a form provided by licensing requesting an Oklahoma State Courts Network (OSCN) search for:
 - (i) any person making application to establish or operate a child care center;
 - (ii) each applicant prior to employment, including all caregivers, substitutes, auxiliary staff, and any other person employed by the child care facility or program;
 - (iii) adults, including providers' spouses or adult children, who live in the child care facility; and
 - (iv) persons age 18 years or older prior to their residence in the facility; and
- (D) obtains a completed criminal history investigation for persons who have unsupervised access to children, such as lab students, Work Experience Program (WEP) workers, volunteers, contracted staff, or custodians.

(2) **Exceptions.** Criminal history investigations are not required for:

- (A) staff who move to a new center operated by the same organization;
- (B) contracted staff who provide transportation, lessons, or other services if facility staff are present with children at all times;
- (C) parent volunteers who transport children on an irregular basis; and
- (D) providers' children who become adults, age 18, during continuous residence at the licensed facility.

(3) **Authorized agencies.** Criminal history investigations are acceptable only when conducted by the:

- (A) Oklahoma State Bureau of Investigation (OSBI); and
- (B) authorized agency in the previous state(s) of residence if the individual has resided in Oklahoma less than three years.

(4) **Sex Offender Registry.** The OSBI report must include a search of Oklahoma Department of Corrections files maintained by the OSBI pursuant to the Sex Offender Registration Act.

(5) **Verification of records search.**

(A) **Prior to issuance of initial permit or change of ownership.** The facility must receive criminal history review results from the OCCS licensing records office for all employees and/or any persons age 18 years or older who live in the facility.

(B) **Existing facilities.** The facility must submit a criminal history review request on a form provided by OKDHS to the OCCS licensing records office for all employees prior to employment and prior to any persons age 18 years or older being allowed to live in the facility. This request for review must be maintained on file at the facility while awaiting the results.

(c) **Restrictions.**

(1) The child care center is restricted from knowingly employing a person who:

(A) has pending charges, unless waived by OCCS, has entered a plea of guilty or nolo contendere (no contest), or been convicted of:

(i) any criminal activity involving violence against a person;

(ii) child abuse or neglect;

(iii) possession, sale, or distribution of illegal drugs;

(iv) sexual misconduct; or

(v) an act of gross irresponsibility or disregard for the safety of others or a pattern of criminal activity; or

(B) is required to register pursuant to the Sex Offender Registration Act or any person required to register under the Mary Rippy Violent Crime Offenders Registration Act.

(2) The child care center is restricted from knowingly employing or allowing a registrant to reside in the facility.

(3) The center director may request a waiver from the restrictions in (c)(1)(A) of this Section.

(A) The waiver request is made in writing to OKDHS and considered by the waiver review committee.

(B) The person for whom the waiver is requested cannot be employed until a decision has been made.

(4) A waiver may not be granted to any person:

(A) convicted of a sex offense pursuant to the Sex Offender Registration Act;

(B) required to register under the Mary Rippy Violent Crime Offenders Registration Act; or

(C) identified as a registrant on the Child Care Restricted Registry.

(5) Any person whose health or behavior could endanger the health, safety, or well-being of children is prohibited from the child care center premises and contact with children in care.

(6) An employee under the effects of alcohol, illegal drugs, or medication that impairs functioning is prohibited from providing child care services.

(d) **Child abuse.**

- (1) Any caregiver who has reason to believe that a child has been abused is required to promptly contact the statewide toll-free Child Abuse Hot Line, 1-800-522-3511. (See Supplement II)
- (2) Staff are required to cooperate fully in the investigation of any allegation.

(e) **Health.**

- (1) **Tuberculosis testing.** The need for tuberculin skin testing of employees is based upon a local identified tuberculosis exposure, the degree of risk of transmission of latent tuberculosis infection, the impact to public health and safety, and the specific recommendations of the Oklahoma State Department of Health.
- (2) **Impairment of job performance.** OCCS, Licensing Services may require a report of a physical or psychological examination by a licensed physician or mental health professional if it is reported or observed that an employee has a physical, mental, or emotional condition that impairs the employee's ability to perform assigned job responsibilities.

(f) **Employee qualifications.**

- (1) **Director qualifications.** Effective January 1, 2005, all directors of child care centers are required to be at least 21 years of age and have obtained and maintain the Bronze level, in accordance with Appendix L-2, Oklahoma Director's Credential.
- (2) **Master teacher qualifications.** Effective January 1, 2005, all master teachers are required to:
 - (A) be at least 18 years of age and have obtained the qualifications at Level III or higher of Appendix L-3, Professional Development Ladder, or
 - (B) in a program where the majority of children are school-age, the master teacher may have 120 clock hours of Tier II or higher school-age training within the last five years, in accordance with Appendix L-1, Oklahoma Training Approval System, 480 hours of experience in a program where the majority of children are school-age, and every two years a minimum score of 5.0 on the School-Age Environment Rating Scale in a classroom where the master teacher is the lead teacher.
- (3) **Teachers.** Teachers hired after July 1, 1995 are required to:
 - (A) be at least 18 years of age; and
 - (B) have a high school diploma or General Educational Development (GED); or
 - (C) have completed the tenth grade and be in the process of obtaining a GED for a period not to exceed 12 months.
- (4) **Assistant teachers.** Assistant teachers are at least 16 years of age and required to:
 - (A) have a high school diploma or GED;
 - (B) have completed the tenth grade and be in the process of obtaining a GED; or
 - (C) be currently enrolled in secondary education or the equivalent.
- (5) **Permanent substitutes.** Permanent substitutes are required to meet minimum requirements for the position they are filling.
- (6) **Temporary substitutes.** Temporary substitutes must be at least 18 years of age.
- (7) **Teen aides.** Teen aides must be 13 through 15 years of age.

(g) **Responsibilities.**

(1) **Director.** The director or teacher who meets director's qualifications, is present in the center at least 50 percent of operating hours or a minimum of 30 hours a week and is responsible for the day-to-day operation of the center.

(A) When four or more teachers are needed to meet minimum staff-child ratios, the director is free from direct care responsibilities at least three hours per day during operating hours to provide program oversight and staff supervision.

(B) The director or teacher who meets director's qualifications, is responsible for:

(i) upon employment, providing three references to Licensing, including at least two from the director's most recent employers when applicable. The other reference(s) may be personal, excluding relatives;

(ii) appointing a staff member to take responsibility for the operation of the child care center in his or her absence and posting that person's name in a conspicuous place;

(iii) maintaining a child care center that meets the minimum requirements;

(iv) ensuring that a staff member trained to administer first aid including rescue-breathing and choke-saving measures is present at all times;

(v) submitting to Oklahoma Child Care Services licensing records office criminal history investigations and obtaining dispositions on any charges shown on the report that lack dispositions;

(vi) prior to employing staff, obtaining and documenting three references including at least two from the applicant's most recent employers, when applicable. The other reference(s) may be personal, excluding relatives;

(vii) supervising the conduct of staff, volunteers, substitutes, and others who provide services in the facility; and

(viii) cooperating with licensing staff and other appropriate agencies in maintaining compliance with requirements and in improving the quality of care.

(2) **Master teachers.** At least one full-time master teacher is required for every 60 children for which the center is licensed. The director may be counted as a master teacher if the licensed capacity is 30 or less.

(3) **Teachers.** Teachers have primary responsibility for the direct care of children.

(4) **Assistant teachers.** Assistant teachers work under the on-site supervision of a qualified director or teacher who is readily available at all times.

(A) A director, master teacher, or teacher does not directly supervise more than two assistant teachers.

(B) Assistant teachers are not permitted to have sole responsibility for a group of children for more than three hours per day.

(5) **Auxiliary personnel.** Auxiliary personnel, for example, cooks, building custodians, or other personnel who provide indirect services to children:

(A) demonstrate knowledge and skills necessary to perform their job responsibilities;

(B) meet applicable requirements for staff caring for children as set forth in this Section if they are responsible for children for any part of the day;

(C) are not included in the staff-child ratio while performing auxiliary functions. Minimal cleaning and food service, for example, light cleaning, picking up toys,

sweeping the classroom, and reheating and serving food, are not considered auxiliary functions as long as supervision and program are not adversely affected.

(6) Volunteers.

(A) Volunteers and student interns are not included in the staff-child ratio unless they are assigned to the center for at least three consecutive months. Volunteers are permitted to serve as temporary or permanent substitutes.

(B) Volunteers counted in the staff-child ratio meet all requirements in this Part.

(C) Volunteers are under the direct supervision of the director or a designated staff member.

(D) Volunteers who have not met all requirements for teachers are not left in charge of children.

(7) Substitutes. Substitutes carry out the assigned responsibilities of the position they are filling.

(8) Teen aides. Teen aides:

(A) are not counted toward meeting the staff-child ratio and are not included in the licensed capacity;

(B) must be under the on-site supervision of a master teacher who is at least 18 years of age. One master teacher may supervise no more than two teen aides;

(C) are placed only in groups where at least one staff member is 18 years of age. No more than two teen aides may be assigned to a group of children;

(D) must be at least two years older than the children in the group to which they are assigned;

(E) must be visibly identifiable through means such as name tags or T-shirts; and

(F) are never left alone with children.

(h) Professional development.

(1) Orientation. Within one week of employment and prior to having sole responsibility for a group of children, each staff member, including auxiliary staff and permanent substitutes who have been employed 40 hours, receives orientation.

(A) Orientation includes a review of:

(i) infection control;

(ii) injury prevention;

(iii) handling common childhood emergencies, including choking;

(iv) sudden infant death syndrome (SIDS);

(v) shaken baby syndrome;

(vi) the center's policy and procedure and staff responsibility for implementation;

(vii) licensing requirements;

(viii) employees' assigned duties and responsibilities;

(ix) emergency procedures in the event of injury, severe weather, or fire, including evacuation procedures and routes, and location and use of fire extinguishers;

(x) the definition, identification, and mandatory reporting of child abuse and neglect;

(xi) the daily schedule;

- (xii) the methods used to inform staff of any special health, nutritional, or developmental needs of children assigned to the caregiver;
 - (xiii) confidentiality of information regarding children and their families;
 - (xiv) appropriate use of discipline; and
 - (xv) transportation and car seat safety.
- (B) Documentation includes a statement, signed by the employee and director, in each employee's personnel file attesting to the orientation and review.
- (C) New staff have a probationary period of at least 30 days during which they are closely supervised.
- (2) **Entry-level training.** Prior to or within three months of employment, staff counted to meet staff-child ratios participate in a Tier II entry-level training course that provides at least 20 hours of training, in accordance with Appendix L-1. Directors are not required to have this training. Staff who have previously received this training are not required to repeat it unless there is a two year break in service.
- (3) **Health and safety training.**
- (A) When children are in care on or off the program premises, including during transportation, staff are present who have current documentation of certification in age-appropriate first aid and cardio-pulmonary resuscitation (CPR) as approved by Oklahoma Child Care Services licensing.
 - (B) The first aid certification includes the emergency management of:
 - (i) bleeding;
 - (ii) burns;
 - (iii) poisoning;
 - (iv) choking;
 - (v) injuries, including insect, animal, and human bites;
 - (vi) shock;
 - (vii) convulsions or nonconvulsive seizures;
 - (viii) musculoskeletal injury, such as sprains and fractures;
 - (ix) dental emergencies;
 - (x) head injuries;
 - (xi) allergic reactions;
 - (xii) eye injuries;
 - (xiii) loss of consciousness;
 - (xiv) electric shock; and
 - (xv) drowning.
- (4) **Ongoing training.**
- (A) **Director.** The director is required to obtain 20 clock hours per employment year of Tier I or higher training, such as professional conferences or from an accredited college, university, or vocational program, in accordance with Appendix L-1.
 - (i) OKDHS approves training upon request.
 - (ii) Training is relevant to job responsibilities and includes center administration or management, age-appropriate childhood education, and infection control.

(B) **Staff with children.** Each person who is counted toward meeting the staff-child ratio is required to obtain 12 clock hours per employment year of Tier I training, in accordance with Appendix L-1, that is relevant to job responsibilities and includes infection control. Formal training is from a source such as professional conferences or from an accredited college, university, or technical school.

(i) The director assists staff in identifying and selecting training that is varied, appropriate, and builds upon previous training.

(ii) No more than six hours of self-directed readings, use of videos, or informal on-site training is counted toward the required annual training hours.

(iii) Reports of self-directed reading are documented and submitted to the director.

(iv) Training repeated during the employment year is only counted once to meet the training requirement.

(5) **Food service training.** Prior to or within three months of employment, the person primarily responsible for food preparation is required to receive training in:

(A) nutrition planning;

(B) age-appropriate food selection;

(C) food preparation, service, and storage; and

(D) cleaning and sanitizing equipment and utensils.

(6) **Substitute and volunteer staff training.**

(A) Temporary substitutes are required to be familiar with center policy and procedure before they are left in charge of a group of children.

(B) Permanent substitutes are required to meet the requirements for orientation and ongoing training in (h)(1) and (4) of this Section.

(C) Volunteers counted toward meeting the staff-child ratio are required to meet the requirements for orientation and ongoing training in (h)(1) and (4) of this Section.

(7) **Documentation of training.** Documentation of training for each staff member is required and includes the topic, source of training, date, and hours.

Section 9.1. Supervision of children

(a) **General.** All children are required to be adequately supervised at all times, as defined in Section 2.

(1) Each child is assigned a staff person responsible for him or her who is aware of the details of the child's habits, interests, and special problems, if any. Staff have access to each child's records at all times.

(2) Children are not allowed in the kitchen except as part of a planned, supervised experience.

(3) When shared play areas are accessible to the public, boundaries are identified to children.

(4) When the child care center provides or arranges for activities off the premises, an adult staff member from the child care center is required to be with each group. Appropriate staff ratios and a written plan of supervision are maintained.

(b) **Infants, toddlers and two-year olds.** Staff required to meet staff-child ratios are present in the room or adjacent bathroom and able to see or hear all infants, toddlers, and two-year-olds at all times, including nap time.

(c) **Preschool-age children.** At nap time when preschool-age children are resting quietly, at least one staff person is required to be within sight and hearing of children. Other staff required to meet staff-child ratios remain in the building.

(d) **School-age children.** School-age children are generally required to be within the sight or hearing of staff. Staff may assess whether a small group of five or fewer children, who have a good understanding of the center's rules and policies regarding appropriate behavior, may be permitted to take part in a short-term activity that is not within the sight or hearing of staff. In these instances, staff make personal contact with the children at least every ten minutes. Staff are required to:

(1) be able to provide immediate intervention if needed;

(2) know the whereabouts of each child at all times and the nature of his or her activities; and

(3) provide supervision when children are playing on stationary playground equipment.

(e) **Staff-child ratios.** The number of children in a group is limited to facilitate staff-child interaction and constructive activity among children.

(1) Staff are required to be present with the children to correspond with the chronological age and grouping of the children present. A substitute staff member is present in the absence of regular staff.

(2) The staff-child ratio and maximum group size listed in Appendix L-4, Child Care Center Staff Ratio, are met for each group of children, using either a single-age grouping or a mixed-age grouping.

(3) The ratio and maximum group size for the age of the youngest child in the group is used for mixed-age groupings not included in Appendix L-4.

(4) A group is determined by the number of children cared for by a caregiver or group of caregivers in a designated area not to exceed the maximum group size, in accordance with Appendix L-4.

(A) Groups are required to have assigned staff and be recognizable by both staff and children.

(B) When more than one group of children younger than five years of age uses the same room, the room is divided into designated activity areas for each group, using a temporary wall or physical barrier that is at least three feet in height and appropriate for defining limits and reducing distraction.

(C) When more than one group of children five years of age and older uses the same room, the room is divided into designated activity areas for each group using a variety of means appropriate for defining limits and reducing distraction, including but not limited to, a temporary wall or physical barrier.

(D) Groups with their assigned staff may be combined for special group activities, for example, outdoor play, meals, sleeping, or field trips. Designated area requirements do not apply during these activities.

(f) **Swimming guidelines.** Staff-child ratios listed in (1) through (6) of this subsection apply when children are swimming and not participating in swimming lessons with a

certified instructor. Safety guidelines for other water activities are in accordance with Section 25.4. The staff-child ratio that applies when children are swimming is:

- (1) 1:1 for children younger than two years of age;
- (2) 1:2 for children two years of age;
- (3) 1:6 for children three years of age;
- (4) 1:7 for children four and five years of age;
- (5) 1:10 for children six years of age and older; and
- (6) the staff-child ratio for the youngest child when children of two or more ages are grouped together.

Section 10. Parent - staff communication

- (a) Parents of enrolled children are permitted reasonable access to all parts of the child care center during hours of operation, unless restricted under provisions of Section 7.1(c)(3).
- (b) The OKDHS publication, "The Parents' Guide to Selecting Quality Child Care," OKDHS Publication no. 87-91 is made available to parents upon their child's enrollment.
- (c) A verbal or written system is used by staff to share day-to-day happenings, changes in a child's physical or emotional state, or information regarding any known cuts, burns, or injuries that may require evaluation by a physician.
- (d) Each center is required to provide at least four of the options listed in (1) through (6) below.

- (1) Parents are welcome in the center at all times, for example, to observe, eat lunch with a child, or volunteer in the classroom.
- (2) Conferences are held at least once a year and at other times as needed to discuss children's progress, accomplishments, and difficulties.
- (3) A parent resource area is available, with books, pamphlets, or articles on parenting.
- (4) Parent meetings are held, with guest speakers or special events, for example, open house, family pot-luck dinners, or children's programs.
- (5) Parents are informed of the center's program through a parent's bulletin board, regular newsletter, or parent handbook.
- (6) Parents participate in program and policy development through board involvement, planning meetings, or questionnaires.

Section 11. Physical facilities

- (a) **Location and construction.** The child care center location is required to be in an area which offers minimum hazards to the health, safety, and welfare of the children.
 - (1) The child care center is in compliance with the building codes applicable at the time the license was issued.
 - (2) Any child care center which operates on a 24-hour per day basis is required to comply with other construction standards required in state adopted codes, as determined by the State Fire Marshal.
 - (3) No mobile home, whether mobile or permanently situated, is issued a license as a child care center unless it was licensed as a center prior to February 1, 1981.
 - (4) Heating and cooling systems are operable and pose no risk to children.

- (A) Use of open-faced space heaters, unvented space heaters, or electric portable heaters is prohibited throughout the center.
 - (i) Electric baseboard heat is permissible if it is wired directly into the electrical system, and no objects are in contact with the heating element.
 - (ii) Use of gas-fed, unvented heaters mounted in the wall is prohibited, and the knobs are removed when children are in care.
- (B) Fires in wood-burning fireplaces are prohibited during hours children are in care.
- (C) Heaters, including floor furnaces, are enclosed by guards when children need protection from hot surfaces.
- (5) A kitchen is a separate area arranged in a way that discourages unsupervised access by children or unauthorized persons.
- (6) Any alteration, addition, or new construction must comply with current requirements.
 - (A) Paint containing lead in excess of 0.06 percent is not used when surfaces are repaired or when any new surfaces accessible to children are painted.
 - (B) Construction, remodeling, or alteration of structures which occurs during the center's hours of operation is accomplished in a manner that prevents hazards or unsafe conditions, such as fumes, dust, and safety hazards.
- (7) Children are not accepted into care until approval is obtained from:
 - (A) the health department, if meals are prepared and served;
 - (B) a representative of the Office of the State Fire Marshal or local fire official who has been authorized by the Office of the State Fire Marshal. The State Fire Marshal can be reached at 1-800-522-8666; and
 - (C) the OKDHS Licensing Services.
- (8) Ongoing approvals by fire and health are required every two years.
- (b) Toileting and hand-washing facilities:**
 - (1) are located in the same building where the children's care is provided;
 - (2) are easily accessible to children and staff;
 - (3) contain operable flushing toilets and hand sinks in good repair;
 - (4) are maintained in a clean and sanitary condition with adequate ventilation;
 - (5) contain toilet paper within easy reach of children;
 - (6) have non-absorbent floor surfaces in toilet areas;
 - (7) have hand sinks with comfortably warm or tempered running water, with the temperature between 80 and 120 degrees F. If the temperature exceeds 120 degrees, a tempered valve is required;
 - (8) contain soap for hand-washing, individual-use towels or mechanical hand dryers, and waste containers within easy access of children;
 - (9) have one toilet and one sink for every 15 children if the center opened or expanded after July 2, 1970.
 - (A) Urinals are not counted as meeting the required number of toilets.
 - (B) If potty chairs are used to facilitate toilet training for children, they are emptied and sanitized immediately after each use. Potty chairs are not counted as meeting the required number of toilets;
 - (10) are not required to have doors if used only by preschool children. Doors are not required to be self-closing. Every bathroom door is designed to permit opening of

the locked door from the outside in an emergency, and the opening device is readily accessible to the staff; and

(11) in rooms for children under three years of age who are in diapers, in accordance with Section 25(c), have an operable sink with hot and cold or tempered water with hand-washing soap and individual-use towels, either in the same room or in a bathroom that opens directly into the room.

(c) **Safety and sanitation.**

(1) **Physical environment** The physical environment of the center includes:

(A) a structurally sound interior and exterior in good repair, for example, walls and ceilings are free from holes and peeling paper and paint;

(B) barriers on porches, elevated walkways, and elevated play areas of more than two feet in height. Barriers are required to have openings of less than 2 and 3/8 inches if accessible to children younger than two years of age, and less than four inches for all other age groups;

(C) railings for stairways of three or more steps both inside and outside;

(D) floors free of broken tile, torn carpet, and holes;

(E) windows and doors free of broken glass or other hazards;

(F) clear glass doors marked at children's eye level;

(G) screens on open windows and doors in food preparation and service areas;

(H) self-closing apparatus on all screen and storm doors;

(I) indoor temperature in activity areas maintained between 65 and 80 degrees F;

(J) lighting levels bright enough to accommodate activities with comfort and to allow the caregiver to see children's facial features at all times;

(K) clean and sanitary areas at all times;

(L) no vermin infestation, free of rodents and insects;

(M) a supervised room or space in which children who become ill can be separated from other children; and

(N) prohibiting the use of tobacco products in the facility and on the play ground during hours of child care.

(2) **Emergency preparedness.** The center has:

(A) an operable direct-line telephone located within the facility with an extension on each floor and in each building for both incoming and outgoing calls;

(B) posted by each telephone the name and address of the child care center and a list of emergency phone numbers to include the fire department, police department, ambulance service, medical resource to be used, and poison control, 1-800-222-1222;

(C) a record of the fire drill and smoke detector test conducted monthly by each shift of staff;

(D) a record of the tornado drill that is conducted quarterly by each shift;

(E) a written plan for reporting, protecting from outside threats, and evacuating in case of fire, flood, tornado, blizzard, power failure, or other natural or man-made disaster that could create structural damage to the facility or pose health hazards; (See Supplement III) and

(F) a floor plan posted on each floor and in each classroom showing prime and alternate evacuation routes from each area of the building.

(3) **Smoke detectors and fire extinguishers.**

- (A) Operable smoke detectors are in each room in which children are in care.
- (B) Smoke detectors are tested at least monthly and if battery operated, batteries are replaced at least semi-annually.
- (C) Portable fire extinguishers suitable for Class B or Class BC fires are in kitchens and cooking areas, and additional extinguishers suitable for Class A fires are available throughout the center. The local fire authority or State Fire Marshal may be consulted regarding the number, size, and type of extinguisher installed.
- (D) All fire extinguishers are inspected, serviced, and tagged annually by a competent authority.

(4) **Exits.**

- (A) No exit is blocked by equipment, furniture, or other objects.
- (B) All exit doors are openable from the inside without the use of a key.
- (C) Any exit door that is locked can be unlocked, unlatched, and opened with a single motion.

(5) **Hazards.** The center:

- (A) is free of hazards;
- (B) has medication, cleaning materials, detergents, aerosol cans, pesticides, health and beauty aids, poisons, and other toxic materials stored in their original labeled containers. Smaller containers may be used for these products if they are properly labeled with the product name, and warning information is maintained at the facility;
- (C) has medicines, cleaning solvents, and hazardous items stored so that they are inaccessible to children and in a manner that prevents contamination of food;
- (D) is free of illegal drugs and paraphernalia;
- (E) has any firearms, pellet or BB guns, bows and arrows, darts, or cap pistols equipped with child protective devices. These items are kept under lock and key in areas that are inaccessible to children. Firearms are stored unloaded in a locked cabinet separate from ammunition. Parents are informed of the presence of firearms and how the center meets this requirement;
- (F) has compressed gas cylinders secured to prevent them from falling over;
- (G) makes electrical cords inaccessible to infants and toddlers;
- (H) does not use temporary wiring or extension cords as permanent wiring. Extension bars are permitted if there is documentation of a circuit-breaker or fuse that is built into the unit;
- (I) covers electrical outlets that are not in use with safety devices, unless they are not within reach of children, or are in areas not used by children;
- (J) does not have any toxic plant in any area accessible to children;
- (K) ensures pesticides or other toxic chemicals are used in strict compliance with label instruction and are applied when children are not present; and
- (L) ensures containers or buckets of standing liquid are inaccessible to children unless used as a part of a planned and supervised learning activity.

(6) **Animals.** If animals are kept on the premises, compliance with the rules in this paragraph is required.

- (A) Parents are advised of the presence of animals.

(B) Any pet or animal is in good health, does not show evidence of carrying disease, is friendly toward children, and does not present a threat to the health, safety, and well-being of children.

(C) Animals are maintained in a visibly clean manner.

(D) Any animal, including birds, hamsters, dogs, cats, and the like, that has symptoms of disease, such as diarrhea, skin infection, severe loss of appetite, weight loss, lethargy, or any unusual behavior or symptoms, is isolated and examined by a licensed veterinarian.

(E) Local ordinances pertaining to animals on the premises are followed.

(F) Dogs and cats are vaccinated for rabies by a licensed veterinarian and are free of fleas, ticks, and worms.

(G) Proof of current compliance is kept on file at the center when vaccinations are required.

(H) Ferrets, turtles, birds of the parrot family, or any wild or dangerous animals are not allowed at the center.

(I) Animals that are common carriers of rabies, but cannot be vaccinated for that disease, are prohibited.

(J) Newly acquired birds are quarantined and observed for signs of illness for 30 days before they are brought to the center.

(K) All reptiles are inaccessible to children.

(L) Animals are restricted from areas where food is stored, prepared, or served.

(M) Areas of confinement, such as cages and pens, are cleaned of excrement daily.

(N) Animal litter boxes are not located in kitchens or areas accessible to children.

(O) Outdoor play areas are cleaned of excrement daily or more often as needed.

(P) If an animal bites a child and the skin is broken, the child's parent and the county or state health department are immediately notified and the incident is documented in the Injury Log. (See Supplement VII)

(d) **Licensed capacity.** The total licensed capacity of a child care center is determined by computing the capacities for indoor space, outdoor space and bathroom facilities. The licensed capacity cannot exceed the lowest computed capacity for indoor space, outdoor space, and bathroom facilities. The maximum number of children in care at one time, whether on or off the premises, does not exceed the number of children specified on the license.

(1) **Indoor play space.**

(A) Centers opened or expanded after July 2, 1970 have a minimum indoor play space, for routine use by children, of 35 square feet of floor area per child. New construction and existing space not previously licensed for child care after January 1, 2005 is required to have 40 square feet of floor area per infant in rooms occupied only by infants. The areas not counted in determining the capacity of the center are:

(i) bathrooms, kitchens, and hallways;

(ii) offices, teachers' lounges, and work rooms;

(iii) rooms used exclusively for the care of ill children;

(iv) areas used exclusively for eating, napping, or large-muscle play;

(v) storage closets and supply rooms;

- (vi) space occupied by furniture not for children's use; and
 - (vii) basement areas having one-half or more of the clear height below ground level. A warm, dry, properly ventilated basement may be used for short periods of time as an accessory play space if adequate provision is made for fire prevention and protection.
- (B) Centers licensed prior to July 2, 1970 are required to provide 30 square feet of floor area per child. If additional play space is added, it is computed at 35 square feet per child.
- (C) No room is routinely occupied by more children than can be accommodated at 35 square feet per child.
- (D) A large area, such as a gymnasium, may be used in addition to other space. However, it may be counted toward the licensed capacity for preschool and school-age children only if it is divided into well-defined areas that are appropriately equipped.
- (2) **Outdoor play space.**
- (A) When a center is licensed for less than 24 children, there is a minimum outdoor play space of 75 square feet per child for the total licensed capacity.
- (B) When a center is licensed for 24 or more children, there is 75 square feet of outdoor play space per child for at least one-third of the total number for which the center is licensed, provided that the minimum amount of outdoor space will accommodate 24 children, which is 1800 square feet. In addition:
- (i) a time schedule is planned to ensure that, weather permitting, every child has an opportunity for outdoor play each day;
 - (ii) a copy of the current schedule is submitted to OKDHS; and
 - (iii) a copy of the current schedule is accessible so that parents and staff members are aware of the outdoor play periods.

Section 14. Indoor equipment

- (a) **General.** The equipment required in this section assists the caregiver in providing for each child's physical, cognitive, emotional, and social development. (See Appendix L-5, Child Care Center Minimum Indoor Equipment Requirements)
- (1) A variety of equipment is accessible to all children on a daily basis and can be rotated for children's use.
- (2) Equipment is:
- (A) complete, sturdy, and in good working condition;
 - (B) maintained in a safe and sanitary condition;
 - (C) lead free, as in crayons and paint;
 - (D) of appropriate size and type to meet the developmental needs of the age group; and
 - (E) provided in quantities proportionate to the number of children in each age group and the number of children for which the center is licensed.
- (3) Sleeping equipment and bedding complies with the requirements in Section 25.5.
- (4) Indoor climbing equipment over four feet high has impact-absorbing mats in fall zones that extend a minimum of six feet in all directions from the perimeter of the equipment.

(5) Caregivers monitor play equipment for potential hazards, for example, splinters, loose parts, and sharp edges.

(6) Toys or objects with removable parts with a diameter less than 1-1/4 inch, toys with sharp points or edges, toys with strings, plastic bags, styrofoam objects and rubber balloons are not accessible to children younger than three years of age.

(7) Infant walkers are prohibited.

(8) The director constantly reevaluates equipment as enrollment varies. When the number of children in an age group increases, additional equipment is provided in accordance with the ratios and developmental levels of the children in care contained in the requirements in Section 14(b) through (g).

(b) Minimum equipment for infants.

(1) Basic items required are:

(A) one crib, port-a-crib, or playpen with mattress or playpen pad for each child up to ten months of age. Mats or cots may be used for children ten months of age and older;

(B) fitted crib sheets, one per child;

(C) diaper-changing table;

(D) adult-height shelf;

(E) individual adult-size chair for each caregiver;

(F) separate individual space for personal belongings;

(G) adequate container with tight-fitting lid or moisture-proof bags for soiled or wet diapers or clothing;

(H) adequate supply of diapers, facial tissue, disposable wipes, bath towels, and wash cloths;

(I) extra supply of sheets; and

(J) sufficient clothing in various sizes in case of accidents.

(2) Cribs meet the requirements for safety contained in (A) through (D) of this paragraph.

(A) Cribs, port-a-cribs, and playpens do not have more than 2 and 3/8-inches between slats and between the side and end panels.

(B) Decorative cutout areas in crib end panels or decorative knobs on the corner posts, which can entrap a child's head or catch his or her clothing, are prohibited.

(C) Mattresses and playpen pads are firm and fit the crib, port-a-crib, or playpen snugly with no more than one inch between the mattress and crib.

(D) Drop-side latches hold sides securely and are not accessible by the child in the crib.

(3) Mattresses and play pen pads are covered with a durable, washable, waterproof, form-fitting material.

(4) Mesh-sided cribs and playpens must meet the conditions in (A) through (E) of this paragraph.

(A) Mesh is less than ¼ inch in size, smaller than the buttons on a baby's clothing.

(B) Mesh has no tears, holes, or loose threads that could entangle a child.

(C) Mesh is securely attached to the top rail and floor plate.

(D) The top rail cover has no tears or holes.

(E) If staples are used, they are not missing, loose, or exposed.

(5) Additional equipment is provided in accordance with Appendix L-5, Child Care Center Minimum Indoor Equipment Requirements.

(c) Minimum equipment for toddlers.

(1) Basic items required are:

- (A) one crib or playpen with mattress, mat, or cot per child;
- (B) table space with a chair for each child;
- (C) baskets or low open shelves for toy storage;
- (D) separate individual space for personal belongings;
- (E) adult-height shelf;
- (F) diaper-changing table;
- (G) adequate container(s) with tight-fitting lid(s) or moisture-proof bags for soiled or wet diapers or clothing;
- (H) sheet and cover, one of each per child;
- (I) adequate supply of diapers, wash cloths, bath towels, facial tissue, and disposable wipes;
- (J) extra supply of sheets and covers; and
- (K) sufficient clothing in various sizes in case of accidents.

(2) Cribs meet the requirements for safety listed in Section 14(b)(2).

(3) Mattresses and playpen pads are covered with a durable, washable, waterproof, form-fitting material.

(4) Additional equipment is provided in accordance with Appendix L-5.

(d) Minimum equipment for two-year-olds.

(1) Basic items required are:

- (A) one cot, bed, or mat per child;
- (B) table space with a chair for each child;
- (C) separate individual space for personal belongings;
- (D) baskets or low open shelves for toy storage;
- (E) adequate container with tight-fitting lid or moisture-proof bags for soiled or wet diapers or clothing;
- (F) sheet and cover, one per child;
- (G) extra supply of sheets and covers;
- (H) adequate supply of diapers, wash cloths, bath towels, facial tissue, and disposable wipes;
- (I) sufficient clothing in various sizes in case of accidents; and
- (J) a place to go, for example, a barrel, tented area, playhouse, or designated quiet area.

(2) Additional equipment is provided in accordance with Appendix L-5.

(e) Minimum equipment for three-year-olds.

(1) Basic items required are:

- (A) one cot, bed, or mat per child;
- (B) separate individual space for personal belongings;
- (C) table space with a chair for each child;
- (D) two linear feet of low open shelves per child in each room for play equipment;
- (E) sheet and cover, one per child;
- (F) extra supply of sheets and covers;

- (G) adequate supply of facial tissue, wash cloths, soap, and towels;
 - (H) sufficient clothing in various sizes in case of accidents; and
 - (I) a place to go, for example, a barrel, tented area, playhouse, bean-bag chair, or designated quiet area.
- (2) Additional equipment is provided in accordance with Appendix L-5.
- (f) Minimum equipment for four- and five-year-olds.**
- (1) Basic items required are:
 - (A) one cot, bed, or mat per child;
 - (B) separate individual space for personal belongings;
 - (C) table space with a chair, stool, or bench that allows 18 inches for each child;
 - (D) two linear feet of low open shelves per child in each room for play equipment;
 - (E) sheet and cover, one per child;
 - (F) extra supply of sheets and covers;
 - (G) adequate supply of facial tissue, wash cloths, soap, and towels;
 - (H) sufficient clothing in various sizes in case of accidents; and
 - (I) a place to go, for example, a barrel, tented area, playhouse, bean-bag chair, or designated quiet area.
 - (2) Additional equipment is provided in accordance with Appendix L-5.
- (g) Minimum equipment for school-age children.**
- (1) Basic items required are:
 - (A) one cot, bed, or mat with a sheet and cover for children with scheduled nap times or an ill child;
 - (B) adequate table and chair space available at any given time;
 - (C) assigned individual space for personal belongings;
 - (D) two linear feet of shelf space per child which may be at various heights if accessible to children;
 - (E) safe storage for ongoing projects and small items;
 - (F) adequate supply of facial tissue, wash cloths, soap, towels, and feminine hygiene products; and
 - (G) sufficient clothing in various sizes in case of accidents.
 - (2) Additional equipment is provided in accordance with Appendix L-5.

Section 22. Outdoor safety and play equipment

(a) Play space.

- (1) Play space is situated to:
 - (A) permit children to reach it safely;
 - (B) provide a shaded area during scheduled outdoor play times; and
 - (C) allow supervision of areas where children cannot be easily seen.
- (2) Space is enclosed by a building or fence at least four feet high with at least one exit which is away from the building. School-age children may play in an unfenced area as part of a scheduled supervised activity if the area is properly protected from traffic and other hazards.
- (3) The fence:
 - (A) begins at ground level;
 - (B) is at least 48 inches high; and

(C) is maintained in a stable, secure, upright and good condition and poses no risk to children.

(4) Gates are kept closed while children are outside. Outside play areas that are fenced provide a gate to use in the event of an emergency that does not require children to re-enter the building.

(5) Play space is maintained:

(A) in a safe and clean condition;

(B) free of hazards; and

(C) free from weeds, tall grass, untrimmed shrubbery, standing water, and litter, to prevent vermin and insect infestation.

(b) **Surfaces.** Requirements pertaining to surfaces in play areas in this subsection are met. If the center shares playground space that does not comply with playground safety requirements in (1) through (5) listed below, the center submits a plan to Licensing for approval for children at least four years of age. The plan includes a description of playground space to be used and methods to ensure that children do not play in the area that does not meet the requirements.

(1) Outdoor play areas have more than one type of surface.

(2) If used, climbers, swings, slides, or revolving equipment have impact-absorbing surfaces under them and throughout the fall zones.

(A) Impact-absorbing materials include loose materials or unitary materials (see Section 2. All impact absorbing materials purchased or replaced after August 1, 2003, meet the criteria in (i) through (iii) listed below.

(i) Materials meet the standard requirement for the Consumer Product Safety Commission.

(ii) All unitary materials must be appropriate for the height and type of equipment.

(iii) Documentation of prescribed cushioning properties is maintained and accessible to OKDHS. Sand and pea gravel that meet the requirements in (i) of this subparagraph do not require documentation.

(B) Grass is acceptable as impact-absorbing material only if the highest accessible part of the equipment is four feet or less.

(3) Fall zones extend a minimum of six feet in all directions from the perimeter of the equipment. Fall zones for adjacent equipment may overlap for existing equipment that is permanently anchored. However, when equipment is moved, or added, or change of ownership occurs, the fall zones for adjacent equipment do not overlap and the requirements in (A) through (C) of this paragraph are met. (See Supplement IV)

(A) The fall zone for single-axis swings that move forward and backward extend to the front and rear of the swing a distance of two times the length of the swing's chain.

(B) The fall zone for swings secured by a bar or strap which are used by children younger than age three extend to the front and rear of the swing a distance of six feet from the midpoint.

(C) The fall zone for multi-axis swings or tire swings, extends a distance of six feet plus the length of the chain in every direction. A 30-inch clearance between a fully extended tire swing seat and the support structure is required.

(D) Fall zones on the sides of equipment may not be necessary if the potential for falls in that direction is minimal, for example, the sides of a swinging structure.

(4) Surfaces made of loose materials are maintained at a depth of at least six inches by replacing, leveling or raking.

(5) Turf and matting are maintained by repairing rips, tears, and loose seams.

(c) Playground safety.

(1) Children play outdoors daily when weather conditions do not pose a significant health risk.

(2) Before physical activity, children are well-hydrated and encouraged to drink water during the activity.

(3) Equipment is of sturdy, safe construction, easy to clean, free of hazards, and kept in good repair.

(A) Equipment does not have angles or openings greater than three and one-half inches and less than nine inches that could entrap any part of a child's body or head.

(B) Equipment does not have pinch, crush or shear points, for example, exposed or open gears on rotating devices or underneath equipment such as axle assemblies on rotating devices.

(C) Equipment does not have protrusion hazards.

(D) Equipment is installed, maintained, and used in accordance with the manufacturer's instructions.

(E) Unless portable by design, equipment is securely anchored, and anchors pose no hazard to children.

(F) Swing seats are constructed of durable, lightweight, relatively pliable material, for example, nylon webbing, rubber, or plastic.

(4) Play space and equipment are arranged to prevent hazards from conflicting activities.

(5) There is a minimum of 25 percent of the required outdoor play space that is an open, continuous, uninterrupted, and unobstructed area.

(6) Fall zones are free of all obstacles with the exception of support structures for swings.

(d) Outdoor play equipment.

(1) Equipment provided is age-appropriate and varied to meet the developmental needs of the children present.

(2) The center has a minimum of one item from five of the equipment categories in this paragraph; and two items from (H) through (K) may be counted, provided they are dedicated for outdoor use. Equipment categories are:

(A) climbing apparatus sized to the age of children in care;

(B) swinging apparatus;

(C) crawl-through apparatus;

(D) wheeled or riding toys;

(E) balance apparatus;

(F) balls, bean bags, and Frisbees;

(G) sand and water play with accessories;

(H) music equipment;

(I) dramatic play and dress up;

(J) blocks or loose parts; and

(K) outdoor arts and crafts.

(3) Trampolines of any kind are prohibited.

Section 25. Care of infants, toddlers, and two-year-olds

(a) **Environment.** Infants, toddlers and two-year-olds shall be in an environment which protects them from physical harm and stimulates physical, cognitive, emotional, and social development. A written record of the infant and toddler's feeding, diapering, and naps is available daily for parents to see.

(b) **Feeding.** Infants and toddlers are fed in accordance with their needs. Infants and toddlers are fed the infant formula or breast milk and diet prescribed by the child's physician or authorized by the child's parent. Parents may be requested to provide infant formula and baby food.

(1) When a child has a special dietary need, parents may be requested to supplement the center's food service.

(2) When infants and toddlers show evidence of wanting to feed themselves, they are allowed to do so.

(3) The child's hands are washed with soap and water, disposable diaper wipe, or a damp paper towel with a drop of liquid soap before and after self-feeding.

(4) Infants shall be held while being bottle-fed unless they are able to hold their bottles securely without assistance.

(5) Bottles are not propped at any time.

(6) Children are not given bottles in cribs or moving swings due to increased risk of choking, ear infections, and tooth decay.

(7) Infants and toddlers who are not held for feeding have a designated place for eating.

(8) Children younger than two years of age shall not be fed candies, gum, marshmallows, raw carrots, celery, raw peas, whole grapes, nuts, seeds, popcorn, or chips as these foods may cause choking. If served, peanut butter must be spread thinly. All other foods shall be cut up into small pieces no larger than ¼ inch cubes for infants and no larger than ½ inch cubes for toddlers.

(9) Staff members wash their hands thoroughly with soap and water before feeding children, including bottle-feeding.

(10) Bottles and baby food provided by parents are labeled with the child's name. Previously opened baby food jars are not accepted from parents.

(11) Bottles of formula or breast milk shall be refrigerated until immediately before feeding and immediately after feeding. At the end of the day, bottles and opened baby food jars are either sent home with parents or the contents are discarded.

(12) Baby food is served from a separate dish and spoon for each child. Baby foods that have come into contact with the feeding spoon are discarded and not served again.

(13) Bottles of formula or breast milk are not warmed in a microwave oven. If microwave ovens are used to warm food:

(A) staff are trained to assess safe temperatures; and

(B) a warning to check food temperature before feeding children is posted on all microwave ovens.

(c) **Diaper changing.** Rooms in which children under three years of age are in diapers have an operable sink with hot and cold running water, hand-washing soap, and individual-use towels either in the same room or in a bathroom that opens directly into the room.

- (1) The requirement in this subsection does not include:
 - (A) rooms in which children, who are at least two years of age, are in disposable or cloth training pants if adequate provisions are made for supervision and sanitation; and
 - (B) centers licensed for 15 or fewer children in buildings originally designed as a family residence if:
 - (i) there is a centrally located bathroom sink with a changing table nearby; and
 - (ii) children in diapers play throughout the house rather than in an assigned room.
- (2) The diaper-changing table shall be:
 - (A) adjacent to or near the sink with a clean, moisture-proof surface;
 - (B) sturdy and maintained in good repair;
 - (C) a minimum of 28 inches above the floor; and
 - (D) kept free of all objects except those used for diaper changing.
- (3) Staff are instructed in the proper procedure for diaper changing in a child care setting.
- (4) The procedure for diaper changing is posted in the diaper-changing area.
- (5) If cloth diapers and training pants are used, they shall be able to contain urine and stool and minimize fecal contamination of the environment. Cloth diapers and training pants are not rinsed when soiled. Fecal content may be disposed of in a toilet, but soiled diapers or training pants are not rinsed in the toilet.
- (6) Diapers are checked hourly and whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper.
- (7) Diapers are changed promptly when wet or soiled.
- (8) A child's diaper or soiled underwear is changed in the diaper-changing area. Diapering is not done on surfaces used for other purposes.
- (9) Clean cloth diapers or clean disposable diapers are used.
- (10) Children are not left unattended on the diaper-changing table.
- (11) Disposable towelettes are used to thoroughly cleanse the child and are discarded after one use.
- (12) The surface is sanitized after each diaper change. (See Supplement V) Any sanitizing agent other than bleach must be approved by a local or state health official and must be used according to manufacturer's instruction. If moisture-proof, disposable surface products are used, they are discarded immediately after each diaper change, and the surface is sanitized.
- (13) Staff members are required to wash and scrub their hands thoroughly for at least ten seconds with soap and warm, running water after each diaper change.
- (14) If used, disposable gloves are discarded before a clean diaper is applied.
- (d) **Toilet learning.** The plan and progress in toilet learning are discussed with the parents.
 - (1) Toilet learning is relaxed and pressure free.
 - (2) A child is encouraged through regular use of a toilet or potty chair for short periods of time not to exceed ten minutes.
 - (3) Staff are required to respond promptly when a child requests toileting assistance.

- (4) Staff do not show disapproval or punish children for accidents.
 - (5) A child's clothing is changed immediately following a toileting accident. Soiled clothing is placed in a sealed, labeled, moisture-proof bag and sent home.
 - (6) Potty chair receptacles are emptied, rinsed, and sanitized after each use.
 - (7) Staff are required to wash their hands with soap and water after each toileting and assist children with hand washing, using soap and water.
- (e) **Program.** Each child is assigned a primary staff person. Staff are required to be present at all times in each room or adjacent bathroom when it is occupied by children.
- (1) Children are:
 - (A) removed from their cribs often when not sleeping;
 - (B) not left for more than 30 minutes while awake in playpens, swings, high chairs, or stationary activity centers; and
 - (C) provided opportunities to play freely on a clean, safe floor.
 - (2) Staff provide frequent stimulation in a variety of ways including talking to, playing with, and holding and rocking children.
 - (3) Language development is encouraged by staff members through individual interaction with each child, for example, singing, talking, reacting to the child's sounds, naming objects, describing events, reading stories, and playing musical games.
 - (4) Infants and toddlers spend time outdoors daily when weather permits.
 - (5) For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child frequently to change the place and position of the child and the selection of toys available.
 - (6) Caregivers communicate and interact with children at the child's eye level as they feed, change, and cuddle them.
 - (7) Toys that children have placed in their mouths or that are otherwise contaminated shall be cleaned and sanitized before being reused. (See Supplement V)
 - (8) Additional requirements regarding equipment and rest time for infants, toddlers, and two-year-olds are found in Section 14(a) through (d), and Section 25.5.

Section 25.1. Care of preschool children

- (a) **Program.** Staff shall plan and provide experiences that meet children's needs and stimulate learning in all developmental areas, including physical, social, emotional, and cognitive, regardless of gender.
- (1) The center has current weekly lesson plans appropriate for the developmental needs of each group of children.
 - (2) Each child is viewed by staff as a unique person with an individual pattern of growth and development.
 - (3) The center has a variety of learning areas, for example, areas for dramatic play, blocks, books, art, and science.
 - (4) Children are provided opportunities to work individually or in small, informal groups most of the day and permitted to choose staff-directed or self-selected activities or not to participate.
 - (5) If preschool children are involved in potentially dangerous activities, all requirements contained in Section 25.2(c)(5) are met.

(6) Television and videos, if used, are age-appropriate and used with discretion and selectivity.

(b) **Schedule.** To ensure a flexible program, a variety of activities are chosen that includes time for indoor and outdoor play, rest periods, and meals. A daily schedule is accessible and followed with reasonable regularity.

(c) **Interactions between staff and children.** Staff:

(1) actively seek meaningful conversations with children and talk about events of importance;

(2) are available and responsive to children, for example, encouraging them to share experiences, ideas, and feelings, and listening to them with attention and respect; and

(3) describe problem situations to encourage children to evaluate a problem rather than imposing an adult solution.

Section 25.2. Care of school-age children

(a) **Characteristics and needs.** School-age children bring special characteristics and needs to a child care program, and staff obtain the skills and training to respond appropriately.

(b) **Interactions between staff and children.** Because staff interactions with older children differ significantly from those with preschoolers, staff:

(1) actively seek meaningful conversations with children and talk about events of importance;

(2) are available and responsive to children, for example, encouraging them to share experiences, ideas, and feelings, and listening to them with attention and respect;

(3) describe problem situations to encourage children to evaluate a problem rather than imposing an adult solution;

(4) have developmentally appropriate expectations of school-agers' social behavior; and

(5) facilitate rather than instruct, for example, offer suggestions, provide positive reinforcement, encourage and recognize efforts and accomplishments.

(c) **Activities and program.**

(1) **Program.** The program is designed to provide a balance of activities that includes:

(A) opportunities for alternating periods of indoor and outdoor play, weather permitting;

(B) alternating periods of quiet and active play;

(C) a balance of large muscle and small muscle activities;

(D) more than one option for an activity, including individual, small group, or large group, for children most of the day; and

(E) a variety of developmentally and age-appropriate activities and materials.

(2) **Lesson plans.** The center has current weekly lesson plans appropriate for the developmental needs of each group of children.

(3) **Media use.** Television, videos, video games and computer software, if used, are age-appropriate and used with discretion and selectivity.

(4) **Schedule.** The daily schedule is accessible.

(5) **Special activities.** If the center engages in potentially dangerous activities, for example, water activities, archery, gymnastics, or karate, the following requirements are met.

(A) **Written plan.** A written plan, which is provided to parents and kept on file at the center, includes at a minimum:

- (i) qualifications of the supervisor of the activity;
- (ii) qualifications of any other staff members necessary for proper supervision;
- (iii) number of staff members needed to supervise the activity;
- (iv) conditions under which a child may participate in the activity, for example, the age and skill of the child;
- (v) any special equipment necessary, for example, life jackets, including the supply and condition; and
- (vi) safety practices that must be followed.

(B) **Parental permission.** Written permission from the parent shall be on file with the center.

(C) **Staff requirements.** Staff requirements include a staff member or other designated individual responsible for the activity who:

- (i) has documentation of appropriate experience, training, or certification in the program specialty;
- (ii) has verification of experience or certification available at the center's office; and
- (iii) is present at the site of the activity when it is being carried out by a contracted instructor.

Section 25.3. Care of children with disabilities

(a) **Program.** When children with known disabilities are in care, the following program requirements are met.

(1) **Staff-child ratios.** Additional staffing may be required to ensure the proper supervision and care of all children at the center.

(2) **Activities.** Reasonable accommodations are made to enable a child with disabilities to participate in program activities.

(3) **Placement of children with disabilities.** When placing a child with disabilities in an age group, all areas of the child's development are considered.

(4) **Behavior and guidance.** Guidance of children with disabilities is appropriate to the child's developmental age and type of disability rather than chronological age.

(b) **Staff instruction.** Each teacher who cares for a child with a known disability participates in individualized instruction for that child including review of all information provided by the parent.

Section 25.4. Water activities

(a) **Parental permission.** Written signed permission from parents for all children participating in swimming activities must be on file at the center.

(b) **Supervision.** Any activity which involves water is supervised constantly. This includes supervision of children in dressing areas.

(1) Staff-child ratios for swimming are met, in accordance with Section 9.1(f).

(2) Staff are in or at the water and prepared to enter it at any time.

(3) When children are using a pool with a depth of 18 inches or less of water, a staff member who has successfully completed training in first aid and cardiopulmonary resuscitation (CPR) appropriate to the ages of the children is present.

(4) When children are using a pool with a depth of more than 18 inches of water, a certified life guard is present.

(c) **Life guard.** If the life guard is a staff member of the center, he or she:

(1) has satisfactorily completed a certified course of instruction in life guarding by or equivalent to that offered by the American Red Cross or YMCA and which includes CPR appropriate to the age of the children;

(2) is not counted in staff-child ratios; and

(3) is responsible for no more than 35 children.

(d) **Safety.** Staff ensures children's safety during water activities. Staff review all swimming and safety rules each time children participate in water activities.

(1) Before children are permitted in water over their shoulders, their swimming skills are tested by a staff member.

(2) There is a system, known to children and staff, for checking to ensure that each child is safe when in the water.

(3) Lifesaving equipment is available at the pool side in accordance with the Oklahoma State Department of Health's Public Bathing Place Regulations, OAC 310:320-3-1.

(e) **Swimming pools.** Swimming pools used by the child care center are considered public bathing places and include permanent wading pools, in-ground pools, and above-ground pools.

(1) Swimming pools are in compliance with the water quality, occupancy and fencing standards in Chapter 315, Public Bathing Place Standards and Chapter 320, Public Bathing Place Regulations.

(2) Diving is permitted only when the pool meets design criteria for a diving pool.

(f) **Restrictions.**

(1) Ponds, pools, hot tubs, stock tanks, or other potential water hazards are inaccessible to children.

(2) Swimming, wading, and boating are not allowed at a lake, pond, or other similar body of water. School-age children may go fishing or boating, if swimming staff-child ratios are met. When boating, appropriately sized and approved life jackets are worn by children.

(3) Use of saunas, spas, or hot tubs by children is prohibited.

(4) Portable wading pools are prohibited.

Section 25.5. Rest time

(a) **Sleeping space and equipment.** There is an individually assigned sleeping space with bedding for each sleeping child, in accordance with Section 14.

(1) All sleeping equipment is maintained in good repair, free of holes and tears, in a safe and sanitary condition, and sanitized at least once per week. Cribs, cots, and mats are cleaned and disinfected and sheets are washed before they are used by another child.

(2) Sleeping equipment is of sufficient size to accommodate comfortably the size and weight of the child.

(3) An individual sheet, which covers the entire sleeping surface, and cover for children over 12 months of age are provided. All bedding is in good condition and stored in a sanitary manner.

(4) The cribs, playpens, cots, beds, or mats are spaced to allow easy access by staff and safe evacuation of children.

(5) Each individual mat is at least two-inches thick and covered with durable, washable, form-fitting, waterproof material. Inflatable mats are not permitted.

(6) Sheets and covers are changed when soiled. Crib sheets are changed at least daily and other bedding at least weekly.

(7) Use of stacked cribs is prohibited.

(8) Infant, toddler, and preschool children are not permitted to sleep on the floor.

(b) Supervision.

(1) Requirements pertaining to number and location of staff during nap time contained in Section 9.1(b) and (c) are met.

(2) The light level allows for all children to be observed at all times, in accordance with Section 11(c)(1)(J).

(c) Rest arrangements for infants, toddlers, and two-year-olds. Infant rest schedules correspond as closely as possible to the child's individual needs and the schedule established by the parent.

(1) To reduce the risk of Sudden Infant Death Syndrome (SIDS), infants younger than 12 months of age are placed on their back for sleeping unless there is a medical reason the infant should not sleep in this position, as documented by a doctor. This documentation is maintained at the facility.

(2) Infants who are able to turn themselves over are placed initially on their back for sleeping but allowed to sleep in a position they prefer.

(3) Individually assigned cribs, port-a-cribs, or playpens with waterproof mattresses or pads are provided for each infant and toddler. Cribs comply with the safety requirements of Section 14(b)(2). Children age ten months and older may sleep on low cots or mats when able to stay on them.

(4) Waterbeds, sofas, soft mattresses, pillows, beanbag chairs, and other soft surfaces are prohibited as infant sleeping surfaces.

(5) Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not permitted in infant cribs or playpens. Sheets fit the mattress snugly.

(6) Cribs, port-a-cribs, and playpens are placed so that children occupying them do not have access to cords or ropes, such as venetian blind cords.

(7) Only one child occupies a crib, cot, or mat at any time except during an evacuation.

(8) Staff do not cover children's heads with bedding.

(9) Crib railings are fully raised and secured when the child is in the crib.

(10) No restraining devices of any type are used in cribs.

(11) Children are not forced to remain on cots once they have rested.

(d) Rest arrangements for preschool children.

(1) There is an individually assigned cot, bed, or mat with bedding for each preschool child who remains more than five consecutive hours in the child care center.

(2) Children who do not sleep have quiet activities available and are not required to remain on their cots or mats for an entire nap period.

(e) **Rest periods for school-age children.** School-age children are not required to take naps.

(1) On days when school is not in session, quiet activities may be provided instead of rest time.

(2) For children choosing to rest, a cot, bed or mat with sheet and a cover is provided.

Section 25.6. Night-time care

(a) **Requirements.** When children spend the night, the center complies with the following requirements.

(b) **Maximum time.** Under no circumstance is a child in care for over 24 consecutive hours.

(c) **Supervision of sleeping or resting children.** All staff members required to meet staff-child ratios are awake at all times.

(1) A staff person remains with each group.

(2) Other staff required to meet staff-child ratios remain in the building.

(d) **Sleeping space and equipment.** Requirements for sleeping space and equipment contained in Section 25.5 are met. Mats are not used for overnight care. Each cot or bed has:

(1) a waterproof pad or mattress, pillow, pillow case, and two sheets;

(2) the bottom sheet properly secured; and

(3) additional covers available.

(e) **Safety.**

(1) Emergency lighting devices are installed throughout centers that provide night care.

(2) The center maintains lighting levels bright enough to accommodate activities with comfort and allow the caregiver to see resting children's facial features.

(3) Sleeping accommodations are restricted to ground floor areas.

(4) Child care centers that operate on a 24-hour per day basis may be required to meet other construction requirements in state-adopted codes as determined by the state or local fire marshal.

(f) **Personal hygiene.**

(1) Arrangements are made for personal hygiene, including bathing and tooth-brushing. Toothbrushes are stored in a sanitary manner.

(2) Privacy is ensured for children while they are washing and when they are changing clothes.

Section 26. Behavior and guidance

(a) **Appropriate discipline.** Discipline is required to be constructive and educational and appropriate to the child's age and circumstances.

(b) **Staff requirements.** Staff members:

(1) recognize and encourage acceptable behavior;

(2) teach by example and use fair and consistent rules in a relaxed atmosphere with discipline that is relevant to the child's behavior;

(3) supervise with an attitude of understanding and firmness;

- (4) give clear directions and provide guidance appropriate to the child's level of understanding;
- (5) redirect children by stating alternatives when behavior is unacceptable;
- (6) speak so that children understand that they and their feelings are acceptable but unacceptable action or behavior is not;
- (7) encourage children to control their own behavior, cooperate with others and solve problems by talking things out;
- (8) give guidance in activities in an orderly fashion including a choice of interesting planned activities;
- (9) help children feel successful at a task and give options for other tasks if the one chosen proves too difficult;
- (10) prepare children for the next activity a few minutes ahead and allow them to wind down from one activity before beginning another;
- (11) use "time-out" periods only as necessary to enable the child to gain control of himself or herself. Time-out periods do not exceed five minutes. One minute of time-out for each year of a child's age is recommended. The child is allowed to rejoin the group as soon as the child regains control;
- (12) use safe, natural, and logical consequences to address inappropriate behavior;
- (13) maintain perspective about school-agers' misbehavior, recognizing that every infraction does not warrant staff attention or intervention; and
- (14) when necessary, intervene as quickly as possible to ensure the safety of all children.

(c) **Restrictions.** Staff are prohibited from:

- (1) subjecting a child to punishment of a physical nature, for example, shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spitting, biting, hair pulling, yanking, slamming, excessive exercise, or any cruel treatment that may cause pain;
- (2) putting anything in or on a child's mouth as punishment;
- (3) restraining a child by any means other than holding and then for only as long as is necessary for the child to regain control;
- (4) subjecting a child to punishment of a psychological nature, for example, humiliation by derogatory or sarcastic remarks about the child or the child's family's race, gender, religion, or cultural background;
- (5) using harsh or profane language or actual or implied threats of physical punishment;
- (6) punishing or threatening a child in association with food, rest, or toilet training;
- (7) isolating a child without supervision or placing him or her in a dark area;
- (8) permitting a child to discipline other children;
- (9) punishing an entire group due to the actions of a few children; or
- (10) seeking or accepting parental permission to use any punishment or act prohibited by the requirements contained in this subsection; and
- (11) participating in personal activities that interfere with the adequate supervision of children, such as visitors and phone calls.

Section 27. Health

(a) Cleanliness.

- (1) Caregivers attend promptly to children's personal hygiene needs.
- (2) Caregivers thoroughly wash their hands with soap and warm, running water:
 - (A) before handling food;
 - (B) before feeding children or eating;
 - (C) after diapering or toileting;
 - (D) after touching or cleaning up body fluids, including wiping noses;
 - (E) after handling or feeding pets;
 - (F) after playing outdoors or in sand or water; and
 - (G) before medication is dispensed.
- (3) Staff ensure that children wash their hands with soap and warm, running water:
 - (A) before eating;
 - (B) after toileting;
 - (C) after handling pets;
 - (D) after playing outdoors or in sand or water; and
 - (E) after wiping their noses.
- (4) When a child older than three years of age in diapers is cared for in a room without a diaper-changing area, arrangements are made for sanitary diaper changing, hand-washing, and privacy.
- (5) A child's wet or soiled clothing is changed immediately, and placed in a labeled, sealed, moisture-proof bag to be sent home. A supply of clean clothing is available.
- (6) Toys and items that are in contact with children's mouths are washed and sanitized after each child's use or as needed; and if contaminated by other body fluids, toys, and equipment are set aside to be washed and sanitized.
- (7) Each toilet article, for example, wash cloth, towel, comb, or toothbrush, is individually assigned and stored and is not used jointly by or on children.

(b) **Health records.** Upon admission of a child, parents are required to submit the child's immunization record, a listing of special health needs, and the name of the child's physician.

(c) **Immunizations.** Children have or are in the process of obtaining all required immunizations at the medically appropriate time. (See Supplement VI) If a child is accepted for whom an exemption is claimed, documentation of the exemption is kept on file at the center.

(d) **Disease control.** At the time of enrollment, parents are informed of the center's policy regarding ill children.

- (1) Each child is carefully observed by staff members for symptoms of illness or infestation.
- (2) Any child showing symptoms of illness or infestation is separated from the group and parents are notified as needed.
- (3) The local or state health department is notified upon discovery of any case of hepatitis, meningitis, Shigellosis, Giardiasis, measles, rubella, whooping cough, tuberculosis, E coli 0157:H7, Salmonellosis, or any Haemophilus influenzae invasive disease in any person associated with the center. If a center has concerns about the health of a child, the local or state health department may be contacted.

- (4) Cots, cribs, bedding, and play equipment are cleaned and sanitized after use by an ill child.
- (5) Disposable, nonporous gloves are used to clean up blood, vomit, or body fluids that may contain blood. Disposable gloves are discarded in a closed container immediately after use, and staff wash their hands.
- (6) A commercial sanitizer or a bleach solution of one tablespoon of bleach to one gallon of warm water, made fresh daily, is used to sanitize surfaces whenever needed. (See Supplement V)
- (7) For diaper-changing surfaces, the solution used is:
 - (A) one-fourth cup of bleach to one gallon of water;
 - (B) two tablespoons of bleach to one-half gallon of water;
 - (C) one tablespoon bleach to one quart of water; or
 - (D) two teaspoons of bleach to one pint of water.
- (8) Parents are notified as soon as possible of children's exposure to a contagious illness or infestation.
- (9) Staff with symptoms of a communicable disease or illness are not permitted in the center.
- (10) A child's temperature is not taken orally or rectally.

(e) **Medication.**

- (1) The parent signs an authorization for center staff to administer each medication. Directions are recorded for the proper amount (dosage), including time and days medication is to be administered.
- (2) If a child has a chronic medical problem, the parent may sign a medication authorization for up to a nine-month period for prescribed medication to be administered by staff as needed. The child's parents are notified whenever medication is administered.
- (3) Prescription medication is not administered unless the medication is a part of a prescribed therapeutic treatment.
- (4) Medication is provided by the parent in the original container and labeled with the child's full name.
- (5) Staff administers medication according to the label or written doctor's directions and only to the child for whom it is intended.
- (6) To avoid duplication, each dosage administered is recorded on individual medication logs by designated staff. Medication logs are readily available to parents.
- (7) All medications are inaccessible to children and stored in a manner which prevents contamination of food.
- (8) Medication is either returned to the parent or disposed of properly when it is out-of-date or the child has withdrawn from the center.

(f) **Injuries.** The center:

- (1) contacts poison control with any suspected child poisonings;
- (2) notifies parents as soon as possible of any known cuts, burns, animal bites, or injuries that may need evaluation by a physician; and
- (3) maintains a log or report of all injuries that occur at the program. (See Supplement VII)

(g) **Emergency procedures.** A written emergency procedure for severe injury or acute illness is prominently displayed at the child care center. The emergency procedure includes:

- (1) administration of first aid and location of the first aid kit;
- (2) name and telephone number of the emergency service, physician and/or clinic;
- (3) notification of parent; and
- (4) notification of Licensing Services regarding the death of a child while in care or any injury to a child that requires emergency medical attention, in accordance with Section 5(c)(5)(G) and (H).

(h) **First aid kits.** Readily available first aid kits are maintained in the center and are taken on each field trip.

- (1) Each kit is a closed container for storing first aid supplies which is accessible to staff at all times but inaccessible to children.
- (2) First aid kits are restocked as needed.
- (3) At a minimum, the first aid kit contains:
 - (A) disposable nonporous gloves;
 - (B) blunt-tipped scissors;
 - (C) tweezers;
 - (D) a thermometer;
 - (E) bandage tape;
 - (F) sterile gauze pads;
 - (G) rolled flexible or stretch gauze;
 - (H) non-medicated adhesive strips; and
 - (I) current standard first aid text or equivalent first aid guide.
- (4) First aid kits taken on field trips also include:
 - (A) liquid soap and water or individually packaged towelettes;
 - (B) pen or pencil and note pad;
 - (C) cold pack;
 - (D) coins for use in a pay phone;
 - (E) the poison control center telephone number, 1-800-222-1222; and
 - (F) plastic bags for disposal of items contaminated with blood and/or body fluids.

Section 28. Food and nutrition

(a) **Meals.** Children remaining in the center over a four-hour period are served a balanced meal that provides at least one-third of their total daily nutritional requirements (See Supplement VIII)

- (1) Food is provided for all children in care. For infants in care or for a child who has a special dietary need, including health or religious restrictions, parents may be requested to supplement the center's food service.
- (2) School-age children may provide their own meals if the requirements contained in this paragraph are met.
 - (A) All sack lunches containing perishable foods are refrigerated at 41 degrees F or below, and a thermometer is in the refrigerator or ice chest. If an ice chest is used to refrigerate perishable food or milk:

- (i) the food or milk is served within four hours and is not re-served or re-refrigerated;
 - (ii) packaged food is not stored in contact with water or undrained ice;
 - (iii) self-wrapped sandwiches are not stored in direct contact with ice; and
 - (iv) ice used for refrigeration is not used for any other purpose.
- (B) Additional food is provided to children who bring a lunch that fails to meet at least one-third of their total daily nutritional requirements.
- (C) A meal is provided to a child who fails to bring one.
- (D) Milk is provided for all children.
- (3) Second servings are available for children.
- (4) Children are encouraged, but not forced, to eat.
- (b) **Food service plan.** The center's food service plan and sample menu reflecting the required food service are filed with the OKDHS .
- (1) When all-day care is provided, a breakfast or morning snack, a noon meal, and an afternoon snack are served to children.
 - (2) When evening care is provided, an evening meal and evening snack are served.
 - (3) When children remain all night, an evening meal, evening snack, and breakfast are served.
- (c) **Menu posting.** Current weekly menus of food provided by the center are posted at all times.
- (1) A duplicate menu is posted in the kitchen for the cook's use.
 - (2) Menus are closely followed, although reasonable substitutions are permissible if posted.
- (d) **Food storage and preparation.**
- (1) Food storage and preparation comply with food service and sanitation requirements in Section 31.
 - (2) Only commercially pre-packaged non-potentially hazardous food items may be brought from individual homes for consumption by a group of children.
- (e) **Water.** Safe drinking water is freely available to children at all times. Children are encouraged to drink water throughout the day.

Section 29. Transportation

- (a) **Center responsibility.** When transportation, including field trips, is provided by paid staff or volunteers, all requirements regarding transportation are met.
- (1) The vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws. (See Supplement IX)
 - (2) Written permission from parents or guardian for transportation of their child is on file at the center.
 - (3) Parents receive prior notification of each field trip. Written parental permission is only required for participation in swimming and other potentially dangerous activities, in accordance with Section 25.2(c)(5).
 - (4) Supervision of the children begins at the designated pick-up time.
 - (5) The driver is responsible for leaving the child only with the person or school designated by the parent. Written instructions and approval from the parent for such a plan is required.

(6) Effective June 2007, programs providing transportation for children younger than six years of age must have one staff person with current documentation of training in an OKDHS approved child passenger safety course.

(A) Information from the training is shared with all other staff who transport children.

(B) After May 2007, any staff used to meet this requirement has 60 days to obtain this training.

(b) **Driver qualifications.** All drivers, including volunteers:

(1) be at least 21 years old;

(2) have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence;

(3) have no conviction within the last three years of driving under the influence of alcohol or drugs or other impaired driving offense; and

(4) if driving a vehicle designed to transport ten or more passengers, complete training specific to the safe operation of that type of vehicle within three months of providing transportation to children.

(c) **Staff-child ratios.**

(1) When transporting children younger than four years of age, proper staff-child ratios are maintained without counting the driver. However, centers with only one staff person, or who transport one or two children, may provide transportation locally without a second staff person.

(2) For children four years old and older, the driver may be counted toward meeting the staff-child ratio.

(d) **Safety procedures.**

(1) A schedule showing accurate route and itinerary is planned and kept at the center to show approximately where the vehicle is at all times. If the vehicle is equipped with a mobile communication system, route information is not required.

(2) The driver is provided with:

(A) a copy of the scheduled route;

(B) the name, address, and telephone number of the child care center;

(C) names of children being transported; and

(D) a method to contact the children's parents in case of an emergency.

(3) Safe conduct to and from all vehicles and safe off-street loading space is provided to protect children from:

(A) backing vehicles,

(B) being between vehicles, and

(C) all traffic hazards.

(4) Attendance is checked each time children board and exit the vehicle.

(5) Children are not permitted to ride more than 60 minutes one way. Exceptions for a special field trip may be allowed, but these exceptions are infrequent, and allowance is made for rest and stretch stops during the trip.

(6) Children remain seated while the vehicle is in motion, and no part of a child's body extends from windows.

(7) Vehicles containing children are never left unattended.

(8) Use of tobacco products is prohibited while children are being transported.

(e) **Passenger restraints.** Children transported are properly secured in a child passenger restraint system (car seat) or individual seat belt. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement.

(1) Children are transported in compliance with applicable state law. (See Supplement IX.)

(2) The car seat is:

(A) federally approved;

(B) installed according to the manufacturer's instructions;

(C) appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

(D) properly maintained.

(3) Each seat belt :

(A) is properly anchored to the vehicle; and

(B) fits snugly across the child's hips or securely anchors the car seat.

(4) All adult passengers, except those in a full-size school bus, and the driver are properly secured by individual seat belts unless the driver or passenger has written verification from a doctor licensed in Oklahoma that the person is unable to use a seat belt for medical reasons.

(5) Children 12 years of age and younger are prohibited from sitting in the front seat of an airbag equipped passenger vehicle unless an airbag cut off switch is installed and activated or the vehicle has airbags equipped with weight sensitive devices. If a child 12 years of age or younger must be placed in front of an air bag because all other positions are taken, it must be a child whose age and weight requires a forward facing harness seat.

(f) **Vehicle requirements.**

(1) The vehicle's maximum seating capacity is not exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.

(2) All passengers are able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(3) Vehicles used to transport children are maintained in a clean, safe operating condition, free of hazardous objects or other nonessential items that could injure children.

(4) Children are not transported in vehicles or parts of vehicles which were not designed for the purpose of transporting people, for example, truck beds, campers, and trailers.

(5) When transporting children, vehicles, with the exception of public transportation, are visibly marked with the name and telephone number of the facility or sponsoring organization.

(6) Each vehicle operated by a center for transportation of children has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(7) The transporting vehicle is covered by medical and liability insurance as required by Oklahoma laws.

(8) A vehicle used to transport children has an operable heater that is capable of maintaining a temperature of 65 degrees Fahrenheit in the vehicle, and a ventilation system.

(9) A first aid kit described in Section 27(h) is available in the vehicle at all times.

(10) Written documentation is kept of regular maintenance of all facility vehicles to include quarterly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.

Section 31. Food service and sanitation requirements

(a) General.

(1) Food is protected at all times from any contamination including cross-contamination between raw and cooked foods, toxic substances, or contamination by insects or rodents while being stored, prepared, displayed, dispensed, packaged, or transported.

(2) Equipment and utensils used for food storage, preparation, and serving are of approved construction and maintained in a sanitary condition.

(b) Food supplies.

(1) **Food sources.** Food is from sources approved or considered satisfactory by the health authority, is in sound condition, free from spoilage, contamination, filth, adulteration, and misbranding, and is safe for human consumption.

(2) **Home-canned and hermetically sealed food.** Individually home-canned food or use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

(3) **Milk products.** Requirements pertaining to milk products are listed below in (A) through (E).

(A) Only Grade A pasteurized fluid milk and fluid milk products for drinking are permitted.

(B) Pasteurized dry milk or evaporated milk may be used for cooking purposes only.

(C) Milk and milk products are stored at 41 degrees F. or below.

(D) Milk is stored in the original carton.

(E) Milk may be transferred from the original container to approved pitchers for serving. Milk removed from the original container may not be returned to the original container or stored for later use.

(4) **Meat, poultry, and fish.** Meat, poultry, and fish are obtained from approved sources and have been inspected by appropriate governmental authorities.

(5) **Ice.** Ice used for any purpose is made from water that comes from an approved source and was manufactured, stored, transported, and handled in a sanitary manner.

(c) Potentially hazardous foods.

(1) **Cooking.** Potentially hazardous foods requiring cooking are cooked so that all parts of the food are heated to a temperature of at least 145 degrees F. for 15 seconds. The requirements in (A) through (C) are also met.

(A) **Ground beef.** Ground beef is cooked thoroughly to at least 155 degrees F. until the juice is clear and the meat is no longer pink.

- (B) **Poultry, stuffed meats, and stuffings.** Poultry, poultry stuffings, stuffed meats and stuffings that contain meat are cooked so that all parts of the food are heated to at least 165 degrees F. with no interruption of the cooking process.
- (C) **Pork.** Pork and any food containing pork are cooked so that all parts of the food are heated to at least 150 degrees F.
- (2) **Egg products.** Only clean, whole-shell eggs without cracks, which meet applicable grade standards and are held at 41 degrees F. during storage, are permitted.
- (A) Raw, unpasteurized eggs are not used in uncooked food, such as ice cream and egg nog.
- (B) Raw eggs which have been shelled are not held in excess of four hours.
- (3) **Reheating foods.** Before being served, potentially hazardous foods that have been cooked and then refrigerated are reheated rapidly throughout to 165 degrees F. or higher before being served.
- (d) **Food protection.** Foods are covered and protected from contamination while being stored, prepared, displayed or transported.
- (1) Medicines and other hazardous items are stored in a manner which prevents contamination of food.
- (2) Refrigeration units and insulated facilities are required to ensure maintenance of all food at 41 degrees F. or below except during preparation and service.
- (3) A thermometer is located in a conspicuous place in each refrigerator and freezer.
- (4) All perishable foods, including fruits and vegetables, are stored at temperatures that protect against spoilage.
- (5) A metal-stem thermometer is available to check food temperatures.
- (6) All potentially hazardous foods are maintained at safe temperatures of 41 degrees F. or below or 145 degrees F. or above, except during necessary periods of preparation and service.
- (7) Use of food from damaged or unlabeled cans is prohibited.
- (8) Frozen food is kept at 0 degrees F. or below, except when being thawed at refrigerator temperature of 41 degrees F. or under cool, potable running water, 70 degrees F. or below.
- (9) Containers of food are stored off the floor on clean surfaces in a manner which protects them from splash and other contamination.
- (e) **Food preparation.** Food is prepared with a minimum of manual contact on food-contact surfaces and with clean, sanitized utensils.
- (1) Whenever there is a change in processing between raw beef, pork, poultry, or seafood, or a change in processing from raw to ready-to-eat foods, each new operation begins with clean, sanitized food-contact surfaces and utensils.
- (2) Raw fruits and vegetables are thoroughly washed with potable water before being cooked or served.
- (f) **Use of food.** Individual or family-style portions of food once served are not served again. Wrapped food that remains properly stored and has not been unwrapped may be served again.
- (g) **Transporting food.** The requirements for storage, display, and general protection against contamination contained in this Section apply to all food that is transported from one location to another for service.

- (1) During transportation, potentially hazardous food is kept at 41 degrees F. or below or 140 degrees F. or above.
 - (2) During transportation, all food is in covered containers or completely wrapped or packaged to protect it from contamination.
- (h) **Catering services.** When catering services are used:
- (1) meals are obtained from a food service establishment approved by the health department; and
 - (2) procedures and equipment for transporting meals are approved by the health department.
- (i) **Personnel.**
- (1) **Health.** Individuals are prohibited from working in any capacity in any area of food service if infected with or a carrier of any disease in a communicable form or while afflicted with boils, infected wounds, sores, an acute respiratory infection, or diarrhea.
 - (2) **Hygiene.** All employees wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.
 - (A) Employees are required to thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, after handling raw food products, and after eating, drinking, using the toilet, or returning from other areas of the center.
 - (B) Employees who prepare or serve ready-to-eat food wear commercial grade single-use gloves.
 - (C) Employees are required to keep their fingernails clean and trimmed.
- (j) **Food equipment, utensils, and storage items.** All equipment and utensils are designed and constructed of safe, non-toxic materials and are smooth, non-absorbent, easily cleanable, durable, and in good repair.
- (1) All equipment is installed to facilitate cleaning of the equipment and adjacent areas.
 - (2) Adequate food service utensils are provided to ensure complete food service for one meal for the licensed capacity of the center.
 - (3) Tableware is washed, rinsed, and sanitized after each use.
 - (4) To prevent cross-contamination, kitchenware, utensils, and food-contact surfaces of equipment are washed, rinsed, and sanitized after each use.
 - (5) Cooking devices are cleaned as often as necessary and are free of encrusted grease deposits and other soils.
 - (6) Non-food contact surfaces of all equipment, including tables, counters, and shelves, are cleaned as often as necessary to keep them free of accumulations of dust, dirt, food particles, and other debris.
- (k) **Cleaning and sanitizing equipment and utensils.** Equipment, utensils, and service items are maintained in a sanitary condition by use of one of the following methods.
- (1) **Dishwashing machines.** Commercial or domestic dishwashing machines are permitted if heat or chemical sanitizing cycles are properly installed and if operated in a manner that allows completion of a sanitizing cycle without opening the machine. Adequacy of the sanitizing cycle is determined by the generally accepted test methods.

(2) **Manual cleaning.**

(A) If a three-compartment sink or automatic dishwasher is not available, a one or two-compartment, domestic-type sink may be used when additional vessels are provided to ensure the rinsing and sanitizing of all equipment, utensils and tableware.

(B) Equipment, utensils, and tableware are washed, rinsed, and sanitized in the sequence listed below.

(i) Sinks are cleaned prior to use.

(ii) In the first compartment, items are thoroughly washed with an approved detergent in a solution that is kept clean.

(iii) In the second compartment, equipment items are rinsed with clean water until they are free of detergent and abrasives.

(iv) In the third compartment, items are sanitized.

(C) Food-contact surfaces of all equipment and utensils are sanitized by immersion in a clean solution containing any chemical sanitizing agent, such as bleach, which has been demonstrated to the satisfaction of the health authority to be effective and non-toxic under use conditions.

(D) All items are air-dried in a self-draining position before being stored.

(3) **Use of single-service articles.** Facilities which do not have adequate and effective facilities for cleaning and sanitizing utensils use single-service articles for both preparation and service.

(A) Single-service articles are stored in closed cartons or containers which protect them from contamination.

(B) Single-service articles are used only once.

(l) **Storage area.**

(1) Adequate space is provided for the storage of sanitized equipment, utensils, and service items.

(2) Items are stored above the floor in a clean, dry location to protect food-contact surfaces from splash, dust, and other contamination.

(3) Only poisonous and toxic materials that are required to maintain sanitary conditions and for sanitation purposes are used or stored in the food preparation area.

(4) Poisonous and toxic materials are identified and used only in a manner and under conditions that do not contaminate food or constitute a hazard.

(m) **Food service hand-washing facilities.** Hand-washing facilities equipped with hot and cold running water with a mixed-valve faucet are provided in the food preparation area in any facility licensed after June 1, 1987. When a center operates in housing which was originally designed as a family residence and was licensed prior to the effective date of these requirements, hand-washing facilities in a bathroom on the same floor as the kitchen are deemed convenient and adequate.

(1) Cleansing soap or detergent and approved sanitary towels or other approved hand-drying devices are provided.

(2) Facilities are kept clean and in good repair.

(3) Food preparation and dishwashing sinks are not used for hand-washing purposes.

(n) **Food preparation and service areas.**

(1) **Floors.** The floor surface in all rooms or areas in which food is stored or prepared is of smooth, non-absorbent materials.

(A) Unsealed concrete and carpet are not permitted.

(B) Floors are constructed so that they are easily cleaned and are kept in good repair.

(2) **Walls and ceilings.** Walls and ceilings, in areas in which food is prepared or utensils or hands are washed, are kept in good repair, easily cleaned, and have washable surfaces up to the highest level reached by splash or spray.

(3) **Lighting.**

(A) All areas in which food is prepared or stored, as well as hand-washing areas, toilet rooms, and garbage and rubbish storage areas, are well-lighted.

(B) All lighting fixtures are shielded.

(4) **Ventilation.** Rooms are properly ventilated.

(A) All rooms have sufficient ventilation to keep them free from heat, steam, vapors, obnoxious odors, smoke, and fumes.

(B) Ventilation systems comply with applicable state and local fire prevention requirements and, when ventilated to the outside air, discharge in such a manner as to not create a nuisance.

(5) **Housekeeping.** All areas where food is prepared and served are kept clean, neat, and free from litter and rubbish.

(A) Cleaning operations are conducted in a manner that minimizes contamination of food and food-contact surfaces.

(B) Soiled linens, coats, and aprons are kept in containers until removed for laundering.

(C) Live birds or animals are not allowed in any area used for food service operations.

(o) **Construction and maintenance of physical facilities.**

(1) **Building.** Buildings used to house child care facilities are structurally sound.

(A) Exterior and interior walls are maintained in sound condition, free of holes and peeling paper and paint.

(B) Windows and doors are in good repair, free of broken glass or hazards.

(C) Window and door screens, where required, effectively minimize the entry of insects.

(D) Floors are cleanable and in good repair.

(E) All uncovered floors, including concrete and wood floors, are sealed.

(2) **Premises.**

(A) The premises are free of harborage for insects, rodents, and other vermin.

(B) Safe, effective measures are taken to minimize the presence of, and to protect against, the entry of vermin.

(C) The premises are otherwise maintained free of hazards to children.

(3) **Water supply.** The water supply is adequate, of a safe, sanitary quality, and from an approved source.

(A) When water is not from a public water supply, for example, well water, it meets local and state testing requirements.

(B) All areas where food is prepared or equipment, utensils, or containers are washed have hot and cold water under pressure.

(4) **Sewage disposal.** All sewage, including mop water, is disposed of in a public sewage system or, in its absence, in a manner approved by the health authority.

(5) **Plumbing.** Plumbing is sized, installed, and maintained in a safe manner and in accordance with the Oklahoma Plumbing License Act.

(A) Plumbing constructed after June 1, 1987 is installed in compliance with the currently adopted State Plumbing code or applicable local ordinances.

(B) Any cross-connection between the potable water supply and any nonpotable or questionable water supply, or any source of pollution through which the potable water supply might become contaminated is prohibited.

(6) **Electrical.** The electrical distribution system is sized, installed, and maintained in a safe manner and in accordance with the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired, or replaced after June 1, 1987 are installed in compliance with the current National Electrical Code.

(7) **Garbage and rubbish disposal.** Prior to disposal, all garbage and rubbish containing food wastes or diapers are kept in leak-proof, non-absorbent containers and covered with tight-fitting lids when filled, stored, or not in continuous use.

(A) The containers are adequate for the storage of all food waste and rubbish accumulating on the premises.

(B) Each container is thoroughly cleaned each time it is emptied.

(C) Garbage disposal units, if used, are of suitable construction and installed in compliance with state and local standards.

(D) All garbage and rubbish are disposed of frequently and in a manner that prevents a nuisance.

(E) All hazardous material is disposed of properly.

Section 33. Fire safety

Minimum construction requirements. Current local codes are enforced for all new construction including additions or major alterations of existing licensed centers and conversion of buildings not previously licensed as child care centers. In the absence of such ordinances, the state-adopted building code applies.

(1) Plans for construction of a new building, addition to, or major alteration of existing buildings are submitted to the local fire or code authority for approval prior to start of construction. If no local authority exists, plans are submitted to the State Fire Marshal.

(2) Licensed facilities in operation on the effective date of this Part are required to comply with the construction and fire safety codes applicable at the issuance of their license.

Section 33.1. Requirements for drop-in centers

(a) **Drop-in centers.** A drop-in center is a child care center that provides care for children on an occasional basis where no child is in attendance for more than six hours a day for a maximum of 24 hours a week with an allowance for six extra hours per child three times a year.

(b) **Requirements.** Drop-in centers are required to meet the rules contained in Section 1 through Section 33.1.

(c) **Notifications.** In addition to the requirements contained in Section 5(c)(1) a notice provided by the OKDHS stating the maximum number of hours a child may be in care at the facility is prominently posted. This statement is also included in all drop-in center literature and advertising.

(d) **Attendance records.** In addition to the requirements pertaining to daily attendance records in Section 6(b)(3), a record of each child's time of arrival and departure, with weekly documentation of total hours of attendance, is required.

(e) **Toilets and sinks.** Drop-in centers operating after July 1, 1995, are exempt from the requirements in Section 11(b)(10). One toilet and one sink are required for every 25 children.

(f) **Outdoor play space.** Drop-in centers are exempt from the requirements pertaining to outdoor play space contained in Section 11(d)(2). If outdoor play space is not provided, the drop-in center is also exempt from the requirements contained in Section 22.

(g) **Indoor equipment.**

(1) Drop-in centers are exempt from the requirements contained in Section 14(b) through (g), with the exception of crib safety features and requirements for mattresses and playpen pads. Drop-in centers are required to have equipment from each category in Appendix L-5, Child Care Center Minimum Indoor Equipment Requirements, for each age group served. A sufficient amount of equipment and materials is available to avoid excessive competition among children or long waits for equipment.

(2) If outdoor play space is not available, large muscle equipment is provided according to the number of children in care, as listed in (A) through (D) of this paragraph. No more than two of the same item is allowed.

(A) 1-12 children, 3 items.

(B) 13-24 children, 6 items.

(C) 25-36 children, 9 items.

(D) 37-48 children, 12 items.

(h) **Program.** Lesson plans and daily schedules, as required in Section 25.1(a)(1) through (6), reflect the flexibility of the program.

(i) **Food and nutrition.** Drop-in centers that provide limited food service only are exempt from the requirements in Section 28. All drop-in centers must:

(1) serve a snack or meal to each child who is in care for four or more consecutive hours;

(2) allow children in care to bring food from home if food is not provided;

(3) refrigerate perishable foods at 41 degrees F. or below and keep a thermometer in the refrigerator or ice chest; and

(4) post a daily menu if food is provided.

(j) **Food service and sanitation.** If limited food service only is provided, the food service and sanitation requirements in Section 31(a) through (n) are not required.

Section 33.2. Requirements for child care centers for sick children

(a) **Centers for sick children.** A center providing care for sick children is a child care center that serves children with illnesses or symptoms that:

- (1) prevent them from comfortable participation in program activities in a child care center caring for well children; and
- (2) require more care than child care staff in a regular child care center can provide without compromising the health and safety of other children in care.

(b) **Requirements.** Centers for sick children are required to meet the rules contained in Section 1 through Section 33, except as otherwise provided in this Section.

(c) **Definitions.** The definitions for words and terms used in this Section are contained in this subsection.

(1) **Health professional.** A health professional is a registered nurse, pediatric nurse practitioner, physician's assistant or physician with at least one year of pediatric or public health experience.

(2) **Level I center.** A Level I center:

(A) is a component of a regular child care center that is licensed to care for no more than eight sick children and serves only children who are mildly ill; and

(B) does not serve children with illnesses or symptoms that meet the criteria for exclusion in a Level I center as defined in Appendix L-6, Child Care Center Exclusion Criteria for Children Who Are Ill.

(3) **Level II center.** A Level II center:

(A) is licensed to care for nine or more sick children;

(B) is licensed to provide child care only for sick children; or

(C) is a component of a regular child care center and serves both mildly and moderately ill children.

(4) **Mildly ill.** Mildly ill means children with mild symptoms of an episodic minor childhood illness who do not present a risk of serious infection to other children. Mildly ill children show interest and involvement in program activities and are able to participate.

(5) **Moderately ill.** Moderately ill means children with symptoms of an episodic illness which prevents them from being cared for in a child care center serving only well or mildly ill children due to the risk for contagion and the need for increased care. Moderately ill children display more severe symptoms than mildly ill children.

(d) **Inclusion and exclusion criteria.** A center licensed to care for sick children may serve any child who exhibits symptoms or illnesses for which they are excluded from a center caring for well children unless prohibited by the exclusion criteria specified in Appendix L-6.

(e) **Admission criteria.** The guidelines for admission in a center for sick children are described in (1) - (2) of this subsection. A provider is not obligated to admit a child if the provider does not have adequate information about the child's condition or diagnosis to determine whether he or she can be safely included in the program.

(1) **Level I.** A written physical assessment of the child is conducted by the director or designated caregiver to determine the appropriateness of the child's attendance that day or the need for a medical evaluation prior to admission. The assessment includes:

- (A) any pertinent information from the parent or authorized adult relevant to the child's condition and symptoms; and
 - (B) an evaluation of the child's general appearance including physical appearance, demeanor, mood and activity level.
- (2) **Level II.** A written medical evaluation that includes a diagnosis from a licensed physician indicating a child is eligible for admission is required before a child can be admitted to a Level II center.
- (f) **Policy and procedure.** The center has written policies and procedures that are approved in writing by a licensed physician or by a pediatric nurse practitioner.
- (1) In addition to the requirements in Section 5.1(a)(1)-(5), the center policy must also include:
- (A) the criteria for admission in the center;
 - (B) intake and admission procedures;
 - (C) plans for the daily care of children including methods used to monitor the condition of children;
 - (D) plans for staff training and communication with parents and health care providers; and
 - (E) procedures for injury prevention and infection control.
- (2) A health professional provides on-going consultation to the program in its overall operation and the management of illness for individual children.
- (g) **Staff qualifications.** In addition to the requirements for child care center employees contained in Section 7.1(a)-(h), employees caring for sick children are required to have completed:
- (1) at least one year of satisfactory full-time experience in a child care setting; or
 - (2) a minimum of 20 documented clock hours of training in child development, early childhood education or a closely related subject.
- (h) **Staff training.** The training requirements for staff caring for sick children are contained in (1) - (4) listed below.
- (1) Staff caring for sick children must have current documentation of completed training in community first aid and CPR, including infant and child, conducted by an individual certified as an instructor through the American Red Cross, First Care or American Heart Association, or by a health professional trained as an instructor in CPR and first aid training.
 - (2) Prior to working with sick children, employees must complete the OKDHS approved training for the care of sick children which is conducted by a health professional. The training includes:
 - (A) policy and procedures relating to the care of sick children;
 - (B) recognizing signs and symptoms of illness;
 - (C) administration of medication;
 - (D) when and how to call for medical help;
 - (E) taking children's temperatures;
 - (F) infection control procedures including handwashing, handling contaminated items, use of disinfectants and food handling;
 - (G) communicating with parents concerning a child's illness; and
 - (H) any other care that may be required for admissible illnesses and conditions.

(3) Staff caring for sick children must obtain two hours of training annually related to the care of sick children and the prevention and control of communicable disease.

(4) All training required for staff who care for sick children will count toward the 12 hours of annual training required for all child care center staff listed in Section 7.1(h)(4).

(i) **Staff-child ratios.** A program providing care for sick children is exempt from the requirements pertaining to staff-child ratios in Section 9.1(e)(1)-(4). However, the program is required to meet the minimum staff-child ratios described in (1) - (4) listed below.

(1) When all children in a group are under 2 years old, the staff-child ratio is 1:3 with a maximum group size of 6.

(2) When the children in a group are 2 through 5 years old, the staff-child ratio is 1:4 with a maximum group size of 8.

(3) When all children in a group are 6 years old and up, the staff-child ratio is 1:6 with a maximum group size of 12.

(4) When children of mixed ages are cared for in the same group, the staff-child ratio and group size for the youngest child apply.

(j) **Indoor space.** In addition to the requirements pertaining to indoor space in Section 11(a)-(d)(1), a center providing care for sick children meets the additional requirements regarding indoor space listed in (1) - (7) below.

(1) Toilets are in a bathroom that is adjacent to or opens directly into each room used to care for sick children.

(2) Sinks for hand-washing are located in each room used for the care of sick children, or in a bathroom that opens directly into the room.

(3) The use of potty chairs is prohibited.

(4) Rest equipment is available and accessible for use by children throughout the day and is placed three feet apart when in use.

(5) Mats may not be used as rest equipment.

(6) The use of carpet is prohibited; however, rugs may be used if they are washed daily.

(7) In a Level I facility:

(A) rooms used for the care of sick children are separated from other components of the center by floor to ceiling walls; and

(B) rooms, fixtures, furniture, equipment and supplies used by sick children are not used by staff or children from any other component of the child care center when sick children are in care.

(k) **Outdoor space.** A center for sick children is exempt from the requirements pertaining to outdoor play space in Section 11(d)(2) and in Section 22(a)-(d). However, if outdoor play space is provided:

(1) all requirements in Section 11(d)(2), and Section 22 (a)-(d) are met; and

(2) if the same area is shared by well and sick children, it is used at separate times.

(l) **Health.** In addition to the requirements in Section 27(a)-(h), a center for sick children:

(1) requires staff to monitor and record the condition of each child throughout the day. The monitoring includes:

(A) temperature;

(B) amount of fluid and food intake;

(C) output including urine, vomit and stools, as appropriate;

(D) medication administered; and

- (E) sleeping patterns and general behavior.
- (2) notifies parents immediately of any significant change in a child's condition; and
- (3) takes additional precautions to prevent the spread of disease, including:
 - (A) cleaning and disinfecting floors, toys, equipment and furniture daily or more often if necessary, or before being used by another group of children;
 - (B) posting the proper procedure for hand washing at each sink;
 - (C) providing liquid soap from mounted dispensers for hand washing;
 - (D) using paper towels from a dispenser with waste containers provided for disposal;
 - (E) providing toys that are non-porous and easily washable; and
 - (F) prohibiting staff and children who begin their day in the area serving sick children to transfer to any other part of the child care facility during that day.
- (m) **Food and nutrition.** In addition to the requirements contained in Section 28(a) - (e) a center caring for sick children:
 - (1) modifies menus to meet the individual physical condition of each child in care;
 - (2) prohibits staff involved with food preparation or service from changing diapers or assisting children with toileting;
 - (3) uses only single-use and disposable eating and drinking utensils. Infant bottles and toddler drinking cups may be used if they are sent home daily;
 - (4) prohibits the use of drinking fountains; and
 - (5) requires staff to frequently offer drinking water and other fluids to each child.
- (n) **Additional requirements for Level II centers.** In addition to the requirements listed in (a) - (m) of this Section, a Level II center must meet the requirements outlined in (1) - (6) listed below.
 - (1) A physical assessment of each child is conducted by a health professional as the child is admitted to the program.
 - (2) A health professional or licensed practical nurse (LPN) with immediate, direct access to a health professional must remain onsite at all times when sick children are in care.
 - (3) The LPN may not make the determination whether to admit a child into the program. The LPN may provide care and collect clinical information, and must report to the health professional.
 - (4) Children are cared for in separate rooms unless grouped with other children diagnosed with the same illness.
 - (5) Separate outside ventilation is required when care is provided for children diagnosed with:
 - (A) measles;
 - (B) diphtheria, until 5 days of the appropriate antibiotic therapy, which is to be given a total of 14 days;
 - (C) rubella;
 - (D) tuberculosis; or
 - (E) chicken pox.
 - (6) In a Level II center that is a component of a center caring for well children:
 - (A) rooms are separated from other components of the center by floor to ceiling walls;

- (B) rooms, furniture, equipment and supplies used by sick children are not used by children or staff from other components of the center; and
- (C) a separate entrance is required for sick children.

APPENDIX L-1

OKLAHOMA TRAINING APPROVAL SYSTEM

The goal of the Oklahoma Training Approval System is to ensure that approved training and college coursework provides high quality learning opportunities for child care providers. The system is managed by the Center for Early Childhood Professional Development (CECPD), which reviews and approves training based upon clear objectives, effective adult learning approaches, relevant content, and the qualifications of the trainer.

Training is divided into three tiers:

TIER I

- Short-term training that can be counted toward ongoing training requirements.
- Does not have to be approved by CECPD.

Examples: conferences, workshops, and in-service training (videos and on-site training with a formal presentation by a guest speaker).

TIER II

- In-depth training that is a minimum of four hours and can be counted toward the training requirement for Child Development Associate (CDA) or Certified Child Care Professional (CCP) credential. Training must also fit into competency or ability areas.
- Approved by CECPD based on an application request process.

Examples: Child Care Careers courses, including Entry-Level Child Care Training, the National Administrator's Credential and Director's Advanced Training, Dollars and Sense, seminars, and institutes.

TIER III

- Formal education through credit-bearing courses at accredited colleges and universities and courses at technology centers that transfer for credit to colleges and universities. Coursework must be grade D or higher to count as training or approved coursework.
- Does not have to be approved by CECPD.

Examples: early childhood development, children's literature, child health, safety, and nutrition.

For a list of statewide training opportunities, approved Tier II training and college coursework in early childhood education or an approved related subject, contact your licensing specialist or access the CECPD website at <http://www.cecpd.org/>

To request an application for approval of Tier II training, contact CECPD at 405-799-6383 or 1-888-446-7608 or at <http://www.cecpd.org/>.

APPENDIX L-2



Oklahoma Registry: Oklahoma Director's Credential

LEVEL REQUIREMENTS						
Level	General Education	ECE/CD Knowledge/Skills	Admin & Mgmt Knowledge/Skills	Experience	Professional Contributions	Renewal
Gold	Associate's, Bachelor's, Master's, or Doctorate degree awarded by an accredited college or university recognized by the U.S. Dept. of Education	A minimum of 12 approved credit hours* in Early Childhood or Child Development (ECE/CD)	A minimum of 6 approved credit hours* in Business or related courses	1 year of experience in Early Childhood Administration or 2 college semesters of documented administrative internship or supervised lab	A minimum of 6 points of professional contributions	<i>For renewal after initial 3 years:</i> 60 hours of Tier I or higher training
Silver	Post-secondary course in written and oral communication (Three credit hours in college level English composition will apply.)	A minimum of 12 approved credit hours* in Early Childhood or Child Development	A minimum of 6 approved credit hours* in Business or related courses	18 months' experience in Early Childhood Administration or 2 college semesters of documented administrative internship or supervised lab	A minimum of 4 points of professional contributions	<i>For renewal after initial 3 years:</i> 60 hours of Tier I or higher training
Bronze	GED or High School Diploma	6 approved credit hours* in ECE/CD OR a minimum of 90 formal clock hours**+ with at least 10 hours in each of the seven ECE/CD Core Knowledge Areas (Child Growth and Development; Child Guidance and Management; Child Observations and Assessment; Curriculum and Instructional Methods; Family and Community Relationships; Health and Safety of Young Children; Professionalism and Leadership) OR Recognized ECE/CD Credential or Certificate**	3 approved credit hours* in Business or related courses OR a minimum 40 formal clock hours**+ with at least 10 hours in any three Management Core Knowledge Areas (Educational Programming and Family Support; Personnel and Professional Self-Awareness; Staff Management and Human Relations; Leadership and Advocacy; Program Operation and Facilities Management; Legal Management; Fiscal Management) OR Recognized Admin/Mgmt Credentials or Certificates***	3 years' experience in Early Childhood setting, or 2 college semesters of documented administrative internship or supervised lab	A minimum of 2 points of professional contributions	<i>For renewal after initial 3 years:</i> 60 hours of Tier I or higher training

* Approved college credit hours (Tier III) must be on the Recommended Approved Coursework Listing (www.cccpd.org) and be earned at an accredited college or university recognized by the U.S. Department of Education.

** Recognized ECE/CD Credential or Certificate: Child Development (CDA), Certified Child Care Professional (CCP), Oklahoma Competency Certificate in Early Care and Education

*** Recognized Admin/Mgt Credential or Certificates: National Administrator Credential (NAC), Director's Advanced Training (DAT)

**+ Formal clock hours refers to Tier II training found on the Oklahoma Training Approval System (www.cccpd.org). Entry Level Child Care Training (ELCCT) does not count toward meeting this requirement.

NOTE: Tier I and Tier II training hours are valid for 5 years





Oklahoma Registry: Early Care & Education Professional Development Ladder

*The Oklahoma Registry is a
program of OKDHS
Oklahoma Child Care Services*

For more information, contact:



**Center for Early
Childhood
Professional
Development**

The University of Oklahoma
College of Continuing Education
1801 North Moore Avenue
Moore, OK 73160-3668
(405) 799-6383 OKC metro
1-888-446-7608 statewide
www.cecpd.org

Membership on the *Oklahoma Registry* is valid for one year. To meet annual renewal requirements, you must have completed 20 hours of Tier I or higher training in the past 12 months.

Degree(s) and credit hours must be earned at an accredited college or university recognized by the U.S. Department of Education. Official transcripts are required.

<p>LEVEL X BA/BS degree with at least 24 credit hours in Early Childhood Education/Child Development (ECE/CD) --OR-- BA/BS or advanced degree in ECE/CD</p>
<p>LEVEL IX 90 credit hours toward BA/BS in ECE/CD with at least 18 ECE/CD credit hours* --OR-- BA/BS degree (non-ECE/CD) with at least 18 ECE/CD credit hours*</p>
<p>LEVEL VIII AA/AS degree in ECE/CD --OR-- BA/BS degree (non-ECE/CD) with at least 12 ECE/CD credit hours*</p>
<p>LEVEL VII AA/AS degree (non-ECE/CD) with at least 12 ECE/CD credit hours* --OR-- 60 credit hours toward BA/BS degree in ECE/CD with at least 12 ECE/CD credit hours* --OR-- BA/BS degree with a non-ECE/CD major with at least 6 ECE/CD credit hours*</p>
<p>LEVEL VI 30 credit hours with at least 12 ECE/CD credit hours*</p>
<p>LEVEL V Oklahoma Certificate of Mastery (Early Childhood Education or Child Development)</p>
<p>LEVEL IV Current Child Development Associate Credential --OR-- Current Certified Childcare Professional Credential</p>
<p>LEVEL III Oklahoma Competency Certificate in Early Care and Education (Oklahoma Department of Career Technology and Education's Master Teacher Certificate ONLY)</p>
<p>LEVEL II Completion of at least 60 formal hours** of training in the past 5 years</p>
<p>LEVEL I Completion of at least 20 hours of Tier I or higher of training in the past 12 months</p>
<p>*Credit hours must be on Approved Coursework List **Tier II on Oklahoma Training Approval System, or higher</p>

APPENDIX L-4

CHILD CARE CENTER STAFF RATIO

SINGLE-AGE GROUPS

	Center staff - child ratio	Maximum group size
Infants (0 up to 12 months)	1:4	8
Toddlers (12 months through 23 months)	1:6	12
Two-year-olds	1:8	16
Three-year-olds	1:12	24
Four- and five-year-olds	1:15	30
Six-year-olds and older	1:20	40

MIXED-AGE GROUPS

	Center staff - child ratio	Maximum group size
0-35 months This ratio must be used when all children in the group are 35 months of age or less.	1:6 No more than 2 under 12 months of age per staff	12
Infants and older	1:8 No more than 2 under two years of age per staff	16
Two's and older	1:12 No more than 4 two-year olds per staff	24
Three's and older	1:15 No more than 6 three-year-olds per staff	30
Four's and older	1:18 No more than 8 four-year-olds per staff	36

NOTE: The ratio and maximum group size for the age of the youngest child in the group is used for other mixed-age groups.

APPENDIX L-5

CHILD CARE CENTER MINIMUM INDOOR EQUIPMENT REQUIREMENTS

SECTION I. MINIMUM EQUIPMENT FOR INFANTS

NUMBER OF INFANTS:	1	2	3	4	5	6	7	8
MOTOR DEVELOPMENT								
Large muscle , such as set of soft blocks, tunnel or crawl-through apparatus, large balls, infant activity center, pull-up apparatus.	2	2	2	2	4	4	4	4
Small muscle , such as nesting containers, washable dolls, balls of various sizes, plastic animals.	2	3	4	4	5	6	7	8
SENSORY DEVELOPMENT								
Things to hear, such as rattles, musical toys, squeaky toys, wind chimes.	3	3	3	4	5	6	7	8
Things to see, such as mobile, murals, pictures, banners, bright pictures.	2	2	3	4	5	6	7	8
Soft washable things to touch, such as feely toys, feely ball, textured items, handkerchiefs.	2	2	3	4	5	6	7	8
Shatterproof mirror.	1	1	1	1	1	1	1	1
LANGUAGE DEVELOPMENT								
Wipeable picture books.	2	2	3	4	5	6	7	8
Storybooks to be read by the teacher.	3	6	9	12	15	18	21	24
MUSIC								
Tapes, records, or CDs.	2	2	2	2	4	4	4	4
Record, tape, or CD player.	1	1	1	1	1	1	1	1

APPENDIX L-5

SECTION II. MINIMUM EQUIPMENT FOR TODDLERS

NUMBER OF TODDLERS	1-2	3-4	5	6	7	8-9	10-11	12
MOTOR DEVELOPMENT								
Large muscle , such as set of large plastic or cardboard building blocks, two-step slide, rocking boat, interlocking panels, indoor riding toy without pedals, rocking toy, sit and spin.	2	2	2	2	3	3	4	4
Large push items, such as a shopping cart, lawn mower, vacuum cleaner.	2	2	2	2	3	3	3	3
Small muscle . Table manipulative, such as stacking toys, nesting toys, 2-4 piece puzzles, table blocks, pounding toys.	2	4	5	6	7	9	11	12
Rubber animals.	2	2	3	4	5	6	7	8
Balls of various sizes.	2	2	3	4	5	6	7	8
Hand-held trucks, cars, etc.	2	4	5	6	7	8	10	12
SENSORY DEVELOPMENT								
Things to hear, such as musical toys, wind-up toys xylophone, shakers, rhythm instruments.	2	2	3	4	5	6	7	8
Things to see, such as pictures, posters, murals of assorted sizes and colors, windsock, banners.	2	2	3	4	5	6	7	8
Things to touch, such as texture surfaces, water play with accessories, play dough.	2	2	3	4	5	6	7	8
Shatterproof mirror.	1	1	1	1	1	1	1	1
LANGUAGE DEVELOPMENT								
Wipeable picture books.	2	4	5	6	7	9	11	12
Storybooks to be read by the teacher.	6	12	15	18	21	27	33	36
Puppets.	2	2	2	2	2	2	2	2
PRETEND								
Soft washable toys, such as dolls, animals, blocks.	2	2	3	4	5	6	7	8
Choose from: pots and pans, shoes, scarves, aprons, purses, play telephones, etc.	3	6	9	12	15	18	21	24
MUSIC								
Records, tapes, or CDs.	2	2	2	2	4	4	4	4
Record, tapes, or CD player.	1	1	1	1	1	1	1	1
ART SUPPLIES								
Art supplies, such as paper, large crayons, paste, non-toxic finger paints.	2	3	4	4	5	5	6	6

APPENDIX L-5

SECTION III. MINIMUM EQUIPMENT FOR TWO-YEAR-OLDS

NUMBER OF TWO-YEAR-OLDS:	1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16
MOTOR DEVELOPMENT								
Large muscle. No more than two of the same item, such as set of large plastic or cardboard building blocks, interlocking panels, two-step slide, rocking toy, indoor climbing apparatus, large floor push toy, crawl-through apparatus.	2	2	3	4	5	6	7	8
Large push items, such as shopping cart, lawn mower, vacuum cleaner.	2	2	2	2	3	3	4	4
Small muscle. Table manipulative toys, such as 2-4 piece puzzles, stacking, nesting, pounding toys, table blocks.	2	4	6	8	10	12	14	16
Balls of various sizes.	2	2	3	3	4	4	5	5
Hand-held trucks, cars.	2	3	5	6	8	9	10	12
Animals (plastic, rubber, or wood).	2	2	3	4	5	6	7	8
Things to touch, such as texture surfaces, water play with accessories, play dough.	2	2	3	4	5	6	7	8
PRETEND								
Dolls.	2	2	3	4	5	6	7	8
Items of dress-up clothes, such as capes, aprons, shoes, purses, hats, scarves.	2	2	3	4	5	6	7	8
Choose from: set of pots and pans, dishes, plastic play foods, empty food containers, housekeeping appliance, plastic play tool set, water play with accessories.	2	4	6	8	10	12	14	16
Shatterproof mirror.	1	1	1	1	1	1	1	1
MUSIC								
Musical toys.	2	2	2	3	3	3	4	5
Rhythm instruments in classroom. Access to instruments for each child in the group.	2	2	3	4	5	6	7	8
Records, tapes, or CDs.	2	2	2	2	4	4	4	4
Record, tape, or CD player.	1	1	1	1	1	1	1	1
LANGUAGE DEVELOPMENT								
Mitten-type puppets.	2	2	2	2	3	3	4	4
Picture books for children's independent use.	2	4	6	8	10	12	14	16
Storybooks for teacher to read to children.	6	12	18	24	30	36	42	48
Designated area used for quiet play.	1	1	1	1	1	1	1	1
ART SUPPLIES								
Art supplies, such as paper, large crayons, paste, non-toxic finger paints.	2	3	4	5	6	7	8	9

APPENDIX L-5

SECTION IV. MINIMUM EQUIPMENT FOR THREE-YEAR-OLDS

NUMBER OF THREE-YEAR-OLDS:	1-3	4-6	7-9	10-12	13-15	16-18	19-21	22-24
MOTOR DEVELOPMENT								
Large muscle. Set of building blocks (minimum of 20 pieces) with accessories.	1	1	1	2	2	2	2	2
No more than two of the same item, such as rocking boat, interlocking panels, indoor climbing apparatus, balance beam, crawl-through barrel, large floor push toy.	2	2	2	2	3	3	4	4
Small muscle. Table activities, such as matching games, lotto, nesting toys, string beads, parquetry blocks, peg boards and pegs, lacing boards.	3	3	6	6	9	9	12	12
Inlay puzzles.	3	3	6	6	9	9	12	12
Set of interlocking table toys, such as Lego and Tinker Toys, bristle blocks, or Connectos.	1	1	2	2	3	3	4	4
Small hand-held toys, such as cars, trucks, airplanes, boats.	3	3	6	6	9	9	12	12
ART								
Easel surface.	1	1	2	2	2	2	2	2
Art supplies, such as paper, play dough, variety of non-toxic paints, crayons, magic markers, large easel-size brushes, paste, scissors, various textured materials.	3	4	5	6	7	8	9	10
PRETEND								
Dolls with accessories.	2	2	4	4	6	6	8	8
Items of dress-up clothes, such as hats, neckties, capes, purses, vests, aprons, shoes.	2	4	6	8	10	10	12	12
Shatterproof mirror.	1	1	1	1	1	1	1	1
Choose from: housekeeping items, such as appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, mop, dust pan), doll bed or cradle, child-size rocking chair, water play equipment.	2	4	6	8	10	10	12	12
Creative play sets with accessories, such as farm, playhouse, garage, airport.	1	1	2	2	3	3	4	4
LANGUAGE DEVELOPMENT								
Puppets.	2	2	2	2	2	2	2	2
Choose from: magnetic board with accessories, flannel board with accessories, listening tapes.	2	2	2	2	2	2	2	2
Books, age-appropriate.	12	24	36	48	60	72	84	96
Science items, such as aquarium, magnets, magnifying glass, plants, leaves, rocks.	1	1	2	2	3	3	4	4
Place to go, such as barrel, tented area, playhouse, bean bag chair, designated quiet area.	1	1	1	1	1	1	1	1
MUSIC								
Records, tapes, or CDs.	2	2	4	4	5	5	6	6
Record, tape, or CD player.	1	1	1	1	1	1	1	1
Rhythm instruments in classroom. Access to instruments for each child in the group.	2	2	3	4	5	6	7	8

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SECTION V. MINIMUM EQUIPMENT FOR FOUR- AND FIVE-YEAR-OLDS

NUMBER OF 4- AND 5-YEAR-OLDS:	1-4	5-8	9-11	12-15	16-19	20-23	24-26	27-30
MOTOR DEVELOPMENT								
Large muscle. Set of building blocks (minimum of 20 pieces) with accessories.	1	1	2	2	2	3	4	4
No more than two of the same item, such as rocking boat, interlocking panels, indoor climbing apparatus, balance beam, crawl-through barrel, large floor push toy.	2	2	2	2	3	3	4	4
Small muscle. Table activities, such as matching games, lotto, nesting toys, string beads, peg boards and pegs, parquetry blocks, lacing boards.	6	6	9	9	12	12	15	15
Inlay puzzles.	3	3	6	6	9	9	12	12
Set of interlocking table toys, such as Lego, Tinker Toys, bristle blocks, Connectos.	1	2	3	4	5	5	6	6
Small hand-held toys, such as cars, trucks, airplanes, boats.	2	4	6	8	10	12	14	16
ART								
Easel surface.	1	1	2	2	2	2	2	2
Art supplies, such as paper, play dough, variety of non-toxic paints, crayons, magic markers, large easel-size brushes, paste, scissors, various textured materials.	4	5	6	7	8	9	10	10
PRETEND								
Dolls with accessories.	2	2	3	3	4	4	5	5
Accessory items related to occupation, such as chef's hat, brief case, medical kit.	2	2	4	4	5	5	6	6
Items of dress-up clothes, such as hats, neckties, capes, purses, vests, aprons, shoes.	8	8	10	10	12	12	14	14
Shatterproof mirror.	1	1	1	1	1	1	1	1
Choose from: housekeeping items, such as appliances, set of dishes and utensils, set of pots and pans, set of clean-up toys (broom, mop, dust pan), doll bed or cradle, child-size rocking chair, water play equipment	2	4	5	6	7	8	9	10
Creative play sets with accessories, such as farm, playhouse, garage, airport.	1	1	2	2	3	3	4	4
LANGUAGE DEVELOPMENT								
Puppets.	1	1	2	2	3	3	4	4
Choose from: magnetic board with accessories, flannel board with accessories, listening tapes.	1	1	2	2	3	3	4	4
Books, age-appropriate.	16	32	44	60	76	92	104	120
Science items, such as an aquarium, magnets, magnifying glass, plants, leaves, rocks.	2	2	3	3	4	4	5	5
Place to go, such as a barrel, tented playhouse, bean bag chair, or designated quiet area.	1	1	1	1	1	1	1	1
MUSIC								
Records, tapes, or CDs.	2	2	4	4	5	5	6	6
Record, tape, or CD player	1	1	1	1	1	1	1	1
Rhythm instruments in classroom. Access to instruments for each child in the group.	2	2	3	4	5	6	7	8

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SECTION VI. MINIMUM EQUIPMENT FOR SCHOOL-AGE CHILDREN

NUMBER OF SCHOOL-AGE CHILDREN	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
MOTOR DEVELOPMENT								
Motor development, such as jump rope, ping pong or table tennis, frisbee, hula-hoop, pogo stick, hopscotch, horse shoes, croquet, bean-bag toss, stilts, pool table, foosball, carom board, marbles, jacks.	5	5	10	10	12	12	15	15
Sports equipment, such as soccer, softball, T-ball, volleyball, basketball, tether ball, badminton.	2	2	4	4	5	5	6	6
ART								
Arts and crafts, such as materials for sewing, weaving, costume making, knitting, puppets, craft kits.	2	3	4	5	6	7	8	9
Art supplies, such as paste, scissors, various sizes and colors of paper, crayons, markers, colored pencils, non-toxic paints, chalk, clay.	5	6	7	8	9	10	11	12
MANIPULATIVES								
Manipulatives, such as jigsaw puzzles, various card games, checkers, dominoes, lotto, bingo, board games, hand-held computer games, video game systems, chess, pick-up sticks.	5	5	10	10	15	15	20	20
Variety of interlocking toys (minimum of 20 pieces per set), such as Lego, Connectos, mini-loc blocks, bristle blocks, unifix cubes, rig-a-jig, towerfics, Lincoln Logs, Tinker Toys, waffle blocks, parquetry blocks.	2	2	4	4	6	6	8	8
Small hand-held toys, such as cars, trucks, miniature characters.	2	3	4	5	6	7	8	9
PRETEND								
Shatterproof mirror.	1	1	1	1	2	2	2	2
Dolls with accessories, such as action figures, fashion dolls.	1	2	3	4	5	5	6	6
Items of dress-up clothes, costumes, accessory items related to occupations, such as hats, capes, neckties, purses, coats, vests, aprons, dresses, wigs, nurse's uniform, chef's hat, hard hat, tool aprons, doctor's instruments, farmer's overalls, straw hats.	5	5	10	10	12	12	15	15
Choose from: pretend kit or prop box, such as office with typewriter, stamp pad, pencils, paper pads, barber or beauty shop, fix-it shop, pizza parlor, post office, dance studio; water or sand play with accessories; carpentry corner with wood, saw, hammer, nails; creative play sets, such as doll house, farm, airport.	1	2	3	4	5	6	7	8
Variety of blocks (minimum of 20 pieces per set) of various sizes, shapes, colors, such as set of unit blocks with accessories, pipe works, marble works, large waffle blocks, large interlocking blocks, various sizes of tubes.	2	2	4	4	6	6	8	8

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NUMBER OF SCHOOL-AGE CHILDREN cont.	1-5	6-10	11-15	16-20	21-25	26-30	31-35	36-40
LANGUAGE DEVELOPMENT								
Books, age-appropriate.*	15	30	45	60	75	90	105	120
Comic books and magazines, child-oriented.	5	5	10	10	15	15	20	20
Listening tapes, puppets with theater, flannel boards with pieces, writing center, chalk boards, or VCR/DVD with child-oriented tapes	2	2	4	4	6	6	8	8
Science items, such as magnifying glasses, ant farm, plants, magnets, aquariums, science pictures, small animals, such as hamster or rabbit, rocks, shells, microscope.	2	2	4	4	6	6	8	8
MUSIC								
Records, tapes, or CDs.	2	2	4	4	6	6	8	8
Record, tape, or CD player.	1	1	1	1	1	1	1	1

*The maximum number of books required for school-age children is 120 regardless of number of children.

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CHILD CARE CENTER EXCLUSION CRITERIA FOR CHILDREN WHO ARE ILL

Recommended exclusion criteria for centers serving only well children

Children with the following signs or symptoms of illness are excluded from a center caring for well children.

1. Fever, defined as axillary (armpit) temperature of 100 degrees or higher, or oral temperature of 101 degrees or higher
2. Diarrhea, defined as runny or watery stools with increased frequency of loose stools
3. Vomiting two or more times in a 24-hour period
4. Undiagnosed body rash, except diaper rash
5. Sore throat with fever and swollen glands
6. Eye discharge, defined as thick mucus or pus draining from the eye, or pink eye
7. Yellowish skin or eyes
8. Severe coughing, where a child gets red or blue in the face or makes a high-pitched whooping sound after coughing
9. Signs or symptoms of possible illness, such as lethargy, irritability, persistent crying, or any other unusual signs until a medical evaluation allows inclusion

Exclusion criteria for level I child care centers

Children with the following symptoms or illnesses are excluded from Level I centers. They may be cared for in a Level II center if guidelines for separation and outside ventilation are followed.

1. Respiratory conditions:
 - Asthmatic child with respiratory distress uncontrolled by current medication
 - Difficult, rapid breathing or wheezing
 - Respiratory conditions, when the primary symptom is coughing accompanied by repeated vomiting
 - Diphtheria, until five days of the appropriate antibiotic therapy, which is to be given a total of 14 days
 - Pertussis, until five days after treatment with antibiotics
 - Streptococcal pharyngitis, until child has been on treatment for 24 hours
 - Tuberculosis, until the child's physician or the local health department states the child is not infectious

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2. Diarrhea and vomiting:
 - Diarrhea, stools, or vomiting that:
 - contain blood or mucus; or
 - is accompanied by lethargy or signs of dehydration, such as no tears, dry mouth, fewer wet diapers, or decreased urination
 - Diarrhea diagnosed as Giardia until asymptomatic (no diarrhea)
 - Vomiting two or more times in the previous 24 hours
 - Salmonella, until two negative stool cultures
 - Shigella, until two negative stool cultures
3. Rash illnesses:
 - Undiagnosed rash, except diaper rash
 - Chicken pox (Varicella), until sixth day after onset of rash or sooner if all lesions have dried and crusted, unless cared for only with other children diagnosed with chicken pox
 - Measles, until six days after onset of rash
 - Rash accompanied by fever or behavioral change
 - Rubella, until seven days after onset of rash
 - Roseola
4. Skin conditions:
 - Impetigo, until 24 hours after treatment started
 - Ringworm, until treatment started
5. Miscellaneous:
 - Conjunctivitis (pink eye), readmit with physician's statement or 24 hours after treatment initiated, unless cared for only with other children who have conjunctivitis
 - Hepatitis A, until one week after onset of illness
 - Mouth sores with drooling
 - Mumps, until nine days after onset of parotid gland swelling
 - Pinworms, until treatment started
 - Post-operative convalescent care

General exclusions from all centers, including level I and level II centers

1. Aseptic meningitis
2. Bacterial meningitis
3. E. coli 0157:H7, until diarrhea resolves and two stool cultures are negative
4. Untreated scabies
5. Untreated head lice
6. All reportable contagious diseases, until the period of communicability has elapsed as determined by a licensed physician or health department official

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OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

Oklahoma Statute
10 O.S. Section 401 through 418
(Amended November 1, 2010)

Section 401 - Purpose and Policy - Minimum Standards

- A. Sections 401 through 418 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act".
- B. It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act, to:
 - 1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;
 - 2. Encourage and assist the child care facility toward maximum standards; and
 - 3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.
- C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.
- D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

Section 402 - Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

- 1. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;
- 2. "Child care center" means a facility which provides care and supervision for children and which operates for more than thirty (30) hours per week;
- 3. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day child care program, school-age program, summer day camp, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;
- 4. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;
- 5. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;
- 6. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the

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submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Department of Juvenile Justice, or any child-placing agency pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

7. "Commission" means the Commission for Human Services, the policymaking and general supervisory body of the Department;
8. "Department" means the Department of Human Services;
9. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;
10. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;
11. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;
12. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;
13. "Part-day child care program" means a facility that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week; and
14. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

Section 403 - Exemptions

- A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:
 1. Care provided in a child's own home or by relatives;
 2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
 3. Programs in which school-aged children are participating in home-schooling;
 4. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;
 5. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
 6. Summer youth camps for children who are at least five (5) years of age, that are accredited by a national standard-setting agency or church camp accreditation program;
 7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
 8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;

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9. Any child care facility that provides care and supervision for fifteen (15) or fewer hours per week;
 10. Facilities whose primary purpose is medical treatment;
 11. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:
 - a. have classroom facilities that are not used for residential living,
 - b. not have been granted nor have assumed legal custody of any child attending the facility, and
 - c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;
 12. Day treatment programs and maternity homes operated by a licensed hospital; or
 13. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.
- B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

Section 404 - Minimum Requirements and Desirable Standards

- A. The Department of Human Services shall appoint advisory committees of representatives of child care facilities and others to prepare minimum requirements and desirable standards for promulgation by the Commission for Human Services. Committee members shall be appointed for a three-year term, with a two-consecutive-term limit. A majority of any committee appointed to prepare requirements and standards for child care facilities shall be representatives of child care facilities.
- B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age.
- C. The Commission shall promulgate rules establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of the Oklahoma Child Care Facilities Licensing Act.
- D. Such rules shall not be promulgated until after consultation with the State Department of Health, the State Department of Education, the Oklahoma State Bureau of Investigation, the State Fire Marshal, and any other agency deemed necessary by the Commission. Not less than sixty (60) days' notice, by regular mail, shall be given to all current licensees before any changes are made in such rules.
- E. In order to improve the standards of child care, the Department shall advise and cooperate with licensees, the governing bodies and staff of licensed child care facilities and assist the staff through advice of progressive methods and procedures, and suggestions for the improvement of services.
- F. The Department may participate in federal programs for child care services, and enter into agreements or plans on behalf of the state for that purpose, in accordance with federal laws and regulations.

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Section 404.1 - Criminal History Records Search and Child Care Worker Registry for Person Applying to Establish or Operate Child Care Facility

- A. 1. a. Except as otherwise provided by subsection B of this section, prior to the issuance of a license, the Department of Human Services shall require a criminal history records search, conducted by the Oklahoma State Bureau of Investigation, and a records search of the Oklahoma child care worker registry established in Section 405.3 of this title for any person making application to establish or operate a child care facility.
- b. Prior to the issuance of a permit or license, the Department shall conduct a records search of the Oklahoma State Courts Network for any person making application to establish or operate a child care facility.
- c. Prior to the issuance of a permit or license, the Department shall conduct a records search of the Oklahoma State Courts Network for all employees and persons eighteen (18) years of age or older residing in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day camp.
2. a. Prior to the employment of any person in a child care facility, the facility shall submit to the Department of Human Services division responsible for child care licensing:
 - (1) criminal history records search conducted by the Oklahoma State Bureau of Investigation,
 - (2) documentation of a records search of the Oklahoma child care worker registry, and
 - (3) a request for the Department to conduct a records search of the records of the Oklahoma State Courts Network.
- b. Hospitals contracting with the Oklahoma Health Care Authority and complying with the records searches required by this section shall be exempt from the requirement to submit such documentation to the Department. Documentation of records searches shall be maintained at the hospital and shall be available for review by the division of the Department responsible for child care licensing.
- c. Prior to allowing any person eighteen (18) years of age or older to reside in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day camp program, the facility shall submit to the Department of Human Services division responsible for child care licensing the following:
 - (1) a criminal history records search conducted by the Oklahoma State Bureau of Investigation,
 - (2) documentation of a records search of the Oklahoma child care worker registry, and
 - (3) a request for the Department to conduct a records search of the Oklahoma State Courts Network.
3. Once a facility has submitted an original document from the Oklahoma State Bureau of Investigation to the Department, a copy of that exact document shall be

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- sufficient to satisfy any further request for that document. The Department may promulgate rules regarding the electronic submission of required documents.
4. If the following persons have lived in Oklahoma for less than three (3) years, a criminal history records search shall also be obtained from the authorized agency in the previous states of residence for:
 - a. applicants for a license to operate a child care facility,
 - b. employees of a child care facility, and
 - c. persons age eighteen (18) years or older residing in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day-camp program.
 5. The Department of Juvenile Justice may directly request national criminal history records searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history of any employee or applicant who has resided in Oklahoma for less than three (3) years for which a search is required.
- B. 1. a. On and after September 1, 1998:
- (1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:
 - (a) a foster parent eligibility assessment for the foster care provider except as otherwise provided by divisions 2 and 4 of this subparagraph, and
 - (b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act, except as otherwise provided by divisions 2 and 4 of this subparagraph,
 - (2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,
 - (3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,
 - (4) provided, however, the Director of Human Services or the Director of the Department of Juvenile Justice, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and
 - (5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 7302-9.6 and 7302-3.8 of this title, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.

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- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Commission for Human Services or by law.
- 2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions (2) and (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Department of Juvenile Justice, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions (2) and (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.
 - (2) The Department of Human Services and Department of Juvenile Justice may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least (5) years immediately preceding such placement.
 - (3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.
 - (4) The Director of Human Services or the Director of the Department of Juvenile Justice or designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Commission for Human Services or by law.
- 3. Each Department shall provide for a juvenile justice information system review pursuant to Section 7302-3.8 of this title for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.
- C. The Commission for Human Services or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

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- D. 1. The following persons shall not be required to obtain a criminal history records search or a national criminal history records search based upon submission of fingerprints pursuant to this section:
- a. a parent volunteer who transports children on an irregular basis, and
 - b. a child residing in a child care center, family child care home, or large family child care home who became an adult during continuous residence at the licensed or approved facility.
2. These exemptions shall not preclude the Department from requesting a criminal history records search or requesting a national criminal history records search based upon submission of fingerprints or investigating criminal, abusive or harmful behavior of such persons, if warranted.
- E. Except as otherwise provided by the Oklahoma Children's Code and subsection G of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.
- F. 1. Information received pursuant to this section by an owner or administrator of a child care facility shall be maintained in a confidential manner pursuant to applicable state or federal law.
2. The information, along with any other information relevant to the ability of the individual to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from the child care facility that is considering employing or contracting with the individual unless deemed confidential by state or federal law.
3. Requirements for confidentiality and record keeping with regard to the information shall be the same for the child care facility receiving the information in response to a request as those provided for in paragraph 1 of this subsection for the child care facility releasing such information.
- G. 1. A criminal history records search conducted by the Oklahoma State Bureau of Investigation and a national criminal history records search based upon submission of fingerprints shall include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act.
2. a. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with any person who is required to register pursuant to the Sex Offenders Registration Act. Any person required to register pursuant to the Sex Offenders Registration Act who violates any provision of this act shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.
- b. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:
- (1) an emergency order,
 - (2) license revocation or denial,
 - (3) injunctive proceedings,

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- (4) an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
- (5) referral for criminal proceedings.
- c. In addition to the penalties specified by this section, the violator may be liable for civil damages.

Section 404.2 - Demarion's Law

This act shall be known and may be cited as "Demarion's Law".

Section 404.3 - Mandatory Liability Insurance Requirement for Child Care Facility

- A. A child care facility shall maintain liability insurance coverage of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.
- B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.
- C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this section, should the policy limits be exhausted, or if the child care facility reports self-insurance in accordance with state law the child care facility shall:
 - 1. Post a notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law; and
 - 2. Notify the Department that coverage is not provided or that the facility reports self-insurance according with state law.
- D. The Commission for Human Services shall promulgate rules providing for a standard form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.
- E. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.
- F. The requirements for posting shall not apply to:
 - 1. Licensed child-placing agencies;
 - 2. Licensed residential child care facilities; or
 - 3. Department-certified child care facilities.
- G. The Commission may promulgate rules requiring liability insurance for facilities listed in subsection F of this section.
- H. Failure by a child care facility to comply with the provisions of this subsection is a ground for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

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Section 405 - License and Permit Requirements for Child Care Facilities - Application – Issuance

- A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services, except for the shelters certified by the Oklahoma Commission on Children and Youth pursuant to Section 601.3 of this title; provided, that the Department shall not be required to be licensed, but shall be bound by the standards it prescribes. No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.
- B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:
 - 1. All requirements for searches of criminal history records and the child care worker registry are met pursuant to subsection A of Section 404.1 of this title; and
 - 2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.
- C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of this act.
- D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in this act. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

Section 405.1 - Comprehensive Oklahoma State Plan for Child Care

- A. The Department of Human Services shall collaborate with other appropriate agencies to develop a comprehensive Oklahoma state plan for child care.
- B. The comprehensive plan shall:
 - 1. Meet all requirements for child care state plans as periodically determined by the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau; and
 - 2. Be submitted to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Senate on a biannual basis.

Section 405.2 - Public Online Database - Licensed Child Care Centers and Child Care Homes

- A. The Commission for Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:

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1. The name, address, and phone number of all licensed child care centers, and the name, city, state and zip code of all child care homes; and
 2. A summary of substantiated complaint records and inspection reports generated by the Department of Human Services.
- B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to the past, current, and prospective consumers pursuant to the licensing requirements promulgated by the Commission.

Section 405.3 - Public Online Database - Child Care Worker Registry

- A. On or before July 1, 2010, the Commission for Human Services shall promulgate rules to establish and maintain a child care worker registry, accessible to the public through an on-line database, to address:
1. A procedure for recording persons in the registry resulting from:
 - a. a finding of abuse or neglect, as defined in Section 7102 of Title 10 of the Oklahoma Statutes, by a person when the abuse or neglect occurred to children while in the care of a child care facility,
 - b. a revocation or denial of a child care facility license, and
 - c. a specified criminal history of an individual, as defined by rules promulgated by the Oklahoma Commission for Human Services;
 2. A procedure to provide notice and an opportunity for review prior to recording a person in the registry;
 3. Disclosure requirements for information in the registry; and
 4. A procedure to restrict licensure or employment in a child care facility of any person recorded in the child care worker registry.
- B. The child care worker registry shall include, but not be limited to:
1. The full name of the individual;
 2. Information necessary to identify the individual; and
 3. The date the individual was recorded in the registry.

Section 406 - Investigations and Visitation

- A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.
- B. 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.
2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.
- C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Commission for Human Services, the Department shall conduct a full investigation. If upon investigation, it is determined that there

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are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:

- a. document the complaint,
 - b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and
 - c. document the facility's plan for correcting any substantiated violations.
2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.
 3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.
 4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single violation of this act, or the rules of the Commission for Human Services as provided in Section 404 of this title.
- D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Commission, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.
- E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

Section 406 .1 - Indian Tribal Child Care Facility Electing Licensure Under Oklahoma Child Care Facilities Licensing Act - Agreement for State Inspection

- A. If an Indian tribe in this state that operates a child care facility elects to apply for a license for the facility pursuant to the Oklahoma Child Care Facilities Licensing Act, the Department of Human Services, the State Department of Health, and the State Fire Marshal may enter into an agreement with the Indian tribe to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.

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- B. As part of the agreement authorizing the state to conduct inspections as provided in this section, the state and the Indian tribe may agree to a payment of a fee by the Indian tribe to the state in an amount not to exceed the reasonable cost to the state to conduct the inspections.

Section 407 - Revocation or Denial of Issuance of License

- A. The Department of Human Services may revoke or deny issuance of the license of any child care facility found to be in violation of any provision of this act or the rules of the Commission for Human Services, as provided in Section 404 of this title.
- B.
 - 1. No license shall be revoked or issuance denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds of the proposed revocation or denial.
 - 2. At the time the facility is given notice in writing of the revocation or denial of a license, the Department shall also advise parents of children attending the facility and the child care resource and referral organization within one (1) business day of such action by verbal, electronic, or written notification and the posting of an announcement in the facility.
 - 3. If the revocation or denial is protested within thirty (30) days of receipt of notice, by writing addressed to the Commission for Human Services, the Commission, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses.
 - 4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.
 - 5. If notice of the proposed revocation or denial of a license is not protested, the license shall be revoked or denied.
- C.
 - 1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.
 - 2. For the purposes of this subsection, "emergency" means a situation that poses a direct and serious threat to the health, safety, or welfare of any child cared for by the facility.
 - 3. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed, authorized, or providing unlicensed care except as exempted by the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.
 - a. An emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.

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- b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
- c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within ten (10) days. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.
- D. The Department shall establish a process to review the initial determination of the closure of a facility due to an emergency pursuant to the licensing requirements promulgated by the Commission.
- E. The Department shall continue to monitor any facility whose license has been revoked, denied, or who has had an emergency order issued for a period of thirty (30) days after the action becomes final.
- F. In addition to any other remedy authorized by this act, a CLEET-certified officer may issue a citation for a violation of any provision of this act or rules of the Commission for Human Services as provided in Section 404 of this title. The fine shall not be less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for every day the facility maintains and receives children after:
 - 1. An emergency order has been issued; or
 - 2. An application for a license has been denied or the license has been revoked.
- G. One-half (1/2) of the funds collected pursuant to subsection F of this section shall be deposited in the Quality of Care Development Fund established in Section 10 of this act and one-half (1/2) shall be retained by the law enforcement agency represented by the CLEET-certified officer.

Section 408 – Appeals

- A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Sections 405 or 407 of this title may, within ten (10) days after the revocation or denial of the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.
- B. The Department shall, within ten (10) days of the service of such notice, file with the clerk of such court a transcript of the proceedings had before it. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or denying the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

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Section 409 - Injunction

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a county attorney.

Section 410 - Violations - Punishment

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of the Oklahoma Child Care Facilities Licensing Act shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the entity's license.

Section 410.1 - Quality of Care Development Fund

There is established in the State Treasury a revolving fund to be known as the "Quality of Care Development Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all fines collected by the Department of Human Services pursuant to Section 407 of Title 10 of the Oklahoma Statutes and shall, in addition to any other monies made available for such purpose, be available to the Director solely to support the continued improvement of the child care facilities in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Section 411 - Certificate of Immunization as Condition for Admission to Day Care Facility - Waiver

- A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.
- B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required

SUPPLEMENT I

shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

Section 412 - Manner and Frequency of Immunizations - Enforcement of Act

- A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.
- B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

Section 413 - Exemptions

Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.

Section 414 - Administration of Immunizations - Persons Eligible - Indigent Persons

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

Section 415 - Child with Reportable Contagious Disease to be Excluded from Day Care Facility

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

SUPPLEMENT I

Section 418 – Authority to obtain evidence – Administration of oaths

When conducting investigations of complaints as provided in this article, the Department of Public Welfare shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The Department shall have the power to administer oaths to such persons as may be summoned and to enforce all such powers as are given to notaries public when they are taking depositions.

SUPPLEMENT II

WHAT IS CHILD ABUSE?

What is the Law? Oklahoma statutes define child abuse as harm or threatened harm to a child's health or welfare by a person responsible for the child. This includes non-accidental physical or mental injury, sexual abuse or neglect (10 O.S. Section 7102).

- Physical abuse is non-accidental physical injury to a child.
- Mental injury is an injury to a child's psychological growth and development. It is caused by a chronic pattern of behaviors, such as belittling, humiliating and ridiculing a child.
- Sexual abuse, in general terms, includes any sexual activity between an adult and a child for the purpose of sexually stimulating the adult, the child or others. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or is in a position of power or control over the child.
- Neglect is the failure of the parent or caretaker to provide a child with basic needs such as food, clothing, shelter, medical care, protection and supervision.
- Threatened harm means a substantial risk of harm to the child. It may include acts or expressions of intent to inflict actual harm presently or in the future.

Who must report? Every person, private citizen or professional, who has reason to believe that a child has been abused, is mandated by law to promptly report suspected abuse. Failure to do so is a misdemeanor. A person making a report in good faith is immune from civil or criminal liability. The name of the reporter is kept confidential.

When to report? A report should be made when there is reasonable cause to believe that a child has been abused or neglected or is in danger of being abused. A report of suspected abuse is a request for an investigation. Investigation of child abuse reports is the responsibility of Child Welfare workers and, when a crime may have been committed, law enforcement officials.

If other incidents of abuse occur after the initial report has been made, another report should be made.

How is abuse reported? A report may be made to the 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

SUPPLEMENT III

DISASTER PREPAREDNESS

Child care providers must be prepared to respond to a wide variety of emergency situations. It may be evacuating children and taking them to a safe place or protecting them from outside threats by keeping them safe inside the facility. You can make sure your families know what you would do in the event of an emergency. A Disaster Plan is critical and should be in place at all times.

Disaster Plan - some things to consider:

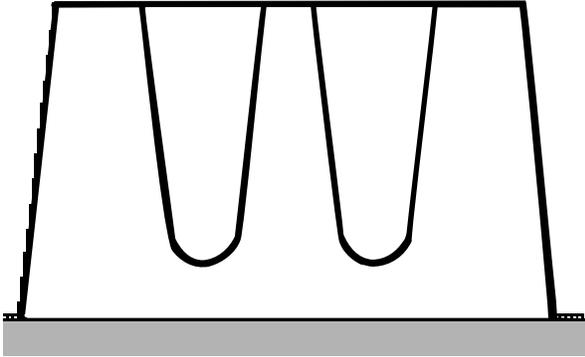
- Identify the type of hazards that could affect your facility (tornado, terrorism, gas leaks, flooding, fire, etc.)
- Develop a step-by-step plan to respond to each situation.
- Ensure that all staff have been trained in how to respond to each situation.
- If evacuation is necessary, know where you will go off the premises (examples include designated shelter sites such as elementary schools, local community centers, churches, etc.)
- Know how you will account for each child in a disaster.
- If it is safest to remain in the facility, determine how you will communicate the emergency situation with parents and necessary authorities.

Disaster Kit suggestions - keep in a plastic tub or container

- Emergency contact information
- Children's record cards
- First aid kit
- Water and paper cups
- Food (examples: infant formula, animal crackers, saltines, etc.)
- Special items for babies or children with special needs (examples: diapers, baby wipes, medication)
- Toilet paper, tissues, waterless hand sanitizer
- Flashlight
- Radio - battery operated or NOAA weather radio
- Extra batteries
- Toys, books, games
- Plastic garbage bags

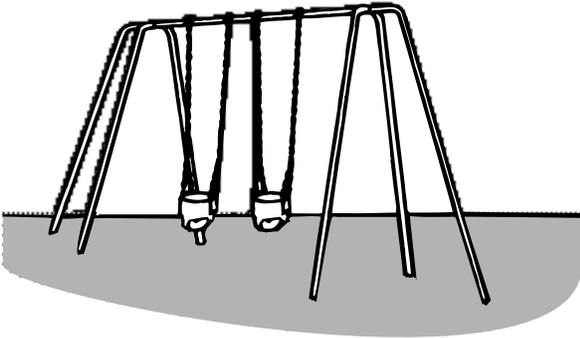
SUPPLEMENT IV

FALL ZONES



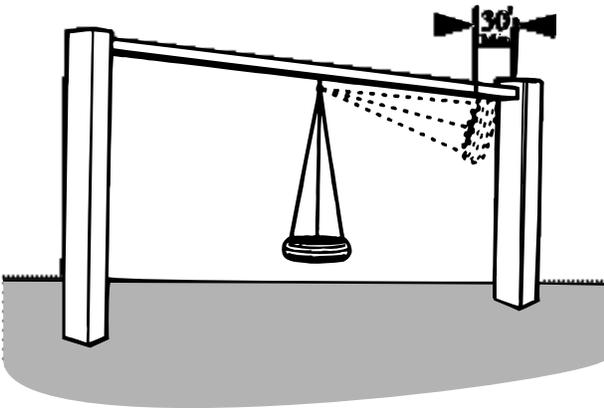
SINGLE-AXIS SWINGS

Six feet in all directions and to the front and rear of the swing a distance two times the length of the swing's chain.



SWING SECURED BY BAR OR STRAP

Six feet from the midpoint to the front and the rear of the swing.



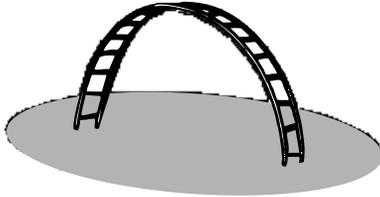
MULTI-AXIS OR TIRE SWINGS

Six feet plus the length of the chain in every direction, and a 30-inch clearance between the seating surface of a fully extended tire swing and the support structure.

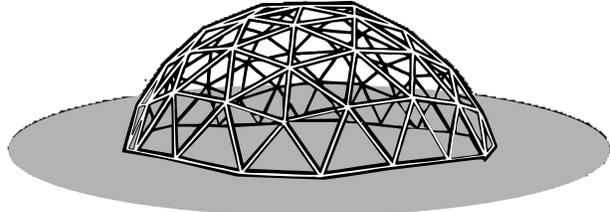
SUPPLEMENT IV

CLIMBING STRUCTURES

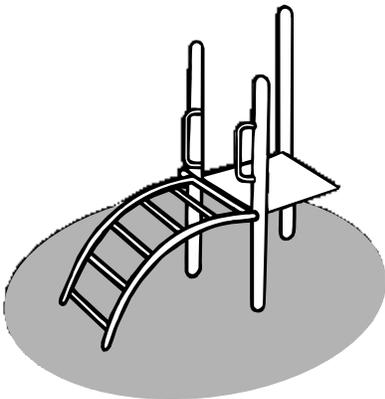
A minimum of six feet in all directions from the perimeter of the equipment.



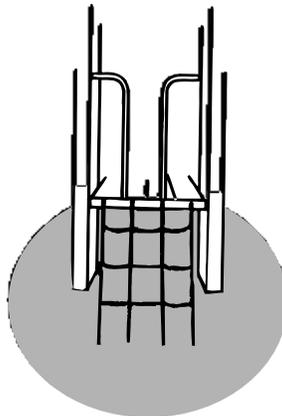
Simple Arch Climber



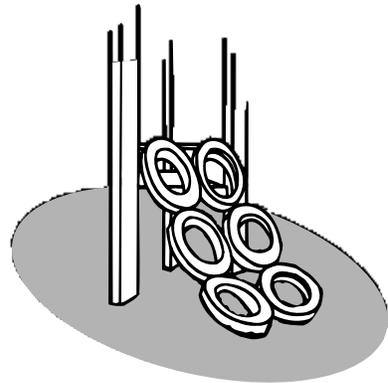
Geodesic Dome Climber



Arch Climber



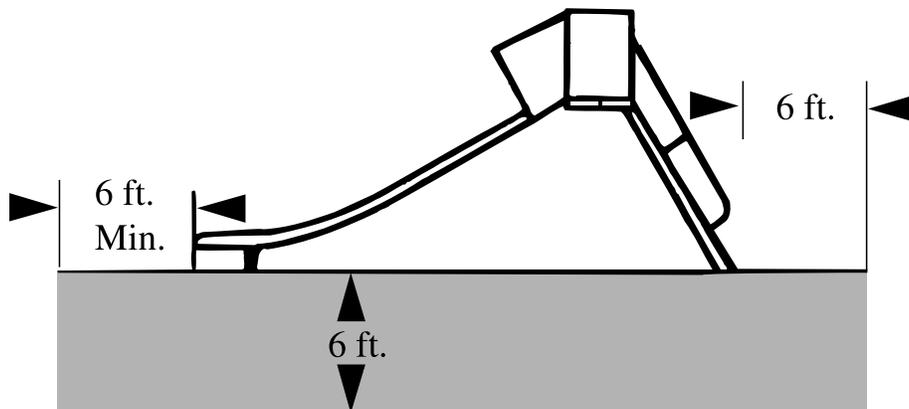
Chain Net Climber



Tire Climber

SLIDES

Six Feet in all directions from the perimeter of the equipment



SUPPLEMENT V

BLEACH SOLUTION

REMEMBER TO MIX FRESH SOLUTION DAILY

TO SANITIZE DIAPER CHANGING TABLE

¼ cup bleach to 1 gallon of water = 800 ppm
2 tablespoons (1 oz.) bleach to ½ gallon of water = 800 ppm
1 tablespoon (1/2 oz) bleach to 1 qt of water = 800 ppm
2 teaspoons (1/4 oz.) bleach to 1 pt of water = 800 ppm

TO SANITIZE COTS, TABLES, COUNTERS & EQUIPMENT

1 tablespoon (1/2 oz.) bleach to 1 gallon of water = 200 ppm
2 teaspoons (1/4 oz.) bleach to ½ gallon of water = 200 ppm
1 teaspoon (1/8 oz.) bleach to 1 qt. Of water = 200 ppm
½ teaspoon bleach to 1 pt of water = 200 ppm

TO SANITIZE DISHES & UTENSILS

2 teaspoons (1/4 oz.) bleach to 1 gallon of water = 100 ppm.
DISHES & UTENSILS MUST BE SUBMERGED IN SANITIZING
SOLUTION FOR AT LEAST ONE MINUTE.

Example:

If sink will hold 3 gallons then mix 6 teaspoons bleach to 3 gallons of water.
Mix fresh with each dishwashing –
the solution should be replaced when the bleach concentration falls below 50 ppm.

MEASUREMENT EQUIVALENT

1 teaspoon	1/8 fl. oz.
2 tablespoons	1 fl. oz.
1 cup	8 fl. oz.
1 pint	16 fl. oz.
1 qt. or 2 pts.	32 fl. oz.
1 gal or 4 qts.	128 oz.

SUPPLEMENT VI

IMMUNIZATION REQUIREMENTS FOR CHILD CARE

LAW

Section 411 of Title 10 of the Oklahoma Statutes mandates children attending child care obtain, at the medically appropriate time, the Required Immunization Schedule vaccines.

EXEMPTIONS FROM THE LAW

Exemptions from the law are allowed for medical, religious and personal reasons. Below are summaries, including procedures for obtaining exemptions.

Exemption Procedures. Child care programs willing to enroll an unimmunized child based on an exemption, obtain Certificate of Exemption forms (ODH 216A) from the Oklahoma State Department of Health (OSDH) Immunization Service (405-271-4073). Parents complete the form, obtain required signatures, and return it to the child care program. Programs review the form for proper completion and signatures, keep a copy in place of an immunization record, and send a copy to the OSDH Immunization Service for approval.

Medical. For exemptions based on medical reasons, a Certificate of Exemption must be signed by a licensed physician and state the child's physical condition is such that a particular immunization would endanger the life or health of the child. The parent is responsible for obtaining the signature of the physician.

Religious. For exemptions based on religious reasons, a Certificate of Exemption must be signed by a parent or religious leader or a written statement signed by a religious leader or parent may be attached to the Certificate of Exemption.

Personal. For exemptions based on personal beliefs, a Certificate of Exemption must be signed by a parent and include a brief written statement summarizing his or her objections to immunizations.

FAMILY EMERGENCIES

This provision applies in rare instances when a true family emergency exists, such as a death in the family. A program may allow a child to enter and remain for up to 30 calendar days, without an immunization record. However, a dated and signed parent statement is required. The record must be provided at the earliest possible opportunity. If at the end of 30 days an up to date record has not been provided, the child care program must exclude the child. No child may receive this waiver more than once.

EXCLUSION OF EXEMPT CHILDREN DURING OUTBREAKS

If there is an outbreak of a vaccine-preventable disease, child care programs may be required to exclude unimmunized children based on exemptions or family emergencies. The exclusion may be a lengthy period of time. The Commissioner of Health makes this decision and the child care program would be contacted. The child care program is responsible for informing the parent of this possibility at the time the Certificate of Exemption is accepted by the program.

SUPPLEMENT VI

REQUIRED IMMUNIZATION SCHEDULE

Due Immunizations are *due* according to Required Immunization Schedule.



Dose due that month.



Dose due end of age range.

Can be given anytime during age range.

Past Due Immunizations are *past due* the month following the age due.

	Birth	2 Mos.	4 Mos.	6 Mos.	12 Mos.	15 Mos.	18 Mos.	23 Mos.	***	4 – 6 Years
Hep B	<input type="checkbox"/>									
DTaP	<input type="checkbox"/>									
Hib*	<input type="checkbox"/>									
IPV	<input type="checkbox"/>									
MMR	<input type="checkbox"/>									
Varicella**	<input type="checkbox"/>									
PCV	<input type="checkbox"/>									
Hep A	<input type="checkbox"/>									

* **Hib:** May be complete with 3 or 4 doses depending on vaccine brand used.

** **Varicella:** If child had Chickenpox, vaccine is not required. Parent or doctor note required.

*** **Hep A:** Dose 2 is due 6 – 18 months after dose 1.

Due	Doses Due	Past Due
Birth - 2 months	Hep B 1	3 months
2 months	DTaP 1 + Hib 1 + IPV 1 + PCV 1	3 months
4 months	Hep B 2 + DTaP 2 + Hib 2 + IPV 2 + PCV 2	5 months
6 months	DTaP 3 + PCV 3	7 months
6 - 18 months	Hep B 3 + IPV 3	19 months
12 - 15 months	Hib 3 or 4* + MMR 1 + Varicella 1** + PCV 4	16 months
12 - 18 months	DTaP 4	19 months
12 - 23 months	Hep A 1	24 months
6 - 18 months after 1 st dose	Hep A 2	19 months after 1 st dose

SUPPLEMENT VI

REQUIRED IMMUNIZATION SCHEDULE

Late Doses = Revised Due Dates

When a dose(s) is given late, the remaining doses **may** have a different due date than shown on the Required Immunization Schedule.

- Next dose is due 1-2 months after the previous dose, **unless** schedule allows more time or if one of the below exceptions apply:
 - **DTaP 4** is due 6 - 12 months after 3rd dose.
 - **Hep A 2** is due 6 - 18 months after 1st dose.

Late Doses = Revised Number of Doses

When a dose(s) is given late, **usually** the same number of doses is required. However, **fewer Hib and PCV** doses **may** be required once a child reaches a certain age.

Hib

- If one dose is given at 12 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

PCV

- If two doses are given at 12 months or older, regardless of previous doses received, no more doses are required.
- If one dose is given at 24 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

Vaccine Names and Combination Vaccines

Use the chart below, as needed, to determine what vaccines have been received. Combination vaccines have two or more vaccines in one shot.

Vaccine	Disease	Vaccine Brand Names
Hep B	Hepatitis B	Comvax, HBV, Hep B Pediatric, Engerix-B, Pediarix, Recombivax
DTaP	Diphtheria, Tetanus, & Pertussis (Whooping Cough)	Daptacel, DT, DTP, Infanrix, Kinrix, Pediarix, Pentacel, TriHIBit
Hib	Haemophilus Influenzae Type B	ActHIB (PRP-T), Comvax, HbCV, HbOC, Hib conjugate, Hiberix, Pedvax HIB (PRP-OMP), Pentacel, TriHIBit
IPV	Polio	Kinrix, OPV, Pediarix, Pentacel
MMR	Measles, Mumps, & Rubella	M-M-R II, MMRV, ProQuad
Varicella	Chickenpox	MMRV, ProQuad, VAR, Varivax
PCV	Pneumococcal	PCV 7 or 13, Pneumococcal Conjugate, Prevnar
Hep A	Hepatitis A	HAV, Havrix, Vaqta

SUPPLEMENT VII

INJURY REPORT FORM - SAMPLE

Name of injured: _____

Sex: _____ Age: _____

Date when injury occurred: _____

Time where injury occurred: _____

Location where injury occurred: _____

Description of how injury occurred: _____

Description of injury and its location: _____

Action taken on behalf of the injured: _____

Was parent/legal guardian specifically advised of injury? _____

Was parent/legal guardian specifically advised to obtain medical attention?

Other witness to injury: _____

Name of individual(s) involved in supervision at time of injury: _____

Name of person completing this report form: _____

Date of completion of form: _____

SUPPLEMENT VIII

MINIMUM MEAL PATTERN PLAN FOR CHILDREN

MEAL	1-2 YEAR OLDS	3-5 YEAR OLDS	6-12 YEAR OLDS
BREAKFAST (These choices are recommendations only)			
Milk, fluid	½ cup	¾ cup	1 cup
Juice or fruit	¼ cup	½ cup	½ cup
Cereal or bread product			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cereal (cold, dry) or	¼ cup	⅓ cup	¾ cup
Cooked cereal or cereal grains or	¼ cup	¼ cup	½ cup
Cooked pasta or noodle	¼ cup	½ cup	¼ cup
MIDMORNING OR MIDAFTERNOON SNACK (These choices are recommendations only)			
Milk, fluid; or juice; or fruit; or vegetable	½ cup	½ cup	1 cup
Cereal or bread			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cereal	¼ cup	⅓ cup	¾ cup
LUNCH OR SUPPER			
Milk, fluid	½ cup	¾ cup	1 cup
Meat and/or meat alternate			
Meat, poultry or fish or	1 ounce	1 ½ ounce	2 ounces
Cheese or	1 ounce	1 ½ ounce	2 ounces
Cooked dry beans or	¼ cup	⅜ cup	½ cup
Peanut butter or	2 tbsp.	3 tbsp.	4 tbsp.
Egg	1 egg	1 egg	1 egg
Vegetables and fruit - 2 kinds	¼ cup	½ cup	¾ cup
Bread and bread alternates			
Enriched or whole grain bread or	½ slice	½ slice	1 slice
Cooked pasta or noodle or	¼ cup	¼ cup	½ cup
Cooked cereal grains	¼ cup	¼ cup	½ cup
*1 pound of meat or cheese meets minimum serving for:	16 children	11 children	8 children

Recommended Daily Dietary Allowances
of the National Research Council/National Academy of Sciences

SUPPLEMENT IX

CHILD PASSENGER RESTRAINT SYSTEM - WHEN REQUIRED

Oklahoma Statute
47 O.S. Section 11-1112
(Amended 2005)

A. Every driver when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section and section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 C.F.R. §571.213.

B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
2. The driver of an ambulance or emergency vehicle;
3. The driver of a vehicle in which all of the seat belts are in use;
4. The transportation of children who for medical reasons are unable to be placed in such devices; or
5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

SUPPLEMENT IX

F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

G. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

SUPPLEMENT IX

CHILD PASSENGER SAFETY IN OKLAHOMA

Most Frequently Asked Questions

1. What is the purpose and intent of the child passenger restraint law?

The law helps to protect children during transportation. A 45-lb. child in a 30-mph crash will be thrown with a force of 1,350 lbs. Fortunately, child safety seats provide a 45-70 percent reduction in significant injuries, depending on the type of seat that is used (booster seat, convertible seat, infant seat, etc.).

2. What are the statistics on death or serious injuries in Oklahoma?

More than 20 children under 6 years of age die each year in motor vehicle crashes, and more than 1,100 children are injured, many permanently. More than 70 percent of children who die are not in a child safety seat. Unfortunately, less than 24 percent of all 4-year olds rode in a booster seat prior to the passage of this law.

3. What does the law require?

Children under the age of 6 must be transported using a “child passenger restraint system” which has met federal standards. A child age 6 and up to the age of 13 may be transported using either a “passenger restraint system” or a seat belt.

4. Are there exemptions to the law that affect child care facilities?

- a. school buses, or any vehicle not required by law to be equipped with seat belts.
- b. children weighing over 40 pounds being transported in a back seat using only a lap belt. A lap belt only is acceptable when the back seat of the vehicle is not equipped with lap/shoulder belts OR when the lap/shoulder belts are being used by other children over 40 pounds.
- c. medical issues prohibiting use of belt or restraint system.

5. What about older vehicles that do not have shoulder belts in the back seat? What about the center back seat position, which usually does not include a shoulder belt?

The vast majority of booster seats on the market require the use of a lap/shoulder belt. There are only a few seats that do not. For this reason, an exemption was included in the law. The law “shall not apply to . . . the transportation of a child who weighs more than 40 lbs. and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than 40 lbs.”

SUPPLEMENT IX

While lengthy, the exemption was worded this way in part to prevent a motorist from placing a 4- or 5-year-old child in the center lap belt with no booster seat, with empty lap/shoulder belts on either side. This wording closes that loophole for motorists who would deliberately attempt to skirt the law.

6. Are there different types of booster seats?

Booster seats for children over 40 lbs. (about 4 years old) generally fall into two categories: backless boosters and high-back boosters. Both are considered “belt-positioning” boosters, because they help to properly position the lap belt on the child’s lap and hip bones, rather than the abdomen.

High-back boosters are recommended for positions in vehicles that do not have head rests (usually older vans and pickup trucks). Backless boosters are sufficient for positions that do have head rests (new vans and trucks and virtually all sedans). Both seats achieve the same thing: they boost the child high enough so that the seat belt fits properly.

Both require the use of a lap/shoulder belt.

7. What are some important facts to remember considering the transportation of children?

Be sure that any booster seat, car seat or infant seat is used according to the manufacturer’s instructions.

Ensure that the type of passenger restraint system is used properly with the type of seat belt system that is installed in your vehicle.

Remember to verify the particular car seat is appropriate for the specific height and weight of the child that is being transported.

8. What resources are available to help low-income families obtain booster seats?

- a. EMSA distributes at least 100 free seats in Oklahoma City and 100 in Tulsa at child safety seat checks each month.
- b. All county health departments distribute free seats, mostly to WIC-eligible clients.
- c. Contact SAFE KIDS to find out other resources in your area.
- d. SAFE KIDS offers subsidized seats to families who receive some type of public assistance. The cost to the client is between \$5-\$10, depending on the type of booster seat. In addition, a limited number of free seats are distributed at each child safety seat check. Call SAFE KIDS for more information.

9. Where can I receive more information regarding transportation safety of children?

Oklahoma SAFE KIDS Coalition is available to assist with questions. For more information, call (405) 271-5695 or e-mail: safekids@ouhsc.edu.

REVISIONS TO REQUIREMENTS FOR CHILD CARE CENTERS

Below is the time-frame reflecting the most recent legislative revisions to the Licensing Requirements for Child Care Centers:

March 23, 2010	Commission for Human Services approves proposed revisions.
April 28, 2010	Governor approves proposed revisions.
July 1, 2010	Effective date of revisions.

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LICENSING REQUIREMENTS

FOR

CHILD CARE CENTERS



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